



MEMORANDUM

TO: BELLINGHAM CITY COUNCIL
FROM: BRIAN HEINRICH, DEPUTY ADMINISTRATOR
CC: MAYOR SETH FLEETWOOD; IMMIGRATION ADVISORY BOARD
SUBJECT: IMMIGRANT RESOURCE CENTER
DATE: OCTOBER 24, 2022

At its May 9, 2022, meeting the City Council asked the Administration to prepare or provide the Council with operational model or models that would identify organizational structure as well as budget. There are three areas outlined in the following:

1. Considerations
2. Models
3. Review of Immigration Advisory Board proposal

1. Considerations

Federal Law Enforcement: Regarding the enforcement of federal immigration authorities in/around the City of Bellingham, many Customs and Border Control (CBP) agents have broad authority to make warrantless arrests and exercise their authority up to 100 miles away from the border. A recent Supreme Court ruling from June of this year related to lawsuits against federal law enforcement (Egbert v. Boule), gives border patrol agents near unfettered authority to search, seize and detain Americans, without any consequences if they overstep their authority or even kill someone¹. The Fourth Amendment of the Constitution protects against arbitrary searches and seizures of people and their property, in the border region and beyond. Within 25 miles of the border, as permitted by a separate statute not at issue in this case, Border Patrol is permitted to enter private property, such as your yard or ranch land, without a warrant but is explicitly barred, even that close to the border, from entering a “dwelling,” such as your house, without a warrant². There are two circumstances which allow Border Patrol to conduct searches and seizures with a 100-mile border zone:

- Immigration agents can stop and search vessels, trains, aircraft or other vehicles without a warrant and request relevant immigration related paperwork.

¹ Reuters: U.S. Supreme Court insulates federal agents from accountability, June 10, 2022

² American Civil Liberties Union: Four Things You Need to Know About the Supreme Court’s Ruling in Egbert v. Boule

- As noted above, within 25 miles of a border immigrations agents can enter private property but not dwellings without a warrant.

It's worth noting that the Department of Homeland Security has established "protected areas" that based on the essential services or activity is generally protected from enforcement actions. From a non-exhaustive list, the following locations are provided by way of example³:

A social services establishment, such as a crisis center, domestic violence shelter, victims services center, child advocacy center, supervised visitation center, family justice center, community-based organization, facility that serves disabled persons, homeless shelter, drug or alcohol counseling and treatment facility, or food bank or pantry or other establishment distributing food or other essentials of life to people in need.

The powers of federal law enforcement are mentioned because of the potential impacts their actions may have on a center.

The Public Records Act: The Public Records Act (PRA) requires that all public records maintained by state and local agencies be made available to all members of the public, with very narrow statutory exemptions. [Chapter 42.56 RCW](#) provides the statutory framework for disclosure of public records, while the Washington State Attorney General's [Model Rules on Public Disclosure \(chapter 44-14 WAC\)](#) provide practical, non-binding, advisory guidance on many issues that may not be clear in the language of the PRA itself⁴.

A public record is defined in [RCW 42.56.010\(3\)](#) as any writing that is prepared, owned, used, or retained by any state or local government agency, and which contains information that relates to the conduct of government, or the performance of any governmental or proprietary function.

The term "writing" is broadly defined to include not only traditional written records, but also photos, maps, videos, voicemails, webpage and social media content, emails, text messages and tweets ([RCW 42.56.010\(4\)](#))⁵.

Should the City create an Immigrant Resource Center staffed by City employees any records kept would almost certainly be subject to public disclosure. Depending on the services rendered, it might be difficult-to-impossible to keep confidential any personal information of those served.

³ U.S. Immigration and Customs Enforcement, FAQ: Protected Areas and Courthouse Arrests

⁴ Municipal Research and Services Center, Public Record Act Basics

⁵ Ibid

This may have a chilling effect on the ability to effectively serve marginalized or undocumented residents. The PRA applies to all state and local government agencies and would also apply to any and all documents the City receives from a partner nonprofit or community serving agency.

