



## ATLANTA REGIONAL WORKFORCE BOARD INSTRUCTION 11-03

DATE: October 26, 2011

SUBJECT: Georgia Illegal Immigration Reform and Enforcement Act

1. **PURPOSE:** The purpose of this instruction is to disseminate the attached required compliance for WIA Grant Recipients and Administrators effective September 28, 2011.
2. **REFERENCES:** Official Code of Georgia Annotated (O.C.G.A.). § 50-36-2

**BACKGROUND:** Specific Requirements are stated for WIA Applicants, Contractors, Sub-Contractors, Independent Contractors and Employees.

### 3. Compliance Required:

**For Employees** – use e-verify to verify the work eligibility of their own newly hired staff. Use e-verify to verify the work eligibility of WIA participants in activities where the local grant recipient or administrator serves as the employer of record, such as work experience.

**For Contracts and Sub-Contractors** – Include affidavits in all agreements for the performance of services, to assure that contractors of the local grant recipient will use e-verify to verify the work eligibility of the contractor's newly hired staff. This affidavit must be included in all service provider contracts as well as other agreements such as leases and clearing contracts, including employer agreements for OJT, Customized Training and Incumbent Worker Training.

For independent or sole contractors with no employees, obtain a copy of a Georgia Drivers License or license from one of the states which lawfully verifies immigration status prior to issuing the license. The list of states is attached.

**For WIA Applicants** – Verify lawful presence of WIA applicants/participants before they receive a service under WIA determined “Public Benefit” under the Act. The Act requires individuals receiving public benefits to execute a signed affidavit and submit a secure and verifiable document as attestation of the applicant's lawful presence. This must occur at the time of an application for WIA Services.

For WIA applicants, this applies to all persons/youth 18 years or older and to those persons/youth **when** they turn 18 during WIA Service.

As e-verify may only be used for employment relationships, it CANNOT be used to verify an applicant's eligibility to receive public benefit. A list of the acceptable secure and verifiable documents is attached.

### 4. ACTION REQUIRED:

- a. All Career Resource Center/Youth Provider staff must now follow the required compliance.
- b. Each Career Resource Center/Youth Provider must arrange for a staff member to serve as a notary.

**ACTION REQUIRED (continued)**

- c. Each Career Resource Center/Youth Provider must ensure applicant and contractor affidavits are executed timely.
- d. Each Career Resource Center/Youth Provider must refer all applicants who are not citizens, as indicated on the affidavit to Atlanta Regional Commission for verification of lawful presence with SAVE - Systematic Alien Verification of Entitlement.
- e. All new WIA program enrollees, contractors, and employees on or after September 28, 2011, are subject to these compliance requirements.

**EFFECTIVE DATE: October 26, 2011**

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Mary Margaret Garrett  
Chief, Workforce Development

MMG:at

cc: All WFD staff, All Career Resource Centers, Youth Providers

**Attachments:**

Georgia Illegal Immigration Reform and Enforcement Act compliance Summary  
Secure and Verifiable Documents Under O.C.G.A. § 50-36-2  
Public Benefits  
List of States that verify immigration status prior to issuance of driver's license  
Affidavit for Applicants  
Affidavit for Contractors  
Affidavit for Sub Contractors  
Affidavit for Independent Contractors  
About the SAVE Program  
Notary Files and Form Georgia Superior Court Clerks Cooperative Authority  
Georgia Illegal Immigration Reform and Enforcement Act of 2011 Questions and Answers

## Georgia Illegal Immigration Reform and Enforcement Act Compliance for WIA Grant Recipients and Administrators

*Local workforce grant recipients and administrators must:*

***In General:***

- Follow all **local** laws, rules, regulations, requirements, etc., if the grant recipient or administrator is part of a larger organization (e.g. City or County Government).

***For Employees:***

- Use e-verify to verify the work eligibility of their own newly hired staff .
- Use e-verify to verify the work eligibility of WIA participants in activities where the local grant recipient or administrator serves as the employer of record, such as work experience.

