



Georgia™
Department of
Community Affairs

September 5, 2012

Mr. Benjamin J. Vinson, Chairman
The Immigration Enforcement Review Board
270 Washington Street, S.W. Suite 1-156
Atlanta, Georgia 30334-8400

Dear Chairman Vinson:

This is an official response on behalf of the Department of Community Affairs (DCA) to the complaint filed with the Board July 23, 2012, by Mr. D. A. King. This response is intended to address the complaint in full.

The complaint filed specifies two points of alleged violation by DCA and its staff:

- 1) The system is asking for the wrong information.
- 2) The information the system is requesting is not for an annual report.

Official Response:

Point One: The Public Benefits Reporting System designed by the Department of Community Affairs (DCA) to facilitate the annual reporting requirement of House Bill 2, Section 3 "Verification of Lawful Presence" was designed as an effort to accommodate the interpreted legislative intent of the bill. However, after consulting with the Attorney General's Office, we have concluded that our updated design will be clearer and more accurately capture the legislative intent.

The original DCA system was designed for public entities to report which public benefits, if any, had unverified applicants as of the date of their report filing. This original design came about after close scrutiny of the 2007 law and the results of amendment through House Bill 2.

After further review, we believe a more accurate interpretation of the law would be a reporting design that requires public entities to identify the public benefits administered and any public benefit for which SAVE authorization for verification has not been received. DCA is in the process of contacting the impacted public entities and will re-open the 2011 report period until November 1, 2012. Beginning December 1, 2012, public entities will be able to submit their 2012 reports. It will also be DCA's practice to issue reminders to public entities as to the reporting requirements.

Point Two: Pursuant to advice from the Attorney General's Office, the system from this point forward will define the annual reporting period as December 1 through November 30.

Chairman Vinson
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DCA's view is that the issues raised in the complaint have been fully addressed. DCA respectfully suggests that the complaint is now moot and requests that it be given no further consideration by the Board.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink that reads "Mike Beatty". The signature is written in a cursive, flowing style.

Mike Beatty
Commissioner

MB/tm
Enclosure



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General Information and Log In

On or before January 1 of each year, every agency or political subdivision which administers any public benefit shall provide an annual report to the Department of Community Affairs (DCA) that identifies each public benefit administered by the agency or political subdivision and a listing of each public benefit for which Systematic Alien Verification for Entitlements (SAVE) authorization for verification has not been received. The annual report shall cover the period of December 1 through November 30.

The Department of Community Affairs staff is pleased to provide technical assistance regarding the database and reference O.C.G.A. 50-36-1 (HB 2 "Verification of Lawful Presence") to answer general questions from agencies and political subdivisions. Any questions of a legal nature should be directed to your agency's attorney.

DCA invites you to enter the Public Benefits Reporting System, now still open for 2011 reporting, to ensure your agency is in compliance for the twelve-month period of December 1, 2010 through November 30, 2011. The system will be open until November 1, 2012 for the 2011 reporting period.

PRIOR TO LOGGING IN YOU MUST REGISTER YOUR AGENCY.

Only after registering, using your entity's Federal Employer Identification Number (EIN), and establishing a PASSWORD, can you enter the Public Benefits Reporting System (PBRS) and complete the first annual report.

If your agency has not yet registered, click [HERE](#) to register.

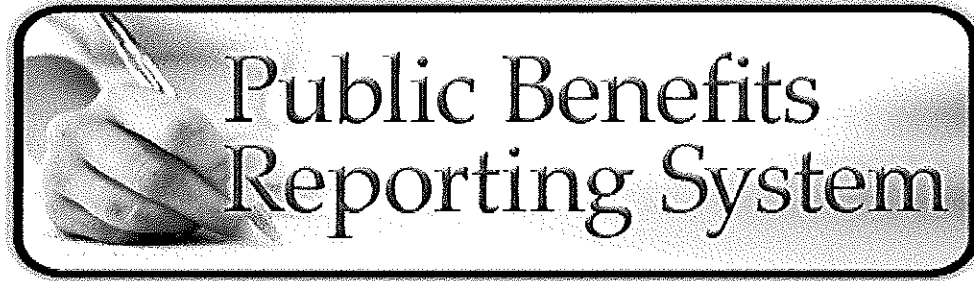
If your agency has already registered, please Log In below.

