

FORM 2-5,000 20 lb. Bond

7RBB(AS) 100406

Resolution of the City of Newark, N.J.NO. 7RBB(AS)Date of Adoption OCT 04 2006**Resolution supporting City-wide Policy of Immigrant Access to City Services.**

Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified by

Corporation Counsel

Title

Council Member

presents the following Resolution:

WHEREAS, the Newark Municipal Council is concerned about Municipal enforcement of federal immigration laws and inquiries by City of Newark employees and law enforcement officers into immigration status, and activities to ascertain such status; and

WHEREAS, the Newark Municipal Council wants to clarify the legal responsibility of the City of Newark officers and employees in regard to the provision of City services to the community regardless of one's immigration status; and

WHEREAS, the Newark Municipal Council supports a City-wide policy of immigrant access to City services.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT IT DOES HEREBY SUPPORT THE FOLLOWING:

I. City Services

All City officers and employees should be reminded that no person shall be denied any City services or benefits by reason of his or her immigration status. The following City services shall be made accessible to all City of Newark residents regardless of personal or private attributes, without negative consequences to their personal lives. This list should not be considered all inclusive, but a representation of the types of City services that should be made readily available.

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- Police and Fire services
- General medical services at the outpatient primary care clinics -
Emergency medical assistance for care necessary in emergent
situations including labor and delivery
- Mental health services such as crisis intervention and services
offered at Base Service Units
- Public health services for immunization and for the testing and
treatment of symptoms of communicable disease
- Nutrition programs such as school lunch and breakfast programs
"WIC" services (through the "Women, Infants, and Children
program, which provides food and nutrition information to
pregnant women and children age 4 and under)
- Children's protective services
- Programs for children with special needs
- Programs for the disabled
- Services of Licenses and Inspections inspectors with regard to
non-conforming landlords
- Services involving real estate tax payments or water/sewer bills
- Labor and employment enforcement
- Access to information on financial aid/community development
programs
- Access to courts
- Access to schools
- Transportation services
- Shelter services
- Emergency disaster relief
- All other essential and quality of life support services

II. Confidentiality of Information

In order to effectuate the City of Newark's legal responsibilities concerning requests of confidential information by City officers and employees, confidential information in the possession of City agencies relating to immigration status or other personal or private attributes should be disseminated only as follows:

1. As used herein "confidential information" shall mean any information obtained and maintained by a City agency relating to an individual's health status, sexual orientation, status as a victim of domestic violence, status as a victim of sexual assault, status as a crime witness, receipt of public assistance, or immigration status, and shall include all information contained in any individual's income tax record.

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2. No City officer or employee shall disclose confidential information unless:
- a) 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; or
 - b) such disclosure is required by law; or
 - c) such disclosure is to another City officer or employee and is necessary to fulfill the purpose or achieve the mission of any City agency; or
 - d) in the case of confidential information other than information relating to immigration status, such disclosure is necessary to fulfill the purpose or achieve the mission of any City agency; or
 - e) in the case of information relating to immigration status, (i) 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, or (ii) the dissemination of such information is necessary to apprehend a person suspected of engaging in illegal activity, other than mere status as an undocumented alien or (iii) such disclosure is necessary in the furtherance of an investigation of potential terrorist activity.
- 3) A City officer or employee, other than law enforcement officers, shall not inquire about a person's immigration status unless such a person's immigration status is necessary for the determination of program, service or benefit eligibility.
- a) Certain State or Federally funded Public Benefits programs partially administered by the City of Newark may require that a person be a "qualified" immigrant in order to access services. Examples of State or Federally funded Public Benefits programs partially administered by the City of Newark include:

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Temporary Assistance for Needy Families (TANF)
General Assistance (GA)
Medical Assistance (MA)
Food Stamps (FS)

- b) Citizen children of undocumented parents have the same rights to public benefits as all other U.S. citizens. Undocumented parents may apply for their citizen children.
- 4) A City officer or employee required to establish the identity of a person seeking City services shall accept as valid photo identification.
- a) A State issued driver's license or non-driver's license; or
 - b) A photo consular identification issued by the nation of a foreign national; or
 - c) A valid passport
- 5) Law Enforcement Officers.
- a) Police officers shall not inquire about a person's immigration status unless investigating illegal activity other than mere status as an undocumented alien.
 - b) Police officers shall continue to cooperate with federal authorities in investigating and apprehending all persons suspected of criminal activity.
 - c) Police officers shall not inquire about the immigration status of crime victims, witnesses, or others who call or approach the police seeking help.

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Any City officer or employee with a question relating to the disclosure of confidential information in relation to the delivery of City services should contact the City of Newark Law Department, Ms. Aney Chandy, 920 Broad Street, Newark, New Jersey 07102.

BE IT FURTHER RESOLVED, that the Newark Municipal Council recognizes the significance of this policy and undertakes to ensure that all persons, regardless of their immigration status, shall not be denied the equal protection of the laws.

2006 SEP 29 AM 11:47
CITY CLERK'S OFFICE
NEWARK, N.J.

CERTIFIED TO BY ME THIS
10th DAY OF OCTOBER, 2006

Do not use space below this line

RECORD OF COUNCIL VOTE ON FINAL PASSAGE															
Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB	
Amador	M	✓			Payne	✓				Rice	✓				
Gonzalez		✓			Quintana, Vice Pres.	✓				Rona	✓				
James			✓		Ramos	S	✓			Crump, Pres.	✓				
✓ Indicates Vote					AB - Absent					NV - Not Voting					

Adopted at a meeting of the Municipal Council of the City of Newark, N.J.

OCT 04 2006

President of the Council

City Clerk

This Resolution when adopted must remain in the custody of the City Clerk. Certified copies are available.