

A CITY & COUNTY FRAMEWORK FOR AN IMMIGRANT-INCLUSIVE VISION OF OREGON AS A RESPONSE TO THE PROPOSED, CONSTITUTIONALLY RISKY ACTIONS BY PRESIDENT-ELECT TRUMP

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WHY THIS FRAMEWORK?

On January 20, 2017, Donald Trump will become President of the United States. Available evidence indicates that his administration will move quickly towards detention and expulsion from the United States of millions of people on a scale that is unprecedented in this country.² His vision of mass expulsion and the required legal and physical apparatus to effectuate it would cause irreparable harm to Oregon – both what Oregon is today and what it could be. The harm would drive deep wounds into Oregon’s civic life, economic life, and religious life, and leave our legal, social and family structures in tatters.³

¹ For questions, contact Stephen W Manning at smanning@ilgrp.com.

² See, e.g., *President-Elect Trump Speaks to a Divided Country on 60 Minutes*, CBS NEWS (Nov. 13, 2016), <http://www.cbsnews.com/news/60-minutes-donald-trump-family-melania-ivanka-lesley-stahl> (“What we are going to do is get the people that are criminal and have criminal records, gang members, drug dealers, we have a lot of these people, probably two million, it could be even three million, we are getting them out of our country or we are going to incarcerate. But we’re getting them out of our country, they’re here illegally. After the border is secured and after everything gets normalized, we’re going to make a determination on the people that you’re talking about who are terrific people, they’re terrific people but we are gonna make a determination at that-- But before we make that determination-- Lesley, it’s very important, we want to secure our border.”); Michael Finnegan, *Trump Sticks to Hard Line on Deporting 11 Million Immigrants*, L.A. TIMES (Aug. 22, 2016), <http://www.latimes.com/politics/la-na-pol-trump-immigration-deportation-20160822-snap-story.html> (quoting Donald Trump as saying “[t]hey’re going to be out of here so fast, your head will spin”).

³ See Jonathan Blitzer, *Trump’s Idea Man for Hard-Line Immigration Policy*, THE NEW YORKER (Nov. 22, 2016), <http://www.newyorker.com/news/news-desk/trumps-ideas-man-for-hard-line-immigration-policy> (noting plan for Muslim registration and stating that Kobach’s “long game may have had less to do with creating legal precedent than it did with sowing social discord.”)

In an interview after Trump’s election, Kobach described how internment is a viable strategy:

Kobach has vocally backed Trump’s plans to build a border wall, and he has not only supported the idea of creating a national registry for Muslims living in the U.S. but advocated for it on the grounds that the Japanese internment during the Second World War is a legitimizing precedent. Two days after the election, he

Oregon can walk a different path. As Oregon has done in the past, its community and government can harness the best of our citizenry to continue the Oregon experiment built on a progressive and inclusive vision of ourselves and our neighbors.

This document describes why Oregon cities, counties, and political subdivisions should enact a robust “disentanglement” policy reflective of – yet independent of – ORS 181A.820 that will create important legal space for community members under threat from a Trump-based deportation regime. The act of creating that *legal* space – through the inclusive enactments – will allow community members – immigrant and non-immigrant alike, private and public, individual and institutional – to build new *political* space for an immigrant-inclusive vision of Oregon to counter and resist the harshest and constitutionally-risky enforcement experiments that will be unleashed against Oregon’s communities of color.⁴

OREGON AS AN IMMIGRANT-INCLUSIVE PLACE

Oregon’s Constitution, unlike its federal counterpart, begins with a declaration that all people are equal in right. This concept of equality has expanded over time to be more inclusive of all individuals who call Oregon home. This concept of equality is true for immigrants – regardless of their federal immigration status – who live here. Indeed, historically and in contemporary times, immigration status is often a proxy for race discrimination or used to perpetuate race discrimination.⁵

told the *Los Angeles Times*, “There is a vast potential to increase the level of deportations without adding personnel.” In the interview, he fantasized about returning to a time like the final two years of the George W. Bush Administration, when workplace raids were routine and immigrants were hounded daily for their papers. Worse may be yet to come. Until now, Kobach’s extremism has been confined to the state level. Soon, he may have the power of the federal government behind him.

Id.

