



Legislation Text

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CITY OF SEATTLE

RESOLUTION 31730

A RESOLUTION affirming the City of Seattle as a Welcoming City that promotes policies and programs to foster inclusion for all, and serves its residents regardless of their immigration or refugee status, race, color, creed, religion, ancestry, national origin, age, sex, marital status, parental status, sexual orientation, gender identity, political ideology, disability, homelessness, low-income or veteran status, and reaffirming the City's continuing commitment to advocate and support the wellbeing of all residents.

WHEREAS, Seattle fosters a culture and environment that makes it a vibrant, global city where our immigrant and refugee residents can fully participate in and be integrated into the social, civic, and economic fabric of Seattle; and

WHEREAS, nearly one in five Seattle residents is foreign born and 129 languages are spoken in our public schools; and

WHEREAS, Washington is the country's 8th largest refugee-receiving state and a majority of the estimated 3,000 new arrivals each year are re-settled in Seattle-King County; and

WHEREAS, an estimated 100,000 Muslim residents are proud to call Washington their home and live peacefully as our neighbors, colleagues and friends; and

WHEREAS, more than 28,000 undocumented youth in Washington are the recipients of the Deferred Action for Childhood Arrivals (DACA) program and they deserve an opportunity to have a bright future and to contribute their time and talent to make Seattle a city of innovation and growth; and

WHEREAS, City employees serve all residents and make city services accessible to all, regardless of immigration status, and City agencies and law enforcement cannot withhold services based on ancestry, race, ethnicity, national origin, color, age, sex, sexual orientation, gender identity, marital status,

physical or mental disability, immigration status or religion; and

WHEREAS, in 2014, to recognize and uphold the 4th Amendment constitutional rights of immigrants to be protected against unreasonable seizures, the Metropolitan King County Council adopted Ordinance 17886 to clarify that the County will only honor U.S. Immigration and Customs Enforcement (ICE) detainer requests that are accompanied by a criminal warrant issued by a federal judge or magistrate; and

WHEREAS, the City of Seattle adopted Ordinance 121063 in 2003 to establish policies of the Seattle Police Department to protect immigrants' access to police protection and public services regardless of immigration status, subsequently re-affirmed by Resolution 30672 in 2004; and

WHEREAS, the City of Seattle adopted Resolution 30851 in 2006, Resolution 31193 in 2010, and Resolution 31490 in 2013 supporting Federal Comprehensive Immigration Reform and fostering family unity with a pathway to citizenship for the undocumented, including students who arrived in the U.S. as children (DREAMers); and

WHEREAS, the City of Seattle has previously adopted Resolution 30355 in 2001, honoring Seattle's immigrant community, and Resolution 30796 in 2005, relating to development of an action plan to identify and address issues facing Seattle's immigrant communities; and

WHEREAS, the City of Seattle enacted Ordinance 123822 in 2012 to create an Office of Immigrant and Refugee Affairs and renaming the Immigrant and Refugee Advisory Board to the Immigrant and Refugee Commission; and

WHEREAS, the City of Seattle adopted Resolution 31724 in 2016 reaffirming Seattle's values of inclusion, respect, and justice, and the City's commitment toward actions to reinforce these values; and calling on President Donald Trump to condemn recent attacks and hate speech that perpetuate religious persecution, racism, sexism, homophobia, transphobia and xenophobia; and

WHEREAS, Seattle benefits tremendously from the large number of diverse immigrants and refugees who

contribute to the development of a culturally and economically diverse and enriched community; and WHEREAS, the level of anti-immigrant and anti-refugee rhetoric during the 2016 Presidential campaign, racist hate speech toward immigrant and refugee communities, and anti-immigrant and anti-refugee policies proposed by the current Presidential Administration is alarming; and

WHEREAS, the City of Seattle is committed to recognizing the dignity of all its residents, including the right of all Seattle residents to live in a City that does not subject them to prejudicial treatment or discrimination; and

WHEREAS, Seattle is committed to continue building a welcoming, safe, and hate-free environment in communities, where all immigrants and refugees are welcomed, accepted, and integrated; and to encourage business leaders, civic groups, community institutions, and residents to join in a community-wide effort to adopt policies and practices that promote integration, inclusion, and equity; and