Chapter 2.25 Bellingham Municipal Code: In early 2017 the Bellingham City Council adopted Chapter 2.25 of the Bellingham Municipal Code, Equal Protection of Provision of Services Regardless of Immigration Status. Among other things, Chapter 2.25 establishes that:

- a. Civil and immigration laws are the responsibility of the federal government,
- b. Matters of immigration law are handled by the Office of Immigration and Customs Enforcement, a branch of the Department of Homeland Security,
- c. Enforcement of civil immigration laws forces local governments to expand limited resources and diminishes the effectiveness of local law enforcement's mission to ensure public safety for the entire community,
- d. Bellingham Police have adopted policies and practices that ensure equal enforcement of the law and equal service regardless of immigration status,
- e. And, that the goals of this legislation are to affirm and foster trust and cooperation between law enforcement officials and immigrant communities, to heighten crime prevention and public safety, and to reaffirm the city's commitment to equal access to city services, all so that families and persons may continue to be productive members of the Bellingham community
- f. In addition to the above, section 2.25.020 states that:
 - i. City personnel shall not condition the provision of city services or initiate any enforcement action based on a person's:
 - A. Civil or administrative immigration status;
 - B. Race, creed, color, national origin, or other protected status as set forth in Chapter 49.60 RCW; or
 - C. Lack of proficiency in speaking the English language. [Ord. 2017-02-008 § 2].

BMC 2.25 is raised here because providing services specific to the immigration status of an individual(s) would potentially conflict with section "e" and section "f." Council could, of course, modify the code if any services are deemed to be in conflict.

2. Models

There are at least three models for the delivery of immigrant resource services that could be provided. Those are: 1) a city staffed and housed model, 2) a local government partnership

model, and 3) a contract with a community-serving organization. In review of existing models in New York, Texas, Colorado, Tennessee, and Washington it appears that city staff help facilitate and coordinate the provision of services with community-serving organizations. For example, the Buffalo, NY Office of New Americans “facilitates connections between Buffalo’s refugee and immigrant communities and City departments, government agencies and other organizations outside of city government to help address concerns or answer questions.” While the Denver, CO Office of Immigrant and Refugee Affairs “...partners with nonprofits, community-based organizations, residents, and government agencies to develop and implement policies, practices and programs that influence the various paths of immigrant integration.” The Seattle, WA Office of Immigrant and Refugee Affairs offers most services through partner agencies and offers new citizen services such as the program “Ready to Work (RTW) is a no-cost, classroom-based program for adult immigrants with low English-language proficiency to improve their English skills. The program is administered by the Office of Immigrant and Refugee Affairs through our [partner agencies](#).” The Nashville, TN Mayor’s Office of New Americans offers a leadership training program that “...empowers New Americans to understand and participate in Metro Government.” They also provide “Connection to a variety of community organizations: Tennessee Immigrant and Refugee Rights Coalition; American Muslim Advisory Council; New American Development Center; Tennessee Immigrant and Minority Business Group; Family & Children’s Services.” The San Antonio, TX Office of Immigration Services operates a Migrant Resource Center that provides a suite of services such as service referrals, overnight sheltering, help navigating systems, case management, food and toiletries, local transportation, and more for predominantly new arrivals. Of note, San Antonio has a daily average of almost 600 arrivals with more than 500 requiring overnight sheltering. The Migrant Resource Center operates through a partnership with the City of San Antonio and local non-profit and faith-based partners. Agency partners include the Catholic Charities of San Antonio, the San Antonio Food Bank, Interfaith Welcome Coalition, Corazon Ministries, Travis Park Church, and others.

Budgets vary depending on the type of center, but a city-resourced center would need to account for salary and benefits for each City employee as well as either the use of existing space or renting space. A similar arrangement would apply for a partnership with another government agency. A contracted service provider would also vary depending on the services provided, but the City has ample examples of contracts for service. A Request for Qualification (RFQ) may help define the needs, services, and costs.