⁴ Jessica Taylor, *Energized By Trump's Win, White Nationalists Gather To 'Change The World'*, NAT'L PUBLIC RADIO (Nov. 20, 2016), <http://www.npr.org/2016/11/20/502719871/energized-by-trumps-win-white-nationalists-gather-to-change-the-world> (describing alliance connected to Trump and proposed Trump administration arguing “for a return to the white origins of the country and protecting the white race.”)

⁵ See, e.g., Aarti Kohli, Peter L. Markowitz and Lisa Chavez, *Secure Communities by the Numbers: An Analysis of Demographics and Due Process*, CHIEF JUSTICE EARL WARREN INSTITUTE ON LAW AND SOCIAL POLICY, at 4-5 (Oct. 2011), https://www.law.berkeley.edu/files/Secure_Communities_by_the_Numbers.pdf, (finding racial profiling based on immigration status resulted in higher pre-textual arrests of Latinos, regardless of actual immigration status); Kevin R. Johnson, *Doubling Down on Racial Discrimination: The Racially Disparate Impacts of Crime-Based Removals*, 66

An immigrant-inclusive vision recognizes and values each human being who lives in the jurisdiction and calls that place home. This vision of Oregon integrates each person into Oregon’s civic community to stabilize families, encourage healthy economic activity, and promote strong democratic public institutions. When an individual calls Oregon home, promises to give unto Oregon the best he or she can in the best interests of the community, Oregon reciprocates by extending her protection.

Maintaining an immigrant-inclusive policy that disengages Oregon and its political subdivisions from enforcement of federal immigration law is plainly a constitutional prerogative that the state may exercise within the federalist scheme. And, as explained below, choosing this path is particularly prudent given the federal government’s historical use of constitutionally-doubtful enforcement actions in the immigration scheme.⁶

I. ENACTMENTS THAT ENFORCE DISENTANGLEMENT, NOT SANCTUARY

Oregon law provides a basis for state-wide disentanglement from federal immigration enforcement, specifically set forth in ORS 181A.820.⁷

CASE W. RES. L. REV. 993, 1003-04 (2016) (arguing that immigrants of color – because of their color – are subject to immigration removals because of race-disparate local policing and local policies); Michael J. Wishnie, *State and Local Police Enforcement of Immigration Laws*, 6 U. PA. J. CONST. L. 1084, 1104 (2004) (“[P]ermanent involvement of state and local police in routine immigration enforcement raises the further risk of racial profiling and selective immigration enforcement beyond moments of real or perceived national threat.”); Carrie L. Arnold, *Note, Racial Profiling in Immigration Enforcement: State and Local Agreements to Enforce Federal Immigration Law*, 49 ARIZ. L. REV. 113, 119 (2007) (describing “evidence of racial profiling when state and local officers have teamed up with federal officers to investigate immigration violations”). See also 8 U.S.C. § 1324b (prohibiting employment discrimination based on citizenship status and national origin and covering U.S. citizens perceived as foreign based on their appearance or accent).

⁶In addition to this basic notion of shared humanity and social compact, there are strong economic reasons to maintain an immigrant-inclusive statewide policy. One in 10 Oregonian is foreign-born. They are consumers. In 2014, the purchasing power of immigrants who call Oregon home was nearly \$16 billion. Nearly 15% of the state work force is comprised of immigrants. Nearly \$1.5 billion was paid in taxes by foreign-born Oregonians. None of this is chump change. See *New Americans in Oregon: The Political and Economic Power of Immigrants, Latinos, and Asians in the Beaver State*, AMERICAN IMMIGRATION COUNCIL (June 2015), https://www.americanimmigrationcouncil.org/sites/default/files/research/new_americans_in_oregon_2015.pdf (collecting census and academic study data into factsheet). See also, *Undocumented Workers Are Taxpayers, Too*, OREGON CENTER FOR PUBLIC POLICY (Jan. 2012), http://www.ocpp.org/media/uploads/pdf/2012/01/iss20120125UndocumentedTaxpayers_fnl.pdf (discussing tax contributions to Oregon made by workers without federal immigration status).

⁷The statute provides, in full,

ORS § 181A.820 Enforcement of federal immigration laws.

Cities and Counties in Oregon should independently enact disentanglement policies for several reasons.

First, a robust, forward-looking policy rooted in the disentanglement policy of ORS 181A.820, yet independently rooted in the inherent powers of a city or county to govern its own affairs casts an extra level of protection around immigrant communities. The state statute is likely to be attacked by anti-immigrant organizations aligned with the constitutionally-doubtful practices of the Trump regime.

