



# Allegheny County Council

County of Allegheny  
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## Legislation Text

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An ordinance of the Council of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Administrative Code of Allegheny County through the creation of a new Part 13, entitled "County Services," in order to codify the County's practices related to the provision of County services without regard to refugee or immigration status.

**WHEREAS**, Allegheny County has welcomed immigrants and gratefully accepted their fundamental contributions to the region's social fabric, arts community, academic landscape, and economy since its founding; and

**WHEREAS**, Allegheny County boasts a diverse community, with notable Black, American Indian/Alaskan Native, Asian, Native Hawaiian/Pacific Islander, and Hispanic/Latino populations; and

**WHEREAS**, Allegheny County has a longstanding tradition of offering opportunity to individuals from other nations, formerly as a heavy industry hub, and more recently by virtue of our exceptional educational, medical, and technological sectors; and

**WHEREAS**, Allegheny County has opposed discrimination based on race and national origin for decades, by policy, procedures and by the adoption of Ordinance 26-09-OR, as amended from time to time thereafter; and

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

**WHEREAS**, Officials and employees of the County 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 Council and Allegheny County as a whole both acknowledge and stress that enforcement of civil federal immigration laws falls exclusively with the authority of the federal government; and

**WHEREAS**, Allegheny County 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 Allegheny County Police or Sheriffs will not lead to an immigration inquiry; and

**WHEREAS**, it is additionally the judgment of Council that any factors reducing the trust between the County's residents and County law enforcement personnel pose clear and inherent risks to the public and our

first responders, insofar as reduced trust generally results in fewer interactions to report dangers to public health and safety, medical emergencies, traffic accidents, and the like, while interactions that do take place will often entail elevated tension for both the public and responders; and

**WHEREAS**, Allegheny County 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**, Allegheny County 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 County, by law, policy, and practice, is committed to non-discrimination in all of its hiring practices; and

**WHEREAS**, in light of the foregoing, it is the judgment of Council that Allegheny County has an obligation 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, Council desires to codify the County's existing practices of providing services without regard to a person's refugee or immigration status.

***The Council of the County of Allegheny hereby enacts as follows:***

***SECTION 1. Incorporation of the Preamble.***

The preamble to this ordinance is hereby incorporated by reference.

***SECTION 2. Enactment of New Part 13.***

The Administrative Code of Allegheny County is hereby amended and supplemented by the enactment of a new Part 13, entitled "County Services," Article 1301, entitled "Refugee and Immigration Status," and comprised as follows:

**Part 13**  
**County Services**  
**ARTICLE 1301**  
**Refugee and Immigration Status**

## §5-1301.01. Definitions.

The following words and phrases shall have the meanings established herein, unless context clearly indicates to the contrary:

- A. "Administrative Warrant" shall mean 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.
- B. "Citizenship or Immigration Status" 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). Immigration status shall also refer to any status accorded to individuals seeking asylum in the United States United States seeking protection because they have suffered persecution or fear that they will suffer persecution due to race, religion, nationality, membership in a particular social group, political opinion, or other factor, regardless of whether such individual has yet filed form I-589. 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."
- C. "Contact Information: shall mean home address, work address, telephone number, electronic mail address, social media contact information, or any other means of contacting an individual.
- D. "County Agency" shall mean any County department, row office, and County Council.
- E. "Court Order" shall mean an order entered by a state or federal court, not to include an administrative immigration court.
- F. "Judicial Warrant" shall mean either a warrant 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.
- G. "Immigration and Customs Enforcement (ICE)" shall mean 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.

- H. "Immigration detainer" shall mean 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.
- I. "Immigration Enforcement Official" shall mean 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).
- J. "Immigration enforcement operation" shall mean 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.
- K. "Official or Employee" shall mean any person employed by or acting on behalf of the County of Allegheny as an employee, agent or representative of the County, including:
1. All County departments, agencies, boards, or commissions, officers or employee of the County;
  2. Court administrative and clerical employees, probation, pre-trial services and community corrections employed by Allegheny County; and
  3. All members of the Allegheny County Police, Office of the Sheriff, and Office of the District Attorney.
- L. "Other Immigration Enforcement Document" shall mean 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.

## **§5-1301.02. Citizenship and Immigration Status; Nonintervention**

- A. Requesting, Accessing or Disclosing Information Prohibited
1. No Official or Employee shall inquire into an individual's citizenship or immigration status, unless required to do so by state or federal law or court order as defined under the terms of this Article.

