



COMMISSION
AGENDA MEMORANDUM

Item No. 6b

ACTION ITEM

Date of Meeting May 22, 2018

DATE: May 8, 2018

TO: Stephen P. Metruck, Executive Director

FROM: Eric Schinfeld, Sr. Manager, Federal & International Government Relations
Veronica Valdez, Commission Specialist

SUBJECT: Adoption of Resolution 3747, establishing a Welcoming Port Policy Directive

ACTION REQUESTED

Request Commission adoption of 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.

EXECUTIVE SUMMARY

Engaging with people from around the world is essential to the success of the Port of Seattle, both morally and economically:

- We benefit from international travelers who use our airport and cruise terminals.
- We thrive when global consumers purchase goods that are shipped through our container terminals or our air cargo facilities.
- We celebrate the \$540 million in seafood exports sent through the Northwest Seaport Alliance, caught by the thousands of North Pacific fishing boats that homeport at Fisherman's Terminal.
- We know that immigrants are key to the creation of so many Washington goods and services – from Eastern Washington agricultural products that we ship via the seaport and airport to technology companies and global health organizations that utilize our airport to connect with customers, clients and partners.
- We welcome the thousands of immigrants who work at the Port itself, and those who work for other companies and at or around our facilities such as concessionaires, taxi and TNC drivers serving our airport and cruise terminals, truck drivers at the seaport, and the crews of cruise ships and container ships. We encourage their participation in the family wage jobs that the Port helps create.
- We rely on our immigrant and refugee residents to foster not only our economic growth but also our cultural vibrancy, and we benefit tremendously from the large number of diverse immigrants and refugees who contribute to the development of a diverse and enriched community.

Unfortunately, the last year and a half has brought immigrant and refugee issues to the forefront in an unexpected and unwelcoming manner. Not only do we fear for the safety and

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comfort of our foreign visitors and residents, but are also concerned that this rhetoric and policies might reduce the international tourism that is so essential to our local and state economy.

Therefore, it is essential during this time in our national dialogue on immigration to implement a clear policy directive that provides guidance to staff on how to handle issues related to immigrants, refugees, and foreign visitors, and that shares more broadly to the general public the Port's commitment to this topic.

JUSTIFICATION

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

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 efforts to support and protect the rights and quality of life of immigrants, refugees, and foreign visitors. From an initial press conference at the airport with other local, state, and federal elected officials to submitting an amicus brief to the Supreme Court's first consideration of a challenge to the Executive Order, the Port has taken on a local and national leadership role on this and many other related issues. We have called for permanent legal protections for those eligible for the Deferred Action for Childhood Arrivals (DACA) program and support comprehensive immigration reforms that will ensure our region's and state's economy has the workforce to remain internationally competitive.

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. Nothing in this motion should be construed as an intent to alter those daily relationships, or to impede the work of those personnel at our facilities. However, we strongly believe 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.

DETAILS

The key components of the Welcoming Port Policy Directive, as proposed by the resolution, include the following:

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First, the Port reaffirms its commitment to five goals:

- 1) Beyond what is required by local, state and federal law, the Port will not deny anyone services based on immigration status – whether they are travelers, job seekers, local residents, or employees of the Port, its tenants, its vendors, or its contractors.
- 2) Beyond what is required by local, state, and federal law, the Port prohibits any Port employees, including law enforcement officers, to ask about place of birth, citizenship or immigration status or collect information on place of birth, citizenship or immigration status.
- 3) Beyond what is required by local, state, and federal law, the Port will not use its own resources to facilitate the enforcement of civil immigration law.
- 4) The Port strives to make all visitors to its facilities to feel welcome, safe, and able to access services, benefits, and opportunities.
- 5) The Port remains committed to engaging and collaborating with local immigrant and refugee community stakeholders and advocates and with community-based organizations, and to continue identifying new or expanded opportunities for effective partnerships.

