

RESOLUTION NO. 3747

A RESOLUTION of the Port of Seattle Commission establishing a Welcoming Port Policy Directive on increased engagement with, and support for, immigrant and refugee communities.

WHEREAS, as both an international gateway and a county-wide special purpose government, the Port of Seattle is committed to supporting the safety, inclusion, and engagement of all members of our community; and

WHEREAS, we strive to protect the rights of, and uphold equity for, every King County residents and every person who uses our facilities, and to provide fair and equal access to services, benefits and opportunities; and

WHEREAS, these principles hold especially true for immigrants, refugees, and international visitors; and

WHEREAS, the Port has an essential obligation to foster a culture and environment that make it possible for our region to remain a vibrant and welcoming global gateway where our immigrant communities, refugee residents, and foreign visitors can fully participate in – and be integrated into – the social, civic, and economic fabric of our region; and

WHEREAS, the last year and a half has brought immigrant and refugee issues to the forefront in an unexpected and unwelcoming manner, such that we not only fear for the safety and comfort of our foreign visitors and residents, but also are concerned that recent rhetoric and policies might reduce the foreign tourism that is so essential to our local and state economy; and

WHEREAS, since President Trump’s Executive Order banning travel from seven Muslim-majority countries was put into effect on January 27, 2017, the Port of Seattle has been increasing its local and national efforts to support and protect the rights and quality of life of immigrants, refugees and foreign visitors; and

WHEREAS, the Port of Seattle has a strong relationship with our federal partners – including the many Department of Homeland Security (DHS) personnel – from Customs and Border Protection (CBP) to the Transportation Security Administration (TSA) – who help operate our facilities and keep them safe; and

WHEREAS, we believe deeply that the Port can be safe, secure, and comply with all federal law, while simultaneously being welcoming, accessible to all, and supportive of those immigrants, refugees, and foreign visitors who use our facilities; and

WHEREAS, this policy directive is a logical next step in this work, and our efforts are

45 complementary to the leadership that jurisdictions like King County, the City of Seattle, and the
46 State of Washington have already taken;

47
48 **NOW, THEREFORE, BE IT RESOLVED** by the Port of Seattle Commission as follows:
49

50 SECTION 1. The Welcoming Port Policy Directive as shown in the attached Exhibit A is hereby
51 established in accordance with the following five goals:

- 52
- 53 (a) Beyond what is required by local, state, and federal law, the Port will not deny anyone
54 services based on immigration status – whether they are travelers, job seekers, local
55 residents, or employees of the Port, its tenants, its vendors, or its contractors.
56
 - 57 (b) Beyond what is required by local, state, and federal law, the Port will prohibit any Port
58 employees, including law enforcement officers, from asking about citizenship or
59 immigration status or collecting information on citizenship or immigration status.
60
 - 61 (c) Beyond what is required by local, state, and federal law, the Port will not use its own resources
62 to facilitate the enforcement of civil immigration law.
63
 - 64 (d) The Port will strive to make all visitors to its facilities to feel welcome, safe, and able to
65 access services, benefits, and opportunities.
66
 - 67 (e) The Port remains committed to engaging and collaborating with local immigrant and
68 refugee community stakeholders and advocates and with community-based
69 organizations, and to continue identifying new or expanded opportunities for effective
70 partnerships.
71

72 SECTION 2. The Policy Directive contained in Exhibit A and attached to this resolution shall be
73 labeled and catalogued as appropriate, together with other Commission Policy Directives, and
74 shall be made readily available for use by Port staff and members of the public as a governance
75 document of the Port of Seattle.
76

77 **ADOPTED** by the Port of Seattle Commission at a duly noticed public meeting thereof,
78 held this _____ day of _____, 2018, and duly
79 authenticated in open session by the signatures of the commissioners voting in favor thereof
80 and the seal of the commission.
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Port of Seattle Commission

93 **EXHIBIT A to Resolution 3747**

94 **WELCOMING PORT POLICY DIRECTIVE**

95 As proposed May 8, 2018

96
97
98 SECTION 1. Purpose.

99
100 A. The purpose of this policy directive is to reaffirm the Port of Seattle’s commitment to
101 the safety, inclusion, and engagement of immigrants, refugees, and international
102 visitors who interact with our facilities or services. The Port has an essential obligation
103 to foster a culture and environment that make it possible for our region to remain a
104 vibrant and welcoming global gateway where our immigrant communities, refugee
105 residents, and foreign visitors can fully participate in and be integrated into the social,
106 civic, and economic fabric of our region.