Second, inclusive resolutions will provide communities, private entities, and citizens a critical tool they need in developing an immigrant-inclusive vision of Oregon.

Third, inclusive resolutions would communicate to the Nation a political decision – firmly bounded by and grounded in Oregon’s sovereignty – that Oregon is an immigrant-inclusive place.

Fourth, an inclusive resolution would calm a nervous citizenry and give them strength to know they are not alone during this difficult time.

Fifth, and most critically, it would create legal space and time for Oregonians – public, private, individual and institutional – to mobilize to create political space for a fuller, more immigrant-inclusive Oregon. Taken together, these five impacts of an Inclusive Resolution would initiate a needed and necessary change in public and private discourse on immigration and immigrants in Oregon, and eliminate any opacity in the

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- (1) No law enforcement agency of the State of Oregon or of any political subdivision of the state shall use agency moneys, equipment or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws.
 - (2) Notwithstanding subsection (1) of this section, a law enforcement agency may exchange information with the United States Bureau of Immigration and Customs Enforcement, the United States Bureau of Citizenship and Immigration Services and the United States Bureau of Customs and Border Protection in order to:
 - (a) Verify the immigration status of a person if the person is arrested for any criminal offense; or
 - (b) Request criminal investigation information with reference to persons named in records of the United States Bureau of Immigration and Customs Enforcement, the United States Bureau of Citizenship and Immigration Services or the United States Bureau of Customs and Border Protection.
 - (3) Notwithstanding subsection (1) of this section, a law enforcement agency may arrest any person who:
 - (a) Is charged by the United States with a criminal violation of federal immigration laws under Title II of the Immigration and Nationality Act or 18 U.S.C. 1015, 1422 to 1429 or 1505; and
 - (b) Is subject to arrest for the crime pursuant to a warrant of arrest issued by a federal magistrate.
 - (4) For purposes of subsection (1) of this section, the Bureau of Labor and Industries is not a law enforcement agency.
 - (5) As used in this section, “warrant of arrest” has the meaning given that term in ORS 131.005. [Formerly 181.850]

constitutionally risky actions of a Trump regime for political accountability because the Trump Administration will not be able to hide behind the State of Oregon.

A. Robust Disentanglement

Inclusive Resolutions that are based on a principle of robust disentanglement will provide key legal protections to Oregon's immigrant communities.

1. When Oregon Was Entangled, Problems Resulted

Federal immigration enforcement has entangled Oregon in constitutionally unlawful or constitutionally doubtful practices for which Oregon has carried the burden and cost, not the federal government.

For example, under the Secure Communities initiative – a now-defunct federal immigration program that entangled Oregon in federal immigration enforcement, federal immigration agencies asserted that the experimental program, which commandeered local resources for federal purposes, was to focus only on "criminal aliens".⁸ This asserted basis for drawing Oregon resources into immigration enforcement turned out to be disingenuous: Nearly 80% of all those targeted under the federal program had *no* criminal record or had convictions only for traffic or other minor offenses.⁹ The federal government provided no backing or support to Oregon, even though it was the federal immigration agencies' misdirection that caused the policy confusion and liability for Oregon jurisdictions: a federal court found "ample evidence that ICE and DHS have gone out of their way to mislead the public about Secure Communities."¹⁰

Nearly every court to address the federal government's immigration detainer practices have found them to be illegal – either violating the immigration statute, or worse, violating the U.S. Constitution.¹¹ In Oregon,

⁸ As explained below, Oregon became entangled in part because of the federal immigration agencies' duplicity about immigration enforcement and in part because of an under-interpretation of ORS 181A.820.

⁹ See SECURE COMMUNITIES BY THE NUMBERS, *supra* note 3.

¹⁰ See Nat'l Day Laborer Organizing Network v. U.S. Immigration & Customs Enforcement Agency, 811 F.Supp. 2d 713, 742 (S.D.N.Y. 2011).

