

Georgia Department of Community Affairs
CHIP Program
**GEORGIA SECURITY AND IMMIGRATION COMPLIANCE ACT:
E-VERIFY AND SAVE PROGRAM OVERVIEW**

I. Federal Work Authorization Program Registration

As of July 1,2007, the Georgia Security and Immigration Compliance Act (GSICA) requires counties and other public employers, along with contractors and subcontractors doing business with public agencies, to register and participate in a federal work authorization program to verify work eligibility of all new employees. *[OCGA § 13-10-91 (a)]*

Registration/Access. According to regulations of the Georgia Department of Labor, the applicable federal work authorization program is the "E-Verify Program" operated by the U.S. Citizenship and Immigration Services Bureau (USCIS) and the Department of Homeland Security (DHS). An employer's participation in E-Verify is currently free to employers. Users can access the web-based program at <https://e-verify.uscis.gov/enroll/StartPage.aspx?JS=YES>. To participate, an employer must register online and accept the electronic Memorandum of Understanding (MOU). If you need assistance in completing the registration process or need additional information relating to E-Verify, call the USCIS Verification Office toll free at 1-888-464-4218. *[Georgia Department a/Labor Rules, §§ 300-10-1-.01 and.02]*

Certification of Registration and Participation. Each county and other public employer must certify that it has registered and in participating in the E-Verify Program. For counties, certification is accomplished by transmitting a copy of all documents required for registration and participation including the required Memorandum of Understanding and the E-Verify Program ID number to the chairman/CEO/mayor of the county or consolidated government. *[Georgia Department a/Labor Rules, § 300-10-1-. 04]*

Monitoring New Employee Work Eligibility. Each county and other public employer must designate an individual to monitor compliance with the employee eligibility verification requirements of the new law and maintain necessary records. *[Georgia Department a/Labor Rules, § 300-10-1-.05]*

II. Agreements Between Public Employers and Contractors/Subcontractors

The GSICA also phases in a requirement that bars counties and other public employers from entering into agreements with contractors/subcontractors for the "physical performance of services" unless the contractor/subcontractor registers and participates in a federal work authorization program to verify work eligibility. Under GSICA, a subcontractor is defined to include subcontractors, contract employees, staffing agencies, or contractors. *[OCGA § 13-10-91 (b) (1) and (2) and Georgia Department a/Labor Rules, § 300-10-1-.02]*

Phase-In Schedule. The contracting requirements of the GSICA are to be implemented as follows:

- (a) Beginning July 1, 2007, public employers, contractors and subcontractors with 500 or more employees.
 - (b) Beginning July I, 2008, public employers, contractors and subcontractors with 100 or more employees.
 - (c) Beginning July 1, 2009, all public employers, contractors and subcontractors.
- [OCGA § 13-10-91 (b) (3) and Georgia Department a/Labor Rules, § 300-10-1- .02]*

Evidence of Contractor/Subcontractor Compliance. Each agreement between a public employer and a contractor/subcontractor for the physical performance of services will have to include a provision that compliance with OCGA § 13-10-91 is a condition of the contract. In addition, each contract must include a requirement that the contractor/subcontractor execute an affidavit verifying compliance with OCGA § 13-10-91. The affidavit must be in a form consistent with the sample affidavits included in the Georgia Department of Labor Rules. *[Georgia Department of Labor Rules, §§ 300-10-1-.03 and .07]*

Public Transportation Contracts. The Georgia Department of Labor Rules applies generally to contracts between a public employer and a contractor/subcontractor. Exception: Rules and forms related to agreements relating to "public transportation" are to be promulgated by GDOT. *[OCGA § 13-10-91 (d)]*

III. Access to Federal, State and Local Benefits

Counties and other public agencies must verify that a person who applies for federal, state or local benefits (as defined in 8 U.S.C. Sections 1611 and 1621) is lawfully within the United States by requiring the applicant to sign an affidavit specifying that he or she is a citizen, legal permanent resident, or a qualified alien or nonimmigrant. *[OCGA § 50-36-1]*

Verification. For aliens seeking benefits that claim to be lawfully present in the U.S., eligibility for benefits must be determined through the Systematic Alien Verification of Entitlement (SAVE) program operated by the U.S. Citizenship and Immigration Services (USCIS) and Department of Homeland Security (DHS). To join the SAVE Program and acquire access to the VIS-CPS (Verification Information System (VIS), Customer Processing System (CPS) to perform immigration status verification, an agency must first establish a Memorandum of Understanding (MOU) with the SAVE Program, and then establish a purchase order with the SAVE Program contractor to pay for VIS-CPS transaction fees. Access to SAVE is subject to USCIS resource limitations or other legal or policy criteria. To request participation in SAVE and to begin the MOU process, please access the following website to register: <https://www.uscis.gov/save>

Public Benefits Defined. Generally, public benefits are defined to include any grant, contract, loan, professional license, or commercial license provided by federal, state or local government; and, any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment assistance or similar benefit. *[8 U.S.C. Sections 1611 and 1621]*

Benefits Excluded. Generally, the verification requirements do not apply when the following public benefits are applied for:

- (1) Treatment of emergency medical conditions;
- (2) Short term, non-cash emergency disaster relief;
- (3) Immunizations;
- (4) Certain in kind programs or services (such as soup kitchens and crisis counseling) delivered by public and nonprofit agencies that are necessary for the protection of life or safety when approved by the U.S. Attorney General;
- (5) Prenatal care;
- (6) Postsecondary education under specified circumstances;
- (7) Certain community development assistance or financial assistance programs administered by HUD; and
- (8) Other Federal programs including certain social security and Medicare benefits under specified conditions. *[OCGA § 50-36-1 (c) and 8 U.S.C. Sections 1611 and 1621]*

Note that it is unlawful for a county or other public agency to provide any federal, state or local benefit in violation of *OCSA* § 50-36-1. An annual report is to be prepared regarding the requirements of the new law.

