

CITY COUNCIL OF ERIE

INTRODUCED BY:

COUNCIL FILE NO. 16,597 OFFICIAL ORDINANCE NO. 18-2026

AN ORDINANCE

The City of Erie hereby establishes Article 137, which outlines the City's goals to obtain and/or maintain the status as a "Welcoming City" under the Welcoming America guidelines and the City's rights and/or responsibilities as part of the "Welcoming City" under the Welcoming America program.

NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF ERIE,
PENNSYLVANIA:

MAR 0 4 2026

WHEREAS, on _____, 2026, the City of Erie adopted this hereby Ordinance, which establishes Article 137, which outlines the City's participation in the "Welcoming City" programs under the Welcoming America guidelines;

WHEREAS, Welcoming America has adopted five-star rating system that allows governments to achieve one to five-star designations for their welcoming efforts, while also providing opportunity for capacity building and growth; and

WHEREAS, the criteria in the Welcoming standards require programs, policies and practices that local government and community organizations implement to ensure that everyone, including immigrants, belong and thrive in an all-inclusive civically engaged community; and

WHEREAS, the City desires to remain a certified Welcoming City; to strive to achieve a rating of no less than 3 stars during each recertification; and/or to maintain a rating of no less than 3 stars during each recertification; and

WHEREAS, the City is committed to ensuring access to all residents, including immigrants, to fully participate in civic life, including democratic space with civic engagement programs that are accessible without regard to language preference or disability; and

WHEREAS, the City is committed to being a diverse community where connections and trust are built collaboratively among residents, local government, businesses, faith communities and non-profits for a unified and strengthened community; and

WHEREAS, the City desires to codify the City's existing practices of providing services without regard to a person's refugee or immigration status; and collaborate with City Council in advocating that the City's efforts be expanded regionally.

NOW THEREFORE, be it enacted by the Council of the City of Erie, Pennsylvania that:

Section 1: The following Sections of Article 137 are hereby established as follows:

§137.01. Purpose.

The purpose of this article and the resulting policy of the City of Erie (hereinafter "City") shall be to protect and promote the public health, safety and welfare of its citizens, which includes immigrants and/or refugees regardless of their status under any applicable federal, state or local laws (as amended).

§137.02. Definitions.

Administrative Warrant:

A document issued by an immigration enforcement official, including those from the United States Department of Homeland Security (DHS), United States Immigration and Customs Enforcement (ICE) or an administrative immigration judge (IJ), relating to suspected violations of immigration law. This includes an I-200 "Warrant for Arrest of Alien," an I-205 "Warrant of Removal/Deportation," and any successor or similar forms. The term includes civil administrative warrants, administrative subpoenas, detainer requests, removal orders, database entries (e.g., from the National Crime Information Center) and any similar civil order for the arrest or detention of an individual or for information. An administrative warrant is not a judicial warrant, nor is it a court order.

Certified Welcoming City:

A designation provided by Welcoming America under its Certified Welcoming Standard star system.

Citizenship or Immigration Status:

Citizenship refers to whether a person is a citizen of the United States (including individuals who hold United States citizenship in addition to citizenship of another country) or is solely a citizen of another country (a "non-citizen"). Immigration status refers to the type of authorization a non-citizen has for their presence in the United States (e.g., lawful permanent resident, conditional permanent resident, visa holder, temporary protected status or undocumented, among other types of status). Perceived citizenship or immigration status refers to characteristics that suggest a person may be a non-citizen or of uncertain immigration status, such as actual or assumed place of birth, country of origin, ancestry,

native language, looking or sounding "foreign", any other national origin indicator or absence of a social security number. These characteristics are separate from, and not included in the term "citizenship or immigration status."

Contact information:

Any type of personal information, including home address, work address, telephone number, electronic mail address, social media contact information, or any other means of contacting an individual.

Court Order:

An order entered by a state or federal court, not to include an administrative immigration court.

Judicial Warrant:

An order either issued by a state court or a warrant based on probable cause and issued by a judge appointed pursuant to article III of the United States constitution or a federal magistrate judge appointed pursuant to 28 U.S.C. 631, that authorizes federal immigration authorities to take into custody the person who is the subject of such warrant. This does not include warrants or orders issued by employees of the Department of Homeland Security, the Department of Justice, or the Executive Office for Immigration Review.

Immigration and Customs Enforcement (ICE):

The federal law enforcement agency under the United State Department of Homeland Security (DHS) responsible for enforcement of immigration laws in the interior United States and for representation of the United States in administrative immigration proceedings. This definition shall also encompass any successor agency to ICE.

Immigration detainer:

Any request by ICE or CBP to a federal, state, or local law enforcement agency that the law enforcement agency provide notice of release or maintain custody of an individual for purposes of civil immigration law enforcement, including Form I-247-A "Immigration Detainer – Notice of Action"; Form I-247D "Immigration Detainer – Request for Voluntary Action"; I-247X "Request for Voluntary Transfer"; Form I-247N "Request for Voluntary Notification of Release," or any successor forms, as well as informal and verbal requests.

