

COUNCIL POLICY NO. A-9

TITLE: ROLE OF CITY OF SALEM RELATING TO THE IMMIGRATION AND NATURALIZATION SERVICES (INS)

POLICY: See attachment.

REFERENCE: December 15, 1997, Council Agenda Item 9.2.k

1.0 PURPOSE

This policy clarifies the communication and enforcement relationship between the City of Salem (City) and Immigration and Naturalization Services (INS).

2.0 GENERAL POLICY

The INS has the legal authority to enforce immigration laws in the United States, in Oregon and in the City. While Federal Law does not permit the City to prohibit or restrict the sharing of citizenship or immigration status information between INS and local government entities or officials, the City does not operate its programs for the sole or primary purpose of enforcing federal immigration laws. The City works cooperatively with all federal, state and local government entities to ensure that specific laws, rules and regulations are identified and upheld by each respective agency.

3.0 POLICY GUIDELINES/PROCEDURES

- a. This will be the sole policy of the City regarding communication and enforcement policy between the City and INS.

- b. City Services
 - 1) City employees and representatives carry out their regular duties for the purpose of administering City services and programs and do not perform duties dictated by the INS or agents of the INS.
 - 2) City employees and representatives will follow general city, state and federal guidelines to assess eligibility for services. City employees and representatives will not discriminate against any current or potential service users in terms of race, sex, color or national origin. City employees and representatives will not require information from current or potential service in terms of race, sex, color, or national origin unless that information is required by law or by the program the employees and representatives administer. City employees and representatives may seek race, sex, color and national origin information on a voluntary basis, so long as the information is not used for the enforcement of immigration laws.
 - 3) City employees and representatives will cooperate and communicate with the INS as any other governmental entity. Some work functions of City employees and representatives includes verifying immigration status, such as when hiring new personnel. However, beyond these work functions, City employees and representatives will not administer their programs for the sole or primary purpose of enforcing immigration laws.
 - 4) City employees and representatives will not use their resources and personnel to detect or apprehend persons whose only violation of law is illegally residing in the United States, except as provided for in 3.0(b)(3) of this policy.

- c. Reference is made but not limited to the following laws, codes and statutes:
 - 1) 42 United States Code 2000(d), Title VI, Civil Rights
 - 2) Oregon Revised Statutes 181.850
 - 3) 8 United States Code 1357(d), Title VIII Aliens, and Nationality
 - 4) Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996
 - 5) Federal Illegal Immigration Reform and Immigration Responsibility Act of 1996

- d. Willful violation of this policy shall be subject to disciplinary action under the City of Salem Rules, appropriate union contract, civil service rules, or other city or department rules and/or regulations.