

INTERIM GUIDANCE – EMPLOYEE INTERACTIONS WITH FEDERAL IMMIGRATION ENFORCEMENT

January 9, 2026 (Revised January 12, 2026)

To: All City Employees

From: Eric Schmidt, City Manager and Ellen Van Riper, City Attorney

Re: Interim Guidance for Non-Sworn City Employees When Encountering Federal Immigration Enforcement Agents

As you know, the City continues to experience an increase in Federal immigration enforcement operations in Gresham by ICE, DHS, and other Federal law enforcement agencies. This increased activity has impacted the community and caused concern for many Gresham residents as well as City employees.

Back in July, in response to questions received from some employees, the City Manager issued a citywide message addressing the Oregon Sanctuary law and how employees should respond in the event they encounter Federal immigration personnel or an ICE operation while working within the community.

The purpose of this message is to reinforce and further refine that guidance for non-sworn employees. Police officers and other sworn personnel with GPD follow law enforcement specific protocols and procedures put in place by Chief Gullberg and his command staff.

The guidance below builds upon what was communicated in July and includes information provided by the City Attorney to the public during the December 9, 2025, City Council meeting. It is anticipated that this guidance may be followed by a more-detailed policy and employee training sometime during the first six months of 2026 depending in part on whether this increased immigration enforcement presence continues within Gresham.

As city employees, we are required to follow both Federal and Oregon law applicable to immigration enforcement. The Oregon Sanctuary law prohibits city employees from assisting, coordinating or cooperating with, or providing information to Federal immigration authorities to detect or apprehend individuals solely for immigration violations. At the same time, Federal law prohibits city employees from interfering with or obstructing immigration enforcement operations by Federal agents. This includes all city departments and operations.

We are providing this information and guidance to avoid personal safety risks for employees and to limit the City's legal liability. City policy and the Oregon Sanctuary Law require non-cooperation with Federal immigration enforcement and proper notification to the City Manager, the City Attorney's Office, and your supervisor when any interactions should occur.

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FOR ALL NON-SWORN EMPLOYEES

What the City and its employees legally MAY NOT DO

- Federal immigration law may only be enforced by federal agencies, such as ICE and DHS.
- The City may not independently enforce and is not required to enforce immigration laws.
- The Sanctuary Law prevents the City from working with Federal agencies for immigration enforcement.
- This prohibition includes sharing immigration-related personal information about individuals (such as date of birth, country of birth, residence address) with Federal immigration agencies.
- The City and City employees have no legal duty to assist or cooperate with immigration enforcement operations by Federal agencies and may affirmatively choose to decline to do so.
- However, the Sanctuary Law DOES NOT ALLOW the City or a City employee to OBSTRUCT or INTERFERE with immigration enforcement efforts by DHS, ICE, or any other Federal agency. Doing so would violate Federal law and expose the employee and the City to possible legal liability.
- For example, the City and its employees may not share with the public or otherwise publicize the location or activities of Federal immigration enforcement agents within Gresham. Doing so could be considered obstruction or interference.
- The City may not exclude or prevent DHS, ICE, or another Federal agency enforcing immigration laws from entering upon city public property that is otherwise open to the general public. This includes city parking lots, parks, streets, sidewalks, plazas, and any other public space freely accessible to the public.
- The City also 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, not the City.

What the City and its employees LEGALLY MAY DO

- The City may exclude ICE, DHS, or any other Federal immigration enforcement personnel from entering city property or facilities **not open** to the general public, such as offices within City Hall to which the public does not have authorized access.
- However, Federal immigration agents may be allowed to access non-public spaces within city property or facilities if they present a **judicial warrant** or other court order, provided the document has been reviewed and approved by the City Attorney's Office.
- The Oregon Sanctuary Law DOES NOT PROHIBIT ALL cooperation or interaction by the City or its employees with Federal agencies; the prohibition only applies to immigration enforcement. The City and City employees may communicate with

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Federal immigration authorities to, for example, decline cooperation or to ensure non-interference with Federal immigration operations.

If you are approached by ICE or DHS or asked to assist or provide information related to immigration status or enforcement

- Ask for name and badge number.
- Acknowledge the request but do not provide assistance. You may tell them that city policy prohibits you to assist or provide information.
- Instead, refer them to the City Manager, City Attorney's Office, or an Assistant City Manager.
- Document basic details (time, location, general description) for internal reporting; do not speculate or share publicly.
- Record the interaction if possible and you are comfortable and believe it is safe to do so.
- Promptly inform your supervisor and/or the City Manager, City Attorney's Office, or an Assistant City Manager of what happened.

