

TECHNICAL COLLEGE
TCSG
SYSTEM OF GEORGIA

Sonny Perdue
Governor

Ronald W. Jackson
Commissioner

July 23, 2009

D.A. King
2984 Lowe Trail
Marietta, Ga. 30066

Re: Open Records Act Request

Dear Mr. King:

I am in receipt of your Open Records Act requested dated July 21, 2009.

Attached please find documents responsive to your request.

Should you have any further questions or concerns, please feel free to contact me.

Sincerely,



Kristi M. Carman
General Counsel

April 19, 2006

TO: Affected DTAE Staff

FROM: Kristi Wolfersberger, Executive Director
Legal Services

RE: Georgia Security and Immigration Compliance Act

On Monday, April 17, 2006, Governor Sonny Perdue signed into law the Georgia Security and Immigration Compliance Act. The act is labeled as the toughest and most prohibitive law against illegal immigration in the country. The act applies to DTAE and its thirty-four technical colleges as follows.

The law requires every public employer to register and participate in the federal work authorization program to verify information on all new employees. OCGA 13-10-91. It further requires that any contractor or subcontractor doing business with a public employer must register and participate in the federal work authorization program. These requirements go into effect on July 1, 2007 for public employers, contractors and subcontractors with more than 500 employees, July 1, 2008 for public employers, contractors and subcontractors with 100 or more employees, and July 1, 2009 with respect to all other public employers, contractors and subcontractors. OCGA 13-10-91(b)(3).

The law does **not** place any additional burden on the technical colleges to verify the lawful presence in the United States of its students. OCGA 50-36-1(c)(7). It does however reiterate that the technical colleges are required to comply with the federal laws relating to the provision of postsecondary public benefits as described in 8 USC § 1611, 1621, and 1623. OCGA 50-36-1(c)(7). The federal statutes, read together, require the technical colleges to do two things. First, 8 USC § 1611 and 1621 forbid the provision of federal and state money to undocumented immigrants. Second, 8 USC § 1623 states that the technical colleges cannot provide an undocumented immigrant with instate tuition.

It is my understanding that much of the information received by the technical colleges is self-reported by students. The technical colleges are not required to verify this information and therefore can take it at face value. To the extent that the technical college becomes aware of some conflicting information about the students citizenship,

the status of that student and his tuition (instate v. out of state) should be re-evaluated at that time.

If you have any questions on this issue, please feel free to contact me at kwolfersberger@dtac.org or 404-679-1607.