

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 4 - 2025

INTRODUCED BY

JANUARY 15, 2025

AN ORDINANCE

An ordinance of the Council of the City of Allentown Pennsylvania requiring the City to obtain and maintain a welcoming city rating and work towards a score of no less than three stars from welcoming America; codifying the city's practices related to the provision of city services without regard to refugee or immigration status and requiring city council to advocate for the adoption of similar practices and policies by other municipalities; providing for the repeal of inconsistent ordinances; providing for the severability of the ordinance; and providing that the ordinance shall take effect in accordance with Pennsylvania law.

WHEREAS, the City of Allentown has welcomed immigrants since its founding in 1762; and

WHEREAS, the City of Allentown boasts a diverse community with 24.3% of the City's population being foreign born, 54.3% Hispanic population and 51.3% of people speak a language other than English at home;

WHEREAS, the School District of Allentown reports a student body that comes from 43 countries and 26 languages are spoken by its student population and;

WHEREAS, the City of Allentown has one of the highest per capita immigrant and refugee resettlement population in the nation; and

WHEREAS, the City of Allentown has opposed discrimination based on race and national origin for decades, by policy, procedures and by the adoption of Ordinance No. Ord. No. 10193, as amended from time to time thereafter; and

WHEREAS, the City strives to promote a culture of inclusion which values diversity, promotes equity and the involvement of all individuals regardless of their backgrounds, identities, perspectives and sexual orientation; and

WHEREAS, the City strives to ensure that everyone, both employees and the community feel respected, welcomed and empowered to participate in and contribute to the City's governance and decision making processes; and

WHEREAS, Officials and employees of the City do and are required to treat all persons equally and without regard to race, color, ethnicity, religion, national origin, gender, sexual orientation or ability to speak English; and

WHEREAS, the City acknowledges that enforcement of civil federal immigration laws falls exclusively with the authority of the federal government; and

WHEREAS, the City encourages crime reporting and cooperation in the investigation of criminal activity, by working to assure that all persons, regardless of their actual or perceived citizenship or immigration status, feel secure that contacting or being addressed by members of the Allentown City Police will not lead to an immigration inquiry; and

WHEREAS, the City is committed to ensuring access to all residents, including immigrants, to fully participate in civic life, including democratic space with civic engagement programs that are accessible without regard to language preference or disability; and

WHEREAS, the City is committed to being a diverse community where connections and trust are built collaboratively among residents, local government, businesses, faith communities and non-profits for a unified and strengthened community; and

WHEREAS, the City is committed to non-discrimination in all of its hiring practices; and

WHEREAS, as a result of the City's commitments as set forth above, and the actions taken in support of those commitments, in September 2019, the City of Allentown was officially designated as a "Certified Welcoming City" by Welcoming America; and

WHEREAS, the criteria in the Welcoming standards require programs, policies and practices that local government and community organizations implement to ensure that everyone, including immigrants, belong and thrive in an all-inclusive civically engaged community; and

WHEREAS, Welcoming America has a recently adopted five-star rating system that allows governments to achieve one to five star designations for their welcoming efforts, while also providing opportunity for capacity building and growth; and

WHEREAS, in 2025 the City will seek to become a certified Welcoming City and will be audited for recertification as a Welcoming City with subsequent recertifications every three years thereafter; and

WHEREAS, by adoption of this Ordinance, City Council of the City of Allentown is directing that the City obtain an initial rating in 2025 with a goal of achieving and maintaining a rating of no less than 3 stars during in 2025 and each recertification thereafter; and

WHEREAS, the City desires to be a regional leader in advocating for all municipalities in Pennsylvania to adopt policies and procedures that assure the fair and equitable treatment of all people without regard to their refugee or immigration status; and

WHEREAS, by adoption of this Ordinance, City Council desires to codify the City's existing practices of providing services without regard to a person's refugee or immigration status; and

WHEREAS, by adoption of this Ordinance, City Council wishes to legislate requirements that City Council take an active role in advocating that the City's efforts be expanded regionally.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Allentown Police policies and/or practices be codified as follows:

Section 1. Definitions.

Administrative Warrant: A document issued by an immigration enforcement official, including those from the United States Department of Homeland Security (DHS), United States Immigration and Customs

Enforcement (ICE) or an administrative immigration judge (IJ), relating to suspected violations of immigration law. This includes an I-200 "Warrant for Arrest of Alien," an I-205 "Warrant of Removal/Deportation," and any successor or similar forms. The term includes civil administrative warrants, administrative subpoenas, detainer requests, removal orders, database entries (e.g., from the National Crime Information Center) and any similar civil order for the arrest or detention of an individual or for information. An administrative warrant is not a judicial warrant, nor is it a court order.

