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HB 87: The "Illegal Immigration Reform and Enforcement Act of 2011" – Arizona-Style Legislation

What Does it Mean for You?

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Will my employer ask me for my papers?

HB 87 requires that certain private employers use E-Verify, or a federal program to verify the eligibility of new employees to work legally in the US. Section 12 of HB 87 requires private employers with more than 500 FULL TIME employees to register with E-Verify by January 1, 2012. Employers with 100 FULL TIME employees, you must register for E-Verify by July 1, 2012, and employers with more than 10 FULL TIME employees by January 2, 2013.

Please understand that only newly hired employees can be run through E-Verify.

Employees already on payroll may not be retroactively screened by E-Verify. Also, E-Verify must be done only when a person is hired and must not be done as a screening process. So, your boss CANNOT ask you for additional papers as a result of HB 87, if you are currently employed there.

Will there be increased penalties for working with a fake social security number?

HB 87 makes it a crime for a person to use a fake ID in order to "obtain employment." If you did this AFTER July 1, 2011, you will be guilty of "aggravated identity fraud" and can be sentenced to state prison for up to 15 years and face up to a \$250,000 fine. So, yes, there are increased penalties for using fake documents, including a social security number to get a job. This provision, however, may be illegal.

Will individuals or community groups be penalized for transporting or harboring an undocumented immigrant?

HB 87 makes it a crime (first a misdemeanor and then a felony) for any person to give a ride to an "illegal alien" or to give aid or help to an undocumented immigrant or to "induce" an undocumented immigrant to come or remain in Georgia (even if he is your brother in law). But, there are three groups of people who cannot be convicted of transporting or harboring an undocumented person: 1) a person providing services to infants, children or victims of crimes; 2) a person providing emergency medical services (hospitals, ambulance drivers, etc.), or 3) an attorney representing a criminal defendant. HB 87 also exempts a person providing "privately funded social services" from being convicted of harboring and transporting. However, "privately funded social services" is not defined in the bill. The way it is written however, suggests that such a definition does not include churches. **Thus,**

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churches do NOT appear to be exempt, and members of churches, including pastors, still appear to be eligible for prosecution under this law.

Is it true that police can ask to see my papers?

HB 87 provides that when an officer has a good reason to believe that a person has committed a criminal violation [which includes traffic offenses in Georgia], the officer shall be authorized to seek to verify such person's immigration status. The first step in verifying immigration status is to ask the person to produce a document that HB 87 says is verifiable proof of immigration status. If you do not provide a valid Georgia's Driver's License, a valid Georgia Identification card, or any valid identification document issue by the United States federal government, such as a valid I-94 card and a foreign passport, a U.S. passport, or military ID, you will be brought to the police station for the police to check your immigration status with ICE using your fingerprints.

What does HB 87 say about Secure Communities and 287(g)?

HB 87 really does nothing more than is already being done in Georgia. All Georgia counties will be enrolled in Secure Communities by September 30, 2012, but 287(g) is limited by the federal government and available funding. Secure Communities requires that the immigration status of all persons detained in local jails have their immigration status checked within 48 hours – this is already in effect in many Georgia counties.

Does HB 87 stop an undocumented parent from obtaining legal benefits for U.S. Citizen Children?

The way Section 17 of HB 87 is written, it is possible, although still unclear whether the new documentary requirements for obtaining public benefits will stop undocumented immigrants from applying for WIC, food stamps and other public benefits for their otherwise eligible and qualified U.S. citizen children.

When will HB 87 go into effect?

Most of HB 87 becomes effective on July 1, 2011, except for Section 17, the section on the acceptance by a state agency of "secure and verifiable documents," which is effective on January 1, 2012. Please refer to the first question to see the cascading schedule for E-Verify.

If you feel you have been discriminated against or your rights have been violated as a result of HB 87, please call us at 866-544-2536 and leave us a detailed message. Your message MUST INCLUDE your name, your phone number, the date and time of the incident, the place of the incident, who was involved, and what happened.