



LOCAL POLICY GUIDE

The recent SCOTUS decision on DACA is a temporary relief for thousands of immigrant youth. Yet DACA continues to be a temporary solution and the program remains vulnerable to the Trump administration and its continued attacks to immigrant communities. Now more than ever, it is important that local elected officials take bold action to protect immigrants within their jurisdiction. The list below describes examples of local policies that help protect immigrants from deportation by: (1) reducing arrests, (2) protecting constitutional rights, and (3) appropriating local resources wisely.

REDUCE ARRESTS

Approximately seventy five 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 by 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."](#)
- 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 about these programs 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 low-level 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 services, but for undocumented immigrants, lacking the right form of identification can also trigger arrest and deportation. In most states, undocumented immigrants 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 vulnerable communities that may risk arrest when they are stopped by police and cannot produce a state-issued ID. [Here is an example policy from Austin](#) - see page 4 .

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

PROTECT IMMIGRANTS' CONSTITUTIONAL RIGHTS

All people in the United States have constitutional rights regardless of legal status. Local governments and agencies are responsible for maintaining policies and having protocols in place to protect people's rights at every stage of the criminal legal process, which starts at police contact and goes all the way through sentencing. Below are some policy examples that aim to maintain and protect individuals' rights.

5 Do not hold people on ICE detainers in the 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 still voluntary, and organizers/advocates should continue to demand that the local Sheriff and elected officials do not honor these requests.

- 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 of the jails may not honor ICE detainers, some choose to still notify ICE when a person is being released from a local jail so that ICE may have the opportunity to get them right at the time of release—contact with local law enforcement thus becomes a 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. Indeed, 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, and once they identify individuals who may be subject to deportation, an ICE detainer is placed. 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. Two ways

to do this are: (1) have legal service providers offer regular Know Your Rights presentations in multiple commonly-spoken languages for people who have recently been booked into the jail, and (2) have jail staff provide a form to individuals as they enter the jail, in which they can consent to or refuse to speak to ICE.

- Example: [New York City Detainer Policy, Sample Consent Forms and KYRs presentations](#).

9 **Forbid local agencies from inquiring about place of birth or immigration status.** 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 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 that the conviction would carry. Prosecutors can help by expanding 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)

APPROPRIATING LOCAL RESOURCES WISELY

Immigrants are deeply rooted in our lives and our communities. They contribute culturally, economically and to the social fabric of every locality; therefore, immigrants deserve the same equal and fair chance to get 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 policing, incarceration and deportation.

11 **DACA Renewal Funds.** City and County governments can promote/support/create DACA Funds to provide loans or donations to DACA recipients who need to apply for or renew their status but cannot afford to pay the application fees. The Federal government has already announced its intention to increase the fees they charge for renewals, which will make the program unaffordable for many DACA recipients. Given the recent SCOTUS DACA decision, we recommend all recipients to continue to renew their status as soon as possible, and for potential new applicants to begin collecting their documentation and be ready for when the Department of Homeland Security begins accepting initial applications. See [United We Dream's website](#) for more info on SCOTUS DACA decision.

- Example: Seattle's Office of Minority Affairs - [Funding for DACA Renewals](#)
- New Economy Project - [NYC DACA Fund](#)

12 **Universal Representation - Legal Defense Funds.** Unlike criminal proceedings, there is no right to public defenders or appointed counsel in immigration proceedings, and the cost of private representation is often very high. As a result, many immigrants end up representing themselves, 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](#)
- For more: [Advancing Universal Representation Toolkit](#) (VERA, NILC & CPD)

- 13 Naturalization Support.** There are nearly 8.8 million people currently eligible to become U.S. citizens; yet the majority (52%) do not file their applications for several reasons, including the high 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](#)
- 14 Improve Accessibility to 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. These resources could be made available through local legislation and funding allocation.
- Example: [Washington DC Language Access Program](#).
- 15 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 them about the potential immigration consequences of possible case resolutions. It is important to advocate for the County's public defense budget to include dedicated immigration attorneys who can provide these advisals, and training resources for defense attorneys who represent noncitizen defendants.

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For a digital version of this guideline or for more information, please email jguzman@unitedwedream.org and ccanizales@ilrc.org.