***For Contracts and Sub-Contractors:***

- Include affidavits in all agreements for the performance of services, to assure that contractors of the local grant recipient will use e-verify to verify the work eligibility of the contractor's newly hired staff. This affidavit must be included in all service provider contracts as well as other agreements such as leases and cleaning contracts, including employer agreements for OJT, Customized Training and Incumbent Worker Training.
  - For independent or sole contractors with no employees, obtain a copy of a Georgia Drivers (license from one of the States who lawfully verify immigration status prior to issuing the license).

***For WIA Applicants:***

- Verify lawful presence of WIA applicants/participants before they receive a service under WIA determined "**Public Benefit**" under the Act. The Act requires individuals receiving public benefits to execute a signed affidavit and submit a **secure and verifiable document** as attestation of the applicant's lawful presence. Local grant recipients and administrators must use SAVE to verify lawful presence of applicants who are not citizens, as indicated on the affidavit.
  - As e-verify may only be used for employment relationships, it **CANNOT** be used to verify an applicant's eligibility to receive a public benefit.

**Secure and Verifiable Documents Under O.C.G.A. § 50-36-2**

Issued August 1, 2011 by the Office of the Attorney General, Georgia

The Illegal Immigration Reform and Enforcement Act of 2011 ("IIREA") provides that "[n]ot later than August 1, 2011, the Attorney General shall provide and make public on the Department of Law's website a list of acceptable secure and verifiable documents. The list shall be reviewed and updated annually by the Attorney General." O.C.G.A. § 50-36-2(f). The Attorney General may modify this list on a more frequent basis, if necessary.

The following list of secure and verifiable documents, published under the authority of O.C.G.A. § 50-36-2, contains documents that are verifiable for identification purposes, and documents on this list may not necessarily be indicative of residency or immigration status.

- A United States passport or passport card [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A United States military identification card [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A driver's license issued by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the United States Virgin Island, American Samoa, or the Swain Islands, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- An identification card issued by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the United States Virgin Island, American Samoa, or the Swain Islands, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A tribal identification card of a federally recognized Native American tribe, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer. A listing of federally recognized Native American tribes may be found at:  
<http://www.bia.gov/WhoWeAre/BIA/OIS/TribalGovernmentServices/TribalDirectory/index.htm> [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A United States Permanent Resident Card or Alien Registration Receipt Card [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- An Employment Authorization Document that contains a photograph of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A passport issued by a foreign government [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]

- A Merchant Mariner Document or Merchant Mariner Credential issued by the United States Coast Guard [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A Free and Secure Trade (FAST) card [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- A NEXUS card [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- A Secure Electronic Network for Travelers Rapid Inspection (SENTRI) card [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- A driver's license issued by a Canadian government authority [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A Certificate of Citizenship issued by the United States Department of Citizenship and Immigration Services (USCIS) (Form N-560 or Form N-561) [O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11]
- A Certificate of Naturalization issued by the United States Department of Citizenship and Immigration Services (USCIS) (Form N-550 or Form N-570) [O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11]
- In addition to the documents listed herein, if, in administering a public benefit or program, an agency is required by federal law to accept a document or other form of identification for proof of or documentation of identity, that document or other form of identification will be deemed a secure and verifiable document solely for that particular program or administration of that particular public benefit. [O.C.G.A. § 50-36-2(c)]

## Public Benefits

Many services allowable under WIA, specifically those provided as training services, are considered to be "public benefit." Under the Georgia Illegal Immigration Reform and Enforcement Act of 2011, an applicant's eligibility to lawfully reside in the United States must be verified prior to the receipt of the public benefit.

