

HOW DOES YOUR COMMUNITY WELCOME IMMIGRANTS?



Welcoming Michigan
Building Immigrant Friendly Communities

While immigration laws and regulations are primarily enacted by the federal government, states and local jurisdictions have adopted a wide array of policies and strategies to address the needs of their communities. The ACLU of Michigan and the Michigan Immigrant Rights Center have collected a series of policy proposals that cities, towns and counties can adopt in order to protect and support immigrants.

I. Welcoming Policies

A. Welcoming City, County, and Township Resolutions

Welcoming City, County, and Township resolutions declare that the local community is committed to the ongoing inclusion and long-term economic and social integration of newcomers. These jurisdictions are encouraged to join Welcoming America's national Welcoming Cities & Counties program and commit to institutionalizing inclusive policies and practices, including but not limited to the examples in this guide.

- For model resolution language see <http://tinyurl.com/WelcomingResolutions>
- There are more than 15 Welcoming Cities. To join, email csauve@michiganimmigrant.org.

B. Civic Engagement and Immigrant Affairs Liaison

A Civic Engagement and Immigrant Affairs Liaison position allows cities and local jurisdictions to institutionalize programs that focus on the integration of immigrant services, language access, and other programs into the local government's portfolio. These liaisons can also facilitate government engagement with local communities. For examples, see:

- Mayor's Office of Immigrant Affairs in Detroit (www.detroitmi.gov/Government/Mayors-Office/Office-of-Immigrant-Affairs)
- San Francisco Office of Civic Engagement and Immigrant Affairs Liaison (www.sfgov.org/oceia)

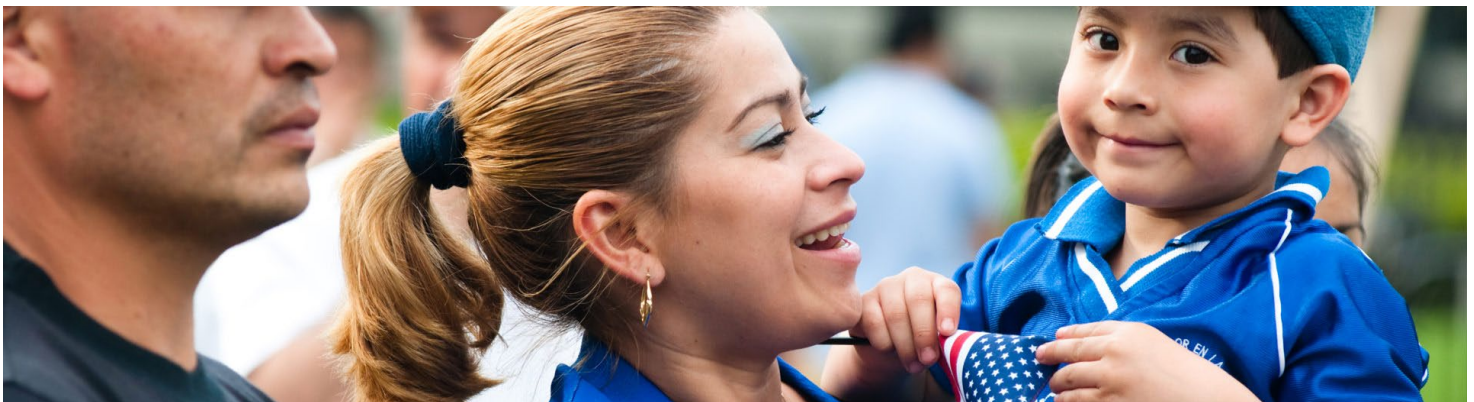
C. Don't Ask Policies

While federal law prohibits cities and local governments from withholding information from the federal government, localities can implement policies that limit the information that is collected about their residents. Since immigration status is irrelevant to the administration of most municipal and county programs, local jurisdictions should not ask for this information unless directly relevant to the administration of services (i.e. determining eligibility for a federal program with immigration status requirements). For examples, see:

- Detroit Ordinance on Bias-Based Policing and Solicitation of Immigration Status (https://www.municode.com/library/mi/detroit/codes/code_of_ordinances?nodet=PTIICICO_CH27HURI_ARTIXBISEPOSIMST)

D. Municipal Identification Cards

Municipal identification cards can provide all city residents with a form of identification that also allows them to open bank accounts, pay for local government services, and access libraries. Municipal identification cards MUST be designed with strong privacy protections for the information people provide to get IDs. Universal use of such cards by all residents regardless of their immigration status or citizenship is also important. We STRONGLY RECOMMEND that if you are considering a municipal ID program, you contact csauve@michiganimmigrant.org for



assistance in designing your program. For examples, see:

- Detroit Identification Card (<http://www.detroitmi.gov/DetroitID>)
- Washtenaw County (http://www.ewashtenaw.org/government/clerk_register/washtenaw-county-id-card-program/about)
- Monmouth County Identification Card (<https://co.monmouth.nj.us/page.aspx?ID=3014>)

