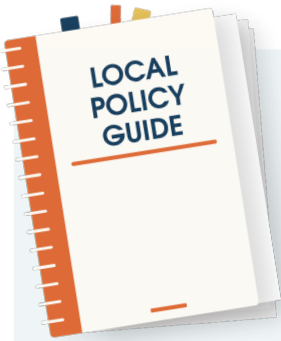




United We Dream®

# LOCAL POLICY GUIDE



While Donald Trump is no longer in office, the punitive immigration system continues to detain and deport immigrants en masse. Indeed, 67,987 immigrants have been ordered deported between January 1st and July 20 of 2022 and there are roughly 23,000 immigrants held in detention each day. Also, attacks against immigrant communities have grown from other now emboldened actors such as judges, governors and state legislatures. Local governments are key to protecting and safeguarding the rights of all community members and advancing the agency of their immigrant residents. The list below describes examples of local policies that help protect immigrants from deportation by: (1) reducing arrests, (2) protecting constitutional rights, (3) appropriating resources wisely, and (4) advancing the agency of immigrants.

## REDUCE ARRESTS

Approximately seventy percent of ICE arrests occur as a result of an individual coming into contact with the criminal legal system. Often this point of contact is a police arrest, which leads to detention and transfer to ICE. Below are some local policies that reduce arrests among all members of the community, including immigrants, to ensure fewer people enter the criminal legal system. Sample policies include:

- 1 Decriminalize, deprioritize enforcement, and decline to charge certain offenses.** The best way to avoid triggering the arrest-to-deportation pipeline is to avoid arrests altogether. Police can decline to arrest, and prosecutors can decline to charge certain offenses.
  - Example: [Suffolk County District Attorney "Charges on the list of 15 should be declined or dismissed pre-arraignment without conditions. The presumption is that charges that fall into this category should always be declined, even when attached to another charge."](#)
  - For more: [The politics of prosecutors](#).
- 2 Diversion Programs.** The purpose of diversion programs is to redirect people who are being arrested and charged with a crime to treatment or services as an alternative to jail or prosecution. Diversion programs can take many shapes and forms and can be offered at different stages in criminal proceedings. Diversion programs are most effective when they are implemented at initial contact with law enforcement, or those that exclude police involvement altogether. An example of a diversion program in Santa Fe, NM can be found [here](#).
  - For more see: [Diversion and Immigration Law](#) by the ILRC.
- 3 Cite and Release in lieu of arrest.** One way to reduce arrests in our communities is implementing a cite and release policy with local law enforcement. Cite and release allows police officers to issue a citation in lieu of arrest for citation eligible offenses. You can read about this type of program in Bexar County, Texas.

- Example: [Austin City Council](#) passes [Freedom City Resolution 73 & 74](#). For more please see: [San Marcos, TX Cite & Release ordinance](#).

**4 Get Law Enforcement to Accept Alternative Forms of ID.** Identification cards are often a necessity to conduct daily activities and obtain vital services, but for immigrants without legal status, lacking the right form of identification can also trigger arrest and deportation. In most states, immigrants without documentation are denied access to state-issued identification cards. A law enforcement policy that recognizes and accepts other forms of ID can be beneficial to immigrants and other communities that may be vulnerable to an arrest when they are stopped by police and cannot produce a state-issued ID. Here is a [sample policy from Austin, Texas](#) - see page 4.

- Example: [Kansas City Municipal ID FAQs](#).
- For more: [Municipal IDs: Local Governments and the Power to Create Identity Documents](#).

## PROTECT IMMIGRANTS' CONSTITUTIONAL RIGHTS

Approximately seventy percent of ICE arrests occur as a result of an individual coming into contact with the criminal legal system. Often this point of contact is a police arrest, which leads to detention and transfer to ICE. Below are some local policies that reduce arrests among all members of the community, including immigrants, to ensure fewer people enter the criminal legal system. Sample policies include:

**5 Do not hold people on ICE detainers in county jail or city detention facilities.** ICE detainers are a common way in which individuals in local criminal custody enter the deportation pipeline. An ICE detainer is a request to a law enforcement agency to notify ICE when a person will be released and to hold them for an extra 48 hours for ICE to pick them up. In many states, honoring ICE detainers is voluntary, and organizers/advocates should continue to demand that the local Sheriff and elected officials do not honor these requests. Even in states where law enforcement is required to honor ICE detainer, the detainer must only be honored if it is valid and contains the legally required information.

- Example: [Santa Clara County, CA](#); [Atlanta, GA](#)
- For more: [Growing the Resistance. How Sanctuary Laws and Policies Have Flourished During the Trump Administration](#). (ILRC) .

