# **Compliance Reporting Sanctuary Policy**



### **Important Legal References**

Per O.C.G.A. § 36-80-23 (b), No local governing body, whether acting through its governing body or by an initiative, referendum, or any other process, shall enact, adopt, implement, or enforce any sanctuary policy.

Per O.C.G.A. § 36-80-23 (a)(6), "Sanctuary policy" means any regulation, rule, policy, or practice adopted by a local governing body which prohibits or restricts local officials or employees from communicating or cooperating with federal officials or law enforcement officers with regard to reporting immigration status information while such local official or employee is acting within the scope of his or her official duties.

O.C.G.A. 50-36-4 (b) requires each agency or political subdivision subject to any of the requirements provided in Code Sections 13-10-91, 36-60-6, 36-80-23, and 50-36-1 shall submit an annual immigration compliance report to the department by December 31 that includes the information required under subsection (d) of this Code section for the annual reporting period. If an agency or political subdivision is exempt from any, but not all, of the provisions of subsection (d) of this Code section, it shall still be required to submit the annual report but shall indicate in the report which requirements from which it is exempt.

Specific to compliance with §36-80-23, the immigration compliance report provided for in subsection (b) of O.C.G.A. 50-36-4 shall contain the agency or political subdivision's certificate of compliance with Code Section 36-80-23.

#### In Summary

Governments **cannot** have any policies in effect within any portion of its government that prohibits employees from notifying federal officials of the immigration status of a person when the employees are acting in their official capacity.

Each government must annually certify that no such policies exist. This is done through the annual reporting with the Department of Audis and Accounts.

#### What are you Certifying to on the Report?

The law requires that you certify you do not have a policy that prohibits employees from notifying federal officials of the immigration status of a person when the employees are acting in their official capacity. If you do not have any policies that prohibit such communication, you are in compliance with the law.

### **The Report**

# **Home Page upon Login**



When you click on link, you will see the following screen.

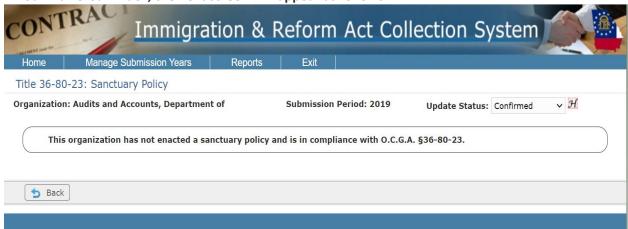


**Answer True if:** the entity does not have any policies that prohibit employees from notifying federal officials of a person's immigration status while such local official or employee is acting within the scope of his or her official duties.

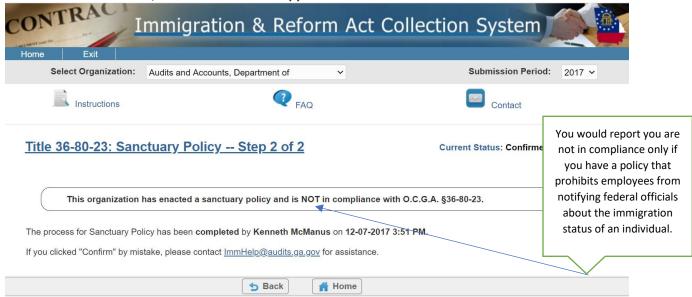
Answer False only if: the entity has any type of policy that would prohibit or discourage employees from notifying federal officials of a person's immigration status while such local official or employee is acting within the scope of his or her official duties. You must answer "False" even if such policy only affects one department/division within the entity.

Note: O.C.G.A. §36-80-23 (a)(6) defines sanctuary policy and the entity's response should be based upon this specific definition.

If You Answered "True", the next screen will appear as follows:



If You Answered "False", the next screen will appear as follows:



#### **Penalties for Noncompliance**

O.C.G.A. §36-80-23 (c) and (d) specify the possible penalties to entities that have enacted sanctuary policies that prohibits employees from notifying federal officials about the immigration status of an individual. Specifically:

- **(c)** Any local governing body that acts in violation of this Code section shall be subject to the withholding of state funding or state administered federal funding other than funds to provide services specified in subsection (d) of Code Section 50-36-1.
- **(d)** As a condition of funding, the Department of Community Affairs, the Department of Transportation, or any other state agency that provides funding to local governing bodies shall require certification pursuant to Code Section 50-36-4 as proof of compliance with this Code section.

# **Penalties for Failure to Report**

The Department of Audits and Accounts will also consider all entities that do not submit an annual report as noncompliant. Such entities would also be subject to the withholding of state funding.