E. Immigrant-Supportive Statements by Schools and School Boards

The U.S. Supreme Court, in its 1982 decision in *Plyler v. Doe*, held that that states may not deny students access to public education based on their immigration status. In order to foster safe and welcoming environments in our schools, school administrators and school boards can adopt policies stating their commitment to providing a free public education to all students regardless of their citizenship or immigration status, and to supporting students regardless of status. For examples, see:

- Model Campus Safe Zone Resolution Language (<https://www.nilc.org/issues/immigration-enforcement/campus-safe-zones-language-college/>)
- Ann Arbor Schools Statement (<http://us6.campaign-archive1.com/?u=e270c34352ffc5a8edb7bad21&id=a336be4758&e=6b9ca4f95a>) and Resolution (http://www.mlive.com/news/ann-arbor/index.ssf/2017/02/see_ann_arbor_schools_resoluti.html)

F. Language Access Investments

Local governments should contract with professional interpreters to address the needs of government administration. Such resources are especially important for local law enforcement, since there are numerous reports of local police contacting federal immigration officials under the guise of requesting translation services. Additionally, local governments should make their forms and resources available to all residents by translating their official documents into the languages that reflect the needs of the local community. For more information and resources visit <https://www.lep.gov>.

II. Community Policing

A. Foster Strong Police-Community Relations

In order for law enforcement agencies to build and maintain the necessary community relations to facilitate reporting of crimes in immigrant communities, police departments should clearly communicate that their priority is community safety and welfare, not the enforcement of federal immigration laws. Providing language access in conjunction with the policies below is essential to community policing. As with other municipal programs and services, immigration status is generally not relevant to criminal proceedings or the protection of public safety. For this reason, and in order to mitigate against racial profiling, local law enforcement agencies should not inquire into individuals' immigration status or place of birth. For more model policies and practices to improve trust between immigrant communities and local law enforcement see: <https://www.vera.org/securing-equal-justice/supporting-immigrants>.

B. Decline to Participate in 287(g)

The 287(g) program is an agreement between Department of Homeland Security (DHS) and certain law enforcement agencies to allow local or state law enforcement officers to enforce civil immigration laws. Because, under 287(g), local law enforcement officers act as if they are federal immigration agents, immigrants may risk deportation as a result of any contact with local police. Local law enforcement furthermore bears the costs of doing the federal government's job. Localities also risk legal liability if they improperly enforce complicated federal immigration laws. The federal government does not require local law enforcement to participate in the 287(g) program, and localities can pass proactive resolutions saying they will not participate.

C. Decline to Detain Immigrants for Deportation

Immigration "detainers" are requests from Immigration and Customs Enforcement (ICE) to local law enforcement that the local agency maintain custody of an individual in a local jail pending the person's transfer into ICE custody. Such requests are not legally binding nor do they provide any legal authority for continuing to detain a person who would otherwise be released. Furthermore, honoring detainers exposes law enforcement to potential civil liability for incarcerating individuals unlawfully. Localities can instruct their jails to require a



judicially-issued warrant, not a mere detainer request, before holding people for ICE. For more information, see:

- MIRC/ACLU Guide on Immigration and Local Law Enforcement (<http://aclumich.org/ImmigrantLawEnforcement>)
- Philadelphia Exec. Order No. 1-14, Policy Regarding U.S. Immigration and Customs Enforcement Agency Detainer Requests (April 16, 2015) (<http://www.phila.gov/ExecutiveOrders/Executive%20Orders/E0%201-14.pdf>)

D. Decline to Notify Federal Immigration Police of Release Dates

In some cases, ICE sends a request for notice of the date when a person will be released from jail so that ICE agents may arrive to seize the person before they leave the jail. This practice has the exact same effect as an ICE detainer request; it turns the jail into a pipeline to deportation and undermines local law enforcement's ability to engage with immigrant communities. Stopping this practice, therefore, is important for any attempt to build trust with immigrant communities.

E. Use Tickets Not Arrests for Low Level Offenses

Immigrants often come to the attention of immigration authorities because they are arrested for low-level offenses, like driving without a license (which undocumented people in Michigan are not allowed to have). Localities can adopt policies requiring police to use tickets, not arrests, for low-level offenses, thereby decreasing the chances that traffic violations or other minor offenses will result in deportation. Cities can also decriminalize economic activities that are common for some immigrant groups, such as street vending without a license.

F. Prohibit Joint Patrols with Federal Immigration Police

Local law enforcement should prohibit joint task forces with federal immigration authorities. For an example, see:

- San Francisco Admin. Code, Chapter 12H (restricting all city departments and agencies from using any city resources to assist or cooperate with immigration officials in their investigations, detentions, or arrests of individuals for violations of federal immigration laws) (<http://sfgov.org/oceia/file/773>).

III. Legal Resources

A. Inform Defendants of Potential Immigration Consequences

Certain criminal convictions trigger immigration consequences for noncitizens, including lawful permanent residents. In order to limit such adverse consequences, local governments can ensure that defendants are properly informed of immigration consequences of guilty pleas and convictions. Cities can protect their communities by training attorneys and judges of the potential immigration consequences of criminal convictions. Moreover, prosecutors should adopt written local policies and/or practices where they consider the immigration consequences to the defendant and their family during plea negotiations. This can help resolve criminal cases in a manner that will mitigate or prevent deportation or other immigration consequences.