**6 Do not provide ICE with notice of when people will be released from local custody.** While some jails may not hold people beyond their release time on ICE detainers, many choose to still notify ICE when a person will be released from jail - enabling ICE to arrive right at the time of release and thus still arrest the person. These transfers mean that despite a policy ostensibly limiting compliance with ICE detainers, contact with local law enforcement is still a direct gateway to deportation.

- Example(s): [Bernalillo County, NM](#); [Cook County, IL](#).

**7 Terminate or reject Immigration Detention Contracts and 287(g) agreements with the Federal Government.** Similar to ICE detainers, contracts and/or agreements like 287(g) programs can also result in a cost to taxpayers, and local governments should not invest scarce resources to subsidize ICE's immigration enforcement operations, particularly when (1) the agency is involved in so many human rights violations, and (2) there are much

needed investments in healthcare, education, infrastructure and other areas. Because of the harm these agreements cause to communities, local governments are cutting ties with federal immigration entities with whom they have had contractual relationships and/or agreements that are designed to keep immigrants in detention.

- Example: [City Council of Springfield, OR voted to unanimously end a contract with ICE to house immigrants in the municipal jail](#) (New York Times).
- Example: [Harris County, TX. Sheriff cuts ties with ICE program over immigrant detention](#) (Houston Chronicle).

**8 Know Your Rights Information Inside County Jails and Consent Forms.** Localities that have not passed laws to limit cooperation with ICE often allow ICE agents to walk freely inside the jails and interrogate people about their immigration status and history. ICE uses this information to issue detainers and to deport people. It is imperative that all people in custody in local jails are informed of their right to refuse to speak to ICE and submit to an ICE interview. Some jails simply do not allow ICE agents into the jail. Others offer consent forms that inform people that ICE wants to speak to them and give them the choice of speaking to ICE, speaking to ICE only with a lawyer present, or just declining the interview. This protection is much stronger than advising people of their right to remain silent, but leaving it up to them to exercise that right when faced with intimidating law enforcement officers.

- Example: [Sample Consent Forms and KYR presentations](#).

**9 Remove questions about place of birth and immigration status on agency forms.** Prohibiting local law enforcement agencies and other agencies from unnecessarily inquiring about individuals' place of birth and citizenship status is an essential step to limit discrimination against immigrants. For example, these types of questions should be removed from jail booking and pre-trial forms in criminal proceedings.

- Example: [Chicago, IL](#); [Washington State law](#)

**10 Create streamlined access to post-conviction relief.** Criminal convictions are a common cause of deportations and denials of immigration relief. Many times, however, those convictions may themselves be illegal if the person wasn't made aware of the immigration consequences of a conviction. Prosecutors can help expand access to post-conviction relief for people with convictions. See also #15.

- Example: [Alameda](#), [Marin](#), [Santa Clara](#), and [San Francisco](#) Counties
- For more: [Post-conviction relief resources](#) (ILRC)
- For more: Streamlined vacatur for [marijuana](#) and misdemeanor offenses in NY

## APPROPRIATING LOCAL RESOURCES WISELY

Immigrants are deeply rooted in our lives and our communities. They contribute culturally, economically and socially to the fabric of every locality; therefore, immigrants deserve the same equal and fair access to resources and services in their localities. Below are some ways in which you can advocate for local governments to invest in our communities' real needs, rather than investing in harmful policing, incarceration, and deportation.

**11 Immigration Fee Support.** City and County governments can promote/support/create

funds to provide loans or donations to immigrants who need to apply for or renew their legal status (DACA and TPS recipients) but who cannot afford to pay the application fees. Example: [Seattle's \\$1 Million Dollars in Legal Defense Fund](#).

- Example: New Economy Project - [NYC DACA Fund](#).

**12 Universal Representation - Legal Defense Funds.** Unlike criminal proceedings, there is no right to a public defender or appointed counsel in immigration proceedings, and the cost of private representation is often very expensive. As a result, many immigrants are forced to representing themselves in a complicated immigration hearing, which means a very low likelihood of success. Therefore, city or county governments should allocate money for legal defense funds that aim to address this problem and create access to legal representation for individuals facing deportation. This is key as the probability of success, with a lawyer, is 10.5 times higher for detained individuals.

- Example: [Seattle - \\$1 Million Dollars in Legal Defense Funds](#)
- Example: [Harris County, TX \\$2 Million Dollar Immigrant Legal Defense Fund](#)
- For more information: [Advancing Universal Representation Toolkit](#) (VERA, NILC & CPD)

**13 Naturalization Support.** There are nearly 9 million people currently eligible to become U.S. citizens; yet the majority (52%) do not file their applications for several reasons, including the high application fees and the complexity of the application process. Therefore, city and county governments can assist their residents in becoming U.S. citizens by providing free naturalization support services and resources, such as English and civics classes.