Immigration Enforcement Official:

Any federal employee or agent engaged in immigration enforcement operations including but not limited to agents of U.S. Customs and Border Patrol (CBP), the Department of Homeland Security (DHS), and Immigration and Customs Enforcement (ICE).

Immigration enforcement operation:

Any operation that has as its main objective the identification or apprehension of a person or persons: 1) in order to subject them to civil immigration detention, removal or deportation

proceedings, and/or removal or deportation from the United States; or 2) to criminally prosecute a person or persons for offenses related to immigration status, including but not limited to violations of Sections 1253, 1304(e), 1306(a) and (b), 1325, or 1326 of Title 8 of the United States Code, or violations of Sections 1028A or 1546 of Title 18 of the United States Code.

Official or Employee:

Any person employed by or acting on behalf of the City of Erie including all members of the City of Erie Bureau of Police as an employee, agent or representative.

Other immigration enforcement document:

Any document, other than an administrative warrant or immigration detainer, that is used in immigration detention or removal proceedings, including a removal order, order to detain or release aliens, notice to appear, notice of custody determination, and any similar or successor forms.

§137.03. Certified Welcoming City Designation.

The City shall work to achieve and maintain a star rating of no less than 3 stars under Welcoming America's Certified Welcoming Standard star system. Notwithstanding the foregoing, the City may and should continue efforts to create policies and procedures and to take actions towards obtaining higher star ratings including those designated as 4 and 5, all in an effort to advance the City's commitments to:

- (a) Ensure equitable and inclusive access to all residents, including immigrants, to the City's governmental programming, services, and processes.
- (b) Provide a culturally and ethnically diverse workforce;
- (c) Further strengthen the City's workforce by improving integration;
- (d) Promote and support the elimination of barriers to both child and adult education for immigrants;
- (e) Assure that the City's residents continue to be treated equitably and fairly without regard to their immigrant status, disability, language preference, gender or orientation;
- (f) Ensure that the City takes a lead in promoting these principles; and
- (g) The City shall seek to collaborate with other governing bodies in carrying out this ordinance.

§137.04. Reports.

City Administration shall report no less than annually to City Council on its efforts to obtain and/or to maintain its 3-Star Certified Welcoming City rating and/or to adopt policies, procedures and practices consistent with Welcoming City 4 and 5 star ratings.

§137.05. Non-Intervention with Respect to Citizenship and Immigration.

(a) Requesting, Accessing or Disclosing Information Prohibited.

- (1) No official or employee of the City shall inquire into an individual's citizenship or immigration status, unless required to do so by state or federal law or court order.
- (2) No official or employee of the City shall request, record, or access in government records the citizenship or immigration status of an individual, unless the action is required by state or federal law or court order.
- (3) No official or employee of the City shall disclose to any person or entity the citizenship or immigration status of an individual, unless the action is required by state law, federal law, regulation, warrant, court order or subpoena; or unless such inquiry is reasonably necessary in the course of a criminal investigation or has been authorized by the individual or their legal guardian;
- (4) The City shall not retain information related to an individual's citizenship or immigration status, unless required to do so by state or federal law or court order unless reasonably required to do so in the course of a criminal investigation.
- (5) Officials or employees of the City shall not utilize City resources (including but not limited to facilities, equipment, cell phones, office supplies, radios, emails, databases and employee time while on-duty) to provide any information to immigration enforcement officials, unless the employee's action is expressly authorized under this Ordinance.
- (6) Notwithstanding the foregoing, City officials may in the hiring/application for employment process ask an applicant if they are legally authorized to be employed by the City and/or if they will need an employer sponsor to be or remain lawfully employed.

(b) Prohibited Actions.

- (1) Officials or employees of the City shall not threaten, coerce, or intimidate anyone based on their citizenship or immigration status, actual or perceived,

or the actual or perceived citizenship or immigration status of a member of the person's household.

- (2) Officials or employees of the City shall not initiate an investigation or take law enforcement action on the basis of actual or perceived citizenship or immigration status, including, but not limited to, the initiation of a stop, apprehension, arrest, or any other field contact.
- (3) Officials or employees of the City shall not make inquiries into the citizenship or immigration status of any individual, including those who are not the subject of the law enforcement encounter (e.g., household members, friends or family of the person being questioned), except as authorized by this Ordinance.
- (4) Officials or employees of the City shall not make any threats of immigration actions or consequences as a result of any interaction with law enforcement, including in the context of criminal investigations.
- (5) If an official or employee learns of an individual's citizenship or immigration status, the official or employee may not act solely on that individual's citizenship or immigration status, unless with the consent of the individual to pursue a benefit afforded to them under state or federal law or regulation or required by any international treaty.
- (6) Nothing in this section is intended to prevent the collection and publication of data, other than citizenship and immigration status, useful to program evaluation as long as the underlying data is kept confidential and not disclosed outside the City of Erie. Nothing herein should be construed to restrict the sharing of de-identified aggregated data outside the City of Erie.

