

DATE SUBMITTED

04/07/2017

SUBMITTED BY


City Manager

DATE ACTION REQUIRED

04/19/2017

Agenda Item No

H-10

CITY COUNCIL ACTION (X)
PUBLIC HEARING REQUIRED ()
RESOLUTION ()
ORDINANCE 1ST READING ()
ORDINANCE 2ND READING ()
CITY CLERK'S INITIALS 

**IMPERIAL CITY COUNCIL
AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION: SANCTUARY CITIES – SB 54

1. PROVIDE DIRECTION TO STAFF ON WORKING WITH FEDERAL AGENCIES
IN REGARDS TO HANDING OVER ILLEGAL IMMIGRANTS

DEPARTMENT INVOLVED: PUBLIC SERVICES

BACKGROUND/SUMMARY

The attached announcement from Attorney General Jeff Sessions only applies to DOJ grants.

Additional information will be provided as it becomes available.

FISCAL IMPACT:

STAFF RECOMMENDATION

MANAGER'S RECOMMENDATION:

MANAGER'S INITIAL _____

MOTION:

SECONDED:

AYES:

NAYES:

ABSENT:

APPROVED ()

DISAPPROVED ()

REJECTED ()

DEFERRED ()

REFERRED TO:

Attorney General Jeff Sessions announced on March 27, 2017 that states, counties and local jurisdictions seeking DOJ grants will have to verify that they are in compliance with Title 8, US Code Section 1373.

The Department of Justice will require jurisdictions seeking or applying for Department grants to certify compliance (by checking a box) with Section 1373 as a condition for receiving grant awards. Section 1373 basically states, "...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, the Immigration and Naturalization Service (now ICE) information regarding the citizenship or immigration status, lawful or unlawful, of any individual."

Accordingly, applicants who fail to be in compliance with Section 1373 will be ineligible to apply for DOJ grants. Failure to remedy violations could result in withholding of grants, termination of grants, and disbarment or ineligibility for future grants. DOJ, moreover, will also take all lawful steps to claw-back any funds awarded to a jurisdiction that willfully violates Section 1373. In the current fiscal year, department's Office of Justice Program and Community Oriented Policing Services anticipate awarding more than \$4.1 billion dollars in grants.

The Department of Homeland Security has been tasked with compiling a weekly report – a "shaming list" – of local jurisdictions who are refusing to honor Immigration and Customs Enforcement (ICE) detainer requests with respect to individuals charged or convicted of a serious crime. Last week, DHS released the names of 200 cases in which local jurisdictions failed to comply with detainer requests.

Title 8 USC § 1373.

Communication between government agencies and the Immigration and Naturalization Service (a) In general

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, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

(b) Additional authority of government entities Notwithstanding any other provision of Federal, State, or local law, no person or agency may prohibit, or in any way restrict, a Federal, State, or local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:

(1)

Sending such information to, or requesting or receiving such information from, the Immigration and Naturalization Service.

(2)

Maintaining such information.

(3)

Exchanging such information with any other Federal, State, or local government entity.

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