Log In

User EIN:
(XX-XXXXXXX)

Password:

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Registrant for Test Government is logged in.

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GENERAL INFORMATION

Each year before August 1, the Attorney General prepares a detailed report indicating any "public benefit" that may be administered in this state and whether such benefit is subject to SAVE verification. This report provides the description of the benefit and is updated annually and posted to the Attorney General's website. A link to this report can be found [here](#).

Every agency or political subdivision shall verify the lawful presence in the United States of any applicant for public benefits except as exempted by federal law or the following exceptions:

1. Any purpose for which lawful presence in the United States is not required by law, ordinance, or regulation
2. Assistance for health care items and services that are necessary for the treatment of an emergency medical condition, as defined in 42 U.S.C. Section 1396b(v)(3), of the alien involved and are not related to an organ transplant procedure
3. Short-term, noncash, in-kind emergency disaster relief
4. Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of symptoms of communicable diseases whether or not such symptoms are caused by a communicable disease
5. Programs, services, or assistance such as soup kitchens, crisis counseling and intervention, and short-term shelter specified by the United States Attorney General, in the United States Attorney General's sole and unreviewable discretion after consultation with appropriate federal agencies and departments, which:
 - a. Deliver in-kind services at the community level, including through public or private nonprofit agencies
 - b. Do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources
 - c. Are necessary for the protection of life or safety
6. Prenatal care
7. Postsecondary education, whereby the Board of Regents of the University System of Georgia or the State Board of the Technical College System of Georgia shall set forth, or cause to be set forth, policies regarding postsecondary benefits that comply with all federal law including but not limited to public benefits as described in 8 U.S.C. Section 1611, 1621, or 1623.

An agency or political subdivision providing or administering a public benefit shall require every applicant for such benefit to:

1. Provide at least one secure and verifiable document, as defined in Code Section 50-36-2
2. Execute a signed and sworn affidavit verifying the applicant's lawful presence in the United States and stating:
 - a. The applicant is a United States citizen or legal permanent resident 18 years of age or older; or
 - b. The applicant is a qualified alien or nonimmigrant under the federal Immigration and Nationality Act, Title 8 U.S.C., 18 years of age or older lawfully present in the United States and providing the applicant's alien number issued by the Department of Homeland Security or other federal

immigration agency.

For any applicant who has executed an affidavit that he or she is an alien lawfully present in the United States, eligibility for public benefits shall be made through the Systematic Alien Verification for Entitlements (SAVE) program operated by the United States Department of Homeland Security or a successor program designated by the United States Department of Homeland Security. Until such eligibility verification is made, the affidavit may be presumed to be proof of lawful presence.

Compliance by an agency or political subdivision shall include taking all reasonable, necessary steps required by a federal agency to receive authorization to utilize the SAVE program or any successor program designated by the United States Department of Homeland Security or other federal agency, including providing copies of statutory authorization for the agency or political subdivision to provide public benefits and other affidavits, letters of memorandum of understanding, or other required documents or information needed to receive authority to utilize the SAVE program or any successor program for each public benefit provided by such agency or political subdivision. An agency or political subdivision that takes all reasonable, necessary steps and submits all requested documents and information as required but either has not been given access to use such programs by such federal agencies or has not completed the process of obtaining access to use such programs shall not be liable for failing to use the SAVE program or any such successor program to verify eligibility for public benefits.

Definitions / Helpful Links

Employer Identification Number (EIN): A nine-digit number that the IRS assigns (format: xx-xxxxxxx) to be used to identify the tax accounts of employers.