107
108 B. Nothing in this policy directive should be construed as an intent to alter the
109 operational partnerships we have with our federal partners – including the many
110 Department of Homeland Security personnel like Customs and Border Protection and
111 the Transportation Security Administration who help our facilities function efficiently
112 and keep them safe – or to impede the work of those personnel at our facilities.
113 However, we strongly believe that the Port can be safe, secure, and comply with all
114 federal law, while simultaneously being welcoming, accessible to all, and supportive of
115 those immigrants, refugees, and foreign visitors who use our facilities.

116
117 SECTION 2. Definitions.

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119 When used in this policy directive, the following words and phrases shall have the meanings
120 given below unless the context clearly indicates otherwise:

121
122 “Administrative warrant” means a noncriminal immigration warrant of arrest, order to detain
123 or release aliens, notice of custody determination, notice to appear, removal order, warrant of
124 removal, or any other document, issued by Immigration and Customs Enforcement (ICE), CBP,
125 or U.S. Citizenship and Immigration Services (USCIS) that can form the basis for a person’s
126 arrest or detention for a civil immigration enforcement purpose. ICE administrative warrant
127 forms include the U.S. DHS form I-200 (Rev. 09/16) “Warrant for Arrest of Alien” and Form I-
128 205 “Warrant Of Removal/Deportation,” as well as predecessor and successor versions.
129 “Administrative warrant” does not include any criminal warrants issued upon a judicial
130 determination of probable cause and in compliance with the Fourth Amendment to the United
131 States Constitution.

132
133 “Citizenship or immigration status” means a person’s recorded citizenship or immigration
134 status, as such status is defined in the Immigration and Nationality Act, at the time an agent or
135 agency receives the information.

136
137 “Civil immigration enforcement operation” means an operation that has as one of its objectives

138 the identification or apprehension of a person or persons in order to investigate them for a
139 violation of the immigration laws and subject them to one or more of the following:

- 140 1. Civil immigration detention;
- 141 2. Removal proceedings; or
- 142 3. Removal from the United States.

143
144 “Immigration detainer” means a request by ICE to a federal, state, or local law enforcement
145 agency, such as the King County department of adult and juvenile detention, to provide notice
146 of release or maintain custody of a person based on an alleged violation of a civil immigration
147 law. “Immigration detainer” includes a detainer issued under Sections 236 or 287 of the
148 Immigration and Nationality Act or 287.7 or 236.1 of Title 8 of the Code of Federal Regulations.
149 “Immigration detainer” includes a detainer issued under DHS form I-274A entitled Immigration
150 Detainer- Notice of Action, as well as predecessor and successor versions.

151
152 “Interpretation” means the transfer of an oral communication from one language to another.

153
154 “Limited-English-proficient” means a person who does not speak English as the person’s
155 primary language, who has a limited ability to read, speak, write, or understand English.

156
157 “Personal information” means one or more of the following, when the information is linked
158 with or is reasonably linkable, including via analytic technology, to the person’s first name or
159 first initial and last name: 1) Home address; 2) Work address; 3) Telephone number; 4)
160 Electronic mail address; 5) Social media handle or other identifying social media information; 6)
161 Any other means of contacting a person; 7) Social security number; 8) Driver’s license number
162 or Washington identification card number; 9) Bank account number or credit or debit card
163 number; 10) Information or data collected through the use or operation of an automated
164 license plate recognition system; and 11) User name that, in combination with a password or
165 security question and answer, would permit access to an online account.

166
167 “Translation” means the transfer of a written communication from one language to another
168 while preserving the intent and essential meaning of the original text.

169
170 SECTION 3. Scope and Applicability.

171
172 A. This policy directive pertains to activities of Port of Seattle employees. Nothing in this
173 directive shall be interpreted to prohibit Port employees from engaging productively
174 with our federal partners in the normal course of Port-related business, including
175 participating in cross-designation or task-force activities with local or federal law
176 enforcement authorities for criminal law enforcement.

177
178 B. This policy directive is intended to be consistent with federal laws regarding
179 communications between local jurisdictions and federal immigration authorities,
180 including but not limited to United States Code Title 8, Section 1373.

181
182

183 SECTION 4. Responsibilities.

184

185 A. The Executive Director shall cause the policies and procedures in use by employees of
186 the Port of Seattle to be made consistent with the principles of this policy directive and
187 to promulgate such additional policies and procedures as may be needed to
188 operationalize the intent of this policy directive.

