

3/4/2008

22-R-08

A RESOLUTION

Calling for Humane and Just Treatment for Immigrants and
Their Families

WHEREAS, the United States, from its inception, has been a nation of immigrants seeking political or economic refuge, freedoms not attainable in their land of origin, and the ability to improve their lot in life that is not open to them elsewhere; and

WHEREAS, the inscription on the Statue of Liberty states:

Give me your tired, your poor,

Your huddled masses yearning to breathe free,

The wretched refuse of your teeming shore.

Send these, the homeless, tempest-tossed to me,

I lift my lamp beside the golden door; and

WHEREAS, throughout our nation's history immigrants have contributed greatly to the social, cultural, and economic success of our society and still do so today; and

WHEREAS, the issue of immigration in the United States is essentially one of basic human rights, exemplified by the growing number of communities passing resolutions seeking to protect immigrants' rights; and

WHEREAS, the United States has always been a nation that embraces family values, while current policy violates these values by forcibly separating native-born children who are citizens of the United States from their immigrant parents through deportation and where the long processing time of immigrant applications for citizenship prevents children from living with their families; and

WHEREAS, an increasingly hostile anti-immigrant and racist atmosphere is being promoted by a vocal minority that represents neither American values nor the majority of our citizenry; and

WHEREAS, Evanston has long had a history of standing for justice, compassion, human rights, and peace as evidenced by City declarations of being a nuclear free zone, a sanctuary for Salvadoran refugees, and in opposition to the war in Iraq, and Evanston's proud tradition of valuing and promoting diversity, as in the successful effort to integrate our public schools, the annual celebration of the Ethnic Arts Festival, and the provision of bilingual education and bilingual City services,

NOW, THEREFORE, BE IT RESOLVED, that except as provided below or when otherwise required by law, no City of Evanston bureau, office, division, department, employee, or other agency or agent shall condition the provision of City of Evanston benefits, opportunities, or services on matters related to citizenship or immigrant status; and

BE IT FURTHER RESOLVED, that it shall be the policy of the City of Evanston Police Department not to assist in the investigation of the citizenship or immigrant status of any person unless such inquiry or investigation is (a) integrally related to an investigation by the Evanston Police Department regarding a matter other than the individual's citizenship or immigrant status or other crimes that have as an element of the crime the illegality of a person's presence, or (b) as otherwise required by law. The Evanston Police Department shall not make inquiries into immigration status for the sole purpose of determining whether an individual has violated the civil immigration laws; and

BE IT FURTHER RESOLVED, that, except when otherwise required by law, no City of Evanston bureau, office, division, department, or employee, or other City of Evanston agency or agent shall disclose information regarding the citizenship or immigrant status of any person unless required to do so by law, 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 such individual's parent or guardian; and

BE IT FURTHER RESOLVED, that the City of Evanston Department of Health and Human Services ("the Department") shall not condition the provision of health or other benefits, opportunities, or services on matters related to citizenship or immigrant status, but may, in the course of determining eligibility for benefits or seeking reimbursement from state, federal, or other third party payers, inquire about immigrant status for the sole purpose of such a determination of

eligibility or receipt of reimbursement from said sources and, to such extent as the disclosure of such information is related to such a determination or receipt of reimbursement, the provisions of this Resolution and any subsequent ordinance do not apply to the Department; and

BE IT FURTHER RESOLVED, that, except when otherwise required by law, where presentation of an Illinois 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 or some political subdivision thereof 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 an Illinois driver's license or identification card, except that this provision does not apply to the completion of the federally mandated I-9 forms provided, however, that a request for translation of such document to English shall not be deemed a violation of any provision of this Resolution and any subsequent ordinance; and

BE IT FURTHER RESOLVED, that this Resolution does not create or form the basis for liability on the part of the City of Evanston, its agents, or agencies. The exclusive remedy for violation of this Resolution shall be through the City's disciplinary procedures for officers and employees under regulations including, but not limited to, City personnel rules, union contracts, civil service commission rules, or any other agency rules and/or regulations. Any person alleging a violation of this Resolution shall forward a complaint to the City

Manager's Office which shall process it in accordance with the complaint-processing procedures established in the City's Municipal Code; and

BE IT FURTHER RESOLVED, that any applications, questionnaires, and interview forms used in relation to City of Evanston benefits, opportunities or services shall be promptly reviewed by the pertinent divisions, departments or agencies, and any questions requiring disclosure of information related to citizenship or immigrant status, other than (a) permitted by this Resolution to require the disclosure of this information, or (b) otherwise required by law, shall be, in the best judgment of the pertinent division, department, or agency, either deleted in its entirety or revised such that the disclosure is no longer required. Such review and revision shall be completed within ninety (90) days of the passage of this Resolution; and

BE IT FURTHER RESOLVED, that the Mayor and the Evanston City Council urge Congress and the President of the United States to support comprehensive immigration reform: (1) that would provide legalization and a road to citizenship for undocumented people in the City of Evanston and elsewhere in this nation; (2) so that families can be reunified, especially those "mixed status" families with children holding U.S. citizenship; (3) so that potential contributors to our society may exercise the opportunity to receive a college education or to perform military service; and (4) so that residents are not forced to live in fear of deportation, which prevents them from participating in programs and receiving services to which they are entitled regardless of legal status; and

BE IT FURTHER RESOLVED, that suitable copies of this Resolution be prepared and presented to the President of the United States, the members of the Illinois Congressional delegation, the members of the Illinois General Assembly that represent any part of the City of Evanston, and both local and national officials of the Department of Homeland Security.

Lorraine H. Morton, Mayor

Attest:

Mary P. Morris, City Clerk

Adopted: _____, 2008