3. Immigration Advisory Board Proposal

The full proposal is attached to this memorandum. Selected highlights for discussion from the proposal are:

1. Purpose: The purpose of a city funded immigrant resource center is to provide resources to all immigrants in Whatcom County, regardless of documentation status.
 - a. Attached is the Immigrant Profile as prepared by Legislative Policy Analyst Mark Gardner
 - b. The proposal identifies several deliverables, among them:
 - i. Improve the ways in which the City brings culture and language sensitivity to service delivery
 - ii. Support voter registration and education programs
 - iii. Provide workforce support
 - iv. Provide a structure and safe place for immigrants and refugees to report workplace issues, racial profiling incidents and discrimination

Council may be aware that an internal effort is underway to increase language accessibility at front service counters and making the City's website accessible in multiple languages remains a priority. It's unclear how the City can support voter registration and education programs or what that delivery would look like. It's similarly unclear what workforce support might mean. And, finally, Council will recall that the City created in partnership with the Whatcom Dispute Resolution Center the program Safe Spaces "...was created to provide another access point for community members to make a complaint due to concerns about the City of Bellingham's services, or their experience interacting with or within the City of Bellingham. In recognition that barriers to direct communication between community members and the City of Bellingham do exist, the program provides an avenue for those who feel unable, unwilling, or previously unsuccessful in bringing their complaint directly to the City of Bellingham. The program is intended to supplement (not replace) the existing complaint programs within City of Bellingham departments."

2. Governance: The proposal states that "A city funded immigrant resource center, established within the governance and oversight of the Immigration Advisory Board."
 - a. The IAB proposes to provide governance of oversight of the proposed center which would conflict with the purpose of the boards and commissions and the City's Charter. The City has 24 Boards and Commissions none of whom provide oversight of staff.
3. Staffing: Proposes four full-time staff, one director and three assistants.
 - a. It's unclear on the what the current staffing needs would be for a center. By way of discussion the proposed Office of Climate has two full-time staff to oversee citywide climate initiatives, the Mayor's Office currently has six full-time employees providing support and oversight of city operations, and Council

currently has seven elected members and two full-time to provide policy oversight of the City.

4. Services: The IAB proposal identifies several areas of service that could be provided. From the proposal these are:

- a. Legal services
- b. Healthcare
- c. Education
- d. Childcare
- e. Emergency food and shelter
- f. Public safety
- g. Protection from discrimination/civil rights
- h. Access to ID and civil services

Many of these services are already available by other community-serving organizations both in Bellingham and Whatcom County, some of which are currently funded by the City of Bellingham, Whatcom County, or both. It's unclear from the proposal how the proposed Center would enhance or provide additional services that wouldn't be duplicative of existing services or the organizations providing them. Some of these requested services the City may not be able to provide such as legal services or employment-related services. That said, there may be value in exploring if a broader community serving clearinghouse or navigation-style service would be of value and available to all newcomers to Bellingham and Whatcom County.

Immigrant Resource Center

Profile community/assess needs

- Create profile of immigrant community (American Community Survey)
 - What languages?
 - What nationality of origin; ethnicity?
 - Length of residence in the US?
 - Employment and income
 - Etc.
- How to assess need for services? (Conduct focus groups??)

A Sample of Immigration Offices and Services Offered

Buffalo, NY (population 255,805), Office of New Americans

<https://www.buffalony.gov/422/Office-of-New-Americans>

Sample of activities/services offered:

- “ONA works to ensure that all City services are accessible to Buffalo’s growing newcomer and New American population.”
- “... facilitates connections between Buffalo’s refugee and immigrant communities and City departments, government agencies and other organizations outside of city government to help address concerns or answer questions
- “... regularly updates community leaders on employment announcements, cultural events, and other opportunities.”
- “... provides cultural competency presentations in partnership with community ethnic organizations for city employees, including the Buffalo Police Department.”
- “... regularly meets with refugee and immigrant community members to assess and better understand the goals and needs of the population, and how we can best serve them.”
- Provides “Guide to City Services” including rights, education, housing resources, etc.

