

Oregon - Annotated Model City Resolution for Immigrant Inclusivity

A Resolution to declare the City as a City of Inclusivity with respect to immigrants and refugees and direct the use of City resources to that end (Resolution)¹

WHEREAS, Immigrants and refugees of all nations have contributed to the health, well-being, and general welfare of the City as families and neighbors;²

WHEREAS, Immigrants and refugees of all nations have contributed to the prosperity of Oregon as workers and taxpayers;³

WHEREAS, Inclusion and integration of all residents of the City is a vital concern for the general welfare of the City in all respects;

WHEREAS, Discrimination based on national origin, race, ethnicity, or religion or perceived national origin is a chronic aspect of life for immigrant and refugee populations of Oregon;⁴

WHEREAS, Chronic discrimination leads to community disengagement, diminished opportunities for integration, increased stigmatization, greater incidents of health morbidity;⁵

WHEREAS, Chronic discrimination negatively impacts local economic activity;⁶

WHEREAS, Promotion of health, well-being, and general welfare are core obligations of the City,

WHEREAS, Prosperity requires harnessing all the City's available labor, skills, and ideas to grow the City's economy and expand opportunities,

WHEREAS, Every City resident should be treated with compassion and respect regardless of national origin or citizenship status;

WHEREAS, Under the national constitution, the immigration power to exclude and deport is reserved exclusively to the national government,

NOW, THEREFORE, THE CITY RESOLVES that the City is an Inclusive City⁷ that embraces, celebrates, and welcomes its immigrant and refugee residents and their contributions to the collective prosperity of all residents;⁸ and,

BE IT FURTHER RESOLVED THAT the use of City funds, personnel or equipment for the enforcement of federal immigration law is prohibited;⁹ and,

BE IT FURTHER RESOLVED THAT the provision of services or benefits by the City shall not be conditioned upon a resident's federal immigration status, except as required by federal or State law¹⁰.

¹ The format here is for a Resolution based on the styling guide of the City of Portland. See City of Portland, DRAFTING MANUAL: ORDINANCES, RESOLUTIONS, REPORTS (Feb. 2015) at Appendix C, <http://www.portlandoregon.gov/citycode/?c=34447&a=227438>. Because the policy is intended to bind the City in the use of its resources, and not the general public, a Resolution format is adopted here instead of an Ordinance. Depending on local custom, an Ordinance may also be appropriate.

² See Robert Bussel, ed., UNDERSTANDING THE IMMIGRANT EXPERIENCE IN OREGON: RESEARCH, ANALYSIS AND RECOMMENDATIONS FROM UNIVERSITY OF OREGON SCHOLARS (2007); Katherine Lotspeich, Michael E. Fix, Dan Perez-Lopez, Jason Ost, *A Profile of the Foreign-Born in the Portland, Oregon Tri-County Area*, THE URBAN INSTITUTE (2003), <http://www.urban.org/sites/default/files/alfresco/publication-pdfs/410917-A-Profile-of-the-Foreign-Born-in-the-Portland-Oregon-Tri-County-Area.PDF>

³ Empirical research and scholarly study overwhelmingly demonstrate the value of immigrant and refugee contributions to the prosperity of Oregon. 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); *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); *The Power of the Purse: The Contributions of Hispanics to America's Spending Power and Tax Revenues in 2013*, PARTNERSHIP FOR A NEW AMERICAN ECONOMY (2014), http://www.renewoureconomy.org/wp-content/uploads/2014/12/PNAE_hispanic_contributions.pdf.

⁴ See UNDERSTANDING OREGON IMMIGRANT EXPERIENCE, supra note 2 at 21-31.

⁵ See Joanna Almeida, et al, *The association between anti-immigrant policies and perceived discrimination among Latinos in the U.S.: A multilevel analysis*, SCIENCE DIRECT (2016), <http://www.sciencedirect.com/science/article/pii/S2352827316301471> (Research finding a strong inverse association between discrimination and health and well-being).

⁶ See, e.g., Jacob S. Rugh, Matthew Hall, *Deporting the American Dream: Immigration Enforcement and Latino Foreclosures*, SOCIOLOGICAL SCIENCE (2016), https://www.sociologicalscience.com/download/vol-3/december/SocSci_v3_1053to1076.pdf (establishing empirical link between deportations and community-wide disruption of economy)

⁷ This sample resolution suggests “Inclusive City” or “City of Inclusivity” for several

reasons, in contrast to “Sanctuary City”. First, as explained below, “Inclusive City” has a well-grounded legal framework. Second, it aligns with an emerging movement to declare the entire West Coast of the United States as a “Zone of Inclusivity”. Third, it has a strong counter-resonance to the anti-immigrant and nationalistic public discourse of the incoming federal administration.

⁸ This resolution is based on a policy of *disentanglement*, not sanctuary. 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 the City accountable for federal immigration policy – something over which the City has no say or role. 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. The structure of this sample resolution is intended to create enforceability within the core powers of the City, protected by the Tenth Amendment to the U.S. Constitution from federal coercion or commandeering.

⁹ Oregon law prohibits the use of public money, personnel, and equipment to enforce federal immigration law. *See* ORS 181A.820. This resolution draws on that general policy and uses the City’s independent authority to create a bind policy. The resolution intentionally does not refer to ORS § 181A.820 for two reasons. First, it is likely that ORS 181A.820 will be attacked by anti-immigrant organizations through a ballot measure; therefore, providing for a policy basis independent of the statute is important. Second, the City has its own inherent authority to disentangle itself from federal immigration enforcement. Because the prohibition is on the “use” of City resources it should act to bar City entanglement in constitutionally-risky behavior anticipated by the Trump regime, including mass incarceration, mass deportations, and mass registrations.

¹⁰ This provision is intended to prevent local office variance with an inclusive policy. Because it must be consistent with federal or state law, it does not prohibit the City from inquiring about federal immigration status when that status is an eligibility requirement or pertinent to the provision of service.