

## Immigration Compliance Memo

**DATE:** November 16, 2022

**TO:** All FCS Employees authorized to enter into contracts or issue purchase orders.

**CC:** Larry Hammel, Dr Bearden

**FROM:** Brad Richardson

**RE:** Updated Immigration Compliance Process

Effective January 3, 2014, FCSS is updating Immigration Compliance processes in order to ensure compliance with State Immigration Laws that were updated via SB160 (Illegal Immigration Reform and Enforcement Act). This memo updates and supplements information and processes previously distributed to all FCSS schools and departments regarding Immigration contract compliance.

The intent of this memo is to provide a broad overview highlighting key changes and points. Please contact Brad Richardson directly for more detailed information or visit the FCSS Purchasing Webpage under "Illegal Immigration Reform and Enforcement Act" for a Power Point presentation, required documents and links to the State DOA and Attorney General interpretations.

**Please note:** *This is State Law and the processes detailed are based upon the interpretative writings of the State Attorney General, multiple K-12 law specialist, and FCSS legal counsel.*

<http://www.audits.ga.gov/NALGAD/IllegalImmigrationReformandEnforcementAct.html>

[http://www.audits.ga.gov/NALGAD/Files/SB\\_160\\_Advice\\_September\\_30\\_2013\\_Elizabeth\\_Harris\\_1\\_Redacted\\_question\\_7.pdf](http://www.audits.ga.gov/NALGAD/Files/SB_160_Advice_September_30_2013_Elizabeth_Harris_1_Redacted_question_7.pdf)

### Key Points:

- Mandates all contractors and subcontractors participate in E-Verify program
- Mandates all State Entities (including K-12) obtain Affidavits certifying contractor participation in the Federal E-Verify Program. Also responsible for collection and submission of:
  - Name and Address of Contractor
  - E-Verify Number (4-6 digits, numbers only, no letters or symbols)
  - Contract/Purchase Order Number/ Contract Date/Contract Amount
- Changes definition of "physical performance of services" to **"any performance of labor or services" by bid or by contract** which is much broader than the previous interpretations
- It now applies to any service or labor contract over **\$2499.99**, unless,
  - the contractor has no employees (in which case they must present an approved state issued identification card/driver's license from an approved state) or,
  - the contract is with an individual licensed under **Title 26, Title 43**, or the State Bar of Georgia who is in good standing and that individual is performing that service.
- A purchase order is a "contract" as defined by State Attorney General
- Entering into a contract" triggers the requirement
- Before the bid is considered, contract is signed, or work is performed
- No Distinction between Funding Sources (IE district funds, local funds, booster funds etc)
- **Per job/contract...**IOW "keeping one on file" is not compliant
- Order Splitting Prohibited
- **New Law charges DOA with performing actual audits**



## PURCHASING DEPARTMENT

Procurement Services  
2150 Keith Bridge Road  
Cumming, GA 30040

Phone: 770-781-6603  
Fax: 770-888-0222  
[www.forsyth.k12.ga.us](http://www.forsyth.k12.ga.us)

### Reporting Process:

- All agencies must comply and report by December 31
- Reporting period is 12/1/Current Year through 11/30/Current Year
- For FCSS, Purchasing will file reports as compliant with State Law
- Purchasing will ensure receipt of Affidavit on contracts managed by/through Purchasing Dept
- **In other cases, the Person/Dept of Origin is responsible for acquiring Affidavit and Immigration Compliance Data Sheet and submitting to Purchasing Dept**
- **Regarding Audits:** Person/Dept of Origin responsible for addressing audit questions/documentation in the event that the project is not reported to Purchasing Dept

Please feel free to contact me with any questions concerning these or any other purchasing related procedures.