During the application process for a public benefit, "secure and verifiable document" and an affidavit must be obtained from the applicant. A list of "secure and verifiable documents" is attached and is available on the website of the Office of the Attorney General at:

[http://law.ga.gov/00/channel\\_title/0,2094,87670814\\_167693491,00.html](http://law.ga.gov/00/channel_title/0,2094,87670814_167693491,00.html)

The affidavit is available on the website of the Georgia Department of Audits at:  
[http://www.audits.ga.gov/NALGAD/section\\_17\\_affidavits.html](http://www.audits.ga.gov/NALGAD/section_17_affidavits.html)

In the event that an applicant for a public benefit executes an affidavit that s/he is a qualified alien or nonimmigrant under the federal Immigration and Nationality Act, 18 years of age or older, and lawfully present in the United States," the agency must submit the applicant's alien number issued by the Department of Homeland Security or other federal immigration agency to SAVE, Systematic Alien Verification of Entitlement. The affidavit is sufficient proof of an applicant's lawful presence until proper verification has been obtained from SAVE.

Information about how to sign up and use SAVE is available on the website of the U.S. Citizenship and Immigration Services website at:  
<http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=e112feb9a2ca8210VgnVCM100000082ca60aRCRD&vgnnextchannel=e112feb9a2ca8210VgnVCM100000082ca60aRCRD>

Once an agency is determined to be eligible for the SAVE program, it will enter a MOU to be enrolled into SAVE and assigned an account number. There are fees with each request, ranging from \$0.50 to a maximum of \$2.00 per request.

Per OCGA 50-36-1(m), "***an agency that takes all reasonable, necessary steps and submits all requested documents and information as required but has not been given access to use such programs ...or has not completed the process of obtaining such access to use such programs shall not be liable for failing to use the SAVE program or any such successor program to verify eligibility of public benefits.***"

FOR CONTRACTS

List of states that verify immigration status prior to issuance of a driver's license or I.D. card and only issue to persons lawfully present in the United States, as required by O.C.G.A Section 13-10-91(b)(5).

**Compliant**

Alabama  
Arizona  
Arkansas  
California  
Colorado  
Connecticut  
Delaware  
Florida  
Georgia  
Hawaii  
Indiana  
Iowa  
Kansas  
Kentucky  
Louisiana  
Maine  
Michigan  
Minnesota  
Mississippi  
Missouri  
Montana  
Nebraska  
Nevada  
New Hampshire  
North Carolina  
North Dakota  
Ohio  
Oklahoma  
Oregon  
Pennsylvania  
South Carolina  
South Dakota  
Tennessee  
Texas  
Vermont  
Virginia  
West Virginia  
Wisconsin  
Wyoming

**Non-Compliant**

Alaska  
Idaho  
Illinois  
New Jersey  
New Mexico  
New York  
Rhode Island  
Utah  
Washington

**Compliance Verification Pending**

Maryland  
Massachusetts

**O.C.G.A. § 50-36-1(e)(2) Affidavit**

By executing this affidavit under oath, as an applicant for Workforce Investment Act Training Services as referenced in O.C.G.A. § 50-36-1, from Atlanta Regional Commission/Atlanta Regional Workforce Board the undersigned applicant verifies one of the following with respect to my application for a public benefit:

- 1) \_\_\_\_\_ I am a United States citizen.
- 2) \_\_\_\_\_ I am a legal permanent resident of the United States.
- 3) \_\_\_\_\_ I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency.

My alien number issued by the Department of Homeland Security or other federal immigration agency is: \_\_\_\_\_.

The undersigned applicant also hereby verifies that he or she is 18 years of age or older and has provided at least one secure and verifiable document, as required by O.C.G.A. § 50-36-1(e)(1), with this affidavit.

The secure and verifiable document provided with this affidavit can best be classified as:

\_\_\_\_\_.

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20, and face criminal penalties as allowed by such criminal statute.

Executed in \_\_\_\_\_ (city), \_\_\_\_\_ (state).

