

SUMMARY OF MODEL IMMIGRATION PROTECTION ORDINANCE

The model ordinance consists of eleven key substantive sections, each of which can stand independently, an enforcement provision, a definitions section, and two procedural provisions.

1. LEAs cannot stop or interrogate people based solely on their suspected immigration status, and cannot inquire about the immigration status of crime victims or witnesses unless necessary to investigate criminal activity unrelated to enforcing immigration laws.
2. Absent a judicial warrant, LEAs shall not honor U.S. Immigration and Customs Enforcement (“ICE”) or Customs and Border Protection (“CBP”) detainer requests except in limited, specified circumstances.
3. Absent a judicial warrant, LEAs generally will not honor ICE or CBP requests for certain non-public, sensitive information about an individual.
4. Absent a judicial warrant, LEAs will not provide ICE or CBP with access to individuals in their custody for questioning solely for civil immigration enforcement purposes.
5. LEAs will protect the due process rights of persons as to whom federal immigration enforcement requests have been made, including providing those persons with appropriate notice.
6. Local agency resources shall not be used to create a federal registry based on race, gender, sexual orientation, gender identity or expression, religion, ethnicity, or national origin.
7. Municipalities will limit collection of immigration-related information and ensure nondiscriminatory access to benefits and services.
8. LEAs will adopt limits in participating in the surveillance of political or religious groups in the absence of specific criminal investigatory criteria.
9. LEAs will have procedures in place to help undocumented crime victims apply for nonimmigrant visas specifically designated for such victims.
10. Municipal school districts shall adopt formal policies on dealing with immigration agency requests for information about students’ immigration status and cooperating with such requests only to the extent required by federal law.
11. LEAs will collect and report data to the public regarding detainer and notification requests from ICE or CBP in order to monitor their compliance with applicable laws.
12. Legal remedies are available for violations of the restrictions in the ordinance.
13. The ordinance shall not be construed to restrict certain information-sharing activity as designated by federal law.
14. Definitions and a routine severability clause are included.