WHEREAS, on November 24, 2016, the Mayor signed Executive Order 2016-08 reaffirming Seattle as a welcoming city and establishing an Inclusive and Equitable City Cabinet and confirming the City's intent to protect the civil liberties and civil rights of all Seattle residents; and

WHEREAS, Ordinance 121819 authorizes the Chief of Police or designee to "execute for and on behalf of the City of Seattle an interlocal agreement with other police agencies in King County to provide mutual aid to attempt to enhance the safety and protection of the public in Seattle and King County," consistent with chapter 10.93 RCW; and

WHEREAS, on January 25, 2017, by *Executive Order: Border Security and Immigration Enforcement Improvements*, President Trump declared the policy of the executive branch to secure the southern border of the United States through the immediate construction of a physical wall; to detain individuals apprehended on suspicion of violating Federal or State law, including Federal immigration law, pending further proceedings regarding those violations; to expedite determinations of apprehended individuals' claims of eligibility to remain in the United States; to promptly remove individuals whose legal claims

to remain in the United States are rejected; to cooperate fully with States and local law enforcement in enacting Federal-State partnerships to enforce Federal immigration priorities, as well as State monitoring and detention programs that are consistent with Federal law and do not undermine Federal immigration priorities; and to hire an additional 5000 Border Patrol Agents; and

WHEREAS, on January 25, 2017, by *Executive Order: Enhancing Public Safety in the Interior of the United States*, President Trump declared the policy of the executive branch to ensure faithful execution of United States immigration laws against all removable aliens consistent with Article II, Section 3 of the United States Constitution and 5 U.S.C. 3331; to make use of all available systems and resources to ensure the efficient and faithful execution of the immigration laws of the United States; to ensure that jurisdictions that fail to comply with applicable Federal law do not receive Federal funds, except as mandated by law; to ensure that aliens ordered removed from the United States are promptly removed; to support victims of crimes committed by removable aliens; to hire an additional 10,000 immigration officers; to empower State and local law enforcement agencies to perform the functions of immigration officers; to provide the Secretary of Homeland Security with the authority to designate, in his discretion and to the extent consistent with law, a jurisdiction as a sanctuary jurisdiction; to ensure that jurisdictions that willfully refuse to comply with 8 U.S.C. 1373 (sanctuary jurisdictions) are not eligible to receive Federal grants, except as deemed necessary for law enforcement purposes by the Attorney General or the Secretary of Homeland Security; and

WHEREAS, *Executive Order: Enhancing Public Safety in the Interior of the United States* directs the U.S. Attorney General to take appropriate enforcement action against any entity that violates 8 U.S.C. 1373, or which has in effect a statute, policy, or practice that prevents or hinders the enforcement of Federal law, and further directs the Secretary of Homeland Security to, on a weekly basis, make public a comprehensive list of criminal actions committed by aliens and any jurisdiction that ignored or otherwise failed to honor any detainers with respect to such aliens; and

WHEREAS, The City of Seattle recommits its policy to be a Welcoming City to all its residents and to continue building a city of inclusion and participation by all; NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR
CONCURRING, THAT:**

Section 1.

A. Seattle will celebrate its diversity by welcoming and supporting immigrants and refugees from all nationalities, religions, and backgrounds with policies and programs that foster inclusion for all. Seattle elected officials and employees shall support the efforts of elected officials and staff in local jurisdictions throughout Washington in developing policies protecting immigrants, refugees, LGBTQ people, women, and other populations whose rights may be abrogated and interests harmed by those hostile to maintaining or expanding protections to these communities and who would unconstitutionally and illegally misuse the power of the federal government to do so.