Certified Welcoming City: A designation provided by Welcoming America under its Certified Welcoming Standard 2.0 star system.

Citizenship or Immigration Status: Citizenship refers to whether a person is a citizen of the United States (including individuals who hold United States citizenship in addition to citizenship of another country) or is solely a citizen of another country (a "non-citizen"). Immigration status refers to the type of authorization a non-citizen has for their presence in the United States (e.g., lawful permanent resident, conditional permanent resident, visa holder, temporary protected status or undocumented, among other types of status). Perceived citizenship or immigration status refers to characteristics that suggest a person may be a non-citizen or of uncertain immigration status, such as actual or assumed place of birth, country of origin, ancestry, native language, looking or sounding "foreign", any other national origin indicator or absence of a social security number. These characteristics are separate from, and not included in the term "citizenship or immigration status."

Contact information: means home address, work address, telephone number, electronic mail address, social media contact information, or any other means of contacting an individual.

Court Order: An order entered by a state or federal court, not to include an administrative immigration court.

Judicial Warrant: means either issued by a state court or a warrant based on probable cause and issued by a judge appointed pursuant to article III of the United States constitution or a federal magistrate judge appointed pursuant to 28 U.S.C. 631, that authorizes federal immigration authorities to take into custody the person who is the subject of such warrant. This does not include warrants or orders issued by employees of the Department of Homeland Security, the Department of Justice, or the Executive Office for Immigration Review.

Immigration and Customs Enforcement (ICE): The federal law enforcement agency under the United State Department of Homeland Security (DHS) responsible for enforcement of immigration laws in the interior United States and for representation of the United States in administrative immigration proceedings. This definition shall also encompass any successor agency to ICE.

Immigration detainer: a request by ICE or CBP to a federal, state, or local law enforcement agency that the law enforcement agency provide notice of release or maintain custody of an individual for purposes of civil immigration law enforcement, including Form I-247-A "Immigration Detainer – Notice of Action"; Form I-247D "Immigration Detainer – Request for Voluntary Action"; I-247X "Request for Voluntary Transfer"; Form I-247N "Request for Voluntary Notification of Release," or any successor forms, as well as informal and verbal requests.

Immigration Enforcement Official: Any federal employee or agent engaged in immigration enforcement operations including but not limited to agents of U.S. Customs and Border Patrol (CBP), the Department of Homeland Security (DHS), and Immigration and Customs Enforcement (ICE).

Immigration enforcement operation: any operation that has as its main objective the identification or apprehension of a person or persons: 1) in order to subject them to civil immigration detention, removal or deportation proceedings, and/or removal or deportation from the United States; or 2) to criminally prosecute a person or persons for offenses related to immigration status, including but not limited to violations of

Sections 1253, 1304(e), 1306(a) and (b), 1325, or 1326 of Title 8 of the United States Code, or violations of Sections 1028A or 1546 of Title 18 of the United States Code.

Official or Employee: Any person employed by or acting on behalf of the City of Allentown including all members of the City of Allentown Bureau of Police as an employee, agent or representative.

Other immigration enforcement document: any document, other than an administrative warrant or immigration detainer, that is used in immigration detention or removal proceedings, including a removal order, order to detain or release aliens, notice to appear, notice of custody determination, and any similar or successor forms.

Section 2. Certified Welcoming City Designation

A. Mandated Star Ratings.

The City, during its 2025 certification, shall obtain an initial rating and work to achieve and thereafter maintain a star rating of no less than 3 stars under Welcoming America's Certified Welcoming Standard 2.0 star system. Notwithstanding the foregoing, the City may and should continue efforts to create policies and procedures and to take actions towards obtaining higher star ratings including those designated as 4 and 5, all in an effort to advance the City's commitments to: .

Ensure equitable and inclusive access to all residents, including immigrants, to the City's governmental programing, services, and processes.

Provide a culturally and ethnically diverse workforce;

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Further strengthen the City's workforce by improving integration;

Promote and support the elimination of barriers to both child and adult education for immigrants;

Assure that the City's residents continue to be treated equitably and fairly without regard to their immigrant status, disability, language preference, gender or sexual orientation; and

Ensure that the City takes a lead in promoting these principles.