If ICE or DHS enters a city facility open to the public or attempts to enter a facility not open to the public

- Identify yourself as a City employee and ask for the agent's name and badge number and any legal documentation authorizing their entry; photograph any documentation provided.
- Immediately alert your supervisor and/or the City Manager, City Attorney's Office, or an Assistant City Manager.
- Do not permit access beyond public access areas unless a judicial warrant, subpoena, or other court document shown by ICE or DHS requires that they be allowed access AND the document has been reviewed and approved by the City Attorney's Office. In such event, an appropriate employee will be assigned to escort and monitor how the Federal agents operate pursuant to the legal document.
- Do not allow access to non-public City areas, vehicles, equipment, or systems unless directed by a supervisor and authorized by the City Manager or the City Attorney's Office.
- If ICE or other Federal immigration agents demand access after you tell them they may not enter, do not physically interfere; you may say "I do not consent. But because I have no other choice at this time, I will not interfere."
- Document basic details (time, location, general description) for internal reporting; do not speculate or share publicly.
- Record the interaction if possible and you are comfortable and believe it is safe to do so.

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If you encounter or are approached by ICE, DHS, or other Federal immigration enforcement agents in the field (e.g., during inspections, outreach, parks or recreation activities, or Public Works duties)

- Identify yourself as a City employee and state: *I'm not authorized to assist.* You may also state: *Please contact my supervisor [NAME] or the City Manager, City Attorney's Office, or an Assistant City Manager.*
- Ask for identification including name and badge number.
- When safe to do so, notify your supervisor.
- Continue to perform your job duties if possible.
- Limit your interaction and disengage politely and calmly.
- Document basic details (time, location, general description) for internal reporting; do not speculate or share publicly.
- Report the interaction to your supervisor and/or the City Manager, City Attorney's Office, or an Assistant City Manager as soon as possible.
- Record the interaction if possible and you are comfortable and believe it is safe to do so.

If you encounter ICE, DHS, or other Federal immigration enforcement agents engaged with civilians or a member(s) of the public

- Maintain a safe distance and continue to perform your job duties if possible.
- If there is an immediate safety concern, follow your Department's safety protocols and call 911.
- Do not approach or intervene—physical or verbal engagement is prohibited.
- Do not assist the immigration enforcement agents in any way (including translating or questioning involved civilians).
- Do not provide or confirm immigration status, personal information, schedules, locations, or non-public records for any person.
- Observe discreetly for safety purposes.
- Document the basic details (time, location, general description) for internal reporting; do not speculate or share publicly.
- Record the interaction if possible and you are comfortable and believe it is safe to do so.
- Report the incident as soon as possible to the City Manager, City Attorney's Office, or an Assistant City Manager and your supervisor.

ADDITIONAL GUIDANCE FOR NON-SWORN SUPERVISORS AND MANAGERS

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If one of your direct reports notifies you that they are having or have had an interaction with ICE, DHS, or other Federal immigration enforcement authorities

Check Safety First

- Ask if anyone is in immediate danger or if anyone has been harmed.
- Confirm that your employee is safe.
- As appropriate, provide assistance or further communication that may be requested by the employee.
- If there is an ongoing or immediate threat, follow emergency procedures and call 911.

Stabilize the Situation

- Thank the employee for reporting the interaction.
- Instruct the employee to maintain a safe distance and not engage.
- Remind the employee and confirm that no information, assistance, or access was or is provided to the Federal immigration agents.
- For City facilities, confirm that the Federal immigration agents remain in public areas only.

Elevate Immediately

- As applicable, notify the City Manager, the City Attorney's Office, or an Assistant City Manager and your supervisor. It may also be appropriate to notify Human Resources, Risk Management, or GPD.
- Serve as the single point of contact until the City Manager or the City Attorney's Office assumes control of the situation.

Do not Consent or Assess Legality

- Do not grant access to non-public areas.
- Do not review or assess the legality of documents presented by Federal immigration authorities claimed to authorize access; request a copy for review by the City Attorney's Office.
- Do not consent to searches of City property, facilities, equipment, vehicles, or systems; refer any such request to the City Attorney's Office.
- If necessary, state: "I am contacting the City Attorney's Office per City policy. I am not authorized to provide access or information."

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- Document the basic details (time, location, general description) for internal reporting; do not speculate or share publicly.
- Record the interaction if possible and you are comfortable and believe it is safe to do so.

If a City employee is detained by ICE or other Federal immigration authorities

- Do not interfere or attempt to intervene.
- Notify your supervisor and the City Manager, the City Attorney's Office, and/or Human Resources immediately.
- Do not communicate independently with the Federal agents.
- Human Resources manages leave status, union notification, and employee support; do not assume immigration status or take employment action.
- Document the basic details (time, location, general description) for internal reporting; do not speculate or share publicly.
- Record the interaction if possible and you are comfortable and believe it is safe to do so.

Document and Report

- Record basic facts (date, time, location, public vs. non-public area).
- Do not speculate or assign fault.
- Forward documentation and any recordings to the City Manager, the City Attorney's Office, Human Resources, and your supervisor.

General Note:

Please contact the City Manager, an Assistant City Manager or the City Attorney's Office if you have any questions about this guidance or anything else related to Federal immigration enforcement in Gresham.