

Press Release



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Governor Perdue Signs Georgia Security and Immigration Compliance Act

ATLANTA – Governor Sonny Perdue today signed into law the Georgia Security and Immigration Compliance Act (SB529). The bill was sponsored by State Senator Chip Rogers in the Senate and carried in the House by Representative John Lunsford.

"This bill makes it clear that Georgia is a welcoming state that wants to treat our guests with Southern hospitality," said Governor Sonny Perdue. "But we cannot tolerate activity that distracts us from our ability to embrace those who come here legally."

SB529 requires citizenship verification for individuals using Georgia's public services to ensure they are legally eligible to receive those services. It also requires citizenship verification of state employees and employers with state contracts and subcontracts. The bill requires that businesses compensating undocumented employees more than \$600 a year may not claim wages as an allowable business expense, and requires a six percent state withholding tax for all nonresident aliens. The bill gives law enforcement agencies the tools they need to work more closely with federal officials to enforce immigration laws in Georgia. Georgia's new immigration law will help ensure Georgia's public safety by giving law enforcement the authority to crack down on human trafficking and check the legal status of anyone charged with a felony or DUI.

"We recognize that immigration is ultimately a national issue that needs a national solution," said Governor Perdue. "Because we need to know who is living here in Georgia, and for that matter, who is living in our country."

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Fact Sheet: Georgia Security and Immigration Compliance Act

Verification of Residence

Requires that entities verify legal U.S. residence for local, state or federal benefits administered by a state agency or a political subdivision of the state where residence is a requirement and where the individual requesting benefits is older than age 18.

- Exempts prenatal and emergency care (same exemptions as federal exemptions for residence verification)
- Requires that all individuals receiving state benefits sign one of two affidavits, either stating the individual is a U.S. citizen or a legal alien.
- All "legal alien" affidavits must be checked in the federal SAVE program database to verify lawful eligibility for public benefits.
- Provision is effective July 1, 2007.

State Contracts

Requires contracts for state agencies, departments and instrumentalities of the state and contracts and subcontracts thereof to use the federal BASIC Pilot program for newly hired employees to verify lawful employment in the United States.

- Employer must perform employment check post-hiring;

- Effective July 1, 2007 for employers with 500+ employees, effective July 1, 2008 for employers with 100+ employees and July 1, 2009 for employers with less than 100 employees.

Prohibit tax benefits

Specifies that undocumented employee compensation over \$600 a year may not be used as an allowable business expense.

- Allows Georgia Department of Revenue (DOR) to promulgate rules and regulations;
- Applies only to those hired after January 1, 2008;
- Provision is effective January 1, 2008.

Withholding Tax Requirement

Requires six percent state withholding tax for all nonresident aliens.

- Requires six percent state withholding tax for 1099 employees who cannot provide a taxpayer ID number, who provide an incorrect taxpayer ID number or who provide a nonresident taxpayer ID number.
- State requirement is similar to federal requirement;
- Provision effective July 1, 2007.

Law Enforcement Training

Authorizes the Department of Public Safety (DPS) Commissioner to enter into an MOU with the U.S. Department of Justice (DOJ) concerning the enforcement of immigration laws.

- Directs the DPS Commissioner to coordinate with law enforcement entities to choose appropriate peace officers for training;
- States that state law enforcement training is contingent on funding by federal government;
- Authorizes the trained law enforcement officers to enforce federal immigration and customs laws while performing their authorized duties;
- Provision is effective July 1, 2007.

Human Trafficking

Creates the offense of human trafficking and contributing to human trafficking.

- Penalty: 1-20 years; 10-20 years if the victim is under age 18;
- Georgia human trafficking language is similar to federal language;
- Provision is effective July 1, 2007.

Legal status verification for those charged with felony or DUI

Requires that jail personnel check the legal status of those who are charged with a felony or DUI and notify Immigration and Customs Enforcement (ICE) if the individual is not legally in the United States.

- Practice already occurring in Georgia state prison system;
- Provision effective July 1, 2007.

Immigration Assistance Regulation

Limits what services a for-profit immigration assistance company can provide and criminalizes certain actions.

- Requires that such businesses post signs stating they are not lawyers and cannot provide legal advice.

- Restricts these individuals/businesses from using the terms notary, lawyer or attorney in advertising (may use term "notary public" if certified)
- Misdemeanor for first offense of non-compliance; high and aggravated misdemeanor for second and subsequent offenses within 5 years.
- Provision is effective July 1, 2007.

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