



Information about Law S.B. 160

- Goes into effect on July 1, 2013.
- Requires the use of secure and reliable identity documents for any official purpose concerning an agency of the state of Georgia.
- The new law indicates that the following documents will not be considered secure and reliable for official purposes:
 - 1) Identity documents issued by foreign consulates (“Matrícula Consular”).
 - 2) A foreign-issued passport, unless it is submitted with a visa or other proof of lawful presence within the United States.
- The new law will apply to agencies that provide public benefits, such as the Division of Family and Children Services, the Department of Labor, and the Department of Driver Services, among others. Every agency and political subdivision of Georgia is required to verify the lawful presence of those who access services. Applicants may also be required to sign an affidavit confirming their citizenship or lawful presence in the country.
- The law also requires sub-contractors to use E-Verify (a program that is used to verify the immigration status of employees) if they work under a contract with the State of Georgia.

Despite these restrictions, the laws of Georgia are subject to the laws and regulations of the federal government, which take precedence over state law. If the implementation of S.B. 160 infringes on a right under the Constitution or federal law, Georgia law must give way. The implementation of this law may give rise to violations of federal law in the following cases, among others:

- If a father, who does not have proof of his lawful presence in the United States, is not permitted to submit a Medicaid or food stamps application on behalf of his citizen child.
- If an undocumented victim of domestic violence attempts to file a petition for a protective order, but the petition is denied or delayed because she does not have a secure and reliable document.
- If a mother wishes to enroll her children in school but is unable because she has no proof of her lawful presence in the country.
- If two persons wish to marry, but the judge refuses to issue a marriage license because one of the parties could not provide a secure and reliable document at the courthouse.

If you, or a family member or acquaintance, experience difficulties due to these new requirements, do not hesitate to contact Georgia Legal Services Program® or to consult with a private attorney.