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Printed Name of Applicant

SUBSCRIBED AND SWORN  
BEFORE ME ON THIS THE  
\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires:



**GEORGIA DEPT. OF LABOR**

**Contractor Affidavit under O.C.G.A. § 13-10-91 (b)(1)**

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 engaged in the physical performance of services on behalf of **GEORGIA DEPARTMENT OF LABOR** has registered with, is authorized to use and uses the federal work authorization program commonly know as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91. Furthermore, the undersigned contractor will continue to use the federal work authorization program throughout the contract period and the undersigned contractor will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the contractor with the information required by O.C.G.A. § 13-10-91 (b). Contractor hereby attests that its federal work authorization user identification number and date of authorization are as follows:

\_\_\_\_\_  
**Federal Work Authorization User ID# (E-Verify Company ID#)**

\_\_\_\_\_  
**Date of Authorization**

\_\_\_\_\_  
**Name of Contractor**

\_\_\_\_\_  
**Name of Project**

\_\_\_\_\_  
**Name of Public Employer**

**I hereby declare under the penalty of perjury that the foregoing is true and correct.**

Executed on \_\_\_\_\_, 201\_\_ in \_\_\_\_\_ (City), \_\_\_\_\_ (State).

\_\_\_\_\_  
**Signature of Authorized Officer or Agent**

\_\_\_\_\_  
**Printed Name and Title of Officer or Agent**

**SUBSCRIBED AND SWORN BEFORE ME**

**ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_.**

\_\_\_\_\_  
**NOTARY PUBLIC**

**My Commission Expires:**  
\_\_\_\_\_

**GEORGIA DEPT. OF LABOR**

**Subcontractor Affidavit under O.C.G.A. § 13-10-91 (b)(3)**

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 (TYPE YOUR COMPANY/NAME HERE) on behalf of (TYPE YOUR COMPANY/NAME HERE) has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91. Furthermore, the undersigned subcontractor will continue to use the federal work authorization program throughout the contract period and the undersigned subcontractor will contract for the physical performance of services in satisfaction of such contract only with sub-subcontractors who present an affidavit to the subcontractor with the information required by O.C.G.A. § 13-10-91(b). Additionally, the undersigned subcontractor will forward notice of the receipt of an affidavit from a sub-contractor to the contractor within five business days of receipt. If the undersigned subcontractor receives notice of receipt of an affidavit from any sub-subcontractor that has contracted with a sub-subcontractor to forward, within five business days of receipt, a copy of such notice to the contractor. Subcontractor hereby attests that its federal work authorization user identification number and date of authorization are as follows:

\_\_\_\_\_  
**Federal Work Authorization User ID# (E-Verify Company ID#)**

\_\_\_\_\_  
**Date of Authorization**

\_\_\_\_\_  
**Name of Subcontractor**

\_\_\_\_\_  
**Name of Project**

\_\_\_\_\_  
**Name of Public Employer**

**I hereby declare under the penalty of perjury that the foregoing is true and correct.**

Executed on \_\_\_\_\_, 201\_\_\_\_ In \_\_\_\_\_ (City), \_\_\_\_\_ (State).

\_\_\_\_\_  
**Signature of Authorized Officer or Agent**

\_\_\_\_\_  
**Printed Name and Title of Officer or Agent**

**SUBSCRIBED AND SWORN BEFORE ME**

**ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_\_\_.**

\_\_\_\_\_  
**NOTARY PUBLIC**

**My Commission Expires:**  
\_\_\_\_\_

**Independent Contractors**

In lieu of completing affidavits, independent contractors may submit a copy of a valid **Georgia Driver's License** or Identification card if no new employees will be hired for the term of the contract. If an Independent contractor does not have a state issued Georgia's drivers license, he/she can provide a driver's license from a state that verifies immigration status. Once and if an employee is hired, E-verification must be done regardless of business structure.

**Please initial and sign below:**

\_\_\_ I am an independent contractor and do not have employees (**no affidavit required**).

\_\_\_ A copy of my state issued driver's license is attached.

\_\_\_\_\_

Driver's License # \_\_\_\_\_

Expiration Date \_\_\_\_\_

Executed on \_\_\_\_\_, 201\_\_ in \_\_\_\_\_ (City), \_\_\_\_\_ (State).

\_\_\_\_\_  
**Signature of Authorized Officer or Agent**

\_\_\_\_\_  
**Printed Name and Title of Officer or Agent**

SUBSCRIBED AND SWORN BEFORE ME  
ON THIS \_\_\_\_\_ DAY  
THE \_\_\_\_\_ OF \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
NOTARY  
PUBLIC

My Commission Expires:  
\_\_\_\_\_



**U.S. Citizenship and Immigration Services**

**About the SAVE Program**

This section provides an overview of the Systematic Alien Verification for Entitlements (SAVE) Program, along with the advantages to using it and the processes you should be aware of when applying for the SAVE Program.

**What is the SAVE Program?**

The SAVE Program is an inter-governmental initiative designed to aid benefit-granting agencies in determining an applicant’s immigration status, thereby ensuring that only entitled applicants receive federal, state, or local public benefits and licenses. The program is an information service for benefit-granting agencies, institutions, licensing bureaus, and other governmental entities.

**What is SAVE’s Mission?**

The SAVE Program will provide timely customer-focused immigration status information to authorized agencies to assist them in maintaining the integrity of their programs. SAVE will promote the use of automated systems to enhance efficiency, customer service and interagency collaboration, while protecting sensitive information.

**What are the eligibility requirements to participate in the SAVE Program?**

An agency is eligible to participate in the SAVE Program if:

The agency is a federal, state, or local government agency or licensing bureau

**AND**

The agency provides a public benefit, license, or is otherwise authorized by law to engage in an activity for which the verification of immigration status is appropriate.

**What are the advantages of using the SAVE Program?**

The advantages of using the SAVE Program include:

- Verifying immigration status information quickly and efficiently via the online SAVE system
- Retrieving information from more than 100 million records including official immigration status data contained in Department of Homeland Security databases
- Receiving training and customer service support tailored to an agency’s needs
- Complying with legislative mandates to verify applicants’ immigration status and ensure

that only entitled applicants receive federal, state, or local public benefits and licenses

### **What are the costs of participating in the SAVE Program?**

SAVE assesses certain transaction charges based upon the type of query. To learn more, visit the [SAVE Access Methods and Transaction Charges](#).

### **How does an agency apply and register?**

To learn about the application process, visit the [Sign-up for the SAVE Program](#).

Last updated: 04/19/2011

[Plug-ins](#)

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Files & Forms](#)[SB 176  
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Violence Forms](#)[Notary  
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## Notary Files and Forms

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The following document is provided in Adobe (PDF) format. In order to view this file, you must install Adobe Acrobat Reader if it is not currently installed. If you would like more notary information, visit our [Notary Section](#).


### Notary Handbook

The following document is the Georgia Notary Handbook Order Form.

 [Georgia Notary Handbook Order Form](#)

### Passport Affidavit Form

The following document is Passport Affidavit Form.

 [Passport Affidavit Form](#)

### Notarial Certificates

These notarial certificates are offered as a courtesy to Georgia's notaries public as a service by the Georgia Superior Court Clerks' Cooperative Authority and the Superior Court Clerks of Georgia.

-  [Acknowledge Certificate](#)
-  [Affidavit Certificate](#)
-  [Certified Copy Certificate](#)
-  [Document Custodian Certificate](#)
-  [Jurat Certificate](#)
-  [Translator Certificate](#)
-  [Witness Signature Certificate](#)

### Notary E-mail Forms


The following forms can be used by notaries to add, remove or correct their e-mail addresses from the Notary Search.

-  [Notary E-mail Request Form](#)
-  [Notary E-mail Correction Form](#)

### Notary Files for ONLINE Counties

The following form is only for Counties in which you can apply to become a Notary Online.

Click [HERE](#) to fill out the online application. *Note: You can only apply to become a Notary in your county of residence. If the County you are applying in does not appear in the County list, you cannot apply online in this county.*

 [Notary Online Application Instructions](#)

You must install the [Adobe Acrobat Reader](#) on your computer to view these files. If you have difficulty viewing these files or need more information, please call Technical Support at 800-304-5174.



