

## **WELCOMING LEBANON ORDINANCE**

### **Purpose and Intent**

The purpose of this Ordinance is to establish the City's procedures concerning immigration status and enforcement of federal civil immigration laws. This Ordinance builds on the City of Lebanon's "Resolution for Inclusiveness" proclaimed by the City Council on June 20, 2018.

The cooperation of all persons, citizens and non-citizens, regardless of immigration status, is essential to achieve the City of Lebanon's goals of protecting life and property, preventing crime, and resolving problems. Assistance from a person, whether documented or not, who is a victim of, or a witness to, a crime is important to promoting the safety of all its residents.

Due to the City's limited resources; the complexity of immigration laws; the clear need to foster the trust of and cooperation from the public, including members of the immigrant communities; and to effectuate the City's goals, we find that there is a need to articulate guidelines regarding the communications and enforcement relationship between the City and the federal government.

### **Provisions:**

1. No Law Enforcement Agent, or other Agent or Agency of the City of Lebanon, or any informants or volunteers assisting their efforts shall profile, target, detain, collect or retain information, or question any person on the basis of race, ethnicity, language, religion, citizenship or immigration status.
2. No Agent or Agency of the City of Lebanon shall request information about or otherwise investigate or assist in the investigation of the citizenship or immigration status of any person in the City of Lebanon. Notwithstanding this provision, the City Council may investigate and inquire about immigration status when relevant to potential or actual litigation or an administrative proceeding in which the City is or may be a party.
3. No Agent or Agency shall disclose information regarding the Citizenship or immigration status of any person unless required to do so by legal process or such disclosure has been authorized in writing by the individual to whom such information pertains, or if such individual is a minor or is otherwise not legally competent, by the individual's parent or guardian. This section shall not apply when such information sharing is necessary to an ongoing investigation of a felony, for which there is probable cause, and the investigation is unrelated to the enforcement of federal civil immigration law.
4. No Agent or Agency shall condition the provision of City of Lebanon benefits, opportunities, or services on matters related to citizenship or immigration status unless required to do so by statute, federal regulation, or court decision. Where presentation of a New Hampshire driver's license or identification card is accepted as adequate evidence of identity, presentation of a photo identity document issued by the person's nation of origin, such as a driver's license, passport, or matricula consular (consulate-issued document), shall be accepted and shall not subject the person to a higher level of scrutiny or different treatment than if the person had provided a New Hampshire driver's license or identification card, except that this subsection shall not apply to the completion of the federally mandated I-9 forms.

5. No Agent or Agency of the City of Lebanon, including Law Enforcement, shall aid or participate in immigration enforcement actions. An Agent or Agency is authorized to communicate with Federal immigration authorities in order to determine whether any matter involves enforcement based solely on a violation of a civil immigration law. No Agent or Agency shall
  1. arrest, detain, or continue to detain a person based solely on suspected or actual civil immigration violation.
  2. arrest, detain, or continue to detain a person on an Administrative warrant or upon an Immigration detainer based solely on a violation of immigration law.
  3. accept requests by Federal immigration authorities to support or assist in operations that are for civil immigration enforcement.
  4. permit Federal immigration authorities access to a person being detained by, or in the custody of, the Agent or Agency.
  5. permit Federal immigration authorities use of agency facilities for investigative interviews or other investigative purpose.
  6. respond to Federal immigration authorities' inquiries or share information about an individual with Federal immigration authorities. Such information includes but is not limited to the individual's custody status, release date/time, court dates, whereabouts, residence, employment, identification numbers, appearance, telephone number, and familial relations. For the purpose of aiding an individual who may qualify for a U, S, or T Visa, information may be shared if such disclosure has been authorized in writing by the individual to whom such information pertains.
  
6. If any Agent or Agency becomes aware of a Federal immigration authority's presence in the City for the purposes of questioning, detaining or gathering immigration status information from any person or persons, or other enforcement action, the Agent or Agency shall immediately act to inform residents of the city of that presence through any reasonable means and channels available to the City, such as LebAlert and other media.

Failure by agents of the City to comply with the Welcoming Lebanon Ordinance, while not a criminal offense, shall be a violation according to NH RSA 625:9.

### **Severability**

If any provision, clause, section, part, or application of this chapter to any person or circumstance is declared invalid by any court of competent jurisdiction, such invalidity shall not affect, impair, or invalidate the remainder hereof or its application to any other person or circumstance. It is hereby declared that the legislative intent of the City Council that this Ordinance would have been adopted had such invalid provision, clause, section, part or application not been included herein.

## Sample Question and Explanation

Are you in favor of the Welcoming Lebanon Ordinance, as proposed by Citizens Binding Initiative? If adopted the Ordinance would, in summary, seek to ensure the safety of persons residing in or otherwise present in the City by prohibiting its agents from aiding or participating in enforcement of immigration laws and also generally from questioning or taking any actions with respect to a person in Lebanon based upon that person's citizenship or immigration status. Copies of the complete text of the proposed Ordinance are available from the City Clerk, and will be available for review at the polling places."