



LAUREL LUNT PRUSSING
MAYOR

URBANA CITY COUNCIL

CITY OF URBANA
400 South Vine Street
Urbana, IL 61801

REFERENCE DOCUMENT(S)
DISCUSSION ON SANCTUARY CITIES

SUMMARY:

Reference document(s) for City Council discussion concerning sanctuary cities.

DATES:

City Council Discussion scheduled for Monday, December 5, 2016 at 7:00 PM

DOCUMENT LIST:

1. City of Chicago Resolution, November 16, 2016 – submitted by Prof Francis Boyle
2. Model Welcoming City Ordinance - submitted by Prof. Francis Boyle

FOR ADDITIONAL INFORMATION ABOUT THE TASK FORCE:

- Visit us on the Web at: www.urbanaininois.us



City of Chicago



R2016-908

Office of the City Clerk

Document Tracking Sheet

Meeting Date:

11/16/2016

Sponsor(s):

Emanuel (Mayor)
Mendoza (Clerk)
Pawar (47)
Ramirez-Rosa (35)
Munoz (22)
Moreno (1)
Hopkins (2)
Dowell (3)
King (4)
Sawyer (6)
Sadlowski Garza (10)
Thompson (11)
Cardenas (12)
Quinn (13)
Burke (14)
Foulkes (16)
Moore (17)
Curtis (18)
Zalewski (23)
Scott, Jr. (24)
Solis (25)
Maldonado (26)
Burnett (27)
Reboyas (30)
Waguespack (32)
Villegas (36)
Mitts (37)
Reilly (42)
Smith (43)
Tunney (44)
Arena (45)
Cappleman (46)
Osterman (48)
Moore (49)
Silverstein (50)
Santiago (31)
Resolution

Type:

Title:

Reaffirmation of support for Chicago Welcoming City ordinance

Committee(s) Assignment:

Committee on Human Relations



1400
Ret

OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

November 16, 2016

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

I transmit herewith, together with City Clerk Mendoza, and Aldermen Pawar, Ramirez-Rosa, Munoz and others, a resolution regarding Chicago's status and ongoing commitment as a Welcoming City.

Your favorable consideration of this resolution will be appreciated.

Very truly yours,

A handwritten signature in cursive script that reads "Rahm Emanuel".

Mayor

RESOLUTION

WHEREAS, the City of Chicago is the third-largest city in the United States, with families from more than 140 countries; and

WHEREAS, the Cities of Chicago, New York City, Los Angeles, and other major cities are the key drivers of the nation's economic growth and social and cultural innovation; and

WHEREAS, this growth and dynamism goes hand in hand with these cities' history of welcoming and embracing immigrants and refugees from around the world; and

WHEREAS, many members of the Chicago City Council, including the Mayor, proudly embrace their immigrant roots; and

WHEREAS, like most major cities, the City of Chicago passed legislation designating the City as a welcoming community for all immigrants, refugees, and undocumented individuals and their families to protect them from discriminatory practices and policies; and

WHEREAS, nationally there has been an increase in reports of racialized, xenophobic, and Islamophobic rhetoric and violent acts of harassment, targeting Muslims, refugees, undocumented immigrants, and communities of color, including Asians, Blacks, Latinas, and Middle Easterners; and

WHEREAS, while many callous pundits and politicians refer to undocumented individuals as 'illegal' immigrants or aliens, in the City of Chicago we call them our family members, neighbors, friends, and community leaders; and

WHEREAS, like other welcoming communities, the City of Chicago recognizes and embraces the humanity in the conversation around immigration policy and rejects a construct where we refer to fellow human beings and their life as an 'illegal'; and

WHEREAS, with the election of Donald Trump as the 45th President of the United States, we, the members of the City Council and the Mayor, are gravely concerned with his plan to strip federal funding from all cities with policies that protect undocumented immigrants and other non-citizen residents from deportation; and

