



City of Trenton

**EXECUTIVE ORDER 04-01
BY MAYOR DOUGLAS H. PALMER
December 22, 2004**

CITY-WIDE PRIVACY POLICY CONCERNING IMMIGRANT ACCESS TO CITY SERVICES

An Executive Order concerning municipal enforcement of federal immigration laws and inquiries by City of Trenton employees and law enforcement officers into immigration status, and activities designed to ascertain such status.

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

WHEREAS, the City of Trenton has been a city that traditionally respects the rights of and provides equal services to all individuals, regardless of race, ethnicity, national origin, or immigration status; and

WHEREAS, the City of Trenton and its law enforcement agencies have made combating ethnic and racial profiling a priority;

WHEREAS, it has come to my attention through advocates of the immigrant community in the City of Trenton that many documented and undocumented aliens are hesitant to access City services for fear of legal repercussions;

For these reasons I would like to clarify the legal responsibility of the City of Trenton officers and employees in regard to the provision of City services to the community.

It is the policy of the City of Trenton to promote the utilization of its services by all of its residents who are entitled to and in need of them. Individuals should know that they may seek and obtain the assistance of City agencies regardless of personal or private attributes, and without negative consequences to their personal lives.

The Equal Protection Clause of the United States Constitution provides that "no State shall deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." The Supreme Court of the United States recognizes that undocumented aliens are "persons" protected by the Equal Protection Clause and Due Process Clauses of the Fifth and Fourteenth Amendments. *Plyler v. Doe*. 457 U.S. 202, (1982). The Equal Protection Clause is made applicable to the States and by extension to the City of Trenton, pursuant to the Fifth and Fourteenth Amendments.

Therefore, by the virtue of the power vested in me as Mayor of the City of Trenton, it is hereby ordered:

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 Trenton 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.

- Police and Fire services
- General medical services at the out-patient 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 the courts
- Access to the schools
- Transportation services
- Shelter services
- Emergency disaster relief

II. Confidentiality of Information

In order to effectuate the City of Trenton'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.

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 illegal 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 Trenton may require that a person be a "qualified" immigrant in order access services.

Examples of State or Federally funded Public Benefits programs partially administered by the City of Trenton include:

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 aliens 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.

III. Contact Information

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 Trenton Law Department, R. Denise Lyles, Director, Law Department, 319 E. State St., 3rd Floor, Trenton, NJ 08608

Douglas H. Palmer
Mayor