Regarding the details of the verification requirements, benefits covered and exclusions please see the Federal statutes cited above.

Georgia Department of Community Affairs
Homeownership and Small Rental Housing Development Program
GEORGIA SECURITY AND IMMIGRATION COMPLIANCE ACT OF 2006

The (State Recipient) complies with the requirements of O.C.G.A. 13-10-19 and requires that all contractors and subcontractors comply with Rule 300-10-1-.02 as a condition of awarding contracts.

1. The contractor certifies that the following employee-number category is applicable to the contractor: (initial one only)
 _____ 500 or more employees
 _____ 100 or more employees
 _____ fewer than 100 employees

2. The contractor agrees that in the event the contractor employs or contracts with any subcontractor(s) in connection with the covered contract, the contractor will secure from the subcontractor(s) such subcontractor(s) indication of the employee-number category applicable to the subcontractor.

3. In the event the contractor employs or contracts with any subcontractor(s) in connection with the covered contract, the contractor will secure from such subcontractor(s) attestation of the subcontractor(s) compliance with O.C.G.A.13-10-91 and Rule 300-10-1-.02 by the subcontractor's execution of the subcontractor affidavit shown in Rule 300-10-1-.08 or a substantially similar subcontractor affidavit and will maintain records of such attestation for inspection by the public employer at a time. Such subcontractor affidavit shall become part of the contractor/subcontractor agreement.

By: Authorized Officer or Agent (Contractor Name)

Title of Authorized Officer or Agent

Printed Name of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME ON THIS THE

_____ DAY OF _____ 20

Notary Public
My Commission Expires

Georgia Department of Community Affairs
Homeownership and Small Rental Housing Development Program
CONTRACTOR AFFIDAVIT AND AGREEMENT

By executing this affidavit, the undersigned contractor verifies its compliance with O.C.G.A 13-10-91, stating affirmatively that the individual, firm, or corporation which is contracting with (State Recipient), under the Homeownership and Small Rental Housing Development Program (HSRHD), has registered with and is participating in a federal work authorization program* [any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603], in accordance with the applicability provisions and deadlines established in O.C.G.A 13-10-91.

The undersigned further agrees that, should it employ or contract with any subcontractor(s) in connection with the physical performance of services pursuant to this HSRHD-funded contract with (State Recipient), contractor will secure from such subcontractor(s) similar verification of compliance with O.C.G. A. 13-10-91 on Subcontractor Affidavit provided in Rule 300-10-01-.08 or a substantially similar form. Contractor further agrees to maintain records of such compliance and provide a copy of each such verification to the (State Recipient) at time the subcontractor(s) is retained to perform such service.

EEV / Basic Pilot Program* User Identification Number

BY: Authorized Officer or Agent
(Contractor Name)

Date

Title of Authorized Officer or Agent of Contractor

Printed Name of Authorized Officer or Agent

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE

_____ DAY OF _____, 20__

Notary Public

My Commission Expires: _____

*As of the effective date of O.C.G.A. 13-10-91, the applicable federal work authorization is the "EEV/Basic Pilot Program" operated by the U.S. Citizenship and Immigration Services Bureau of the U.S. Department of Homeland Security, in conjunction with the Social Security Administration (SSA).

Georgia Department of Community Affairs
Homeownership and Small Rental Housing Development Program
SUBCONTRACTOR AFFIDAVIT

By executing this affidavit, the undersigned subcontractor verifies its compliance with O.C.G.A. 13-10-91, stating affirmatively that the individual, firm or corporation which is engaged in the physical performance of services under a contract with

(Name of Contractor)

on behalf of (State Recipient), under the Homeownership and Small Rental Housing Development Program (HSRHD), has registered with and is participating in a federal work authorization program* [any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603], in accordance with the applicability provisions and deadlines established in O.C.G.A. 13-10-91.

EEV / Basic Pilot Program* User Identification Number

BY: Authorized Officer or Agent
(Subcontractor Name)

Date

Title of Authorized Officer or Agent of Subcontractor

Printed Name of Authorized Officer or Agent

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE

DAY OF _____, 20____

Notary Public

My Commission Expires: _____

* As of the effective date of O.C.G.A. 13-10-91, the applicable federal work authorization program is the "EEV / Basic Pilot Program" operated by the U.S. Citizenship and Immigration Services Bureau of the U.S. Department of Homeland Security, in conjunction with the Social Security Administration (SSA).