Denver, CO (Population 715,878) Office of Immigrant and Refugee Affairs

<https://www.denvergov.org/Government/Agencies-Departments-Offices/Agencies-Departments-Offices-Directory/Human-Rights-Community-Partnerships/Divisions-Offices/Office-of-Immigrant-Refugee-Affairs>

Sample of activities/services offered:

- “The Denver Office of Immigrant & Refugee Affairs (DOIRA) partners with nonprofits, community-based organizations, residents, and government agencies to develop and implement policies, practices and programs that influence the various paths of immigrant integration.”
- Denver Immigration Legal Services Fund (contracted)
- Immigrant Integration Sponsorship Program (grant program)

- Community Resources -- Federal Information (DACA, ICE enforcement issues, Public Charge), Local Information (citizenship resources e.g. through public library; Connection to United Way Resources Center)

Nashville, TN (population 692,587) Mayor's Office of New Americans

<https://www.nashville.gov/departments/mayor/diversity-and-inclusion/new-americans>

Sample of activities/services offered:

- MyCity Academy, "A free leadership-training program that empowers New Americans to understand and participate in Metro Government."
- Parent Ambassadors: "Pairs New American parents who are veterans of Metro Schools with immigrant and refugee families whose children are newly enrolled."
- Connection to a variety of community organizations: Tennessee Immigrant and Refugee Rights Coalition; American Muslim Advisory Council; New American Development Center; Tennessee Immigrant and Minority Business Group; Family & Children's Services

Seattle, WA (population 741,251) Office of Immigrant and Refugee Affairs

<https://www.seattle.gov/iandraffairs>

Sample of activities/services offered:

- Most services offered through partner agencies
- Legal defense fund and network (via partnerships)
- New citizen services
- Voter education
- "Ready to Work (RTW) is a no-cost, classroom-based program for adult immigrants with low English-language proficiency to improve their English skills. The program is administered by the Office of Immigrant and Refugee Affairs through our [partner agencies](#)."
- Immigrant Family Institute (... "brings together youth from immigrant families, their parents/guardians/caregivers, and Seattle police officers to learn from each other. The program focuses on immigrant families that have been or could be impacted by the juvenile justice system and frontline police officers who interact regularly with the public. We provide support for families to be able to attend each program session").

San Antonio, TX (Population 1,529,000) Office of Immigration Services

<https://www.sanantonio.gov/humanservices/ImmigrationServices>

Sample of activities/services offered:

- Offers legal services for people at risk of deportation
- Runs a Migrant Resource Center
 - Service Referrals
 - Overnight sheltering
 - Coordinated data collection among community partners
 - help navigating systems
 - case management
 - phone charging
 - phone access stations to help with contacting family
 - food and toiletries
 - rest areas
 - showers
 - local transportation to connect to destinations outside of San Antonio
 - Received reimbursement from FEMA for services
- “San Antonio has a daily average of almost 600 arrivals with more than 500 requiring overnight sheltering.”
- “The Department of Human Services, in collaboration with various community partners, leads migrant response efforts to provide emergency shelter, food, local transportation, financial assistance and supportive services.”
- “The Migrant Resource Center operates through a partnership with the City of San Antonio and local non-profit and faith-based partners. Partners include: Catholic Charities of San Antonio, the San Antonio Food Bank, Interfaith Welcome Coalition, Corazon Ministries, Travis Park Church, and Endeavors.”

County of El Paso, TX. (Population 836,915) Office of New Americans

Sample of activities/services offered:

<https://www.epcounty.com/famcom/newamericans.htm>

- “We will work with our constituents, community-based organizations, and advocacy groups to establish a Welcoming Strategic Plan. The Welcoming Strategic Plan will record our overall mission as well as our short term and long-term goals and the action plan to reach them. It will provide transparency and direction for implementation of these future programs.”
- “El Paso County ONA is proud to collaborate with not only local partners but also nationwide organizations like: Welcoming America, National Partnership for New Americans, Cities 4 Action, New American Economy, Cities for Citizenship, and Immigration Legal Resource Center.”
- Services offered:
 - Citizenship Resources (including citizenship practice tests)
 - Legal Resources
 - ICE detainee locator
 - Business resources
 - Ability to report civil rights violations/hate crimes

Possible Local Models of service delivery

Possible delivery models:

- City of Bellingham
- Partnership between local governments
- RFP/Contract for services
 - Hub and spoke model
 - Web clearing house connecting to community partners/services

Sample of possible services:

- driver's licenses
- birth certificates
- voter registration
- ESL
- Help accessing social/housing services
- Work with asylum seekers?
- New citizen programming (test prep etc.)