



Important Legal References

Per O.C.G.A. §35-1-17, it is the intent of the General Assembly to promote compliance with state law related to deterring the presence of criminal illegal aliens and require Georgia law enforcement officials to work in conjunction with federal immigration authorities to utilize all resources made available by the federal government to assist state and local law enforcement officers in the enforcement of the laws of this state and the United States.

O.C.G.A. §35-1-17 also authorizes state and local law enforcement agencies to enter into memorandums of agreement with the United States Department of Justice, the Department of Homeland Security, or any other federal agency for the purpose of enforcing federal immigration laws, including 287 (g) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 or a similar federal program.

O.C.G.A. §35-1-17 further authorizes state and local law enforcement agencies to securely transport illegal aliens to federal facilities when authorized by a federal immigration detainer or federal arrest warrant.

O.C.G.A. §42-1-11.5 requires a ‘custodial authority’ who has custody of a person who is subject to an immigration detainer notice shall:

- 1) Comply with, honor, and fulfill any request made in the immigration detainer notice; and
- 2) Inform the person identified in the immigration detainer notice that the person is being held pursuant to such notice.

O.C.G.A. §42-4-14 requires officials of jails or detention centers to make a reasonable effort within 48 hours of a person’s arrival, to determine the nationality of the person and to confirm that they are not an illegal alien.

O.C.G.A. §42-1-11.4 requires the Department of Corrections to publish a report on its website of the aggregate data on the immigration status, offenses, and home countries of inmates who are confined under the authority of the Department of Corrections who are not citizens of the US and to whom the US Immigration and Customs Enforcement Division of the DHS has issued immigration detainer notices. This report must be posted quarterly beginning October 1, 2024.

O.C.G.A. §50-36-4 (b) requires each agency, sheriff’s office, law enforcement agency, or political subdivision subject to submit an annual immigration compliance report to the department by December 31 that includes a certification of compliance with the laws noted above.

Who Must Submit a Certification Relating to Title 35 and Title 42 Laws?

Any entity type that could possibly have law enforcement will be required to access this new section of the report and answer two initial questions:

- 1) Does your entity have a police department or have law enforcement personnel under your jurisdiction?
- 2) Does your entity operate a jail or detention center?

The tile on your home page will indicate whether a response is needed or not required.

If you are required to respond to the initial questions and you answer “No” to both questions, no further responses will be needed, and you will be directed to confirm your report.

If you answer “Yes” to one or both questions, you will be directed to answer additional questions relating to Title 35 and Title 42 compliance requirements.

The Report

The Immigration Compliance Report Home Page

Upon login to the Immigration Compliance Reporting Collection System, you will see the following Home Page. There is a separate tile for each section of the compliance report. If your entity is exempt from responding to one or more sections, they will be noted as “Not Required.”

If you have not yet accessed one of the reporting sections for the reporting year, your tile will show “Need Response.”

Organization: Bacon County Sheriff's Office Submission Period: 2024 4 of 6 sections complete

Welcome to the Department of Audits Immigration & Reform Act Collection System. Please complete all sections to the right in order to be compliant. Please see the menu links at the top of this page if you need help.

Section	Status
Enter/Confirm E-Verify Number	Not Required
Title 13: E-Verify Contractor Reporting	Not Required
Title 36-60-6: Issuance of Business Licenses	Not Required
Title 50: Public Benefits Reporting	Not Required
Title 34-80-23: Sanctuary Policy	Need Response
Title 35/42: Law Enforcement Reporting	Need Response

Click here to access report for compliance with Titles 35 & 42

Step 1 of 3: When you click on link, you will see the following screen.

Organization: Lincoln County Board of Education | Submission Period: 2024

Title 35/42 Law Enforcement | Step 1 of 3: Opening Questions
Lincoln County Board of Education: *Need Response* (by Carol Schwinne)

1) Is your entity (Lincoln County Board of Education) either (1) a sheriff's office or (2) an entity that has law enforcement operations and personnel (such as a police department, public safety, marshal's office, etc.)?

Yes No

2) Does your entity (Lincoln County Board of Education) operate a jail or detention center?

