

FAIR AND EQUAL COUNTY FOR IMMIGRANTS

07-R-240

RESOLUTION Sponsored by

**THE HONORABLE TODD H. STROGER, PRESIDENT,
ROBERTO MALDONADO, JOSEPH MARIO MORENO AND LARRY
SUFFREDIN, COUNTY COMMISSIONERS**

Co-Sponsored by

**THE HONORABLE FORREST CLAYPOOL, JOAN PATRICIA MURPHY,
MIKE QUIGLEY
AND ROBERT B. STEELE, COUNTY COMMISSIONERS**

**RESOLUTION DECLARING COOK COUNTY A “FAIR AND EQUAL
COUNTY FOR IMMIGRANTS”**

WHEREAS, the County of Cook is a home rule unit of local government pursuant to Article VII, Section 6(a) of the 1970 Illinois Constitution; and

WHEREAS, pursuant to its home rule power, the County of Cook may exercise any power and perform any function relating to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, to this end, the County of Cook is dedicated to providing all of its residents with fair and equal access to the services, opportunities, and protection county government has been established to administer; and

WHEREAS, there are now approximately 12 million undocumented immigrants in the United States, including half a million in Illinois and more than 300,000 who live in communities throughout Cook County, working full-time jobs, paying taxes, and contributing to Social Security and Medicare; and

WHEREAS, conditioning the provision of benefits, opportunities, and services on citizenship or immigrant status or inquiring about such status in the course of such provision directly contravenes the County’s commitment to ensuring fair and equal access for all of its residents; and

WHEREAS, the enforcement of civil immigration laws has historically been a federal government responsibility, a power vested first in the Immigration and Naturalization Service and then in the Department of Homeland Security; and

WHEREAS, initiatives such as the proposed Federal Clear Law Enforcement for Criminal Alien Removal Act, which would require local governments to give their local law enforcement agencies express authority to enforce

immigration laws, also signals pressure to expend limited local resources on traditionally federal functions; and

WHEREAS, encouraging local governments that are not specifically equipped or trained to implement immigration measures is likely to result in inconsistencies and decentralization that undermine instead of strengthen these measures; and

WHEREAS, as a matter of public safety, the protection of an individual's citizenship and immigrant status will engender trust and cooperation between law enforcement officials and immigrant communities to aid in crime prevention and solving, including human and drug trafficking, prostitution, domestic violence, and even terrorism, and will discourage the threat of immigrant and racial profiling and harassment; and

WHEREAS, according to the National Immigration Law Center, nearly 50 cities and counties throughout the U.S. have enacted "Sanctuary Laws", prohibiting their agencies from inquiring about immigration status and unilaterally enforcing immigration law provisions including Cambridge, Chicago, Los Angeles, and Seattle and several states, including Alaska, Maine and Oregon; and

WHEREAS, by means of this Resolution, Cook County joins states, cities, and counties across the nation by declaring itself a "Fair and Equal County for Immigrants", which means that Cook County ensures fair and equal access to essential benefits, opportunities, and services by prohibiting Cook County bureaus, offices, departments, or employees or other Cook County agencies or agents from inquiring or disclosing information about immigration status.

NOW, THEREFORE, BE IT RESOLVED, that except as provided below or when otherwise required by law, no Cook County bureau, office, department, employee, or other Cook County agency or agent shall condition the provision of Cook County benefits, opportunities, or services on matters related to citizenship or immigrant status; and

BE IT FURTHER RESOLVED, that it shall be the policy of the Cook County Sheriff's Office not to assist in the investigation of the citizenship or immigrant status of any person unless such inquiry or investigation is (a) integrally related to an investigation by the Cook County Sheriff's Office regarding a matter other than the individual's citizenship or immigrant status, such as criminal smuggling and harboring of immigrants, or other crimes that have as an element of the crime the illegality of a person's presence, or (b) as otherwise required by law. The Cook County Sheriff's Office shall not make inquiries

into immigration status for the sole purpose of determining whether an individual has violated the civil immigration laws; and

BE IT FURTHER RESOLVED, that except when otherwise required by law, no Cook County bureau, office, department, or employee or other Cook County agency or agent shall disclose information regarding the citizenship or immigrant status of any person unless required to do so by law or such disclosure has been authorized in writing by the individual to whom such information pertains, or if such individual is a minor or is otherwise not legally competent, by such individual's parent or guardian; and

BE IT FURTHER RESOLVED, that the Cook County Bureau of Health Services ("CCBH") shall not condition the provision of health benefits, opportunities, or services on matters related to citizenship or immigrant status, but may, in the course of determining eligibility for benefits or seeking reimbursement from state, federal, or other third party payers, inquire about immigrant status for the sole purpose of such a determination or receipt of reimbursement from said sources and, to such extent as the disclosure of such information is related to such a determination or receipt of reimbursement, the provisions of this Resolution and any subsequent ordinance do not apply to the CCBH; and

BE IT FURTHER RESOLVED, that except when otherwise required by law, where presentation of an Illinois driver's license or identification card is accepted as adequate evidence of identity, presentation of a photo identity document issued by the person's nation of origin, such as a driver's license, passport, or matricula consular (consulate-issued document) shall be accepted and shall not subject the person to a higher level of scrutiny or different treatment than if the person had provided an Illinois driver's license or identification card except that this provision does not apply to the completion of the federally mandated I-9 forms provided, however, that a request for translation of such document to English shall not be deemed a violation of any provision of this Resolution and any subsequent ordinance; and

BE IT FURTHER RESOLVED, that this Resolution does not create or form the basis for liability on the part of the County, its agents, or agencies. The exclusive remedy for violation of this Resolution shall be through the County's disciplinary procedures for officers and employees under regulations including, but not limited to, County personnel rules, union contracts, civil service commission rules, or any other agency rules and/or regulations. Any person alleging a violation of this Resolution shall forward a complaint to the Cook County Office of the Inspector General ("Inspector General") who shall process

it in accordance with the complaint-processing procedures established in the Cook County Code (Vol. I, Ch. 2, Art. IV, Div. 5, Sec. 2-285); and
BE IT FURTHER RESOLVED, that any applications, questionnaires and interview forms used in relation to Cook County benefits, opportunities or services shall be promptly reviewed by the pertinent agencies, and any questions requiring disclosure of information related to citizenship or immigrant status, other than those (a) permitted by this Resolution to require the disclosure of such information or (b) otherwise required by law, shall be, in the best judgment of the pertinent agency, either deleted in its entirety or revised such that the disclosure is no longer required. Such review and revision shall be completed within ninety (90) days of the passage of this Resolution.

Approved and adopted this 5th day of June 2007.