- Example: [Cities for Citizenship - Nashville, TN](#)
- Example: [Tulsa Citizenship Services](#)
- **For more information:** [New Americans Campaign](#)

**14 Increase Public Defense Capacity and Funds.** Criminal cases can cause lifelong consequences for noncitizens, such as barring them from obtaining immigration benefits or loss of legal status. Public defenders and court appointed attorneys often lack the immigration law expertise necessary to represent noncitizens in criminal proceedings and advise clients about the potential immigration consequences of possible case resolutions. It is important to advocate for a county's public defense budget that includes funds for a dedicated immigration public defender unit that can provide immigration advisals, and training resources to defense attorneys who represent noncitizen defendants.

- Example: [San Francisco Public Defenders Immigration Unit](#)

**15 Improve Accessibility to Legal and Community Resources.** It is important that our immigrant community has access to resources, materials, and information. At a basic level, city and county governments should offer access to employment rights material, general know your rights materials, and government policies in multiple languages. While many immigrants understand the English language, translation and interpretation services are still needed. In addition to offering information, localities should offer free English as a Second Language classes in multiple community centers that are accessible to all community members. These resources could be made available through local legislation and funding allocation.

- Example: [Washington DC Language Access Program](#).

**16 Cash Assistance Funds.** Immigrants are often excluded from social safety nets such as unemployment, rent assistance and other emergency relief funds that aim to alleviate the effects of natural disaster and/or pandemics. Local governments must ensure that all assistance and support programs are available to all the members of their communities regardless of immigration status.

- Example: [City of L.A. Resource Guide for Immigrants during COVID-19 crisis](#)

## ADVANCING THE AGENCY OF IMMIGRANTS

Immigrants are deeply rooted in our lives and our communities. They contribute culturally, economically and socially to the fabric of every locality; therefore, immigrants deserve the same equal and fair access to resources and services in their localities. Below are some ways in which you can advocate for local governments to invest in our communities' real needs, rather than investing in harmful policing, incarceration, and deportation.

**17 Non-Citizen Voting.** Immigrants are part of the fabric of local communities across the country, yet they are excluded from participating in the democratic process in the places where they live. While they are not eligible to vote in Federal elections, immigrants can participate in the democratic process in municipal elections.

- Example: [Establishing the right to vote for all residents regardless of status in Mount Rainier, MD.](#)
- Example: [Non-citizen voting on San Francisco School Board elections.](#)

**18 Civic Leadership Programs.** Whether due to lack of networks, familiarity and/or representation, immigrants often find obstacles if not barriers in their attempts to become more civically active. Local governments can do more to make institutions and civic life more engaging and accessible for all members of the community, one way to accomplish this goal is through civic leadership programs.

- Example: Immigrants Lead Program (Boston, MA).

**19 Small Business Programs for Immigrants.** Immigrants are entrepreneurs, yet they find constraints to open, operate, register and expand their small businesses. This problem could be addressed by offering programs that provide assistance, financial literacy and other guidance as they navigate what otherwise can become a discouraging and complicated process to formalize and grow their business.

- Example: [Unlocking Potential: Empowering New York City Immigrant Entrepreneur.](#)

**20 Access to Legal Support.** Immigrants are vulnerable to scams and misinformation that is rampant on social media and other information sources. Local governments can help guide and connect immigrants with trusted organizations, legal support and reliable sources or information.

- Example: [Action NYC](#)

**21 Healthcare Access Regardless of Immigration Status.** It is an unfortunate reality that most immigrants without legal status don't have access to affordable health care and/or health insurance. As a result, immigrants cannot access preventive health care and



timely treatment which could help avoid expensive emergency care. Local governments can help alleviate this barrier to meaningful healthcare by creating and connecting immigrants with community based health care regardless of immigration status.

- Example: [NYC Care](#)
- Example: [California Medi - Cal](#)

**22 Childcare for Undocumented Families.** Immigrant families are often excluded from accessing expanded benefits and social services like childcare. To alleviate this need, the New York City Council allocated \$10 million dollars that specifically support undocumented families with young children with access to funding for childcare.

- For more see: [New York City Council 2023 Budget - \\$10 million for childcare for undocumented families](#)

**23 Decriminalize, deprioritize enforcement, and decline to charge certain offenses.** The best way to avoid triggering the arrest-to-deportation pipeline is to avoid arrests altogether. Police can decline to arrest, and prosecutors can decline to charge certain offenses.

- Example: [Suffolk County District Attorney “Charges on the list of 15 should be declined or dismissed pre-arraignment without conditions. The presumption is that charges that fall into this category should always be declined, even when attached to another charge.”](#)
- For more: [The politics of prosecutors.](#)

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