Second, to achieve the goals articulated above, the Commission directs the Executive Director to undertake the following steps by December 31, 2018:

- Unless required by local, state or federal law, or international treaty, all applications, questionnaires, and interview forms used in relation to the provision of Port opportunities or services shall not include required disclosure of information related to place of birth, citizenship or immigration status. Unless otherwise required, the Port shall only collect this data in a manner that separates it from personally identifying information.
- To ensure that everyone who engages with the Port feels welcome, the Port will strive to provide free interpretation and translation services for the most prevalent languages spoken in our region, based on an annual review of the top six languages identified by the King County demographer. When a limited-English-proficient (LEP) person who speaks one of those six languages seeks or receives services, the Port shall make reasonable efforts to provide prompt interpretation services in all interactions with the person, whether the interaction is done remotely or in-person. In addition, the Port will continue to meet all Federal Aviation Administration (FAA) and other federal requirements that ensure that LEP individuals have meaningful access to our services. Where an application or form administered by the Port requires completion in English by a limited-English-proficient person, the Port shall make reasonable

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efforts to provide oral interpretation of the application or form, as well as acknowledgment by the limited-English-proficient person that the form was translated and completed by an interpreter. The Port shall develop language assistance plans that identify which of its vital documents and public communication materials need to be translated. The plans should also include identification of plans for providing translation of webpages, automated telephonic greetings, automated telephonic voice messages, and informational signage.

- The Port will continue to ensure that all employees – including Port law enforcement officers – are committed to welcoming and respectful treatment of immigrants, refugees, and foreign visitors – including not initiating police action based solely on an individual’s place of birth, citizenship or immigration status, or using stops for minor offenses or requests for voluntary information as a pretext for discovering a person’s immigration status. Furthermore, no Port employee shall expend time, money, or other resources on facilitating the civil enforcement of federal immigration law or participating in civil immigration enforcement operations, except where state or federal law, regulation, or court order shall so require.
- The Port will continue to defer detainer requests from the U.S. Department of Homeland Security’s Immigration and Customs Enforcement (ICE) or CBP to King County, as jails are in King County’s jurisdiction. Similarly, the Port will not enter into any contract, agreement, or arrangement that would grant federal civil immigration enforcement authority or powers to the Port or its law enforcement officers; provide federal immigration agents with access to databases without a judicial warrant; carry out a civil arrest based on an administrative warrant separately or in combination with an ICE or CBP detainer request; or provide personal information to federal immigration authorities for purposes of civil immigration enforcement, absent a warrant signed by a judge or a law requiring disclosure, except as required by state or federal law. When individuals are detained at our facilities or being transported through our facilities, the Port will continue to share its expectations that these individuals have full access to their legal rights and are receiving appropriate treatment.
- The Port will work in collaboration with local refugee resettlement organizations such as World Relief, Jewish Family Services, International Rescue Committee, and others to identify ways to increase the ease and decrease the cost of welcoming newly arriving refugees through Sea-Tac Airport.
- The Port will join the Seattle-based advocacy organization One America in participating in the “Red, White and Blue – Time for Citizenship” initiative by posting signage at strategic places throughout Sea-Tac Airport encouraging eligible lawful permanent residents to apply for U.S. citizenship, and by hosting an on-site citizenship clinic for airport employees and local residents who are lawful permanent residents to

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gain legal and administrative support in applying for citizenship. As appropriate, the Port should consider expanding these clinics to provide access to other services for immigrant and refugee populations. The Port shall also explore other ways to use its facilities to support immigrant and refugee communities, such as when we provided office space for immigration lawyers during the peak of the “travel ban” activity.

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

Finally, the executive director shall ensure that Port employees are appropriately informed and trained on the provisions of these policies on a regular basis to ensure compliance with both the substance and intention of this document.

These policies are intended to be consistent with federal laws regarding communications between local jurisdictions and federal immigration authorities, including but not limited to United States Code Title 8, Section 1373. Nothing in this directive shall be interpreted to prohibit Port employees from engaging productively with our federal partners in the normal course of Port-related business, nor prohibit any Port employee from participating in cross-designation or task-force activities with local or federal law enforcement authorities for criminal law enforcement.

FINANCIAL IMPLICATIONS

To the extent the Welcoming Port Policy Directive has financial implications, these will be identified and evaluated annually for inclusion in applicable Port of Seattle operating budget proposals to the Port of Seattle Commission.

ATTACHMENTS TO THIS REQUEST

- (1) Draft Resolution No. 3747

PREVIOUS COMMISSION ACTIONS OR BRIEFINGS

- May 8, 2018: First reading of the Resolution