O.C.G.A. 50-36-1; Title 50, Chapter 36 contains the law requiring agencies that administer public benefits to verify that recipients of such benefits are in the United States legally. With the passage of HB 2 "Verification of Lawful Presence", it also requires those agencies to file an annual report with the Department of Community Affairs. A link to O.C.G.A. 50-36-1 can be found [here](#).

Public Benefits: Public dollars used to provide payments or assistance to individuals or households by an agency or appropriated funds of federal, state, or local governments, or any political subdivision thereof. (Defined in O.C.G.A. 50-36-1, U.S.C. 1611, U.S.C. 1621 and by the Attorney General of Georgia.)

Public Benefits Reporting System: An online reporting system maintained by the Georgia Department of Community Affairs to which every agency or political subdivision which administers public benefits is required to provide a report by January 1 each year that identifies each public benefit administered and list each benefit for which SAVE authorization for verification has not been received.

Public Entity, Agency or Political Subdivision: Any department, agency, authority, commission, or government entity of this state or any subdivision of this state.

SAVE Program (Systematic Alien Verification for Entitlements): An intergovernmental initiative, administered by the U.S. Department of Homeland Security's Citizenship and Immigration Services, 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. A link to the SAVE Program's website can be found [here](#).



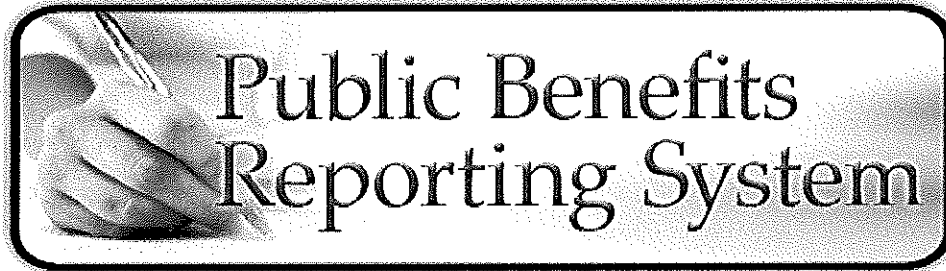
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Entity updated. [Click here to revise](#) or select from the navigation bar above to continue.

[Click here for a print-friendly version of your profile](#)

Agency Profile

Legal Name of Agency:*	Test Government
Chief Executive Officer	
Salutation:*	Mr. ▼
First Name:*	John
Middle Initial:	Q
Last Name:*	Public
Suffix: (Jr., Sr., III, etc)	
Title:	Chair ▼
Primary Georgia Street Address of Agency	
Street Number and Name:*	60 Executive Park South
City/Zip:*	Allanta / 30329
Mailing Address if Different From Street Address	
Mailing Address:	
City/State/Zip:	/ /
Agency Registrant's Contact Information	
Telephone Number: XXX-XXX-XXXX*	404-679-3118
Email Address*	Traci.turgeon@dca.ga.gov



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Public Benefits Report 2012

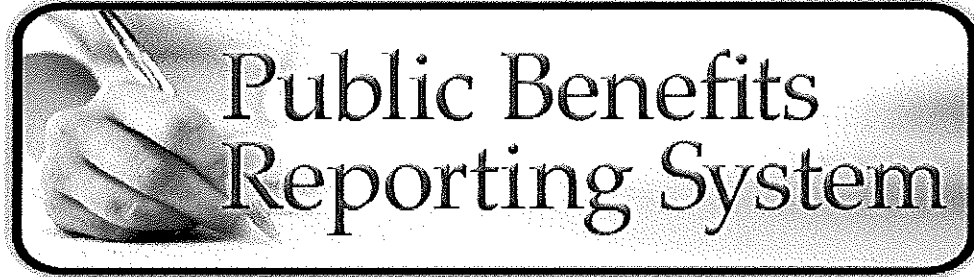
Your 2011 report will cover the period from December 1, 2010 through November 30, 2011. For each public benefit you provided during that period, report whether your entity had authorization to utilize the SAVE program for verification of applicant entitlement during that period.

