



# GA HB 1105 FAQs

HB 1105 is an anti-immigrant law that was recently passed in Georgia. It is very broad and is intended to scare immigrants living in and visiting Georgia. These are answers to some frequently asked questions about the law:

## **When does HB 1105 go into effect?**

Most of HB 1105 is already in effect. Governor Brian Kemp signed Georgia's HB 1105 into law on May 1, 2024. According to the bill's language, all provisions of the law went into effect on the date the bill was signed by the Governor, except the provision regarding mandatory quarterly reporting of inmate information for county jails and municipal detention facilities, which goes into effect on December 31, 2024.

## **If I am stopped by the police, how can I prove that I am legally present in the United States?**

Below is a list of identification documents that can be used to prove lawful immigration status in the United States, according to Georgia law:

- An unexpired United States passport or passport card;
- An unexpired United States military identification card;
- A birth certificate issued by a U.S. state, county, municipal authority or territory;
- A valid Georgia driver's license;
- A valid Georgia ID card issued by the Georgia Department of Driver Services;
- A valid driver's license issued in a nonresident's home state, providing that the nonresident would otherwise satisfy all the requirements to receive a GA driver's license;
- An unexpired tribal identification card of a federally recognized Native American tribe;
- An unexpired United States Permanent Resident card;
- An unexpired Employment Authorization Document (with photograph); or
- An unexpired foreign passport with a DHS Form I-94 attached, verifying the individual's lawful presence in the United States.

For a full list of secure and verifiable documents that can be used to verify lawful immigration status in the United States, according to Georgia law, please visit the Georgia Attorney General's website: [law.georgia.gov/](https://law.georgia.gov/)

## **What can I do if ICE's records wrongfully state that I am not legally present in the United States?**

- If you believe the information ICE or USCIS has on file regarding your immigration status or citizenship is incorrect, you should get in contact with an immigration attorney as soon as possible to discuss the options available to you for correcting this information.
- If you are sure that ICE's information is incorrect, you should also communicate directly to the law enforcement agents you are in contact with. Ask them to contact ICE to report your correct immigration status or citizenship information, and/or ask them to allow you to contact ICE directly if you do not have an immigration attorney or cannot meet with an attorney quickly enough.

## **How would a police officer know I am undocumented just by looking at my out-of-state driver's license?**

Currently, 19 states plus the District of Columbia issue driver's licenses to undocumented immigrants. Usually, a driver's license issued to an undocumented person indicates that that license is "not for federal purposes" (or some similar language) on the face of the license. This language is a clear indicator that the holder of this license type likely does not have lawful immigration status.

**I am an undocumented person who does not reside in Georgia, but I have a valid driver's license issued by my home state. Can I be punished for driving while undocumented in the State of Georgia, if I am just visiting and I am stopped by the police?**

Yes. Georgia law does not allow non-US citizens to drive in Georgia if they do not have lawful immigration status in the United States. If you are not legally present in the United States but have a valid driver's license from your home state, it is still possible for you to be charged and convicted of violating Georgia's driver's license laws for driving without a valid license. Driving without a valid license in Georgia is classified as a misdemeanor for a first conviction and is punishable by imprisonment of up to one year, in addition to a fine ranging from \$500 to \$1,000. If you find yourself in a situation where an officer is seeking to verify and is asking you questions about your immigration status, we recommend that you exercise your right to remain silent and/or ask to speak to an attorney instead of answering the questions.

**I am a Georgia resident who is unlawfully present in the United States. Since Georgia does not issue driver licenses to undocumented immigrants, can I get a driver's license from another state that does issue licenses to undocumented persons (e.g. New York)?**

The rules and requirements for applying for a driver's license vary from state to state. However, if you are a resident of Georgia, it is highly unlikely that you will qualify for a driver's license from another state. Additionally, as noted above, driving in Georgia as an undocumented or unlawfully present noncitizen is a crime, even if you have a driver's license from another state.

**Can I be punished for being a resident of Georgia but using a driver's license from another state to drive here?**

Yes. Not applying for a Georgia driver's license within 30 days of becoming a resident of the state, and continuing to drive within the state, is considered a misdemeanor (for the first offense) and is punishable by imprisonment of up to one year, in addition to a fine ranging from \$500 to \$1,000.

**If I am stopped by the police, do I have to give the officer my real name and identification when asked?**

It is not recommended that you ever give a law enforcement officer false information. If you are stopped by the police and are asked for your name and ID, you should comply with the officer's request. However, you are not required to answer any questions about your immigration status. You can let the officer know you are exercising your right to remain silent. Also, if you do not have ID on you or you do not possess any of the secure and verifiable forms of identification designated by the Office of the Georgia Attorney General, you are not required to furnish other forms of identification, such as a driver's license or passport from your home country.

**If I am detained by the police, do I have the right to remain silent? Can I ask to speak to an attorney?**

Yes, you have the right to remain silent and ask for an attorney if you are stopped or detained by the police. We recommend that you always have the name and number of an attorney on you (or memorized) so that you can get in contact with them as soon as possible, if, and when, you are stopped or detained by the police.

**Is there anyone I can contact to get more information about HB 1105?**

If you have any questions about Georgia's HB 1105, please visit the Georgia Latino Alliance for Human Rights (GLAHR) website, [glahr.org/hb-1105](http://glahr.org/hb-1105), or call GLAHR's hotline, (770) 457-5232.