**Georgia Superior Court Clerks' Cooperative Authority**  
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Telephone: (404)327-9058 -- Fax: (404)327-7877



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## **Georgia Illegal Immigration Reform and Enforcement Act of 2011 Questions and Answers**

### **From and After 8/11/11 Conference Call with Local WIA Directors**

1. Who is a public employer under the Act?

A “public” employer means every department, agency or instrumentality of the state or a political subdivision of the state.

The following local WIA grant recipients meet the definition of a public employer:

- Northwest Georgia Regional Commission (1)
- Georgia Mountains\Georgia Department of Labor (2)
- City of Atlanta (3)
- Cobb County Government (4)
- DeKalb County Government (5)
- Fulton County Government (6)
- Atlanta Regional Commission (7)
- Northeast Georgia Regional Commission (9)
- City of Macon (10)
- Columbus Consolidated Government (14)
- River Valley Regional Commission (15)
- Heart of Georgia Regional Commission (16)
- South Georgia Regional Commission (18 & 19)
- City of Savannah (20)
- Southwest Georgia Regional Commission (21)

2. What is required of public employers?

Public employers, including but not limited to every municipality and county, shall register and participate in the federal work authorization program to verify the eligibility of all newly hired employees.

A public employer shall not enter into a contract for the physical performance of service unless the contractor registers and participates in the federal work authorization program (E-Verify), via a signed and notarized affidavit between the public employer and the contractor.



### 3. Who is a Contractor or Sub-contractor under the Act?

Under the Act, any person or entity that enters into a contract or agreement for the physical *performance of services* with a public employer is a contractor. Examples of such contracts under WIA are as follows:

- Contracts with providers for WIA services
- Contracts to clean offices
- Vendors for products who also provides services (e.g. agreement to purchase furniture which includes labor costs for delivery and set-up)
- Sub-contractors who provide services under the original contract (e.g. tutoring)

When determining whether an affidavit is required for a contract or agreement, local grant recipients or administrators should consider the following broad question: *Will the funds provided under the agreement will be used to pay for employees who will provide services as required under the agreement?*

Local grant recipients and administrators who are part of a larger entity, such as a city or county government, must also follow their organizations policies regarding affidavits with such agreements.

### 4. How does the Act impact private employers?

Private employers who contract with a public entity must sign an affidavit assuring compliance with the Act which requires the following actions:

- Registration and participation in the federal work authorization program
- Signed and notarized affidavits for all sub-contractors under whose agreements use the public funds made available to the private employer via their contract with the public entity.

All private employers with ten (10) or more employees will ultimately be required to register and participate in the federal work authorization program by July 1, 2013 to receive a business license.

For these reasons, the Georgia Department of Labor, all local WIA grant recipients, including those who are private employers, must sign an affidavit to certify compliance with the Act as part of the overall grant agreement. **All WIA grant recipients and administrators in Georgia must register and participate in the federal work authorization program to verify eligibility of all newly hired employees. In addition, all WIA grant recipients and administrators must include affidavits with their contacts or agreements for the performance of services to certify their subcontractors (and sub-subcontractors) compliance with the Act.**

5. Are affidavits required for non-financial contracts with entities who serve as worksites for work experience for WIA participants who are not employees of the worksite?

An affidavit is not required if the worksite does not receive WIA funds. However, if there is a contract with an organization to serve as the employer of record or provide the paychecks to the participants, an affidavit is required. Additionally, the employer of record must also use the federal work authorization program to verify the employment eligibility of the individuals participating in WIA paid work experience

6. Are affidavits required for employer agreements for OJT, Customized and Incumbent Worker Training?

Yes. As these employers are receiving funds from a public entity or entity who serves as a subcontractor for a public entity, the OJT and Customized Training agreements must include the affidavits. The employer must also use the federal work authorization program to verify the employment eligibility of all new hires, which includes individuals participating in WIA funded OJT, Customized and Incumbent Worker Training.