¹¹ See Jimenez-Moreno v. Napolitano, 1:11-cv-05452, 2016 WL 5720465 (Sept. 30, 2016) ("The bottom line is that, because immigration officers make no determination whatsoever that the subject of a detainer is likely to escape upon release before a warrant can be obtained, ICE's issuance of detainers that seek to detain individuals without a warrant goes beyond its statutory authority to make warrantless arrests under 8 U.S.C. § 1357(a)(2)."); Galarza v. Szalczyk, 745 F.3d 634 (CA3 2014).

this type of entanglement resulted in a federal court holding an Oregon county liable for such violations.¹² Notably, the federal government never intervened, defended, or assisted Oregon even though Oregon was participating in the federal immigration detainer program. In essence, in order to effectuate an unconstitutional program, the federal immigration enforcement agencies lied to Oregon public officials, hid evidence from the public, commandeered local resources, and then left Oregon to pay the bill for the resulting unconstitutional conduct.

B. Not Sanctuary

Local Inclusive Resolutions should *not* be considered a “sanctuary” resolutions or referred to as sanctuary resolutions. Sanctuary, as it is understood in contemporary terms, has been framed as a resistance to federal deportation practices. It is a direct confrontation with the federal government’s exclusive deportation power. Sanctuary, originally a medieval privilege, has been widely used in faith communities to resist federal deportation practices, particularly where the facts of the individual cases indicate that a deportation would be unjust. Sanctuary is granted by faith communities or other communities because they object to the legal process; thus, sanctuary is best viewed as a means of defying an unjust law. Sanctuary is very useful and powerful in community-based activism as explained below; it is, however, a weak basis for enacting enforceable public policy.¹³

¹² See *Miranda-Olivares v. Clackamas County*, No. 3:12-cv-02317-ST, 2014 WL 1414305, at *10-11 (D. Or. Apr. 11, 2014) (granting summary judgment on liability for Fourth Amendment violations on the grounds that “[t]here is no genuine dispute of material fact that the County maintains a custom or practice in violation of the Fourth Amendment to detain individuals over whom the County no longer has legal authority based only on an ICE detainer which provides no probable cause for detention.”)

¹³ Several jurisdictions in Oregon have already described Oregon as a “sanctuary” state or declared themselves to be “sanctuary” cities. Lizzy Acker, *Ashland Police Department on Facebook: 'Oregon is a sanctuary state'*, THE OREGONIAN (Nov. 20, 2016), http://www.oregonlive.com/pacific-northwest-news/index.ssf/2016/11/ashland_police_department_on_f.html, (Reporting that Ashland Police Chief statement that "The entire State of Oregon is a 'sanctuary' state."); Bethany Barnes, *Portland schools follow Trump sanctuary campus movement to limit immigration agents' access*, THE OREGONIAN (Nov. 17, 2016), http://www.oregonlive.com/education/index.ssf/2016/11/portland_district_follows_sanc.html, (reporting on Portland Public Schools "sanctuary" resolution); Rachel Monahan, *Mayor-Elect Ted Wheeler Says Portland Will be a Sanctuary City for Immigrants, Despite Donald Trump's Threats*, WILLAMETTE WEEK (Nov. 15, 2016); Chris Lydgate, *Kroger Declares Reed a Sanctuary College*, REED MAGAZINE (Nov. 18, 2016), http://www.reed.edu/reed_magazine/sallyportal/posts/2016/sanctuary-college.html; Press Release, *President Wim Wiewel declares PSU a sanctuary university* (Nov. 18, 2016), <http://www.pdx.edu/news/president-wim-wiewel-declares-psu-sanctuary-university>.

1. Local Resolutions Should Not Be About Deportations

Local Inclusive Resolutions should focus on a core aspect of disentanglement, not deportations. The purpose of the resolution should be to remove the city and city resources from most actions related to the enforcement of federal immigration law.

2. Local Resolutions Should Not Seek To Interfere With Federal Deportations

Local resolutions should never be described as *interfering with* or *in opposition to* federal immigration enforcement. It cannot – because it could not – impede federal immigration enforcement. The United States Supreme Court has admonished states that have attempted to regulate at the core of the federal immigration power – to determine status, admission, or expulsion.¹⁴

3. Inclusive Resolutions Are About Disentanglement

Oregon should have no role in enforcing federal immigration law because to do so would engender political confusion and would threaten the political accountability key to our federal system by making Oregon accountable for federal immigration policy – something over which Oregon has no say or role. An Inclusive Resolution regulates the use of Oregon resources and has nothing to do with federal resources; rather, it maintains a distinction between how Oregon and the federal government may choose to use their resources. If there are objections to federal immigration policy – particularly, the deportation objectives of the Trump regime – those objections should be directed to the national government, not Oregon.¹⁵

II. WHY AN ENACTMENTS MATTER TO OREGONIANS & OREGON'S VALUES

Inclusive Resolutions are critical to creating a state-wide policy of

¹⁴ See *Arizona v. United States*, 132 S. Ct. 2492, 2502 (invalidating Arizona attempt to enforce federal immigration law by holding that "Federal law makes a single sovereign responsible for maintaining a comprehensive and unified system to keep track of aliens within the Nation's borders" and that "States may not enter, in any respect, an area the Federal Government has reserved for itself[.]").

