



# ALABAMA LEAGUE OF MUNICIPALITIES

P.O. Box 1270 • 535 ADAMS AVENUE • MONTGOMERY, AL 36102  
334-262-2566 • FAX 334-263-0200  
WWW.ALALM.ORG

KEN SMITH  
Executive Director

## LEGAL DEPARTMENT

LORELEI A. LEIN  
General Counsel

TRACY L. ROBERTS  
Deputy General Counsel

SHARON CARR  
Legal Services Administrator

December 7, 2011

In the past week the Alabama Attorney General has issued 3 guidance letters concerning Alabama's immigration law. Two letters provide guidance for Section 30 of the law relating to business transactions and one provides guidance for Section 7 relating to benefits. They are public documents and are available on the immigration page of the AGO website. <http://www.ago.alabama.gov/Page-Immigration>.

The guidance provides that until such time as a governmental entity (state, county or municipal) has a protocol in place to use the SAVE program for verification of citizenship or lawful status in the United States, the governmental entity should not require anyone to demonstrate their U.S. citizenship or lawful status in the United States to enter into any business transaction (including issuing a business license).

The guidance also further clarifies what is a "business transaction" under Section 30. A business transaction is a transaction between a person and the state or a political subdivision of the state that involves the issuance of official government documents or like items of similar formality granting authorization to engage in some activity.

The guidance provided for Section 7, relating to "benefits" provided by government, does not make it absolutely clear whether the requirements of this Section apply to municipal business licenses as it only specifically addresses state commercial and professional licenses. As such, questions still remain as to whether or not a citizen must declare their citizenship or lawful status pending SAVE verification pursuant to Section 7(g) when receiving a business license from a municipality. We strongly encourage all municipalities to seek the advice of their local attorney with regard to any declaration of citizenship under Section 7(g) due to the fact that denying a business license based solely on the failure to sign a declaration could result in potential litigation.

Should a municipality, with the advice of their local attorney, decide to require a declaration as provided for in Section 7(g) of the immigration law, it could take the following form:

ALABAMA ASSOCIATION OF  
MUNICIPAL ATTORNEYS



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ALABAMA MUNICIPAL  
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"Under penalty of perjury, I \_\_\_\_\_ (print name), the undersigned do hereby declare that I am a United States Citizen or that I am an alien lawfully present in the United States.

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(date)

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