7. What if the contractor, such as a plumber or consultant, does not have any employees?

Individuals who are sole contractors may present their Georgia Driver's license to the WIA grant recipient or administrator in lieu of signing the affidavit to comply with the federal work authorization program if no new employees will be hired for the term of the contract. If however, the contractor hires an employee, they must use e-verify to verify the work eligibility of the new employee.

8. If we use a sole contractor (e.g. consultant) from outside of Georgia, may we accept their out-of-state driver's license?

Only licenses from states determined by the Georgia Attorney General who lawfully verify immigration status prior to the issuance of a license are acceptable as documentation in lieu of the affidavit required for contracts. A list of these states is found on the Attorney General's website at:

[http://law.ga.gov/vgn/images/portal/cit\\_1210/50/35/173461453Lists\\_of\\_states\\_that\\_verify\\_immigration\\_status\\_7\\_26\\_11.pdf](http://law.ga.gov/vgn/images/portal/cit_1210/50/35/173461453Lists_of_states_that_verify_immigration_status_7_26_11.pdf)

9. What is the time period for the affidavit?

The affidavit is good for the life of the contract.

10. The local area entered into contracts using the affidavit used for compliance with the 2006 Act. Should we issue a new affidavit for 2011?

GDOL advises that all current agreements comply with the 2011 Act.

11. The local area did not enter into new contracts for 2011, but instead amended existing contracts by extending the end date.

Contracts by state law may only be executed for one year at a time, but may be amended to extend the end date for a year at a time. A new affidavit must be executed with the amendment to extend the contract.

12. What is the process for submitting the affidavits to GDOL?

Affidavits from the LWIAs must be returned to the Grants and Contracts unit within 5 business days. Should the Grantees employ or contract with any other subcontractor(s) in connection with the performance of services, affidavits must be also obtained from said subcontractors. Likewise, should the Subcontractor, Sub-subcontract, they too must also complete affidavits and return to the Grants & Contracts unit. All affidavits received by the LWIAs are to be forwarded to the Grants & Contracts unit within five days of receipt of such affidavit.

13. How will GDOL Review the Local Grant Recipient and/or Administrator's Compliance with the Georgia Illegal Immigration Reform and Enforcement Act?

GDOL will review compliance with the Georgia Illegal Immigration Reform and Enforcement Act during Program Review, in the same manner as other compliance with other State laws are reviewed, such as the Open Meetings Act.

14. What is the Immigration Enforcement Review Board?

The Immigration Enforcement Review Board has the authority to investigate and review any complaint with respect to all actions of a public agency or employee alleged to have violated or failed to properly enforce the provisions regarding the contractor affidavit, e-verify for employees and public benefits.

15. What actions must local workforce grant recipients and administrators take to comply with the Act?

Local workforce grant recipients and administrators must:

- Use e-verify to verify the work eligibility of their own newly hired staff

- Use e-verify to verify the work eligibility of WIA participants in activities where the local grant recipient or administrator serves as the employer of record, such as work experience.
- Include affidavits in all agreements for the performance of services, to assure that contractors of the local grant recipient will use e-verify to verify the work eligibility of the contractor's newly hired staff. This affidavit must be included in all service provider contracts as well as other agreements such as leases and cleaning contracts, including employer agreements for OJT, Customized Training and Incumbent Worker Training.
  - A copy of a Georgia Driver's License (or driver's license from a state determined by the Attorney General who lawfully verify residence) may be used in lieu of the affidavit for sole contractors or if no new employees will be hired for the term of the contract.
- Verify lawful presence of those WIA participants who receive a service under WIA determined "**Public Benefit**" under the Act. The Act requires individuals receiving public benefits to execute a signed affidavit to verify the applicant's lawful presence. (As e-verify may only be used for employment relationships, it CANNOT be used to verify an applicant's eligibility to receive a public benefit.) Guidance and discussion of "**Public Benefits**" is attached.
- Follow all local laws, rules, requirements, etc. if the grant recipient or administrator is part of a larger organization (e.g. City or County Government).