

NASHVILLE together

Nashville PRIDES ITSELF ON BEING A WARM AND WELCOMING CITY FOR ALL PEOPLE, NO MATTER WHERE YOU'RE FROM OR HOW YOU GOT HERE. BUT IN THE FACE OF MASS DEPORTATIONS, MANY NASHVILLIANS FEEL UNSAFE AND ISOLATED IN OUR CITY. WE NEED NEW POLICIES TO BUILD TRUST IN NASHVILLE AND TO KEEP FAMILIES TOGETHER.

IMMIGRANTS ARE DEEPLY ROOTED IN OUR COMMUNITY

They are our mothers and fathers, siblings and children neighbors, coworkers, friends and loved ones. They contribute to our economy and strengthen our community.

NASHVILLE IS A WARM AND WELCOMING CITY

Nashville has a proud history of welcoming immigrants and refugees and has long recognized the benefits of making it easier for all residents to participate, contribute, and access key services and opportunities, as seen through the rejection of the English Only referendum and the development of innovative programs from the Mayor's Office of New Americans like MyCity Academy.

OF ALL UNDOCUMENTED NASHVILLIANS...

75%
have lived in
the U.S. for at
least 5 years

26%
are home owners

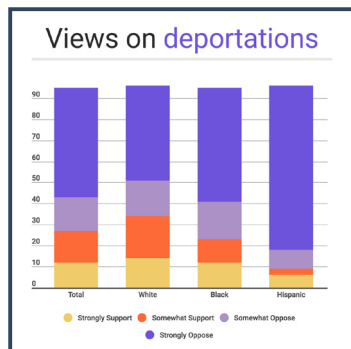
More than
12%
of Nashville
residents are
foreign-born

33,000
live in Nashville

8,000
have at least 1 U.S. citizen child

DEPORTATIONS SEPARATE FAMILIES AND DEVASTATE COMMUNITIES

Deportations mean Nashville children losing their parents, a family losing an income earner, or a business shutting down or losing an employee. Our whole community suffers from mass deportations. Immigration arrests have increased 38% in the first three months of the Trump administration compared with the same period last year. More than half of those arrested have no criminal record.

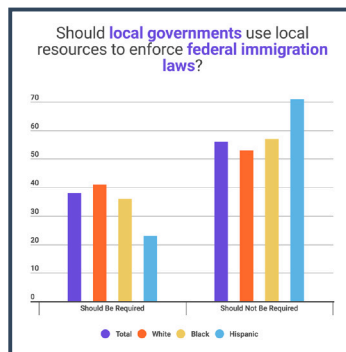
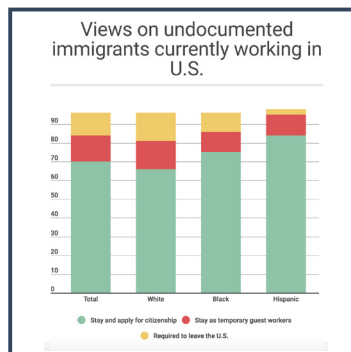


NEW IMMIGRATION POLICIES PUT TENS OF THOUSANDS OF NASHVILLE FAMILIES AT RISK

Over the past few months our immigration system, especially immigration enforcement, has been dramatically transformed. The president and ICE have made clear that everyone undocumented person is a priority for deportation and that local government institutions will be used to carry out mass deportations.

CITIES WORK BEST WHEN EVERYONE PARTICIPATES

Right now, immigrants in Nashville are fearful of sending their kids to school, of accessing critical service, and calling the police. The cooperation of immigrant residents and trust between communities and public agencies is critical to fulfilling the mission and duties of the city. We need clear policies to reassure families that local government agencies are not immigration enforcement.



Graphic Source: As reported in the Tennessean, poll commissioned by Vanderbilt University's Center for the Study of Democratic Institutions. Princeton Survey Research Associates International surveyed 1,106 Nashville residents by telephone from Feb. 27 through March 19.