189

190 B. The Executive Director shall ensure that Port employees are appropriately informed and
191 trained on the provisions of these policies on a regular basis to ensure compliance with
192 both the substance and intention of this document.

193

194 SECTION 5. Policy.

195

196 A. Unless required by local, state, or federal law, or international treaty, all applications,
197 questionnaires, and interview forms used in relation to the provision of Port
198 opportunities or services shall not include required disclosure of information related to
199 citizenship or immigration status. Unless otherwise required, the Port shall only collect
200 this data in a manner that separates it from personally identifying information.

201

202 B. To ensure that everyone who engages with the Port feels welcome, the Port will strive
203 to provide free interpretation and translation services for the most prevalent languages
204 spoken in our region, based on an annual review of the top six languages identified by
205 the King County demographer. When a limited-English-proficient (LEP) person who
206 speaks one of those six languages seeks or receives services, the Port shall make
207 reasonable efforts to provide prompt interpretation services in all interactions with the
208 person, whether the interaction is done remotely or in person. In addition, the Port will
209 continue to meet all Federal Aviation Administration (FAA) and other federal
210 requirements that ensure that LEP individuals have meaningful access to our services.
211 Where an application or form administered by the Port requires completion in English
212 by a limited-English-proficient person, the Port shall make reasonable efforts to provide
213 oral interpretation of the application or form, as well as acknowledgment by the
214 limited-English-proficient person that the form was translated and completed by an
215 interpreter. The Port shall develop language assistance plans that identify which of its
216 vital documents and public communication materials need to be translated. The plans
217 should also include identification of plans for providing translation of webpages,
218 automated telephonic greetings, automated telephonic voice messages and
219 informational signage.

220

221 C. The Port will continue to ensure that all employees – including Port law enforcement
222 officers – are committed to welcoming and respectful treatment of immigrants,
223 refugees, and foreign visitors – including not initiating police action based solely on an
224 individual’s citizenship or immigration status, or using stops for minor offenses or
225 requests for voluntary information as a pretext for discovering a person’s immigration
226 status. Furthermore, no Port employee shall expend time, money, or other resources on
227 facilitating the civil enforcement of federal immigration law or participating in civil
228 immigration enforcement operations, except where state or federal law, regulation, or

229 court order shall so require.

230

231 D. The Port will continue to defer detainer requests from ICE or CBP to King County, as jails
232 are in King County's jurisdiction. Similarly, the Port will not enter into any contract,
233 agreement, or arrangement that would grant federal civil immigration enforcement
234 authority or powers to the Port or its law enforcement officers; provide federal
235 immigration agents with access to databases without a judicial warrant; carry out a civil
236 arrest based on an administrative warrant separately or in combination with an ICE or
237 CBP detainer request; or provide personal information to federal immigration
238 authorities for purposes of civil immigration enforcement, absent a warrant signed by a
239 judge or a law requiring disclosure, except as required by state or federal law. When
240 individuals are detained at our facilities or being transported through our facilities, the
241 Port will continue to share its expectations that these individuals have full access to
242 their legal rights and are receiving appropriate treatment.

243

244 E. The Port will work in collaboration with local refugee resettlement organizations such
245 as World Relief, Jewish Family Services, International Rescue Committee, and others to
246 identify ways to increase the ease, and decrease the cost, of welcoming newly arriving
247 refugees through Sea-Tac Airport.

248

249 F. The Port will join the Seattle-based advocacy organization One America in participating
250 in the "Red, White and Blue – Time for Citizenship" initiative by posting signage at
251 strategic places throughout Sea-Tac Airport encouraging eligible lawful permanent
252 residents to apply for U.S. citizenship, and by hosting an on-site citizenship clinic for
253 airport employees and local residents who are lawful permanent residents to gain legal
254 and administrative support in applying for citizenship. As appropriate, the Port should
255 consider expanding these clinics to provide access to other services for immigrant and
256 refugee populations. The Port shall also explore other ways to use its facilities to
257 support immigrant and refugee communities, such as when we provided office space
258 for immigration lawyers during the peak of the "travel ban" activity.

259

260 G. The Port will continue to explore ways to cooperate with local jurisdictions, nonprofit
261 organizations and others to support local immigrant and refugee communities,
262 including potential partnerships on workforce development and economic
263 development.

