

Introduced by:
Councilmember D'Ovidio

1st reading: 10-15-85
2nd reading 10-28-85

ORDINANCE NO. 1985-63

WHEREAS the City of Takoma Park has expressed in Resolution 1985-29 a policy of granting refuge to the numerous Salvadorans and Guatemalans in this area whom the Immigration and Naturalization Service actively seeks to expel back to their war-torn homelands; and

WHEREAS, neither the Immigration and Nationality Act nor any other federal or state law imposes a duty upon the City to enforce or assist in the enforcement of the U. S. immigration laws; and

WHEREAS it is the policy of the City of Takoma Park that all residents shall have equal right to enjoy the benefits of Takoma Park without fear of harrassment or discrimination due to their nationality or citizenship status.

NOW, THEREFORE BE IT RESOLVED THAT:

SECTION 1. No city enforcement of immigration laws

- a. No agent, officer, or employee of the City of Takoma Park, in the performance of official duties, shall assist or co-operate with the Immigration and Naturalization Service of the United States in the investigation or arrest of any persons for civil or criminal violation of the Immigration and Nationality laws of the United States.
- b. Except for Section 1.a. above, this ordinance does not prohibit the Takoma Park Police Department from carrying out its mandated duty to apprehend violators of the criminal law, nor does it prohibit police contact with any Federal agency, other than the Immigration and Naturalization Service, in connection with criminal or suspected criminal activity.

SECTION 2. No inquiries into citizenship

No agent, officer, or employee of the City of Takoma Park, in the performance of official duties, shall make any inquiry about citizenship or residency status of any person seeking to enforce rights or obtain benefits, or discriminate in the enforcement of rights or the granting of benefits on such bases, unless Federal or Maryland law so requires for the determination of eligibility of benefits. The City of Takoma Park administers no program which requires such inquiry.

SECTION 3. No release of information about citizenship status

No agent, officer, or employee of the City of Takoma Park, in the performance of official duties, shall release to the Immigration and Naturalization Service any information regarding the citizenship or residency status of any City resident.

SECTION 4. Severability

The provisions of this ordinance shall be severable; and if any part is declared by a court of competent jurisdiction to be contrary to the Constitution or laws of the United States or Maryland, and the applicability of that part of this ordinance to any agency, person, or circumstance is thereby held invalid, the validity of the remainder of this ordinance shall not be affected.

SECTION 5. Effective date

This ordinance shall become effective upon enactment.