§137.06. Immigration Enforcement Actions – Federal Responsibilities.

- (a) The City shall not engage in, assist, or support immigration enforcement except as follows:
 - (1) In response to an articulated, direct threat to life or public safety.
 - (2) When such services are required to execute a judicial warrant or court order or to comply with a federal or state law.
 - (3) When members of the Police Bureau are assigned as task force officers to Homeland Security Investigations, they may work with immigration officers while conducting other law enforcement activities related to violations of criminal law. However, under no circumstances shall a City of Erie Police Bureau member, or other official or employee, whether assigned to a task force or not, have the authority to enforce administrative violations

of immigration law or otherwise assist in the enforcement of civil immigration law.

- (b) No City official, employee, or agency shall support or assist ICE, CBP, or other agencies in any capacity with immigration enforcement operations, including but not limited to requests:
 - (1) to provide information (including contact information, custody status, release date, home address, or work address) for the purpose of immigration enforcement operations except as provided under Section F of this ordinance,
 - (2) to investigate or interrogate such persons for the purpose of immigration enforcement,
 - (3) to establish traffic perimeters for the purpose of immigration enforcement, and/or
 - (4) otherwise be present to assist or support an immigration enforcement operation. In the event an agent receives a request to support or assist in an immigration enforcement operation, they shall report the request to their supervisor, who shall decline the request, except as provided under this ordinance, and/or document the declination in an interoffice memorandum to the agency director through the chain of command.

§137.07. Acceptable Identification.

- (a) Unless required by federal or state law or regulation or an explicit funding requirement, in order to provide public services or benefits, employees of the City shall accept a combination of documents to verify an individual's identification and an address or other information sufficient to reasonably demonstrate the individual's residence or address, including but not limited to:
 - (1) Photo identity document (ID) issued by a state and/or foreign government (such as a driver's license, passport or consular identification documents).
 - (2) Presentation of an alternate form of ID shall not subject the person to a higher level of scrutiny or different treatment than if the person had provided a driver's license or state identification card.
- (b) This Section does not apply to completion of federal I-9 forms or similar federal or state forms requiring a specific form of identification or license under defined circumstances.

§137.08. Certification Requests.

Nothing in this Ordinance shall prohibit Erie City Police Department from approving certification requests for crime victims or witnesses applying for U or T visas, or other benefits.

§137.09. Compliance with Federal Law.

This policy is to be construed in accordance with federal law including 8 U.S.C. § 1644 and 8 U.S.C. §1373(a) which provides "Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, [ICE] information regarding the citizenship or immigration status, lawful or unlawful, of any individual."

Nothing in this Ordinance shall be construed to prohibit voluntary communication of citizenship or immigration status information as permitted by 8 U.S.C. §1373 and 8 U.S.C. §1644. However, this Ordinance does restrict the disclosure of non-status information including but not limited to release dates, custody status, addresses, and court appearance information, which are not protected by 8 U.S.C. §1373.

§137.10. Complaints Regarding Alleged Violations of this Ordinance.

- (a) Any person who alleges a violation of this Ordinance by a member of the Bureau of Police may file with the Police Bureau a civilian complaint for investigation in accordance with the Erie Police policies and procedures.
- (b) Any person who alleges a violation of this Ordinance by an employee of the City other than a member of the Bureau of may file a complaint for investigation with the Department of Human Resources of the City of Erie.

§137.11. Repealer.

All ordinances and/or resolutions and/or parts thereof insofar as they are inconsistent herewith are hereby repealed and rescinded.

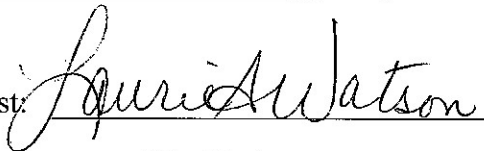
§137.12. Severability.

In the event any provision, section, sentence, clause or part of this Article shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Article; it being the intent of the City of Erie that the remainder of the Article shall be and shall remain in full force and effect.

Section 2. That all ordinances and parts thereof in conflict herewith are hereby repealed.

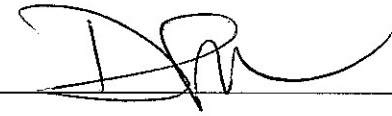
Section 3. That this ordinance shall become effective sixty (60) days after final passage and approval by the Mayor of the City of Erie, Pennsylvania

We do hereby certify that the within Ordinance was finally passed by the Erie City Council on MAR 04 2026, 2026.

Attest: 
City Clerk


President of Council

THIS ORDINANCE APPROVED THIS 4th DAY OF March, 2026.


Mayor, City of Erie