B. Adopt U-visa and T-visa Policies

U-visa and T-visa are visas created for victims of certain crimes with the goal of encouraging immigrant victims of crime to make reports and cooperate with law enforcement, without fear of deportation or other immigration consequences. Recipients are eventually eligible to apply for lawful permanent resident status. In order for an individual to be eligible, a prosecutor, judge, or a local or state law enforcement agency must first certify the individual was a victim of one of the qualifying crimes and has been cooperative in any investigation or prosecution. These offices should establish policies and protocols for reviewing U-visa and T-visa certification requests in a timely manner, and provide information to crime victims about options for immigration relief. For examples and further information, see:

- San Jose Police Department U-visa policy webpage (<http://www.sjpd.org/Records/uVisa.html>)
- Sacramento Police Department U-visa certification webpage (<https://www.cityofsacramento.org/Police/How-Do-I/Apply-for-a-U-Visa>)
- U Visa Law Enforcement Certification Resource Guide (https://www.dhs.gov/xlibrary/assets/dhs_u_vis_a_certification_guide.pdf)
- Resources for Victims of Human Trafficking & Other Crimes (<https://www.uscis.gov/tools/humanitarian-benefits-based-resources/resources-victims-human-trafficking-other-crimes>)



C. Develop Civil Legal Resources

Unlike in criminal proceedings, individuals in civil cases are not entitled to a lawyer, even in cases of extreme poverty. As a result, low-income individuals are often at a significant disadvantage in civil proceedings, which includes cases concerning parental rights, housing, and immigration. Localities can help by establishing a fund for appointed representation of individuals in immigration and other civil proceedings. For examples, see:

- The Chicago Legal Protection Fund (https://www.cityofchicago.org/city/en/depts/mayor/provdrs/office_of_new_americans/news/2016/december/mayor-emanuel-creates-legal-protection-fund-with-national-immigr.html)
- New York Immigrant Family Unity Project (<http://archive.vera.org/project/new-york-immigrant-family-unity-project>)

IV. Employment Resources

A. Ensure Enforcement of State Labor, Employment, Civil Rights, and Housing Statutes Regardless of Immigration Status

While immigrants work in a variety of professions, they make up a disproportionate share of the low-wage workforce, which includes farming, cleaning, construction, and food preparation. These jobs are most likely to be subjects of employment and labor law violations, such as wage and hour, health and safety, and worker's compensation violations; retaliation and violation of the right to organize; employer tax violations; and discrimination on the basis of country of origin. For this reason, a robust enforcement of existing laws protecting low-wage workers would substantially benefit many members of local communities generally, and immigrant laborers particularly.

V. Compliance with Federal Law and Federal Funding Requirements

While much confusion has arisen around federal funding for so-called "sanctuary jurisdictions," the President's Executive Order defines "sanctuary jurisdictions" as those that "willfully refuse to comply with 8 U.S.C. § 1373." That statute prohibits state and local governments from enacting certain policies that limit sharing immigration status information. As this menu of options above sets out, there are many steps communities can take to support immigrants that are fully consistent with federal law. In addition, the Tenth Amendment to the U.S. Constitution prevents the federal government from forcing state or local governments to use their own resources to enforce federal laws or regulations, including those on immigration. For more information on federal law, including §1373, see:

- Memo to U.S. Conference of Mayors, Legal Issues Regarding Local Policies Limiting Local Enforcement of Immigration Laws and Potential Federal Response (<https://www.nilc.org/wp-content/uploads/2017/02/HSPRD-Memo-on-Local-Enforcement-of-Immigration-Laws-and-Federal-Resp.pdf>)
- 8 USC § 1373(a) Frequently Asked Questions (https://www.ilrc.org/sites/default/files/resources/8_usc_1373_factsheet_-_2017_final.pdf)
- Immigration Detainers Legal Update (https://www.ilrc.org/sites/default/files/resources/detainers_legal_update_february_2017.pdf)

Additional Resources

Lena Graber, et al., Local Options for Protecting Immigrants: A Collection of City & County Policies to Protect Immigrants from Discrimination and Deportation, Immigrant Legal Resource Center (2016) <https://www.ilrc.org/local-options>

Jonathan Blazer, Pro-Immigrant Measures Available to State or Local Governments, National Immigration Law Center (2007), <http://icma.org/Documents/Document/Document/6015>

Pablo A. Mitnik, et al., Cities and Immigration: Local Policies for Immigrant-Friendly Cities, Center on Wisconsin Strategy (2009) <http://www.cows.org/data/documents/1164.pdf>

Lena Graber, et al., Searching for Sanctuary: An Analysis of Americas Counties & Their Voluntary Assistance with Deportations, Immigrant Legal Resource Center (2016) https://www.ilrc.org/sites/default/files/resources/sanctuary_report_final_1-min.pdf