WHEREAS, the City Council and the Mayor are united and resolve to fight any effort to strip cities that welcome and protect immigrants of federal funding; and

WHEREAS, the City Council and the Mayor are committed to partner with councils and mayors from other communities around the country to stand with our immigrant residents and defend policies that welcome and protect immigrants, including New York City, Los Angeles, San Francisco, New Orleans, and Minneapolis; and

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WHEREAS, today we seek to affirm our commitment to all Chicagoans with the following value statements related to the City of Chicago's Welcoming City Ordinance:

1. The City of Chicago is and always will be a city that welcomes immigrants and refugees and will always respect, honor, and celebrate all people and communities.
2. The City of Chicago will not assign the term nor recognize 'illegal immigrant' or 'illegal alien.'
3. The City of Chicago will fight any agenda and effort to strip or cut federal funding because of our Welcoming City Ordinance, or other policies defending and protecting undocumented immigrants.
4. The City of Chicago commits to working with community advocates, policy experts, and legal advocates to strengthen Chicago's Welcoming City Ordinance, taking into consideration new threats to immigrant communities.
5. The City of Chicago will work with local law enforcement to make sure that they are ready to respond to hate crimes or other requests for services from immigrant communities, including being able to assist people with limited language proficiency and connecting immigrants with information about legal services.
6. The City of Chicago always has, and will continue to, honor all residents regardless of race, heritage, culture, ethnicity, country of origin, religion, legal status, sexual orientation, and gender identity.
7. The City of Chicago will reject any effort to create religious litmus tests or screening for individuals or families to navigate the immigration process and most important, reject any federal or state effort to create a registry of individuals based on religion or ethnicity; and

WHEREAS, while other communities that welcome and protect immigrants, such as Los Angeles and New York City, have issued similar statements with steadfast support from their governors, Illinois Governor Bruce Rauner has yet to issue a statement regarding President-Elect Trump's plan to strip federal funding from Chicago; and

WHEREAS, we the members of the City Council and the Mayor are concerned with Governor Rauner's past statements regarding resettlement of Syrian refugees; and

WHEREAS, immigrant rights, legal-service providers, and community advocate are working on ways to strengthen policies that support and protect undocumented immigrants in the state of Illinois and the City of Chicago, such as the TRUST Act; and

WHEREAS, this resolution enshrines the Chicago City Council's and the Mayor's commitment to partnering with other communities around the country that welcome and protect immigrants to stand up to any attempt by the President-Elect to hold federal funding to the nation's economic centers ransom to an inhumane immigration agenda; and

WHEREAS, this resolution also enshrines our value statements and serves as a call to action to Illinois Governor Rauner; now, therefore,

BE IT RESOLVED, that we, the Mayor and Members of the City Council, assembled this sixteenth day of November, 2016, invite Illinois Governor Rauner to add his name as a signatory to this resolution and request that he do the following:

1. Engage in dialogue on immigration policy with a goal to develop and promote policies that protect, serve, and honor all immigrant, refugee, and undocumented family members and neighbors in Chicago and around Illinois; and
2. Actively support policies that protect immigrants in the state of Illinois proposed by immigrant rights advocates, such as the TRUST Act; and
3. Partner with Governors Cuomo of New York and Brown of California and Mayors Emanuel, De Blasio, and Garcetti and other elected leaders representing cities that welcome and protect immigrants to meet with the President-Elect and his transition team and fight any effort to reduce or cut funding to our cities or any effort which harms immigrants, refugees, and undocumented family members and neighbors; and
4. Encourage other states and cities to declare themselves to be welcoming communities for all immigrants; and
5. Issue a statement of support for cities that welcome our undocumented family members and neighbors, and condemn any effort to strip the City of Chicago of federal funding; and
6. Attend and speak at a special City Council meeting held solely for the purpose of discussing the President-Elect's plans for cities that welcome and protect immigrants; and

BE IT FURTHER RESOLVED, that suitable copies of this resolution be delivered to the Office of the Governor of Illinois and to the transition offices of President-Elect Trump.

