



### **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 complying with an immigration detainer notice or 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 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 unit or department 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. Additionally, governments **cannot** enact policies that prohibit employees from cooperating or communicating with federal officials or law enforcement officers regarding 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 Audits 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 complying with an immigration detainer notice or communicating or cooperating with federal officials or law enforcement officers with regard to reporting immigration status information while such employee is acting within the scope of his or her official duties. **A government is in compliance with this law if it does not have any regulations, policies, or practices that prohibit such compliance, cooperation, and communication with federal official or law enforcement.**

### **Who Must Submit a Certification Relating to Sanctuary Policies?**

O.C.G.A. §36-80-23(b) specifies that no local governing body shall enact, adopt, implement or enforce any sanctuary policy. O.C.G.A. §36-80-23(a)(4) defines 'local governing body' to mean any political subdivision of this state, including county, consolidated government, municipality, authority, school district, commission, board, or any other local public corporate, government unit, sheriff's office, law enforcement agency, or

political subdivision. Therefore, all governmental entities are required to certify compliance with the state’s prohibition against sanctuary policies.

Cities and counties must consider the policies and practices of their city/county police department and respond based on any policies/practices they have, along with all other units of their government. However, counties should not consider the policies/practices of their county sheriff’s office in their response. Each sheriff’s office will submit its own report.

## 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: Audits and Accounts, Department of Submission Period: 2024 3 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	By	Date/Time
Enter/Confirm E-Verify Number	Confirmed	Yu Tang	10-16-2024 11:19 AM
Title 13: E-Verify Contractor Reporting	Started	David Bagelton	10-11-2024 12:39 PM
Title 36-60-6: Issuance of Business Licenses	Not Required		
Title 50: Public Benefits Reporting	Confirmed	David Bagelton	10-10-2024 4:53 PM
Title 36-80-23: Sanctuary Policy	Started	David Bagelton	10-10-2024 4:54 PM
Title 35/42: Law Enforcement Reporting	Started	Peter Downer	10-20-2024 9:12 PM

Click here to access report for compliance with 36-80-23

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

Organization: Audits and Accounts, Department of      Submission Period: 2024

Title 36-80-23 Sanctuary Policy | Step 1 of 2: Opening Question  
Audits and Accounts, Department of: **Started** (by David Bagelton)

Attention: This section addresses policies of the governmental entity and should only be answered by persons who have authority to make policy decisions.

**OCGA 36-80-23** prohibits any local governing body from enacting, adopting, implementing or enforcing any sanctuary policy.

**Local governing body** includes any political subdivision of this state, including any county, consolidated government, municipality, authority, school district, commission, board, or any other local public body corporate, governmental unit, sheriff's office, law enforcement agency, or political subdivision.

**Sanctuary Policy** means any regulation, rule, policy, or practice adopted by a local governing body which prohibits or restricts local officials or employees from complying with an immigration detainer notice or communicating or cooperating with federal officials or law enforcement officers with regard to reporting immigration status information when such local official or employee is acting within the scope of his or her official duties.

The name of the respondent will be populated. You will need to enter your title.

Please provide your job title to be saved with your response

Certified by: Carol Schwinne

\* Title: begin typing...

I certify that this entity (Audits and Accounts, Department of):

has **not** enacted or adopted a sanctuary policy for any purpose or for any unit within the entity.

has enacted or adopted a sanctuary policy for any purpose or for any unit within the entity.

Save      Save & Next Step →

Must certify if government has or has not enacted any polices or practices that would be sanctuary policies.

Click "Save and Next Step" once you are satisfied with your response.

**Answer 'Has Not' if:** the entity does not have any policies or practices that prohibit employees from complying with an immigration detainer or 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.

**Answer 'Has' if:** the entity has any policies or practices that prohibit employees from complying with an immigration detainer or 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. You must answer 'Has' even if such policy only affects one unit or department 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.

Once you click “Save and Next Step” you will see the confirmation screen. This will restate your response to the certification question.

Organization: Audits and Accounts, Department of Submission Period: 2024

Title 36-80-23 Sanctuary Policy | Step 2 of 2: Confirmation Needed  
Audits and Accounts, Department of: **Started** (by David Bagelton)

Audits and Accounts, Department of [has not](#) enacted or adopted a sanctuary policy for any purpose or for any unit within the entity.  
Certified by: [Carol Schwinne](#) Title: [Executive Director](#)

Please confirm your answers and click "Confirm" below to complete the process for this section.

If you answered incorrectly and need to correct your answer, click “Back.”

If you are satisfied with your response. Click “Confirm.”

← Back Confirm ✓

You will be directed to the final “Confirmation” notification.

Organization: Audits and Accounts, Department of Submission Period: 2024

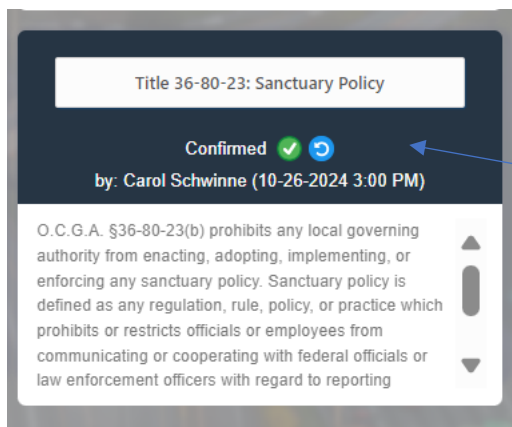
Title 36-80-23 Sanctuary Policy | Step 2 of 2: Confirmed  
Audits and Accounts, Department of: **Confirmed** (by Carol Schwinne)

Audits and Accounts, Department of [has not](#) enacted or adopted a sanctuary policy for any purpose or for any unit within the entity.  
Certified by: [Carol Schwinne](#) Title: [Executive Director](#)

The Sanctuary Policy section has been completed by **Carol Schwinne** on **10-26-2024 3:00 PM**

← Back Reset Status ↻ Go Home 🏠

Click “Go Home” to return to the Immigration Home Page.



The Sanctuary Policy tile on the home page will now show that you have confirmed this section of the report. No further action would be needed by the entity.

### **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.

Furthermore, O.C.G.A. §36-80-23 (e)(1) and (e)(2) note that it is unlawful for any local official or employee to knowingly and willfully violate any provision of this Code Section. A person convicted of a violation shall be guilty of a misdemeanor. Second and subsequent violations will result in higher charges.

### **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.

### **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](mailto:immhelp@audits.ga.gov).