

HB 125 Injects Controversy into an Otherwise Sensible Bill. Changes to Bill are Burdensome, Unjust, and Unnecessary

A bill originally intended to alleviate some of the burdens imposed by HB 87 now threatens to re-embroil Georgia into yet another rancorous state debate over immigration involving the most extreme provisions of their kind - just when we may be on the brink of federal reforms. The provisions excluding foreign passports from the list of secure and verifiable documents and adding driver's licenses to the list of "public benefits" threaten to overshadow the other reforms and push Georgia in the opposite direction, injecting new controversy, potential litigation, and reputational harm. The bill is *burdensome*, *unjust*, and *unnecessary*. It must be fixed.

Burdensome

- One of the provisions amends the language of HB 87 by excluding from secure and verifiable documents any foreign passport, unless the passport is submitted with "a valid United States Homeland Security Form I-94, I-94A, or I-94W, or other federal document specifying an alien's lawful immigration status, or other proof of lawful presence in the United States under federal immigration law."
- This provision effectively imports one of the most controversial and burdensome aspects of Alabama's law.
- It creates another unfair burden on local governments, preventing them from accepting ID that is secure.
- Foreign visitors from (mainly) European Countries participating in the visa waiver program do not have the forms required by the bill. Under DHS' Visa waiver program, entrants travelling by air are no longer issued an I-94 or any document or proof of lawful presence. The foreign passports of visitors from countries whose tourism dollars the state needs would not be acceptable as ID in the state.
- Defining driver's licenses as a "public benefit" and subjecting them to the same verification requirements as welfare programs would also create problems and conflicts. Unlike welfare benefits, driver's licenses in Georgia are available to a broad range of lawfully present immigrants. It makes no sense to require applicants for driver's license to sign an attestation that they are "non-immigrants" or "qualified" aliens, since this would exclude many lawfully present immigrants living and working in Georgia, such as individuals with Temporary Protected Status who have called Georgia home for over a decade and DREAMers granted work authorization (DACA grantees). Adding drivers' licenses to this scheme would also create inconsistencies with the federal Real ID Act.

Unjust

- Though the provisions seem innocuous, they would have a similar effect as some of the worst provisions enjoined in Alabama. They could deny many immigrants:
 - Water and sewage service provided by local governments (city or county)
 - Access to municipal buildings requiring ID
 - The ability to enroll children in elementary schools to the extent that the schools require proof of ID

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-Potentially even the ability to marry (in many counties, such as Fulton, a foreign passport is an acceptable form of ID in obtaining a marriage certificate; if this bill were to pass with this provision included, undocumented immigrants will be denied the right to marry, a fundamental right under the US Constitution)

Unnecessary

- The passport provision will essentially prevent immigrants from engaging in a broad range of interactions with local and state government agencies or officials, on the basis of their failure to present ID, even though they have a passport, the most secure form of ID issued by their country of citizenship, and a form of ID accepted by the federal TSA for airplane travel, where security is tantamount.
- Georgia already requires verification of lawful presences for individuals seeking driver's licenses. There is no "problem" to address in this context; the inclusion of driver's licenses in the list of "public benefits" creates a new problem, along with complications and burdens.