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Joseph
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James Caplan
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Members

RESOURCE MATERIAL
For Urbana City Council Review | Submitted by Francis Boyle – 12/5/2016

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE XXX:

Chapter X-XXX WELCOMING CITY ORDINANCE

Section 1. Purpose and intent.

Preamble

Section 2. Definitions.

The following terms wherever used in this chapter shall have the following meanings unless a different meaning appears from the context:

“Administrative warrant” means an immigration warrant of arrest, order to detain or release aliens, notice of custody determination, notice to appear, removal order, warrant of removal, or any other document, issued by ICE that can form the basis for an individual’s arrest or detention for a civil immigration enforcement purpose. This definition does not include any criminal warrants issued upon a judicial determination of probable cause and in compliance with the requirements of the Fourth Amendment to the U.S. Constitution and Article I, Section 6 of the Illinois Constitution.

“Agency” means every **City** department, agency, division, commission, council, committee, board, other body, or person established by authority of an ordinance, executive order, or **City Council** order.

“Agent” means any person employed by or acting on behalf of an agency.

“Citizenship or immigration status” means all matters regarding questions of citizenship of the United States or any other country, the authority to reside in or otherwise be present in the United States, the time and manner of a person’s entry into the United States, or any other immigration matter enforced by the Department of Homeland Security or successor or other federal agency charged with the enforcement of civil immigration laws.

“Civil immigration enforcement operation” means any operation that has as one of its objectives the identification or apprehension of a person or persons in order to subject them to civil immigration detention, removal proceedings and/or removal from the United States.

“Coerce” means to use express or implied threats towards a person or any family member of a person that attempts to put the person in immediate fear of the consequences in order to compel that person to act against his or her will.

“Contact information” means home address, work address, telephone number, electronic mail address, social media contact information, or any other means of contacting an individual.

“Eligible for release from custody” means that the person may be released from custody because one of the following conditions has occurred:

- (1) All criminal charges against the person have been dropped or dismissed.
- (2) The person has been acquitted of all criminal charges filed against him or her.
- (3) The person has served all the time required for his or her sentence.
- (4) The person has posted a bond.
- (5) The person is otherwise eligible for release under state or local law, or local policy.

“Family member” means a person’s (i) mother, father, spouse, brother or sister (including blood, step or half), son or daughter (including blood, step or half), father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandparent or grandchild; or (ii) court-appointed legal guardian or a person for whom the person is a court-appointed legal guardian; or (iii) domestic partner or the domestic partner's mother, father, brother, sister (including blood, step, or half), son or daughter (including blood, step or half).

“ICE” means the United States Immigration and Customs Enforcement Agency and shall include any successor agency charged with the enforcement of civil immigration laws.

“Immigration detainer” means a request by ICE to a federal, state, or local law enforcement agency that requests that the law enforcement agency provide notice of release or maintain custody of an individual based on an alleged violation of a civil immigration law, including detainers issued pursuant to sections 236 or 287 of the Immigration and Nationality Act or 287.7 or 236.1 of Title 8 of the Code of Federal Regulations. These detainers include but are not limited to DHS Form I-247D “Immigration Detainer – Request for Voluntary Action”; DHS I-247X “Request for Voluntary Transfer”; or DHS Form I-247N “Request for Voluntary Notification of Release.”

“Verbal abuse” means the use of a remark which is overtly insulting, mocking or belittling directed at a person based upon the actual or perceived: (1) race, color, sex, religion, national origin, English proficiency, sexual orientation, or gender identity of that person, or (2) citizenship or immigration status of that person or that person’s family member.

Section 3. Requesting information prohibited.

