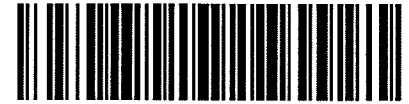




# Office of the City Clerk



SO2012-4984

Office of the City Clerk

## City Council Document Tracking Sheet

**Meeting Date:** 7/25/2012

**Sponsor(s):** Emanuel, Rahm (Mayor)

**Type:** Ordinance

**Title:** Amendment of Chapter 2-173 of Municipal Code by adding new Sections 005 and 042 regarding citizenship and immigration status

**Committee(s) Assignment:** Committee on Human Relations

**SUBSTITUTE**  
**ORDINANCE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:**

**SECTION 1.** Chapter 2-173 of the Municipal Code of Chicago is hereby amended by adding new sections 2-173-005 and 2-173-042, by adding the language underscored and by deleting the language struck through, as follows:

**CHAPTER 2-173**

**~~ACTIONS RELATED TO CITIZENSHIP OR RESIDENCY STATUS~~ WELCOMING CITY  
ORDINANCE**

**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 our 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.

**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.

(a) 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.

(b) Agent. "Agent" means any person employed by or acting on behalf of an agency ~~as defined in Section (a).~~

(c) Citizenship or residency immigration status. "Citizenship or residency immigration status" means all matters ~~reading regarding~~ regarding questions of citizenship of the United States or any other country, ~~questions of the authority from the Department of Homeland Security or federal~~

~~entity charged with enforcing civil immigration laws— to reside in or otherwise be present in the United States, the time or manner of a person's entry into the United States, or any other civil immigration matter enforced by the Department of Homeland Security or a successor or other federal agency charged with the enforcement of civil immigration laws. The use in this ordinance of the term "residency" shall not mean street address or location of residence in Chicago or elsewhere:~~

"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.

**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.

**SECTION 2.** This ordinance shall take effect after its passage and publication.

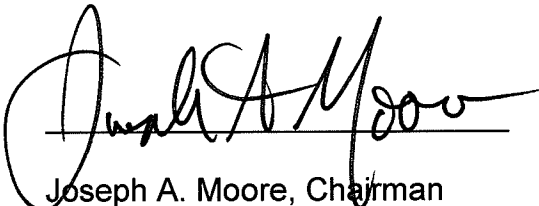
September 12, 2012

To the President and Members of the City Council:

Your Committee on Human Relations, for which a meeting was held on September 10, 2012, having had under consideration a substitute ordinance introduced by Mayor Rahm Emanuel on July 25, 2012, this being the ordinance to amend the Municipal Code by adding new Sections 2-173-005 and 2-173-042 regarding citizenship and immigration status, begs leave to recommend that Your Honorable Body Approve said ordinance transmitted herewith.

This recommendation was concurred in by a via voce vote of all committee members present with no dissenting votes.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph A. Moore", written over a horizontal line.

Joseph A. Moore, Chairman  
Committee on Human Relations