Advancing Justice-Atlanta welcomes federal blocking of noncitizen registry

*DHS blocked Georgia from creating a noncitizen registry, but civil rights organizations remain concerned about the Protect Georgia Act*

Norcross, GA, July 17, 2017 — Asian Americans Advancing Justice-Atlanta, along with the American Civil Liberties Union of Georgia (ACLU of Georgia), GALEO, Project South, and the Southern Poverty Law Center (SPLC), opposes the enactment of the so-called Protect Georgia Act, which went into effect on July 1, 2017 and adds to the growing body of state and national policies targeting immigrants and communities of color. The Protect Georgia Act expands the state’s definition of domestic terrorism and purports to create a public registry of noncitizens released from federal custody.

During the 2017 legislative session, Advancing Justice-Atlanta and other civil rights advocates argued to lawmakers that the noncitizen registry would unfairly single out and stigmatize noncitizens without advancing any legitimate public safety purpose. In addition to the anti-immigrant spirit of the bill, Advancing Justice-Atlanta also expressed concern that the registry would run afoul of federal privacy laws.

**Federal Blocking of Noncitizen Registry**

Rejecting these arguments, the Georgia General Assembly ultimately passed the bill on the last day of session, and Governor Nathan Deal signed it into law in May. However, the Department of Homeland Security (DHS) subsequently delivered a minor victory to civil rights advocates when it blocked implementation of the noncitizen registry on account of its inconsistency with federal policy. Specifically, the bill directs the Georgia Bureau of Investigation (GBI) to publish on a public website information about “aliens released from federal custody” within the state of Georgia—but only “to the extent permitted by federal law.” Because federal law disallows any state or local government entity from publicly disclosing the names of alien detainees in the fashion contemplated by the Protect Georgia Act, DHS is prohibiting GBI from creating the noncitizen registry.

Advancing Justice-Atlanta welcomes this good news for immigrant communities. “Every year, our state legislature proposes measures that are hostile to immigrants. Thanks to the hard work of Advancing Justice-Atlanta and other advocates, many of these bills do not end up passing. Here, the lawmakers who supported this bill did not listen to our concerns that a noncitizen registry would not only scapegoat immigrants but also potentially violate federal law. It’s far from a perfect solution, but we celebrate DHS’ check on the power of state lawmakers,” said Advancing Justice-Atlanta Litigation Director Phi Nguyen.

However, concerns about the Protect Georgia Act persist. Specifically, in the current fast-paced and dynamic political environment, a change in federal policy that would allow GBI to move forward with the noncitizen registry remains a possibility. Consequently, Advancing Justice-Atlanta will continue to closely monitor any further developments concerning implementation of the noncitizen registry.

**Concerns about Expanded Definition of Domestic Terrorism**

In addition, other provisions of the Protect Georgia Act that did go into effect on July 1, 2017 warrant close monitoring. Specifically, the Protect Georgia Act expands Georgia’s definition of domestic terrorism to now also include acts that disable or destroy property, including state or government facilities and public transportation...
systems. “The concern is that this newly expanded definition will deter people from exercising their First Amendment right to protest,” said Phi Nguyen. “This is especially troubling when we consider the current popularity of street activism.”

Also troubling is the bill’s delegation of authority to state law enforcement agencies to create procedures for “identifying and reporting activity that may lead to domestic terrorism.” Giving state law enforcement agencies unfettered authority to implement a program for reporting activities that may lead to domestic terrorism without any guidance whatsoever again creates the risk that First Amendment-protected activities will be targeted, as well as opens the door to racial, ethnic, and religious profiling.

Given these worrisome implications, Advancing Justice-Atlanta will remain vigilant to protect the rights of protestors, immigrants, and other communities of color. Specifically, it will follow application of the new domestic terrorism statute and monitor the procedures developed for identifying and reporting activities deemed to be suspicious for domestic terrorism with an eye towards preventing any type of unconstitutional profiling.

If you or someone in your community believe you have been unfairly targeted by law enforcement as a result of these new domestic terrorism provisions, please contact Advancing Justice - Atlanta at 404-585-8446.

About Asian Americans Advancing Justice - Atlanta

Asian Americans Advancing Justice - Atlanta (formerly Asian American Legal Advocacy Center or AALAC) is the first non-profit law center dedicated to Asian immigrants and refugees (“Asian Americans”) in the Southeast.

Our goal is to engage, educate and empower under-represented Asian Americans to greater civic participation.

We are one of five independent organizations that make up the national Asian Americans Advancing Justice. Together with our affiliates in Chicago, DC, Los Angeles and San Francisco, we bring more than 100 years of collective experience in addressing the civil rights issues faced by Asian Americans and other vulnerable and underserved communities. Visit www.advancingjustice-atlanta.org.