

CHAPTER 2-173 WELCOMING CITY ORDINANCE

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2-173-005 Purpose and intent.

The vitality of the City of Chicago (the "City"), one of the most ethnically, racially and religiously diverse cities in the world, where one-out-of-five of the City's residents is an immigrant, has been built on the strength of its immigrant communities. The City Council finds that the cooperation of all persons, both documented citizens and those without documentation status, is essential to achieve the City's goals of protecting life and property, preventing crime and resolving problems. The City Council further finds that 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. The cooperation of the City's immigrant communities is essential to prevent and solve crimes and maintain public order, safety and security in the entire City. **One of the City's most important goals is to enhance the City's relationship with the immigrant communities.**

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**, the City Council finds that there is a need to clarify the communications and enforcement relationship between the City and the federal government. The purpose of this chapter is to establish the City's procedures concerning immigration status and enforcement of federal civil immigration laws.

(Added Coun. J. 9-12-12, p. 33041, § 1)

2-173-010 Definitions.

As used in this ordinance, the following words and phrases shall mean and include:

"Administrative warrant" means an immigration warrant issued by ICE, or a successor or similar federal agency charged with enforcement of civil immigration laws, used as a non-criminal, civil warrant for immigration purposes.

Agency. "Agency" means every City department, agency, division, commission, council, committee, board, other body, or person established by authority of an ordinance, executive order, or City Council order.

Agent. "Agent" means any person employed by or acting on behalf of an agency.

Citizenship or immigration status. "Citizenship or immigration status" means all matters regarding questions of citizenship of the United States or any other country, the authority to reside in or otherwise be present in the United States,

"ICE" means the United States Immigration and Customs Enforcement Agency and shall include any successor agency charged with the enforcement of civil immigration laws.

"Immigration detainer" means an official request issued by ICE, or other federal agency charged with the enforcement of civil immigration laws, to another federal, state or local law enforcement agency to detain an individual based on a violation of a civil immigration law.

(Added Coun. J. 3-29-06, p. 74325, § 1; Amend Coun. J. 9-12-12, p. 33041, § 1)

2-173-020 Requesting information prohibited.

No agent or agency shall request information about or otherwise investigate or assist in the investigation of the citizenship or immigration status of any person unless such inquiry or investigation is required by Illinois State Statute, federal regulation, or court decision. Notwithstanding this provision, the Corporation Counsel 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.

(Added Coun. J. 3-29-06, p. 74325, § 1; Amend Coun. J. 11-8-12, p. 38872, § 24)

2-173-030 Disclosing information prohibited.

Except as otherwise provided under applicable federal law, 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 such individual's parent or guardian.

(Added Coun. J. 3-29-06, p. 74325, § 1; Amend Coun. J. 11-8-12, p. 38872, § 25)

2-173-040 Conditioning benefits, services, or opportunities on immigrant status prohibited.

(a) No agent or agency shall condition the provision of City of Chicago benefits, opportunities, or services on matters related to citizenship or immigration status unless required to do so by statute, federal regulation, or court decision.

(b) 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, 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 subsection (b) shall not apply to the completion of the federally mandated I-9 forms.

(Added Coun. J. 3-29-06, p. 74325, § 1; Amend Coun. J. 11-8-12, p. 38872, § 26)

2-173-042 Civil immigration enforcement actions - Federal responsibility.

(a) Except for such reasonable time as is necessary to conduct the investigation specified in subsection (c) of this section, no agency or agent shall:

(1) arrest, detain or continue to detain a person solely on the belief that the person is not present legally in the United States, or that the person has committed a civil immigration violation;

(2) arrest, detain, or continue to detain a person based on an administrative warrant entered into the Federal Bureau of Investigation's National Crime Information Center database, or successor or similar database maintained by the United States, when the administrative warrant is based solely on a violation of a civil immigration law; or

(3) detain, or continue to detain, a person based upon an immigration detainer, when such immigration detainer is based solely on a violation of a civil immigration law.

(b) (1) Unless an agency or agent is acting pursuant to a legitimate law enforcement purpose that is unrelated to the enforcement of a civil immigration law, no agency or agent shall:

(A) permit ICE agents access to a person being detained by, or in the custody of, the agency or agent;

(B) permit ICE agents use of agency facilities for investigative interviews or other investigative purpose; or

(C) while on duty, expend their time responding to ICE inquiries or communicating with ICE regarding a person's custody status or release date.

(2) An agency or agent is authorized to communicate with ICE in order to determine whether any matter involves enforcement based solely on a violation of a civil immigration law.

(c) This section shall not apply when an investigation conducted by the agency or agent indicates that the subject of the investigation:

(1) has an outstanding criminal warrant;

(2) has been convicted of a felony in any court of competent jurisdiction;

(3) is a defendant in a criminal case in any court of competent jurisdiction where a judgment has not been entered and a felony charge is pending; or

(4) has been identified as a known gang member either in a law enforcement agency's database or by his own admission.

(Added Coun. J. 9-12-12, p. 33041, § 1)

2-173-050 No private cause of action.

This chapter does not create or form the basis for liability on the part of the City, its agents, or agencies. The exclusive remedy for violation of this chapter shall be through the City's disciplinary procedures for officers and employees under regulations including but not limited to this City personnel rules, union contracts, civil service commission rules, or any other agency rules and/or regulations. A person alleging a violation of this chapter shall forward a complaint to the Office of the Inspector General ("Inspector General") who shall process it in accordance with the complaint-processing procedures established in Chapter 2-56 of this Code except that if the complaint is against any member of the City Council or any employee or staff person of any City Council committee, the Inspector General shall promptly transmit said complaint to the chairman of the City Council Committee on Committees, Rules and Ethics for processing or such successor committee having jurisdiction over said matters and if the complaint is against any member of the Chicago Police Department, the Inspector General shall transmit it to the Chicago Police Department for processing.

(Added Coun. J. 3-29-06, p. 74325, § 1)

2-173-060 Exchanging file information.

All applications, questionnaires, and interview forms used in relation to City of Chicago benefits, opportunities, or services shall be promptly reviewed by the pertinent agencies and any questions regarding citizenship or immigration status, other than those required by statute, ordinance, federal regulation or court decision, shall be deleted within 60 days of the passage of this ordinance.

(Added Coun. J. 3-29-06, p. 74325, § 1; Amend Coun. J. 11-8-12, p. 38872, § 27)

2-173-070 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 chapter would have been adopted had such invalid provision, clause, section, part or application not been included herein.

(Added Coun. J. 3-29-06, p. 74325, § 1)