



The San Francisco Department of Public Health

Post-Election Sanctuary City

Update #4, February 01, 2017



Overview of this update

Sanctuary City

San Francisco Sanctuary City Ordinance

President's Executive Orders

What San Francisco is doing

What SFDPH is doing

Director Garcia's message to patients and clients

What is a Sanctuary City?

Federal Immigration and Customs Enforcement (ICE) often ask state and local criminal justice systems to assist in the enforcement of federal immigration laws.

Sanctuary Cities generally limit local law enforcement assistance with federal civil immigration enforcement.

- California, Vermont, Connecticut, Rhode Island have statewide laws
- 364 counties and 39 cities have policies limiting cooperation

San Francisco Sanctuary City Ordinance

In 1989, San Francisco passed the "City and County of Refuge" Ordinance (also known as the Sanctuary Ordinance)

- Prohibits City employees from using City funds or resources to assist Immigration and Customs Enforcement (ICE) in the enforcement of Federal civil immigration law unless such assistance is required by federal or state law.

In 2013, San Francisco passed the "Due Process for All" Ordinance

- Limits when City law enforcement officers may give ICE advance notice of a person's release from local jail. It also prohibits cooperation with ICE detainer requests, sometimes referred to as "ICE holds."

San Francisco Sanctuary City Ordinance

Department employees acting in their official capacities may not use City funds or resources to:

- a) Assist or cooperate with any investigation, detention, or arrest procedures, public or clandestine, conducted by federal immigration authorities (ICE) and relating to alleged violations of the civil provisions of federal immigration law, except as permitted under Chapter 12I of the Administrative Code.
- b) Request or give out information regarding the release status or personal information of any individual, except as permitted under Administrative Code Section 12I.3.
- c) Condition the receipt of City services or benefits on immigration status, except as required by federal or state statute or regulation, public assistance criteria, or court decision.
- d) Include any question regarding immigration status (other than those required by federal or state statute, regulation, or court decision) on any application, questionnaire, or interview form used in relation to benefits, services, or opportunities provided by the City.
- e) Detain an individual on the basis of a civil immigration detainer after that individual becomes eligible for release from local custody.
- f) Respond to a federal immigration officer's request for notification of an individual's release, unless the individual meets specified criteria listed in Administrative Code section 12I.3(c).

President's Executive Order

“Enhancing Public Safety in the Interior of the United States” (1/25/17)

- Directs enforcement action against sanctuary cities and threatens to withhold federal funding from these cities.
- The Executive Order is unconstitutional.

What is San Francisco Doing?

- San Francisco City Attorney sued President Trump for his Executive Order which directs enforcement action against sanctuary cities and threatens to withhold federal funding.
- Mayor Lee launched the Equity and Immigrant Services Campaign to serve the legal needs of the City's immigrant community and promote partnerships with community-based organizations.
 - San Francisco Immigrant Legal Education Network (SFLEN) and
 - The San Francisco Immigration Legal Defense Collaborative (SFILDC)
- Supporting two California bills - SB 6 and SB 54

What is San Francisco Doing? (cont.)

- Mayor Lee issued a statement on the Executive Order on immigration.
- Mayor Lee introduced legislation to prohibit employees from using city resources to assist with a program that creates a list, database, or registry on the basis of religious affiliation or requires registration of individuals on the basis of religious affiliation.
- Board of Supervisors created a Budget & Finance Federal Select Committee to address potential changes in federal policy.

What is San Francisco Doing? (cont.)

Mayor's Office is convening city departments and community organizations, to ensure that all San Franciscans, including immigrants, continue to access services in their communities.

- Human Rights Commission and Office of Civic Engagement and Immigrant Affairs are developing a toolkit with information and resources
- Mayor's Office is developing Immigration Emergency Protocol
- City Attorney has issued guidance for responding to ICE
- Carecen is developing a hotline for community groups

What SFDPH is doing?

Policy & Procedure - “Immigration Status and Interactions with Immigration and Customs Enforcement Agents”

- City employees must comply with the San Francisco Sanctuary Ordinance.
- DPH employees are generally prohibited from assisting U.S. Immigration and Customs Enforcement (ICE) in enforcing federal immigration laws. Please refer to the policy for specific guidance.
- If you are contacted by an ICE agent while at work, you must **immediately** notify your site director/supervisor. The site director/supervisor must **immediately** notify the Office of the Director of Health.

What SFDPH is doing? (cont.)

Policy & Procedure - “Immigration Status and Interactions with Immigration and Customs Enforcement Agents”

- Unless ICE has a judicial warrant, city employees are not required to cooperate with ICE agents.
 - The issuer would be “District Court Judge”, “Magistrate Judge”, “U.S. District Court”
- City employees do not need to comply with an ICE subpoena on the spot.
- If at any time you are unclear about appropriate procedures, have questions, or need advice on handling a specific situation, **contact the Office of the Director of Health at 415-554-2600.**

What you can do

- Continue to support your patients, your clients, and your colleagues.
- Use only SFDPH-approved communication materials (available on the [Post-Election website](#))
 - You're Safe Here! Flyer
 - Message from Barbara Garcia postcard
 - PowerPoint presentations for staff
- Email questions or topics you would like covered in future updates to post-election@sfdph.org

Worried since the election? Here are the facts.

You're Safe Here!



Your health coverage has not changed.

You can continue to receive care here.

San Francisco is and will always be a sanctuary city.

We are here for you.



San Francisco Department of Public Health

Director Garcia's message to patients & clients

- At the Health Department, our mission has not changed. We are dedicated to serving all those in need of care, without regard to immigration or insurance status.
- The Mayor has pledged that San Francisco always will be a sanctuary city.
- We are working with community organizations, the Mayor's office and other city agencies to ensure that all San Franciscans, including immigrants, continue to access services in their communities.