For more information contact Lisa Sherman-Nikolaus, Policy Director
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HOW ICE CAN USE LOCAL GOVERNMENTS TO CARRY OUT MASS DEPORTATIONS

Existing state and federal laws require all local governments and law enforcement agencies to comply with federal immigration law, but the way that ICE carries out mass deportations in local communities is aided by voluntary and largely unfunded collaboration. Here's how:

ICE asks our sheriff's office to detain immigrants so they can be picked up and deported: When an immigrant eligible for release from the Davidson County jail (after serving their time, having their charges dropped, or paying their bond), ICE can send a "detainer" request for the sheriff's office to hold that person so they can be picked up and deported. This detainer is not a criminal warrant, it is simply a voluntary request issued by an ICE officer that jails can choose whether or not to honor.

Problems with ICE Detainers:

Creates a deportation dragnet in our jails.

From fiscal years 2003-2015 there were 6,885 detainer requests sent to the Davidson County jail. Of those, 38% were for individuals with no criminal conviction, and 43% were for those convicted of a level 3 offense, which are generally misdemeanors, the least serious of criminal offenses.

Waste of taxpayer resources:

The federal government does not reimburse or indemnify localities for the significant costs associated with complying with ICE holds, which include detention prolonged for days or weeks and the growing risk of legal liability.

Constitutional issues:

Unlike criminal detainers or warrants, there is no established standard of proof for issuing an ICE hold. Any immigration authority can issue an ICE hold, and the decision to issue a hold may be based on minimal information and faulty databases. Court rulings have established honoring detainers amount to fourth amendment violations and legal liability for the county.

Undermines trust in local law enforcement:

The practice of using our jails and criminal justice system to transfer immigrants to ICE has eroded trust between law enforcement and immigrant communities, who fear that any contact with the police—including reporting a crime or a routine traffic stop—could lead to deportation.

Setting up traps for local immigrants: ICE tries to get access to information that is not publicly available and use local government agencies to make their jobs easier.

For example, ICE has been using information from local courts to apprehend individuals—even victims of domestic violence appearing in court to request an order of protection. In Georgia, ICE has requested access to court dockets a week early so that they can identify potential targets.

ICE has also acquired information about who is currently on state and local probation in Davidson County, and may try to request information about when someone is scheduled to appear for their probation appointment.

In addition to asking jails to detain people, ICE may also ask jails to notify them of someone's release date and time so that they can apprehend the individual as they're being released.

The problem: Immigrants will not feel safe reporting for probation or showing up to court to pay a fine or testify if they fear ICE will be there waiting.

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TENNESSEE
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Rights
COALITION

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LOCAL OPTIONS TO RESTORE TRUST AND PROTECT RESIDENTS IN AN ERA OF MASS DEPORTATIONS

Hundreds of jurisdictions across the country have placed reasonable limits on how they'll respond to voluntary requests from ICE and how they'll allocate resource to do the work of the federal government.

WHAT THE NASHVILLE TOGETHER ORDINANCE DOES

The Nashville Together ordinance draws a bright line between the work of the city government and the federal government, restoring trust and cooperation. The city is responsible for delivering public services and creating opportunities and quality of life for all residents. The cooperation of immigrant communities and public agencies is critical to fulfilling that mission, but the threat of and reports of immigration enforcement activities being conducted in court houses, public schools, jails, and other public buildings across the country can have a chilling effect on immigrants accessing city agencies.

The Nashville Together ordinance ensures that the city's limited resources are allocated to local priorities, not carrying out the duties of the federal government.

We should not spend local taxpayer funds on the work of the federal government. We should be investing in schools, transportation, and affordable housing, not helping ICE to separate families and deport our neighbors.

The Nashville Together ordinance makes sure communities understand that local law enforcement won't be helping with deportations. Building trust between the immigrant community and local law enforcement is critical to promoting public safety for our entire county. If immigrant communities trust that local law enforcement is not a pipeline to deportation, they will be more likely to cooperate with local law enforcement, and be more willing to share information and come forward when they witness crimes or are victims of crimes.

The Nashville Together ordinance protects the integrity of our local criminal justice, ensuring that witnesses and victims cooperate and that due process is respected. Holding people in our jails for ICE without a warrant undermines our core values of due process and violates Nashvillians' fourth amendment rights. We need to keep our jails, courts, and probation offices free from interference of immigration enforcement to ensure all Nashvillians have access to justice.