Yes No

Each Sheriff's Office should respond "Yes" to Question #1. Additionally, any city, county, authority, school board, university, or state agency that has law enforcement operations and personnel should answer "Yes." Note: County governments that only operate with a sheriff's office should answer "No." Your county sheriff's office is required to submit a separate report and will report on its behalf.

Answer yes if the entity operates its own jail or detention center.

Save & Next Step →

Answer "Yes" or "No" to each question and then click "Save and Next Step."

Note: If you answer "No" to Question #1, a "No" response will automatically be populated into Question #2.

What is the next step?

Certain provisions of HB 1105 only apply to law enforcement departments that operate a jail or detention center. How you answer the two questions in Step 1 of 3 will impact what additional questions you are required to respond to in your certification. The system will automatically populate the additional questions based on your responses above.

Option 1: You answer "No" to Question 1 and 2...

No further action would be needed since you do not have any law enforcement personnel. Therefore, the system will automatically direct you to Step 3 of 3, which is the confirmation page.

Organization: Lincoln County Board of Education | Submission Period: 2024

Title 35/42 Law Enforcement | Step 3 of 3: Confirmation Needed
Lincoln County Board of Education: *Started* (by Carol Schwinne)

Your entity (Lincoln County Board of Education) is not either (1) a sheriff's office or (2) an entity that has law enforcement operations and personnel (such as a police department, public safety, marshal's office, etc.)

Your entity (Lincoln County Board of Education) does not operate a jail or detention center.

If you are finished, please click confirm below to confirm your responses for this section.

← Back Confirm

If you are satisfied your answers are correct, click "Confirm."

You will then be directed to a final confirmation page which will record the date/time the report was submitted, the name of the respondent, and a confirmation that the report is complete.

Organization: Lincoln County Board of Education Submission Period: 2024

Title 35/42 Law Enforcement | Step 3 of 3: Confirmed
Lincoln County Board of Education: Confirmed (by Carol Schwinne)

Your entity (Lincoln County Board of Education) is not either (1) a sheriff's office or (2) an entity that has law enforcement operations and personnel (such as a police department, public safety, marshal's office, etc.)

Your entity (Lincoln County Board of Education) does not operate a jail or detention center.

Thank you for confirming your entity does not have a police department or law enforcement personnel. No further responses are needed to complete this section.
The Law Enforcement section for 2024 has been completed by Carol Schwinne on 12-05-2024 9:47 AM

← Back Reset Status Go Home

Click "Back" to return to the previous step.

Click "Reset Status" to remove the completed status.

Click "Go Home" to return to the Home Page of the Collection System. Once you return to the Home Page, you will be able to access a new section of the report.

Option 2: You answer "Yes" to Question 1 and "No" to Question 2...

Per O.C.G.A. §35-1-17, it is the intent of the General Assembly that all Georgia law enforcement officials comply with state laws relating to the deterrence of the presence of criminal illegal aliens. If your entity has law enforcement, you will be asked to certify that your entity adheres to state laws regarding immigration and criminal illegal aliens, to the extent your entity can under its authorized powers.

Law enforcement may include, but is not limited to: city/county police departments, university police departments, a marshal's office, sheriff's office, state entity law enforcement, etc.


Public entities that have law enforcement personnel, but no jail or detention center, would be required to respond to one additional question in which they will certify their compliance with efforts to comply with state laws regarding the deterrence of criminal illegal aliens.

However before you are directed to this additional question, you will see the following screen. This is a message that the remaining questions should be completed by a ranking member of law enforcement or by someone in a leadership position within the government who can attest to the policies of law enforcement.

Organization: Submission Period:

Title 35/42 Law Enforcement | Step 2 of 3: Submission
Acworth, City of: Started (by Carol Schwinne)

Please read before you complete this section

 This reporting requirement specifically addresses compliance with immigration laws by law enforcement personnel. This section of the report should be completed by a ranking member in law enforcement, or by leadership within the governmental entity (i.e., mayor, CEO, agency head, etc.)


