

DRAFT

RESOLUTION NO. R08-?? CMS

A RESOLUTION REGARDING THE ENFORCEMENT OF FEDERAL IMMIGRATION LAW IN THE CITY OF OBERLIN

WHEREAS, the City of Oberlin has a long and strong tradition of embracing and valuing diversity and respecting the civil and human rights of all residents; and

WHEREAS, the City of Oberlin has a racially and ethnically diverse population, including native born, immigrants, and international college students, whose collective cultures, backgrounds, and viewpoints join to form a rich community which prides itself on welcoming persons and families of all backgrounds and nationalities as well as protecting the workplace rights of all; and

WHEREAS, recent federal immigration raids in Oberlin, the region, and around the country have caused fear throughout the immigrant community, including immigrants who reside in the City of Oberlin; and

WHEREAS, the City of Oberlin is opposed to racial profiling, and it is of concern that granting local police officers the authority to enforce immigration laws can lead to racial profiling; and

WHEREAS, the City of Oberlin Police Department has made it a priority to gain the trust and confidence of the entire community; and

WHEREAS, cooperation with or a perception of cooperation with the Federal Bureau of Immigration and Customs Enforcement (ICE) creates a loss of trust and confidence of the immigrant community in the City of Oberlin; and

WHEREAS, the City of Oberlin believes that there is no inherent conflict between national security and the preservation of liberty, and that government can protect public safety without impairing civil rights and liberties; and

WHEREAS, in further demonstration of this, on September 15, 2003, the Oberlin City Council passed a resolution [Resolution No. R03-15 CMS] both reaffirming its strong support for fundamental Constitutional rights as well as its "opposition to federal measures that infringe on civil liberties; and reaffirms its strong support for the rights of non-citizen and citizen immigrants as well as international visitors...and opposes measures that single out individuals for legal scrutiny or enforcement activity based on their country of origin;" and

WHEREAS, the due process and equal protection clauses of the 5th and 14th Amendments to the United States Constitution guarantee certain due process and equal protection rights to all residents of the United States regardless of citizenship or immigration status; and,

WHEREAS, many jurisdictions throughout the United States are adopting policies that discriminate against immigrants, thereby placing many of their own residents at risk; and

WHEREAS, by contrast, on April 3, 2006, the Oberlin City Council passed a resolution [Resolution No. R06-10 CMS] opposing U.S. House of Representatives Resolution 4437 (also

known as the “Sensenbrenner-King Bill”) on the grounds that it “would make felons of 11 million immigrants and frustrate the dreams of legal immigrants seeking citizenship;” and

WHEREAS comprehensive federal immigration reform will take considerable time to pass Congress while current immigration policies have created immediate issues for individuals and communities which cannot be postponed; and

WHEREAS, more than 70 cities, counties and states have enacted resolutions, ordinances, and laws prohibiting governmental agencies from inquiring about immigration status and unilaterally enforcing immigration law provisions; and

WHEREAS, the City of Oberlin continues to believe, as it has since its founding 175 years ago, that all persons should be treated equally:

NOW, THEREFORE, be it resolved by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. No department, agency, commission, officer, or employee of the City of Oberlin shall use any City funds or resources to assist in the enforcement of Federal immigration law or to gather or disseminate information status of individuals in the City of Oberlin unless such assistance is required by federal or state statute, regulation or court decision. The prohibition set forth in this chapter shall include but not be limited to:

a. Assisting or cooperating, in one’s official capacity, with any Department of Homeland Security investigation, detention, or arrest procedures, public or clandestine, relating to alleged violations of the civil provisions of federal immigration law, except as required by federal or state statute, regulation or court decision.

b. Requesting information about, or disseminating information regarding, the immigration status of any individual, or conditioning the provision of services or benefits by the City of Oberlin upon immigration status, except as required by federal or state statute, regulation, City of Oberlin public assistance criteria or court decision.

c. Including on any application, questionnaire or interview form used in relation to benefits, services or opportunities provided by the City of Oberlin any question regarding immigration status, except as required by federal or state statute, regulation or court decision.

SECTION 2. The City of Oberlin will not avail itself of the opportunity to participate in the Delegation of Immigration Authority provided through Section 287 (g) of the Immigration and Nationality Act (1996).

SECTION 3. The Council shall instruct the City Clerk to transmit copies of this resolution, including any future amendments thereto that shall be made, to every department, agency, commission and employee of the City of Oberlin.

SECTION 4. If any part of this ordinance, or the application thereof, is held to be invalid, the remainder of this ordinance shall not be affected thereby, and this ordinance shall otherwise continue in full force and effect. To this end, the provisions of this ordinance, and each of them, are severable.

SECTION 5. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6. That this Resolution shall take effect at the earliest date allowed by law.

PASSED: 1st Reading –
 2nd Reading –
 3rd Reading –

ATTEST:

CLERK OF COUNCIL

CHAIR OF COUNCIL

POSTED:

EFFECTIVE DATE: