

# Immigration Law Update

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**E-Verify Reporting  
Procedures for FCSS  
Updates from SB160  
Illegal Immigration Reform and  
Enforcement Act**

# History

- E-Verify:
  - Federal Pilot Program began in 1997.
  - Georgia Security and Immigration Compliance Act of 2006 – GA. Dept. of Labor: July 1, 2007
    - Mandated registration and participation in E-Verify.
    - Participation was for both employers and contractors.
    - Definition was, “physical performances of services”.
    - Act was for public employers only
  - Georgia House Bill 87 - Illegal Immigration Reform and Enforcement Act: eff. July 1, 2011
    - Mandates all contractors and subcontractors participate in E-Verify program.
    - Specifies reporting requirements through State Audit Department.
    - 6/22/2011- Attorney General office letter states the intention is to cover only “public works contracts”.
    - Bill covers both public and private employers.
    - Reporting requirements to State Department of Audits and Accounts is specified.

# History

- Georgia Senate Bill 160: effective July 1, 2013  
“Illegal Immigration Reform and Enforcement Act”
  - Further defined and extended House Bill 87.
  - Participation was for both employers and contractors.
  - Definition of services updated.
  - Bill covered public and private employers.
  - Bill specified dollar amounts of applicable contracts.
  - Continued and updated reporting requirements to State Audit Department.

# Material Changes in SB160

## New Definition (from July 1, 2013)

- Under SB 160, the definition of “physical performance of services” has been changed so that it now covers “any performance of labor or services” by bid or by contract which is much broader than the previous interpretation. Neither version of the law has required the E-Verify Contractor affidavit for contracts involving the purchase of goods.
- It now applies to any service or labor contract over \$2499.99, unless,
  - 1) the contractor has no employees (in which case they must present an approved state issued identification card/driver’s license from an approved state) or,
  - 2) the contract is with an individual licensed under Title 26, Title 43, or the State Bar of Georgia who is in good standing and that individual is performing that service. R

Requires State Entity to Collect and Submit Annually

Notarized Affidavit

Company Name, Address, Date of Contract, Contract/PO Number, Contract/PO Amount

# Legal Interpretations /Implications

When must affidavits be collected?

“ Entering into a contract” triggers the requirement  
Before the bid is considered or contract signed  
Before Work is performed

A Purchase Order is a Contract

No Distinction between Funding Sources

Per job/contract...IOW “keeping one on file is not  
compliant

Order Splitting Prohibited

New Law charges DOA with performing actual audits

# Reporting

- All agencies must comply and report by December 31
- Reporting period is 12/1/2012 through 11/30/2013
- For FCSS, Purchasing will file reports as compliant with State Law
- Purchasing will ensure receipt of Affidavit on contracts managed by/through Purchasing Dept
- In other cases, the Person/Dept of Origin is responsible for acquiring Affidavit and Required Information and submitting to Purchasing Dept
- **In the Event of Audit:** Person/Dept of Origin responsible for addressing audit questions/documentation for purchases that are not reported to Purchasing Dept
- Purchasing will provide Tools and Supporting Documents (to follow)
  - **Affidavit and Contract Info Sheet**