

WELCOMING ORDINANCE FREQUENTLY ASKED QUESTIONS

What will a Welcoming Ordinance do? A strong and progressive Welcoming Village Ordinance prevent officials from contacting, collaborating with, or turning someone over to Immigration Customs Enforcement (ICE) solely because of a person's immigration status, thereby preventing that something like a routine traffic stop, for example, ends in deportation and permanent family separation; it would keep the criminal and immigration system separate, preventing police officers from serving as de facto immigration officers; and it would prohibit U.S. Department of Homeland Security (DHS) from accessing Village databases, facilities, equipment, personnel, and other resources for the purpose of implementing registries based on race, gender, sexual orientation, religion, immigration status, national or ethnic origin or to conduct civil immigration enforcement.

Why is this important? Over the last eight years, nearly 3 million people were deported. The current administration has shown it intends to surpass those record deportation numbers. Recent executive orders have made all immigrants a priority for deportation.¹ At a time when vulnerable communities are under attack, Oak Park must demonstrate its commitment to equality and justice by standing and acting in solidarity with the immigrant community.

Who will this benefit? This ordinance will benefit all Oak Parkers, including ALL immigrants, regardless of race, gender, religion, and/or previous interactions with the justice system. An estimated 10% of the Oak Park population is foreign born and approximately 1,000 people are undocumented. More than a thousand families in Oak Park would explicitly benefit from a Welcoming City Ordinance that is protective of all immigrants.

Studies show that communities with sanctuary or welcoming ordinances have lower crime rates, lower unemployment and higher incomes.² These policies make communities better and safer for all residents. This Ordinance will ensure Oak Park businesses and institutions continue to benefit from the contributions that immigrants make to its diversity, culture, and economic success.

How many Sanctuary/Welcoming cities are there? According to the Immigrant Resources Legal Center an estimated 364 counties and 39 cities have policies limiting collaboration between city officials and ICE. In response to increased deportations and threats against vulnerable communities, cities, states and institutions are developing new and stronger policies.

What does this mean for safety? Collaboration with ICE endangers safety. When immigrant communities think that city officials, police included, collaborate with ICE, they are less likely to seek access to city officials, resources, or even to report a crime. *In addition, the ordinance does NOT prevent Village officials from complying with valid, legal warrants issued by a court.*

Studies demonstrates that crime is significantly lower in sanctuary jurisdictions. Economies are also stronger in sanctuary jurisdictions—from higher median household income, less poverty, and less reliance on public assistance to higher labor force participation, higher employment-to-population ratios, and lower unemployment.³

How does Oak Park's policy compare? The proposed policy which immigrant advocacy, legal, and community institutions are asking the Village to adopt is one of the strongest in the country and would be the strongest in the state. Policies in Chicago and Evanston, which groups are working to reform, contain deportation loopholes that open the door for deportations and family separation. Oak Park's policy would be closer to the Welcoming Ordinances of Cook County or the City of Santa Ana, which three days before inauguration voted to fix its policy by removing its existing deportation loopholes.⁴

What are the deportation loopholes and why should we remove them? The deportation loopholes facilitate the criminalization and differential treatment of immigrant residents. They would allow Village officials to detain or turn someone over to ICE when:

¹ <https://www.whitehouse.gov/the-press-office/2017/01/25/presidential-executive-order-enhancing-public-safety-interior-united>

² <https://www.americanprogress.org/issues/immigration/reports/2017/01/26/297366/the-effects-of-sanctuary-policies-on-crime-and-the-economy/>

³ <https://www.americanprogress.org/issues/immigration/reports/2017/01/26/297366/the-effects-of-sanctuary-policies-on-crime-and-the-economy/>

⁴ <http://www.oeregister.com/articles/city-741463-santa-sanctuary.html>

- An person has a pending warrant or is a defendant in a case. This means immigrant residents could be turned over to ICE even before ever having their day in court.
- A person has a previous felony conviction, regardless of the nature or circumstances surrounding that conviction, the length of time that has passed since then, and any efforts made to remedy that situation. This includes hyper-criminalized immigration-related offenses like reentry after deportation. In 2013, immigration-related prosecutions made up 40% of all federal prosecutions.⁵
- If an immigrant's name appears in a suspected gang database, which is problematic given the discretionary and unreliable nature of such databases. Across the country, children younger than 10 have been on these lists for wearing pants that were "too baggy." In California, 42 people were placed on the list before turning one year of age.⁶

But why wouldn't we want to deport "criminals"?

The rhetoric is untrue: For years, President Obama's administration has claimed to target "criminals." However, two-thirds of President Obama's more than two million deportation cases have involved people who had committed minor infractions, including traffic violations, or had no criminal record at all.⁷

What has proven true meanwhile is that policing occurs within a racial context. While essential services and resources are increasingly removed or denied, communities of color have seen and experienced increased police presence within their neighborhoods. As a result, people of color are more likely to be arrested or stopped by police. In Chicago and some suburbs police, for example, place more DUI checkpoints in Black & Latino neighborhoods despite conviction rates comparable and sometimes lower to that of predominantly white neighborhoods⁸

For a President who is eager to continue to tap into the rhetoric of deporting "criminals," mass deportations will be an easy thing as long as local governments continue to aid and abet in the criminalization of immigrant communities and collaboration with ICE.

And it is unfair: When a citizen makes a mistake or breaks the law, they respond to the criminal system, pay their fines/fees, serve time, etc. However, the way our immigration system is set up now immigrants are often meted with double punishment through deportation. **Bottomline: it's time to end the double standard.** The criminal and immigration system are two different systems and they should be kept separate.

If Oak Park becomes a Welcoming Village, won't we lose federal funding? Several hundred cities and jurisdictions, including major cities like Chicago and San Francisco, have declared themselves Sanctuary cities. The DOJ cannot remove funding from all of them.

Moreover, the law is on our side:⁹

- The 10th Amendment to the Constitution bars the federal government from forcing non-federal entities from doing their bidding. This means that the federal government cannot force local Village officials to cooperate or to serve as de-facto deportation officers.
- The also Supreme Court recently ruled that threats to remove funding can't be "coercive." Threats become coercive when you threaten to take away everything.

Is Oak Park at greater risk if it passes a stronger Welcoming Ordinance without loopholes? The threat against Sanctuary cities remains with or without the loopholes. If Oak Park wants to call itself a Sanctuary Village, it should take bold and courageous action to pass the strongest policy possible that can ensure protection, not collaboration.

Groups in Chicago and other cities are working to strengthen their own policies and remove all loopholes. Oak Park has an opportunity to get it right from the beginning and be a leader in the state. It can follow the example of places like Cook County and Santa Ana, CA. In doing so, it would be setting the standard for other surrounding suburban communities.

⁵ <http://articles.latimes.com/2013/may/21/local/la-me-ff-immigration-prosecutions-20130522>

⁶ <http://www.latimes.com/local/lanow/la-me-ln-calgangs-audit-20160811-snap-story.html>

⁷ https://www.nytimes.com/2014/04/07/us/more-deportations-follow-minor-crimes-data-shows.html?_r=0

⁸ <http://www.chicagotribune.com/news/watchdog/ct-dui-checkpoints-chicago-met-20150507-story.html>

⁹ <https://www.dnainfo.com/new-york/20170127/civic-center/trump-sanctuary-city-executive-order-federal-funding-de-blasio>