The Nashville Together ordinance is compliant with state and federal law. Nothing in The Nashville Together ordinance prevents local government agencies and law enforcement from complying with lawfully issued judicial warrants or subpoenas.



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WHAT THE NASHVILLE TOGETHER ORDINANCE SAYS

THE NASHVILLE TOGETHER ORDINANCE

AN ORDINANCE TO AMEND TITLE 11 OF THE METROPOLITAN CODE OF LAWS REGARDING FEDERAL CIVIL IMMIGRATION LAWS.

WHEREAS, more than 80,000 residents of Nashville are foreign-born; and

WHEREAS, immigrants are deeply rooted in the Nashville community, raising children, owning homes, and starting businesses here; and

WHEREAS, Nashville has a proud history of welcoming immigrants and refugees and has long recognized the benefits of making it easier for all residents to participate, contribute, and access key services and opportunities, as seen through the rejection of the English Only referendum and the development of innovative programs and offices, such as the Mayor's Office of New Americans, MyCity Academy, and Parent Ambassadors; and

WHEREAS, the Metropolitan Council is responsible for allocating the city's limited resources, delivering public services, creating opportunities and quality of life for all residents, promoting public safety, and protecting due process for all residents; and

WHEREAS, the cooperation of immigrant residents, and trust between communities and public agencies, is critical to fulfilling the mission and duties of the city; and trust between the immigrant community and local law enforcement is critical to promoting public safety for our entire city; and

WHEREAS, the city has limited resources, immigration law is complex, and enforcing federal immigration law is the exclusive authority of the federal government; and

WHEREAS, participation in voluntary immigrant enforcement programs or expanded collaboration with immigration enforcement agencies is largely unfunded, undermines public safety, and puts the city at risk of constitutional liability; and

WHEREAS, at least 635 jurisdictions, from New Orleans, LA, to Clarkston, GA, have placed reasonable limits on their voluntary participation in federal immigration enforcement activities.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Title 11 of the Metropolitan Code be amended by adding Chapter 11.34 as follows:

Chapter 11.34 – Compliance with Federal Immigration Laws

Section 11.34.010 – Intent.

It is the intent of this chapter to facilitate compliance with federal immigration laws within the limited resources of local government.

Section 11.34.020 – Use of City Funds, Resources or Facilities Prohibited.

A department, board, commission, officer, or employee of the metropolitan government of Nashville and Davidson County shall not (A) use any funds, resources, or facilities of the metropolitan government to assist in the enforcement of federal immigration laws unless such assistance is required by federal or state law or by a court order; or (B) expend their time or use any resources responding to inquiries from Immigration and Customs Enforcement (ICE) regarding a person's custody status, release date, or scheduled appearance date for court or probation proceedings unless such assistance is required by federal or state law or by a court order.

Section 11.34.030 – Inquiries into Immigration Status.

- A. A department, board, commission, officer, or employee of the metropolitan government of Nashville and Davidson County, including law enforcement officers, shall not request information about or otherwise assist in the investigation of the citizenship or immigration status of any person, unless otherwise required by federal or state law or by court order.
- B. Notwithstanding anything to the contrary in this chapter, the metropolitan government shall abide by any duty or obligation imposed by federal or applicable law, and shall respond promptly and as required by applicable law to any warrant issued pursuant to the Federal Rules of Criminal Procedure. The metropolitan government shall only honor an immigration-related detention request if it is accompanied by a warrant issued pursuant to the Federal Rules of Criminal Procedure.

Section 11.34.040 – Savings Clause.

If any section or provision of this chapter is in conflict or inconsistent with applicable provisions of state or federal law, or otherwise held to be invalid or unenforceable by any court of competent jurisdiction, such section or provision shall be suspended and superseded by such applicable laws, and the remainder of this chapter shall not be affected thereby.

Section 2. This Ordinance shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY: Bob Mendes, Colby Sledge, Fabian Bedne, Mina Johnson, Erica Gilmore, Jim Shulman, Freddie O'Connell, Brett Withers, Nancy VanReece, Burkley Allen, Anthony Davis, Mike Freeman



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