Part 1 - Benefits Provided

To complete Part 1 of the report, click on each applicable public benefit to add it to your list of Public Benefits Administered. After making your selections, click the button to "Continue to Part 2".

Official List of Public Benefits As published by the Attorney General's Office	Public Benefits Administered The list below should include all benefits you provide during this reporting period.
<ul style="list-style-type: none"> <input type="radio"/> Adult education <input type="radio"/> Authorization to Conduct a commercial enterprise or business (i.e. commercial license) <input type="radio"/> Business certificate, license, or registration <input type="radio"/> Business loan <input type="radio"/> Disability assistance or insurance <input type="radio"/> Down payment assistance <input type="radio"/> Energy assistance <input type="radio"/> Federal, State or Local Contracts <input type="radio"/> Food stamps <input type="radio"/> Gaming license <input type="radio"/> Health benefits <input type="radio"/> Housing allowance, grant, guarantee, or loan <input type="radio"/> Medicaid <input type="radio"/> Occupational license <input type="radio"/> Other benefits <input type="radio"/> Postsecondary Education <input type="radio"/> Rent assistance or subsidy (i.e. public or assisted housing) <input type="radio"/> Retirement benefits <input type="radio"/> State grant or loan <input type="radio"/> Tax certificate needed to conduct a commercial business 	<ul style="list-style-type: none"> <input type="radio"/> Cash allowance

- Temporary assistance for needy families (TANF)
- Unemployment insurance benefits
- Welfare Other than "Welfare To Work"
- Welfare to work



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Public Benefits Report 2012

Part 2

Public Benefit Authorization for SAVE Verification

Benefits entered in Part 1 are provided below. You can edit Part 1 at any time by clicking on the "Save and Return to Part 1" option below. After submitting your agency's online Report, you can return at any time while the applicable year's report is open to make amendments to any part of the Report. Note however that the original Report submittal date will be changed to correspond with the re-submittal date, and all information included in the final Report must be current as of the latest submittal date. You may edit this list at any time by clicking the "Save and Return to Part 1" button below.

From the list below, check each benefit for which your agency has authorization to utilize the SAVE program for applicant verification.

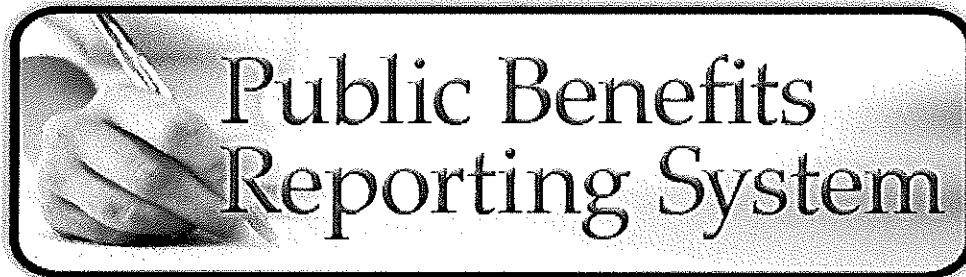
Benefits

Benefit Code	Benefit Name	Authorized to Use the SAVE Verification System for this Public Benefit?
05	Cash allowance	No ▾

[Save and Return to Part 1](#)

[Review/Print Report](#)

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Public Benefits Reporting System

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Your agency's Report is currently on file with DCA. It was submitted on 9/5/2012, at 2:07 PM.

You can view and print this report at any time. However, to amend the Report you must "Unsubmit" and then "Resubmit" after making changes. All information in your amended report must be updated to reflect conditions as of the new submittal date.

If your agency's Report has been Unsubmitted, but not Resubmitted, it will not be recognized as having been filed with DCA.

[View/Print Current Report](#)

[Amend Current Report](#)