After you click next, you will then see the following question:

	In accordance with OCGA 35-1-17	Answer	Certified By
	Question		
1	I certify that our entity seeks to comply with state law related to deterring the presence of criminal illegal aliens, to the extent of our authorized powers.	Yes <input type="radio"/> No <input type="radio"/>	

The screen appears as follows:

Organization: Submission Period:

Title 35/42 Law Enforcement | Step 2 of 3: Submission
Acworth, City of: Started (by Carol Schwinne)

 It is the intent of the General Assembly to promote compliance with state law related to deterring the presence of criminal illegal aliens. Please provide a response for each question.

Please provide your job title to be saved with your response

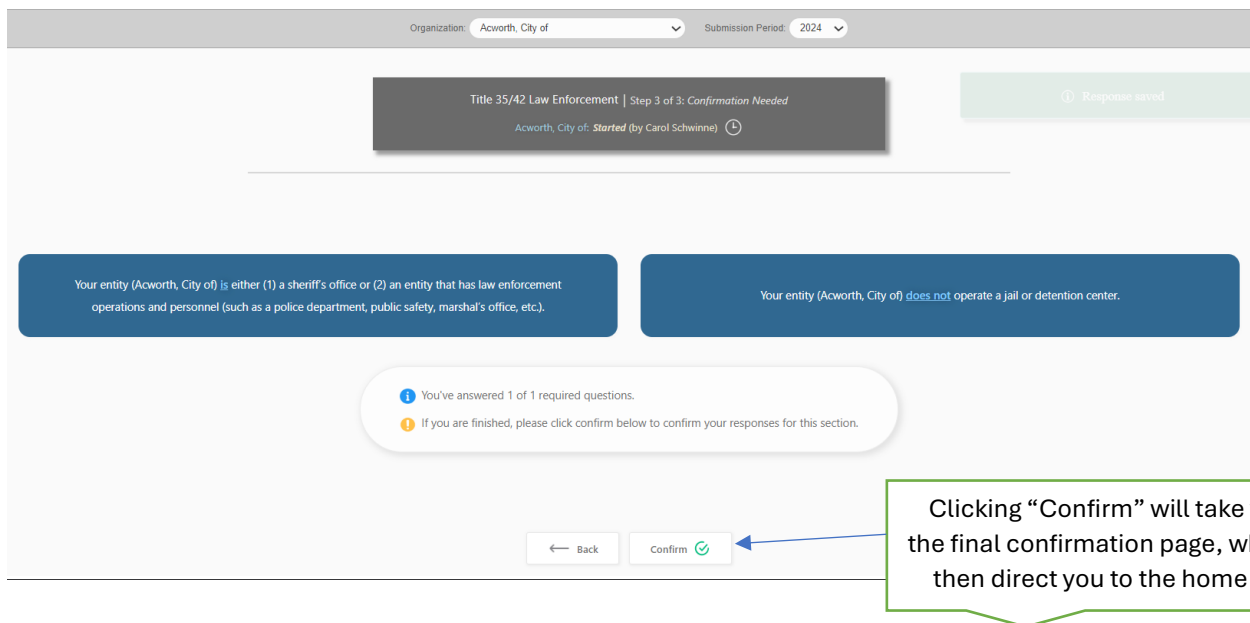
Certified by: Title:

In accordance with OCGA 35-1-17:

Question	Answer	Certified By
1 I certify that our entity seeks to comply with state law related to deterring the presence of criminal illegal aliens, to the extent of our authorized powers.	Yes <input type="radio"/> No <input type="radio"/>	

Please answer "Yes" or "No" to the question and enter your title in the header. Then click "Save and Next Step."

Once you click "Save and Next Step," you will be directed to the confirmation page.



Option 3: You answer “Yes” to Question 1 and Question 2...

If you answer “Yes” to both questions in Step 1 of 3, you will be directed to certification questions related to both Title 35 and Title 42, as the Title 42 requirements are directed at entities with a jail or detention center. However, the questions that an entity is required to answer, will be dependent upon whether the entity has a 287 (g) MOU with the federal government.

There are three primary questions that all entities with a jail or detention center will be required to answer.

