

EXECUTIVE ORDER NO. 8-09

POLICY CONCERNING ACCESS OF IMMIGRANTS TO CITY SERVICES

WHEREAS, immigrants make significant contributions to every facet of The City of Philadelphia's economic, educational and cultural life;

WHEREAS, immigrants are critical to the economic, cultural and social fabric of not only The City of Philadelphia, but also the greater Philadelphia region;

WHEREAS, the City's policy is to promote the utilization of its services by all City residents and visitors who are entitled to and in need of them, including immigrants;

WHEREAS, all individuals should know that they may seek and obtain the assistance of City departments and agencies regardless of their personal status, without negative consequences to their personal lives;

WHEREAS, meeting the needs of the City's immigrant population is important to maintaining public trust and confidence in City government; and

WHEREAS, the City's ability to obtain pertinent information, which may be essential to the performance of governmental functions, is sometimes made difficult or even impossible if some expectation of confidentiality is not preserved;

NOW, THEREFORE, I, Michael A. Nutter, Mayor of The City of Philadelphia, by the powers vested in me by the Philadelphia Home Rule Charter, do hereby order as follows:

Section 1. Access to City Services.

All City services, including but not limited to the following listed services, shall be made available to all City of Philadelphia residents, consistent with applicable law, regardless of the person's citizenship or legal immigration status:

- Police and Fire services;
- Medical services, such as emergency medical services, general medical care at Community Health Centers and immunization, testing and treatment with respect to communicable diseases;
- Mental health services;
- Children's protective services; and

- Access to City facilities, such as libraries and recreation centers.

Section 2. Inquiries Regarding Immigration Status

A. No City officer or employee, other than law enforcement officers, shall inquire about a person's immigration status unless:

(1) documentation of such person's immigration status is legally required for the determination of program, service or benefit eligibility or the provision of services; or

(2) such officer or employee is required by law to inquire about such person's immigration status.

B. Law enforcement officers shall not:

(1) stop, question, arrest or detain an individual solely because of the individual's ethnicity, national origin, or perceived immigration status;

(2) inquire about a person's immigration status, unless the status itself is a necessary predicate of a crime the officer is investigating or unless the status is relevant to identification of a person who is suspected of committing a crime (other than mere status as an undocumented alien);

(3) inquire about the immigration status of crime victims, witnesses, or others who call or approach the police seeking help; or

(4) inquire regarding immigration status for the purpose of enforcing immigration laws.

C. Law enforcement officers shall continue to cooperate with state and federal authorities in investigating and apprehending individuals who are suspected of criminal activity.

Section 3. Confidentiality of Information

A. As used herein, "confidential information" means any information obtained and maintained by a City agency relating to an individual's immigration status.

B. No City officer or employee shall disclose confidential information unless:

(1) such disclosure has been authorized in writing by the individual to whom such information pertains, in a language that he or she understands or, if such

individual is a minor or is otherwise not legally competent, by such individual's parent or legal guardian;

(2) such disclosure is required by law; or

(3) the individual to whom such information pertains is suspected by such officer or employee or such officer's or employee's agency of engaging in criminal activity (other than mere status as an undocumented alien).

Section 4. EFFECTIVE DATE

This Order shall take effect immediately.

November 10, 2009
DATE



MICHAEL A. NUTTER, MAYOR