B. Reporting.

City Administration shall report no less than annually to City Council on its efforts to both obtain and maintain its 3 Star Certified Welcoming City rating and to adopt policies, procedures and practices consistent with Welcoming City 4 and 5 star ratings.

Section 3. Non-intervention with Respect to Citizenship and Immigration

A. Requesting, Accessing or Disclosing Information Prohibited

1. No official or employee of the City shall inquire into an individual's citizenship or immigration status, unless required to do so by state or federal law or court order.

2. All applications, questionnaires, and interview forms used in relation to City benefits, opportunities, or services shall be promptly reviewed by the pertinent agencies. Any questions regarding citizenship or immigration status, other than those required by ordinance, court order, or state or federal law shall be deleted within 60 days of the adoption of this ordinance.

2. No official or employee of the City shall request, record, or access in government records the citizenship or immigration status of an individual, unless the action is required by state or federal law or court order.
3. No official or employee of the City shall disclose to any person or entity the citizenship or immigration status of an individual, unless the action is required by state law, federal law, regulation, warrant, court order or subpoena or has been authorized by the individual or their legal guardian.
4. The City shall not retain information related to an individual's citizenship or immigration status, unless required to do so by state or federal law or court order.
5. Officials or employees of the City shall not utilize City resources (including but not limited to facilities, equipment, cell phones, office supplies, radios, emails, databases and employee time while on-duty) to provide any information to immigration enforcement officials, unless the employee's action is expressly authorized under this Ordinance.
6. Notwithstanding the foregoing, City officials may in the hiring/application for employment process ask an applicant if they are legally authorized to be employed by the City and/or if they will need an employer sponsor to be or remain lawfully employed.

B. Prohibited Actions

1. Officials or employees of the City shall not threaten, coerce, or intimidate anyone based on their citizenship or immigration status, actual or perceived, or the actual or perceived citizenship or immigration status of a member of the person's household,
2. Officials or employees of the City shall not initiate an investigation or take law enforcement action on the basis of actual or perceived citizenship or immigration status, including, but not limited to, the initiation of a stop, apprehension, arrest, or any other field contact.
3. Officials or employees of the City shall not make inquiries into the citizenship or immigration status of any individual, including those who are not the subject of the law enforcement encounter (e.g., household members, friends or family of the person being questioned), except as authorized by this Ordinance..
4. Officials or employees of the City shall not make any threats of immigration actions or consequences as a result of any interaction with law enforcement, including in the context of criminal investigations.
5. If an official or employee learns of an individual's citizenship or immigration status, the official or employee may not act solely on that individual's citizenship or immigration status, unless with the consent of the individual to pursue a benefit afforded to them under state or federal law or regulation or required by any international treaty.
6. Nothing in this section is intended to prevent the collection and publication of data, other than citizenship and immigration status, useful to program evaluation as long as the underlying data is kept confidential and not disclosed outside the City of Allentown. Nothing herein should be construed to restrict the sharing of de-identified aggregated data outside the City of Allentown.
7. No official or employee or agency shall enter into any contractual agreement or arrangement with a federal agency to provide access to any database operated by a City agency where the purpose of such access includes assisting or supporting immigration enforcement operations. Any existing contractual agreement or arrangement shall be terminated within 60 days from the effective date of this Order or as soon as permitted without penalty by contract terms, whichever occurs earlier.

C. Immigration Enforcement Actions - Federal Responsibility

No official, employee, or agency shall stop, arrest, detain, or continue to detain a person after that person becomes eligible for release from custody or would otherwise be free to leave an encounter with an agency or agent, based on any of the following:

an immigration detainer;

an administrative warrant;

other immigration enforcement document; or information or suspicion that the person is not present legally in the United States, or that the person has committed an immigration violation.

No official, employee, or agency shall support or assist ICE, CBP, or other agencies in any capacity with immigration enforcement operations, including but not limited to requests to (1) provide information (including contact information, custody status, release date, home address, or work address) for the purpose of immigration enforcement operations except as provided under Section F of this ordinance, (2) investigate or interrogate such persons for the purpose of immigration enforcement, (3) establish traffic perimeters for the purpose of immigration enforcement, or (4) otherwise be present to assist or support an immigration enforcement operation. In the event an agent receives a request to support or assist in an immigration enforcement operation, he or she shall report the request to his or her supervisor, who shall decline the request, except as provided under Section F of this ordinance, and document the declination in an interoffice memorandum to the agency director through the chain of command.