B. The City of Seattle believes that the Seattle Police Department (SPD) should be focused on the safety and security of all our residents regardless of immigration status and refuses to allow its police officers to be compelled into service as de facto immigration officers. As such, the City will reject any offer from the federal government to enter into a Section 287(g) agreement per the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

C. The City of Seattle commits to exercising its rights under the Tenth Amendment to the U.S. Constitution to refrain from performing the duties of the Department of Homeland Security for purposes of enforcing the Immigration and Nationality Act. Accordingly, SPD, in consultation with the Law Department, shall, by no later than February 28, 2017, file a report with the Office of the City Clerk with a copy to the Chair of the Gender Equity, Safe Communities and New Americans Committee (GESCNA), for subsequent presentation in GESCNA, that includes the following:

1. A copy of all mutual aid agreements between The City of Seattle and other jurisdictions;

provided, that where agreements with more than one jurisdiction contain identical terms, only one copy need be provided along with a list of the jurisdictions that have that identical language;

2. For all jurisdictions with whom The City of Seattle has mutual aid agreements, identification of those jurisdictions that: (1) have entered into a Section 287(g) agreement with the federal government; (2) have explicitly declared their intent to not enter into a Section 287(g) agreement; (3) have neither entered into a Section 287(g) agreement nor declared their intent to not enter into a Section 287(g) agreement; and (4) fall into none of these categories; and

3. Proposed amendments to the City's mutual aid agreements with jurisdictions that have not explicitly rejected offers to enter into a Section 287(g) agreement to be consistent with the SPD and The City of Seattle's position related to focusing its limited law enforcement resources on criminal investigations rather than civil immigration law violations, including an analysis of the impact of the proposed amendments.

D. In recognition that immigrants and refugees of all immigration statuses are a contributing and integral part of Seattle, all instances of the word *citizen* will be replaced with the word *resident* in the My.Seattle.Gov Mission Statement. This shall include revising the mission statement to reflect a commitment to provide a 24-hour City Hall for the *residents* of Seattle.

E. The City of Seattle will use all legal avenues at its disposal to resist any efforts to impose on the City any immigration, spending or funding policy that violates the U.S. Constitution and the Laws of the United States.

F. The City of Seattle will continue to protect the rights guaranteed to the City and its people by the United States Constitution and will challenge any unconstitutional policies that threaten the security of its communities.

G. The City of Seattle will not cooperate or assist with any unconstitutional or illegal registration or surveillance programs or any other unconstitutional or illegal laws, rules, or policies targeted at those of the Muslim faith and/or of Middle Eastern descent and rejects any attempts to characterize family, friends,

neighbors, and colleagues as enemies of the state.

H. Seattle does not tolerate hate speech towards any Seattle resident or visitor. The Office for Civil Rights will conduct an outreach campaign on, develop a hotline for, and continue to work to enforce federal and local laws against illegal discrimination and harassment based on age, religion, national origin, race, sex, sexual orientation, and other protected groups in housing, employment, public accommodations and contracting. The Seattle Police Department and the Office for Civil Rights will work with the community to ensure that the people of Seattle are protected under state and local malicious harassment laws and understand these protections.

I. Seattle rejects any effort to criminalize or attack the Black Lives Matter social justice movement or any other social justice movement that seeks to address inequalities, inequities and disparities present in Seattle.

J. City employees will defer detainer requests from the U.S. Department of Homeland Security's Immigration and Customs Enforcement (ICE) to King County. Because jails are in King County's jurisdiction and enforcing civil federal immigration violations are in the purview of the U.S. Department of Homeland Security, City department directors are hereby directed to comply with the City's practice to defer to King County on all ICE detainer requests. King County Ordinance 17886 passed in 2014 clarifies that the County will only honor ICE detainer requests that are accompanied by a criminal warrant issued by a federal judge or magistrate. Because City employees do not have legal authority to arrest or detain individuals for civil immigration violations, nor to execute administrative warrants related to civil immigration law violations, City of Seattle employees are hereby directed, unless provided with a criminal warrant issued by a federal judge or magistrate, to not detain or arrest any individual based upon an administrative or civil immigration warrant for a violation of federal civil immigration law, including administrative and civil immigration warrants entered in the National Crime Information Center database.

K. City of Seattle employees will continue to serve all residents and make City services accessible to all residents, regardless of immigration status. The City will not withhold services on the basis of ancestry, race,

ethnicity, national origin, color, age, sex, sexual orientation, gender identity, marital status, physical or mental disability, religion, or immigration status.

L. City employees will seek to maintain, refine or develop City policies that advocate for and provide support for all immigrants, refugees, Muslims, LGBTQ people, women, and anyone else who may face severe adverse effects of newly adopted federal laws or policies.

