

## Federal Immigration Enforcement Legal Considerations

### What the City of Gresham is legally prohibited from doing

- **The City may not enforce federal immigration law.**
  - Federal immigration law may only be enforced by federal agencies, such as DHS and ICE.
  - In Oregon, the Sanctuary Promise Law prevents the State and local governments from working with federal agencies for immigration enforcement.
  - The Oregon Sanctuary Promise Law forbids state and local law enforcement to directly or indirectly participate in immigration enforcement absent a judicial warrant or other court order.
  - This prohibition includes sharing immigration-related personal information about individuals (date of birth, country of birth, residence address) with federal immigration agencies.
- **The City may not obstruct or interfere with immigration enforcement.**
  - The Oregon Sanctuary Promise Law **does not** allow the state or a local law enforcement agency to **obstruct** or **interfere** with immigration enforcement efforts by DHS, ICE, or any other federal agency.
  - Obstructing or interfering with federal immigration enforcement would violate federal law.
- **The City may not exclude or prevent DHS, ICE, or any other federal agency enforcing immigration laws from entering upon city public property that is otherwise open to public access.**
  - This includes city parking lots, parks, streets, sidewalks, plazas, and any other public space freely accessible to the general public.
  - The City may exclude ICE, DHS, and any other federal immigration enforcement personnel from entering city property or facilities that are not open to the general public, such as offices within City Hall and the Police Department to which the public does not have authorized access.
  - The City of Gresham would need to allow access to non-public spaces if presented with a valid judicial order.

- **The City may not prevent federal immigration enforcement agencies from entering upon school property, church grounds, or any privately-owned property.**
  - Any right to exclude lies with the property owner.

### **What the City of Gresham may legally do**

- **The City of Gresham may cooperate with federal agencies on non-immigration related issues.**
  - The Oregon Sanctuary Promise Law does not prohibit all cooperation by local law enforcement with federal agencies, only immigration.
  - Example: joint federal and state or local law enforcement operations or task forces related to drug enforcement, human trafficking, etc., are not restricted by the Sanctuary Promise Law.
- **The City may contact or interact with agencies performing immigration enforcement.**
  - The Oregon Sanctuary Promise Law **does not** prohibit all contact or interaction between local law enforcement and federal agencies conducting immigration enforcement.
  - Gresham PD may monitor where DHS and ICE are conducting operations in Gresham so they can perform local law enforcement duties not related to immigration.
  - This promotes officer safety and compliance with the Oregon Sanctuary Promise Law by not having Gresham officers inadvertently become involved in an immigration enforcement operation.
  - It is also lawful for Gresham PD to not share this limited information with the public to avoid obstructing or interfering with immigration enforcement by federal agencies.