No official or employee or agency shall investigate a person's citizenship or immigration status for the purpose of immigration enforcement, except as required by state or federal law or provided under Section F.

No official or employee or agency shall enter into an agreement under Section 1357(g) of Title 8 of the United States Code or any other federal law that permits state or local governmental entities to enforce federal civil immigration laws.

No agency shall enter into any contractual agreement with ICE or CBP to house immigration detainees in the agency's jail facilities, including an Intergovernmental Service Agreement, an Intergovernmental Agreement, a Basic Ordering Agreement, or any similar agreement.

Unless presented with a valid and properly issued judicial warrant, no agency or official or employee shall:

permit ICE or CBP agents to access a person being detained by, or in the custody of, the agency or agent; transfer any person into ICE or CBP custody;

permit ICE or CBP agents to use agency facilities, information (except as provided under Section 8 of this ordinance), or equipment, including any agency electronic databases, for investigative interviews or other investigative purpose or for purposes of executing an immigration enforcement operation; or

expend time to respond to ICE or CBP inquiries or communicate with ICE or CBP regarding a person's custody status, release date, home address, work address, or other information (except as provided under Section 8 of this ordinance).

D. Acceptable Identification

1. Unless required by federal or state law or regulation or an explicit funding requirement, in order to provide public services or benefits, employees of the City shall accept a combination of documents to verify an

individual's identification and an address or other information sufficient to reasonably demonstrate the individual's residence or address, including but not limited to:

A photo identity document (ID) issued by a state and/or foreign government (such as a driver's license, passport or consular identification documents).

b. Presentation of an alternate form of ID shall not subject the person to a higher level of scrutiny or different treatment than if the person had provided a driver's license or state identification card.

This Section does not apply to completion of federal I-9 forms or similar federal or state forms requiring a specific form of identification or license under defined circumstances.

E. Certification Requests

Nothing in this Ordinance shall prohibit Allentown City Police Department from approving certification requests for crime victims or witnesses applying for U or T visas, or other benefits.

F. Compliance with Federal Law

This policy is to be construed in accordance with federal law including 8 U.S.C. § 1644 and 8 U.S.C. §1373(a) which provides "Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, [ICE] information regarding the citizenship or immigration status, lawful or unlawful, of any individual."

G. Complaints Regarding Alleged Violations of this Ordinance

Any person who alleges a violation of Section 3 of Ordinance by a member of the Bureau of Police may file with the Police Bureau a civilian complaint for investigation in accordance with the Allentown Police policies and procedures.

2. Any person who alleges a violation of Section 3 of this Ordinance by an employee of the City other than a member of the Bureau of may file a complaint for investigation with the Bureau of Human Resources of the City of Allentown.

Section 4. Advocacy Requirements.

A. City Council Advocacy Requirements

City Council shall, as part of its annual work, advocate for the adoption of inclusive policies, such as those referenced in this ordinance and as set forth and described by Welcoming America in its star designation process, by other local municipalities. Those efforts should include, but not be limited to:

1. Promoting the Welcoming America standards to other local, state and federal municipalities and bodies;
2. Working collaboratively with the Mayor's office and the Diversity Equity and Inclusion Coordinator to support and encourage work on immigrant inclusion by other local municipalities;
3. Participating in and supporting efforts for advocacy at the state and federal level to promote immigrant and refugee inclusion; and
4. Partnering with other entities and associations to promote and advocate for immigrant and refugee inclusion.

B. Reporting

City Council shall prepare and present at its first meeting in December of each year a report detailing the advocacy efforts it has taken and the progress and results of such advocacy work, including, but not limited to, the advocacy efforts taken by other entities and associations City Council partnered with for such matters.

Section 5. All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

Section 6. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the City of Allentown that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 7. This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

Section 8. Informing municipal agencies and employees. The [clerk or other official] shall send copies of this Order including any future amendments thereto that may be made to every City agency. Each City agency shall provide its employees and officials with a written directive, protocol, or instructions for implementing this Order within thirty days of this order, and shall provide on an ongoing basis such trainings as are necessary to ensure compliance with this Order.

DULY ORDAINED AND ENACTED this ____ day of _____, 2025, by the Council of the City of Allentown, Allentown County, Pennsylvania, in lawful session duly assembled.