M. City employees will not require any person seeking or accessing City programs or services to disclose their immigration status. City employees will make no record of any immigration status information that is inadvertently disclosed and will treat such immigration status information as confidential and sensitive information pursuant to the City of Seattle's privacy principles as adopted by Resolution 31570 in 2015.

N. The City of Seattle: unequivocally supports full reproductive health care for women, including immigrants and refugees; stands against attacks on the right to organize or labor unions; and supports living wages, expanded benefits like paid sick days and paid parental leave for all, and the push for an end to the fossil fuel economy.

Section 2. The Office of Immigrant and Refugee Affairs in coordination with the Department of Education and Early Learning and the Human Services Department shall develop a proposal for assisting children and families associated with Seattle Public Schools affected by federal policies directed at immigrants and refugees.

Section 3. City department directors will use tools at their disposal, including meetings and trainings, to direct their staff to comply with the City's and County's policies described above. A communication will be issued by City departments to their staff by February 28, 2017.

Section 4. City departments will annually issue and file with the City Clerk a letter to all contractors receiving General Fund dollars to clarify and inform about the policies described above. A communication will be issued and filed with the City Clerk by City departments to their contractors by February 28, 2017.

Additionally, language will be added to Requests for Proposals (RFPs) to reflect the commitment to the policies

described above.

Section 5. An Inclusive and Equitable City Cabinet is hereby established. A Deputy Mayor shall lead and coordinate efforts across City departments and provide oversight and evaluation of outcomes. The City Attorney's Office shall act as legal advisor to the Cabinet.

A. The following Departments shall be primary members of the Inclusive and Equitable City Cabinet:

- * City Budget Office
- * Department of Neighborhoods
- * Department of Education and Early Learning
- * Human Services Department
- * Office for Civil Rights
- * Office of Economic Development
- * Office of Immigrant and Refugee Affairs
- * Office of Intergovernmental Relations
- * Office of Labor Standards
- * Office of the Mayor
- * Seattle Police Department

B. The goal of the Inclusive and Equitable City Cabinet will be to advise the Mayor and/or City on how to best coordinate City efforts to protect the civil liberties and civil rights of all Seattle residents and provide supportive services and information as necessary to communities of color, people with disabilities, women, LGBTQ residents, people who are low-income, immigrants and refugees in light of potential changes in Federal Government policy and operations.

Section 6. The Inclusive and Equitable City Cabinet shall advise on how the City may:

A. Develop a programmatic investment strategy for \$250,000 in funding included in the 4th Quarter Supplemental Budget of 2016 to directly address the needs of children and family members within the Seattle

Public Schools system affected by federal policies directed at immigrants and refugees.

B. Prioritize investments to partner with community-based organizations to develop sustainable resources, such as online training and tools, to educate and build the capacity of city staff, educators, and administrators to work with immigrant and refugee children and families.

C. Institute a Rapid Response Policy Coalition that will bring together City staff, private sector attorneys, non-profit staff, and other policy experts to serve on sub-committees based on issue areas. These teams will offer analyses and action items on federal executive orders and legislation. These analyses will be distributed to the larger coalition and be made available to the general public.

D. Develop a comprehensive public awareness effort around anti-hate speech and hate crimes.

E. Conduct a comprehensive review of potential implications on City departments - policy or financial - given direction and available information about any new initiatives and intent of the current Presidential administration.

F. Collaborate with immigrant and refugee community stakeholders and community based organizations to expand and develop partnership efforts with the City, specifically the Office of Immigrant and Refugee Affairs, to identify community needs and priorities.

G. Develop a forum for regional coordination with other cities in King County as well as Pierce and Snohomish Counties to share knowledge and information about the City's efforts.

H. Develop a strategy for the creation and funding of a Legal Defense Fund to assist immigrant and refugee individuals and families.

Adopted by the City Council the _____ day of _____, 2017, and signed by
me in open session in authentication of its adoption this _____ day of _____, 2017.

President _____ of the City Council

The Mayor concurred the _____ day of _____, 2017.

Edward B. Murray, Mayor

Filed by me this _____ day of _____, 2017.

Monica Martinez Simmons, City Clerk

(Seal)