

Durham, NC 10/20/03

RESOLUTION #9046

**RESOLUTION SUPPORTING THE RIGHTS OF PERSONS REGARDLESS OF  
IMMIGRATION STATUS**

**WHEREAS**, the City of Durham is comprised of immigrants from throughout the world who contribute to Durham's social vivacity, cultural richness and economic vitality; and

**WHEREAS**, Durham has been a city that traditionally is open to and inclusive of all individuals and respects the rights of and provides equal services to all individuals, regardless of race, ethnicity, or immigration status; and

**WHEREAS**, the September 11, 2001 attacks on the World Trade Center and the Pentagon have left some immigrant communities afraid to access benefits to which they are entitled, for fear of being reported to the Department of Homeland Security, Bureau of Citizenship and Immigration Services (BCIS); and

**WHEREAS**, the Durham Police Department issued a General Order, providing guidelines stating, among other things, that Durham Police officers may not request specific documents for the sole purpose of determining a person's civil immigration status, and may not initiate police action based solely on a person's civil immigration status; and

**WHEREAS**, a number of other jurisdictions in the United States have enacted policies or laws recognizing that their officers and employees should properly play a limited role with respect to matters relating to immigration status;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DURHAM:**

**Section 1.** It is the policy of the City of Durham not to violate the constitutional or statutory rights of any person, including any such rights protecting persons from discrimination on the basis of ethnicity, race, national origin and immigration status.

**Section 2.** Unless otherwise required as part of a City officer or employee's duties, by law, or by court order, no Durham City officer or employee, during the course and scope of their employment, shall inquire into the immigration status of any person, or engage in activities designed to ascertain the immigration status of any person. This policy shall not be construed to prohibit any Durham City officer or employee from cooperating and sharing information with federal or state authorities and other governmental entities as required by law.

**Section 3.** In the event of conflict between federal law, regulations or any other requirement and this City resolution, the federal law, regulations or any other requirement shall control and supersede any conflicting provision of this resolution.

**Section 4.** This resolution shall take effect upon adoption.

**APPROVED BY  
CITY COUNCIL**

OCT 20 2003

*D. Ann Gray*  
CITY CLERK