

## Legislation Text

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Supporting the School District of Philadelphia's efforts to ensure our schools are safe havens for immigrant families by protecting students' learning environments from disruption by immigration enforcement actions and by safeguarding students' confidential information, and endorsing the District's proposed Welcoming Sanctuary Schools Resolution.

WHEREAS, The City of Philadelphia is committed to providing a sanctuary of safety where all young people are able to focus on their education, secure in the knowledge that the City will support their safety and emotional well-being regardless of immigration status, national origin, race, gender identity, sexual orientation, familial status, religion or person's abilities; and

WHEREAS, Our City is stronger when all of us maintain our rights, and the City is committed to protecting students' federal and state constitutional rights including their Fourth Amendment right to be free from unreasonable searches and seizures and their constitutional right to access a free public K-12 education. Philadelphia is a Welcoming City with an expressed public commitment to limit local cooperation with Immigration and Customs Enforcement (ICE); and

WHEREAS, In 1982, the U.S. Supreme Court ruled in *Plyler v Doe* that all students have a right to a free public K-12 education, regardless of their immigration status, and while Philadelphia has made a commitment to protect and secure a safe and dignified workplace for all regardless of immigration status, it has not yet promised the same environment for the hundreds of thousands of students of all races, ethnicities, national origins, and immigration statuses who attend schools in our City; and

WHEREAS, The Sensitive Locations ICE Memorandum issued on October 24, 2011 states that the agency will not conduct immigration enforcement activity at any sensitive location, which includes schools, unless exigent circumstances exist, or special permission by specific federal law enforcement officials was granted; and

WHEREAS, Through several executive orders, the City has made commitments to creating a safer and more welcoming City for immigrants. These orders affirmed that police and jails will not cooperate with ICE to deport community members out of our City, via ICE detainers; prohibited police and City employees from asking about or disclosing immigration status information; and extended language access requirements to all City agencies in Philadelphia. The City is committed to ensuring that collection and sharing of sensitive information regarding individuals' immigration or citizenship is prohibited unless required by law or court order; and

WHEREAS, Despite these commitments, a mother was detained by ICE after she dropped her child off at a bus stop near Eliza B. Kirkbride Elementary School on February 11, 2020. This action was traumatic and aimed to sow fear and distrust amongst Philadelphia's immigrant population. Schools must be safe zones. The City must actively regain trust with immigrant families and students by ensuring an environment where no parent or guardian fears dropping their child off at school and no child fears being there; and

WHEREAS, The City is committed to continual review and ensuring its policies do not permit personnel,

resources, or funds, including those of the Philadelphia Police Department, to be used towards civil immigration enforcement actions, including those in or around school properties, unless required by law or court order; and

WHEREAS, Federal immigration law enforcement activities at our schools, on our transportation routes, on our District and charter property, or during our school activities, significantly disrupt the safe, supportive, and welcoming learning environment promised to all of our students. Immigration enforcement activities at our schools - public and charter - will significantly interfere with our students' constitutional rights to be free from unreasonable search and seizures and their ability to access a free public education without fear; and

WHEREAS, The District has proposed to vote on "The Welcoming and Sanctuary Schools Resolution", which includes commitments to prohibit entry by immigration officials to District schools and properties; prohibit inquiries about a student's or parent's immigration status; provide resources and training to staff for handling situations when immigration concerns arise; create an emergency response plan to support the safety and emotional well-being of students who may be impacted by federal immigration enforcement actions; and develop a District-wide plan for informing staff, contractors, and volunteers on how to respond to ICE personnel seeking information or entry to school properties; now, therefore, be it

RESOLVED, THAT THE COUNCIL OF THE CITY OF PHILADELPHIA, Supports the School District of Philadelphia's efforts to ensure our schools are safe havens for immigrant families by protecting students' learning environments from disruption by immigration enforcement actions and by safeguarding students' confidential information, and endorses the District's proposed Welcoming Sanctuary Schools Resolution.