264

265 SECTION 6. Program Evaluation.

266

267 A. By December 31, 2018, the Executive Director shall report to the commission on the
268 successful implementation of these policies, procedures, and programs.

269

270 B. Annually, the Executive Director shall empower key staff to conduct a review of Port
271 actions to ensure that staff continue to comply fully with this directive.

272

273 SECTION 7. Fiscal Implications.

274

275 A. Fiscal implications of this policy directive will be reviewed by the Executive Director
276 annually, at a minimum, to determine if additional funding or resources are required to
277 implement the policy directive. Funding proposals shall be included in annual budget
278 requests as appropriate.

279
280 SECTION 8. Findings.

281
282 A. Engaging with people from around the world is essential to the success of the Port of
283 Seattle – both morally and economically:

- 284 (1) We benefit from international travelers who use our airport and cruise terminals.
285 (2) We thrive when global consumers purchase goods that are shipped through our
286 container terminals or our air cargo facilities.
287 (3) We celebrate the \$540 million in seafood exports sent through the Northwest
288 Seaport Alliance, caught by the thousands of North Pacific fishing boats that
289 homeport at Fishermen’s Terminal.
290 (4) We know that immigrants are key to the creation of so many Washington goods
291 and services – from Eastern Washington agricultural products that we ship via the
292 seaport and airport to technology companies and global health organizations that
293 utilize our airport to connect with customers, clients, and partners.
294 (5) We welcome the thousands of immigrants who work at the Port itself, and those
295 who work for other companies and at or around our facilities such as
296 concessionaires, taxi, and rideshare drivers serving our airport and cruise terminals,
297 truck drivers at the seaport, and the crews of cruise ships and container ships. We
298 encourage their participation in the family-wage jobs that the Port helps create.
299 (6) We rely on our immigrant and refugee residents to foster both economic growth
300 and cultural vibrancy, and we benefit tremendously from the large number of
301 diverse immigrants and refugees who contribute to the development of a diverse
302 and enriched community.

303
304 B. As a global gateway, these issues are particularly relevant to our region and state. For
305 example, nearly one in five Seattle residents is foreign born and 129 languages are
306 spoken in the Seattle Public Schools. The Seattle Metro area is among the 20 U.S.
307 metropolitan areas with the largest populations of undocumented immigrants, and
308 thousands of undocumented youth in Washington are in the Deferred Action for
309 Childhood Arrivals (DACA) program. Washington is the 8th largest refugee receiving
310 state, and a majority of the estimated 3,000 new arrivals each year are resettled in King
311 County.

312
313 C. In November 2016, Seattle Mayor Ed Murray signed an Executive Order reaffirming
314 Seattle as a Welcoming City. The order stated that City employees will not ask about the
315 immigration status of residents and all City services will be available to all residents, and

316 it creates an Inclusive and Equitable City Cabinet to coordinate City efforts to protect
317 the civil liberties and civil rights of Seattle residents.

318
319 D. In January 2017, the Seattle City Council passed a unanimous resolution affirming the
320 City’s commitment as a welcoming city.

321
322 E. In February 2017, Washington State Governor Jay Inslee signed an executive order
323 affirming and clarifying Washington state’s policies for state agencies who provide
324 services to immigrant Washingtonians.

325
326 F. In April 2017, the Washington State Attorney General released formal guidance to
327 answer questions local agencies — including libraries, law enforcement agencies,
328 hospitals, and schools — may have about the impacts of changes to immigration laws
329 and their discretion regarding participation in federal immigration enforcement.

330
331 G. Also in April 2017, King County, City of Seattle, and the Seattle Foundation announced a
332 combined \$2.25 million in emergency funding for critical services for immigrants,
333 refugees, and other residents whose health, safety, and human rights are at risk.
334 Specifically, they created an immigrants’ Legal Defense Fund, a Resilience Fund to help
335 nonprofit organizations expand successful programs that are already helping people in
336 the immigrant and refugee community, and a Resource and Information Hub so that
337 everyone in King County – including those who want to support immigrants and
338 refugees – knows where to go for resources, alerts, and opportunities.

339
340 H. In February 2018, building on guidelines approved by the Metropolitan King County
341 Council in 2017, King County adopted immigration legislation that prevents the use of
342 County funds and resources on federal immigration enforcement and outlines the steps
343 the County will use to protect immigrants and refugees who seek services from the
344 County or are victims/witnesses of crime, while still adhering to federal law.