2. All applications, questionnaires, and interview forms used in relation to County benefits, opportunities, or services shall be promptly reviewed by the pertinent County 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 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 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 in writing by the individual or their legal guardian.
4. The County 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 shall not utilize County 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 pursuant to the terms of this Article.
6. Notwithstanding the foregoing, Allegheny County may in the hiring/application for employment process ask an applicant if they are legally authorized to be employed by the County and/or if they will need an employer sponsor to be or remain lawfully employed.

B. Prohibited Actions

1. Officials or Employees 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 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 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 pursuant to the terms of this Article.
4. Officials or Employees 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 contained within this Section shall be construed or interpreted 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 County of Allegheny. Nothing herein should be construed or interpreted to restrict the sharing of deidentified aggregated data outside the County of Allegheny.
7. No Official or Employee or County Agency shall enter into any contractual agreement or arrangement with a federal agency to provide access to any database operated by a County 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 Article, or as soon as permitted without penalty by contract terms, whichever occurs earlier.

C. Immigration Enforcement Actions - Federal Responsibility

1. No Official or Employee, or County 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:
  - a. An immigration detainer;
  - b. An administrative warrant;
  - c. 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.
2. No Official or Employee, or County Agency shall support or assist ICE, CBP, or other agencies in any capacity with immigration enforcement operations, including but not limited to requests to:
  - a. 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 Subsection F;
  - b. Investigate or interrogate such persons for the purpose of immigration enforcement;
  - c. Establish traffic perimeters for the purpose of immigration enforcement; or
  - d. 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 Subsection F, and document the declination in an interoffice memorandum to the agency director through the chain of command.

3. No Official or Employee or County 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 Subsection F.
4. No Official or Employee or County 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.
5. No County Agency shall enter into any contractual agreement with ICE or CBP to house immigration detainees in the agency's or department's jail or other facilities, including an Intergovernmental Service Agreement, an Intergovernmental Agreement, a Basic Ordering Agreement, or any similar agreement.
6. Unless presented with a valid and properly issued judicial warrant, no County Agency, or Official or Employee shall:
  - a. 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;
  - b. Permit ICE or CBP agents to use agency facilities, information (except as provided under Subsection F), or equipment, including any agency electronic databases, for investigative interviews or other investigative purpose or for purposes of executing an immigration enforcement operation; or
  - c. 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 the terms of Subsection F).

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, Officials or Employees 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).
2. 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.
3. This Section shall not apply to completion of federal 1-9 forms or similar federal or state forms requiring a specific form of identification or license under defined circumstances.

E. Certification Requests. Nothing contained within this Article shall prohibit the Allegheny County Police Department or Office of the Sheriff from approving certification requests for crime victims or witnesses applying for U or T visas, or other benefits.

F. Compliance with Federal Law. This Article is to be construed in accordance with federal law including 8 U.S.C. S 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 Article.

1. Any person who alleges a violation of this Article by a member of the Allegheny County Police or Office of the Sheriff may file with the Independent Police Review Board a civilian complaint for investigation in accordance with the IPRB's policies and procedures, or with the County Police or Sheriff in accordance with their respective policies and procedures.

2. Any person who alleges a violation of this Article by an employee of the County other than a member of the Allegheny County Police or Sheriffs may file a complaint for investigation with the Allegheny County Human Relations Commission.

#### **§5-1301.03. Training and Notification.**

Within ten (10) days of enactment, the County Manager shall disseminate copies of this Article to each County agency. Each County agency shall provide its employees and officials with a written directive, protocol, or instructions for implementing this Article within forty-five (45) days of the effective date, and shall provide on an ongoing basis such trainings as are necessary to ensure compliance with this Article.

#### **§5-1301.04. No Effect on Municipalities.**

Nothing contained within this Article shall be deemed to apply to, limit, or otherwise restrict or impose any obligation upon any municipality within Allegheny County or any municipal police department or other law enforcement agency operating within Allegheny County, apart from the Allegheny County Police and Sheriff.

### ***SECTION 3. - Effective Date.***

The terms of this Ordinance shall become effective immediately upon the date of final approval.

### ***SECTION 4. - Severability.***

If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.

***SECTION 5. - Repealer.***

Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.