No agent or agency shall request information about or otherwise investigate or assist in the investigation of the citizenship or immigration status of any person unless such inquiry or investigation is required by court order. Notwithstanding this provision, the **Corporation Counsel** may investigate and inquire about citizenship or immigration status when relevant to

potential or actual litigation or an administrative proceeding in which the City is or may be a party.

Section 4. Threats based on citizenship or immigration status prohibited.

No agent or agency shall (a) coerce any person based upon the person's actual or perceived citizenship or immigration status or the actual or perceived citizenship or immigration status of the person's family member; (b) communicate a threat to deport that person or any family member of that person under circumstances that reasonably tend to produce a fear that the threat will be carried out; (c) or otherwise subject a person to verbal abuse as defined by this chapter.

Section 5. Conditioning benefits, services, or opportunities on immigrant status prohibited.

- (a) No agent or agency shall condition the provision of City benefits, opportunities, or services on matters related to citizenship or immigration status unless required to do so by state or federal law, or court order.
- (b) Where presentation of an Illinois driver's license or identification card is accepted as adequate evidence of identity, presentation of a photo identity document issued by the person's nation of origin, such as a driver's license, passport, or matricula consular (consulate-issued document), shall be accepted and shall not subject the person to a higher level of scrutiny or different treatment than if the person had provided an Illinois driver's license or identification card except that this subsection (b) shall not apply to the completion of the federally mandated I-9 forms.

Section 6. Civil immigration enforcement actions – Federal responsibility.

- (a) No agency or agent shall:
 - (1) arrest, detain, or continue to detain a person based on an immigration detainer, or otherwise comply with an immigration detainer, after that person becomes eligible for release from custody;
 - (2) arrest, detain, or continue to detain a person based on an administrative warrant (including but not limited to entered into the Federal Bureau of Investigation's National Crime Information Center database), or otherwise comply with an administrative warrant, after that person becomes eligible for release from custody;
 - (3) arrest, detain, or continue to detain a person based solely on the belief that the person is not present legally in the United States, or that the person has committed a civil immigration violation;
 - (4) be permitted to accept requests by ICE or other agencies to support or assist in civil immigration enforcement operations, including but not limited to requests to establish traffic perimeters related to immigration enforcement. In the event an agent receives a request to support or assist in a civil immigration enforcement operation he or she

shall report the request to his or her supervisor, who shall decline the request and document the declination in an interoffice memorandum to the **Superintendent** through the chain of command; or

- (5) enter into an agreement under 8 U.S.C. § 1357(g) or any other federal law that permits state or local governmental entities to enforce federal civil immigration laws.

(b) (1) Unless presented with a valid and properly issued criminal warrant, no agency or agent shall:

- (A) permit ICE agents access to a person being detained by, or in the custody of, the agency or agent;
- (B) permit ICE agents use of agency facilities, information, or equipment for investigative interviews or other investigative purpose or for purposes of executing a civil immigration enforcement operation; or
- (C) expend their time responding to ICE inquiries or communicating with ICE regarding a person's custody status, release date, or contact information.

- (2) An agency or agent is authorized to communicate with ICE for the limited purpose of determining whether any matter involves enforcement based solely on a violation of a civil immigration law.

Section 7. Exchanging file information.

All applications, questionnaires, and interview forms used in relation to **City** benefits, opportunities, or services shall be promptly reviewed by the pertinent agencies and any questions regarding citizenship or immigration status, other than those required by statute, ordinance, federal law or court order, shall be deleted within 60 days of the passage of this ordinance.

Section 8. Severability.

If any provision, clause, section, part, or application of this chapter to any person or circumstance is declared invalid by any court of competent jurisdiction, such invalidity shall not affect, impair, or invalidate the remainder hereof or its application to any other person or circumstance. It is hereby declared that the legislative intent of the **City Council** that this chapter would have been adopted had such invalid provision, clause, section, part or application not been included herein.

SECTION X. This ordinance shall take full force and effect upon its passage and approval.