

FACT SHEET: ACCESS TO PUBLIC BENEFITS (HB2)

A New Law in Georgia Targets Refugees and Immigrants

In January 2010, a new law went into effect in Georgia. Sometimes called “HB2,” this new law is interpreted to **REQUIRE** proof of immigration status to access to “public benefits” - a list of services, business necessities, and educational opportunities that most refugees and immigrants use. Each city, town, county and other government entity decides how it will interpret the law. It’s reasonable to expect some confusion and inconsistencies in new rules.

WHAT ARE THE PUBLIC BENEFITS THAT NOW REQUIRE PROOF OF LEGAL IMMIGRATION STATUS?

The list of public benefits is fairly long and can be confusing. Many of the benefits on this list already require proof of status (such as food stamps, TANF, etc.) and nothing is likely to change for people seeking these benefits. The following key benefits, in some cases for the first time, require proof of status:

Adult Education - This includes all adult education courses offered by the Technical College System of Georgia (TCSG), such as English as a second language, citizenship, GED prep course and basic literacy. Enrollment for all TCSG courses now requires completion of a notarized affidavit attesting to legal status, and in many cases, provision of documents proving status. This is true whether the courses are held at the technical colleges or at other locations such as churches or community centers.

Business, professional and occupational licenses – These licenses include all business licenses and occupational tax certificates, as well as taxicab licenses, alcoholic beverage licenses, general contracts, barbers, librarians, mortgage brokers, registered nurses, security guards, used motor vehicle dealers, and all other occupational and professional licenses.

HOW IS PROOF OF IMMIGRATION STATUS VERIFIED?

Ultimately, counties, cities and towns are being required to use the SAVE system – the same computer-based system that the Department of Drivers Services uses to verify legal status before issuing a drivers’ license or state identification card. However, until that system can be set up, the governments are being advised to require an affidavit, signed and notarized, attesting to legal status. An A# must also be provided.

GEORGIA REFUGEE POLICY INITIATIVE (GRPI)

WORKING FOR COMMUNITY CHANGE

AT REFUGEE FAMILY SERVICES
ATLANTA, GA

DIRECTOR OF POLICY: SUSAN PAVLIN
SMPAVLIN@YAHOO.COM
(678) 984-7117

All ESL courses, and other courses offered by the Technical College System of Georgia (TCSG) now require people to complete a notarized affidavit, and in some cases to provide copies of legal documentation, in order to enroll. TCSG has advised that it will have notaries on site, and that they will be trained to be aware that not all refugees have picture IDs to show notaries as proof of identity.

Should someone's legal status be challenged, this document may be used against that person in criminal or immigration proceedings. Although federal law states that people signing such documents, if they have limited English, must be given interpretation or translation so that they understand what they are signing, in most cases this document is only being provided in English.

WILL THE NEW LAW IMPACT ACCESS TO FEDERAL PUBLIC BENEFITS, SUCH AS MEDICAID, FOOD STAMPS, TANF, EMPLOYMENT BENEFITS, ETC.?

Generally, the new law should not impact access to these benefits, primarily because these benefits already require verification of status. The new law states that if verification procedures are in place that meet federal requirements, then the new law will not apply.

WHAT DO I DO IF I ENCOUNTER A PROBLEM WITH VERIFICATION OF STATUS OR ACCESSING BENEFITS BECAUSE OF THIS NEW LAW?

The way to address such a problem will depend on what kind of problem you are having. Although there may be grounds for legally challenging the requirements of the law, this is a very complex issue.

The Georgia Refugee Policy Initiative will monitor the use of affidavits and notaries for refugees at the ESL programs offered by the Technical College System of Georgia. To report any difficulties that refugees encounter in accessing ESL courses, contact Susan Pavlin at smpavlin@yahoo.com.

The ACLU of Georgia has asked that people contact Brandy Blue, at brandyblue@gmail.com when any of the following situations is encountered:

- If you are being asked to document your status for the first time, when accessing a benefit that you've received before.
- If you are a parent of a US citizen child, asked to verify your own status in order for your child to access benefits.
- If you are a victim of trafficking or a domestic violence victim, eligible to apply for immigration relief under the Violence Against Women Act "VAWA."

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- If you have problems locating a notary or being charged for notary services.
- If you are Limited English Proficient (LEP), and a written or oral translation of the affidavit is not provided for you.

If people are being asked to sign affidavits without a clear understanding of what the document is for, due to limited English, this may be a violation of civil rights. Generally, when people with Limited English Proficiency are legally entitled to government services – such as business licenses, professional licenses, and adult education - then those services must be made available in a language that can be understood, according to federal law. In practice, this requirement is often not met.

When notaries charge excessive money for notarizing documents, or offer “legal advice” about whether someone should sign a document or how that document should be completed, they are in violations of the law.

Georgia is one of only a few states in the country that has imposed such a verification requirement on businesses, as well as English as a second language and other education courses. In those states that have imposed such verification requirements on businesses, some organizations are documenting the ways in which the law has hurt economic growth and promoted discrimination against international businesses, international investors and entrepreneurs.