¹⁵ See, e.g., *Printz v. United States*, 521 U.S. 898, 933 (1997) (articulating anti-commandeering principle).

disentanglement. This matters a great deal in creating defensible spaces for immigrants who call Oregon home regardless of federal immigration status. Inclusive Resolutions create a pathway for additional inclusive policy aimed at de-stigmatizing the immigrant experience, integrating immigrants into Oregon's civic society, and creating places for constitutionally-protected resistance against the Trump regime's constitutionally-risky practices.

A. Integration and De-Stigmatization

Inclusive Resolutions would be a break-through marker for an intentional pathway to immigrant inclusion through integration and de-stigmatization. An important long-game aspect to changing the discourse on immigrants who call Oregon home is, as with prior rights movements in the sexual minority community, in finding ways to integrate immigrants, particularly immigrants of color, fully into Oregon's civic community and de-stigmatize the numerous transactional aspects of daily life that degrade or brand immigrants as meriting discriminatory treatment, regardless of federal status.

There is a wealth of immigrant-inclusive policies that could be adopted at the state and local levels such as protecting access to driver licenses for DACA grantees; equity in criminal adjudication, professional licensing, and health care; and addressing the consequences of racial and religious profiling, among others.¹⁶

B. Resistance

Resistance to constitutionally risky Trump Administration actions will be necessary in correcting the political discourse. An Executive Order would provide an inflection point for faith and community organizers for peaceful and constitutionally protected political resistance such as community campaigns, discussion groups, privately adopted policies, and, most visibly, faith-community "sanctuary" actions. Naturally, an Executive Order would not provide legal sanction to any one of these things; rather, it provides a focal point for these activities.

C. Disentanglement Policy & Federal Law

¹⁶ See, e.g., National Immigration Law Center, *States Reject Immigration Enforcement Measures and Advance Inclusive Policies in 2016* (Oct. 2016), <https://www.nilc.org/wp-content/uploads/2016/10/states-advance-inclusive-policies-2016-10.pdf>, (generally describing immigrant-inclusive legislation enacted in California, Illinois, Colorado, Maryland, New Jersey, and elsewhere).

A well-crafted disentanglement policy, announced in an Inclusive Resolution, would have few, if any, federal law implications. Indeed, it would provide clarity to Oregon constituents for political accountability purposes.

1. Consular Notification

A disentanglement policy based on ORS 181A.820 has no impact on Oregon’s consular notification obligations under the Vienna Convention on Consular Relations (VCCR).¹⁷ Under the VCCR, an arresting officer must ascertain nationality, *not federal immigration status*, in order to comply with notification obligations.¹⁸ For ORS 181A.820 purposes, the arresting officer should *not* make any inquiry respecting the person’s federal immigration status.

Because the arresting officer complying with an important notification and access right and is not engaging in federal immigration law enforcement, an Inclusive Resolution modeled on the sample provided in this tool kit would not be implicated. The U.S. State Department’s Manual on Consular Notification and Access provides sample forms that are fully compliant with the model Inclusive Resolution.¹⁹

2. SCAAP Funding Is Not Impacted

As a disentanglement policy, an Inclusive Resolution has no *present* impact on a City’s eligibility for federal funding under SCAAP. The federal government operates a program called SCAAP – the State Criminal Alien Assistance Program – that authorizes the Governor of Oregon to seek funding from the federal government for noncitizens who have committed

¹⁷ See Vienna Convention on Consular Relations, Apr. 24, 1963, 21 U.S.T. 77, 596 U.N.T.S. 261 (entered into force Mar. 19, 1967) (entered into force for the United States Dec. 24, 1969). The U.S. State Department Manual on Consular Notification and Access (4th Ed. Aug 2016) contains a description of the obligations of Oregon law enforcement officers who make arrests.