Question	Code Reference
1. I certify that the entity has cooperated with federal authorities by sending, receiving, and maintaining information relating to the immigration status of any individual, as reasonably needed for public safety.	O.C.G.A. §35-1-17 (b)(1)
2. Has the entity entered into a memorandum of agreement with the US Department of Justice, Department of Homeland Security, or any other federal agency for the purpose of enforcing federal immigration laws?	O.C.G.A. §35-1-17 (b)(2)
3. I certify that a reasonable effort was made within 48 hours of such person’s arrival at the jail or detention facility to determine (a) the nationality of the person confined and (b) that the confined person is not an illegal alien.	O.C.G.A. §42-4-14 (b)

If your entity answers that it has an MOU with the federal government, your entity will be required to answer these three additional questions:

Question	Code Reference
2.1 Date of Memorandum	
2.2 I certify that the entity authorizes their officers to transport illegal aliens to a federal facility if there is verification that a person is an illegal alien and when authorized by a federal immigration detainer or federal arrest warrant.	O.C.G.A. §35-1-17 (c)
2.3 I certify that the entity authorizes their officers to arrest persons based on such person’s status as an illegal alien or for violation of any federal immigration laws when authorized by federal law.	O.C.G.A. §35-1-17 (d)

If your entity answers that it does not have an MOU with the federal government, your entity will be required to answer the following additional questions:

Question	Code Reference
2.1 Has your entity sought an MOU or MOA during the reporting period?	O.C.G.A. §35-1-17 (b)(2)

Points to Remember:

- Similar to the guidance given in Option 2, you are required to answer all questions that appear on the screen.
- If your entity needs to have different people respond to different questions the system can accommodate that need. Each person will need to have his/her own login credentials. Also, the name in the “Certified By” box will show the name of the person logged into this section of the report at that time. Each person will need to note their title before the system will allow you to proceed.
- If multiple people need to answer, the first person responding should complete his/her portion of the certification and then click “Save.” This will save your information but not direct you to the certification page. An error message will appear telling you that some questions have not been answered. That is okay. You can click the “Home” button to exit. Your report will show that it has been “started.”
- An entity will not be able to confirm until all questions have been answered and the job title of the person completing the certification has been recorded.
- Once you have completed the certification, click “Save and Next Step” to go to Step 3 or 3, which is your confirmation page.

Department of Corrections Only

House Bill 1105 includes one additional certification for the Department of Corrections. This question will only appear for this specific entity.

Question	Code Reference
4. I certify that the Department of Corrections has published on its website the required information regarding inmates who are confined under their authority and are not citizens of the United States.	O.C.G.A. §42-1-11.4

Required Documentation

For entities that are subject to compliance requirements of O.C.G.A. §35-1-17 and are required to certify compliance in accordance with O.C.G.A. §50-36-4, as a condition of funding to a local governing body, the Department of Community Affairs, the Department of Transportation, or any other state agency that provides funding to local governing bodies shall require entities to provide proof of compliance with this Code Section.

Once an entity has completed all required sections of the report, an e-mail will be automatically generated from the system and sent to the entity. This email will notify all persons with login credentials that all sections of the report have been completed. We encourage you to retain this email as proof of compliance, which may be requested from grantor agencies.

Penalties for Noncompliance

O.C.G.A. §50-36-4 requires all public entities to submit their required reports no later than December 31st of each year.

According to O.C.G.A. §35-1-17 (f) any entity that violates this referenced Code Section shall be subject to the withholding of state funding or state administered federal funding other than funds for the purpose of providing those services specified in subsection (d) of Code Section 50-36-1.

According to O.C.G.A. 42-4-14 (h), it is unlawful for any jailer to knowingly and willfully violate the provisions of the Code Section which requires entities to make a reasonable effort within 48 hours of a person's confinement to determine their nationality and to verify they are not an illegal alien. Any person convicted of a violation of O.C.G.A. 42-4-14 shall be punished as a misdemeanor. Subsequent convictions for such violations shall be punished as a misdemeanor of a high and aggravated nature.

Do you need assistance?

The Department of Audits and Accounts' website includes resources to assist you in complying with the immigration laws and submitting your report. Click this link [Immigration - DOAA](#) to access these resources.

If you have questions relating to immigration compliance and/or reporting, please contact immhelp@audits.ga.gov.