¹⁸ See VCCR ¶ 36(1)(b) (“With a view to facilitating the exercise of consular functions relating to *nationals* of the sending State...if he so requests, the competent authorities of the receiving State shall, without delay, inform the consular post of the sending State if, within its consular district, a *national* of that State is arrested or committed to prison or to custody pending trial or is detained in any other manner.”) (italics added). See also, U.S. State Department, Consular Notification and Access Manual (4th Ed. Aug 2016) (VCCR Manual) at 13, https://travel.state.gov/content/dam/travel/CNAtrainingresources/CNA_Manual_4th_Edition_August2016.pdf (“Consular notification and access requirements apply regardless of immigration status. There is no reason, for purposes of consular notification, to inquire into a person’s legal status in the United States.”).

¹⁹ See VCCR Manual, *supra* note 24, at 72.

serious crimes in Oregon, who were arrested, prosecuted, and convicted and whose sentence required incarceration.²⁰ This funding is premised on Oregon enforcing Oregon law – not federal immigration law.

However, there are indications that the federal government may intend to coerce Oregon, and other states, to cease enforcing statutes that would prevent information sharing under 8 U.S.C. §§ 1373, 1644.²¹ However, those statutes are likely unconstitutional. Separately, it would raise additional questions of constitutionality should the Trump Administration attempt to coerce a City into complying with its constitutionally risky enforcement plans.

3. Systematic Alien Verification for Entitlements System (SAVE)

The interpretation suggested by the plain language of ORS § 181A.820 would not impact Oregon’s use of the Systematic Alien Verification for Entitlements (SAVE) program because Oregon uses SAVE’S information exchange not for enforcing federal immigration laws, but for administering Other programs such as public health programs and licensing.

SAVE is a federal program administered by the U.S. Citizenship and Immigration Services that provides immigration status information to federal, state, tribal or local government agencies that need the information

²⁰ The statute, 8 U.S.C. § 1231(i) provides,

For purposes of this subsection, the term “undocumented criminal alien” means an alien who— (A) has been convicted of a felony or two or more misdemeanors; and (B) (i) entered the United States without inspection or at any time or place other than as designated by the Attorney General;(ii) was the subject of exclusion or deportation proceedings at the time he or she was taken into custody by the State or a political subdivision of the State; or (iii) was admitted as a nonimmigrant and at the time he or she was taken into custody by the State or a political subdivision of the State has failed to maintain the nonimmigrant status in which the alien was admitted or to which it was changed under section 1258 of this title, or to comply with the conditions of any such status.

²¹ See Memorandum from Michael E. Horowitz, Inspector General to Karol V. Mason, Assistant Attorney General for the Office of Justice Programs (Mar. 31, 2016), <https://oig.justice.gov/reports/2016/1607.pdf>. For the 2015-2017 budget, “Federal Funds, which make up 0.4 percent of the budget, are primarily from the State Criminal Assistance Program grant, which provides a *minimal subsidy* to the cost of managing alien offenders. The funds are used to offset medical costs.” See STATE OF OREGON, GOVERNOR’S BUDGET, 2015-2017 at D-103 (emphasis added), https://www.oregon.gov/das/Financial/Documents/2015-17_gb.pdf. For the 2017-2019 budget request, the Oregon Department of Corrections anticipates requesting even less in SCAAP funding. See OR. DEP’T CORRECTIONS, 2017-2019 AGENCY REQUEST BUDGET at 354, https://www.oregon.gov/doc/ADMIN/docs/pdf/17_19_arb_revenue.pdf. So, even assuming the constitutional and statutory authority for the federal government to withhold SCAAP funding from Oregon, the impact is minimal.

to decide an applicant's eligibility for a benefit or a license.²² All users of SAVE must enroll in the program, pay associated fees for enrollment and access, and enter into a Memorandum of Agreement or Computer Matching Agreement describing the rules under which information is shared and used. SAVE does not make eligibility determinations; rather it provides the necessary information to the SAVE user, such as Oregon, to decide eligibility for the particular public benefit.

CONCLUSION

Cities and Counties in Oregon can enact Inclusive Resolutions that would create powerful policy based on a principle of disentangling localities from all federal immigration enforcement actions and promote equity through inclusion regardless of race or immigration status.

²² U.S. Dep't of Homeland Security, *PRIVACY IMPACT ASSESSMENT FOR THE SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS (SAVE) PROGRAM*, Aug. 26, 2011, https://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_uscis_save.pdf (accessed Nov. 29, 2016).