

ULSTER COUNTY EXECUTIVE

244 Fair St., P.O. Box 1800, Kingston, New York 12402

Telephone: 845-340-3800

Fax: 845-334-5724

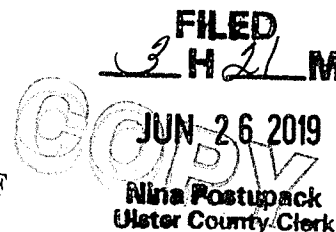
PATRICK K. RYAN
County Executive



MARC RIDER
Deputy County Executive

EXECUTIVE ORDER NO. 2-2019

TO PROTECT THE CIVIL AND LEGAL RIGHTS OF UNDOCUMENTED IMMIGRANTS



WHEREAS, Ulster County has become home for wave after wave of immigrants stretching back to its earliest history of European settlement, and has been enriched by the diversity of its immigrant communities, who have contributed in countless ways to the quality of life that our residents enjoy today; and

WHEREAS, Ulster County has a Human Rights Commission designed to assist individuals seeking protection from discrimination on the basis of, among other things, national origin; and

WHEREAS, the reporting of unlawful activity by immigrant witnesses and victims is critical to strengthening ties between immigrants and law enforcement, reducing crime, and enhancing the County's ability to protect the safety of all its residents; and

WHEREAS, Ulster County has a responsibility to ensure that services are provided equally, and consistent with civil rights laws, to all individuals eligible to receive them; and

WHEREAS, access to County services is critical to the vitality and well-being of immigrant communities and their continued integration into the County's economic, civic, and cultural life; and

WHEREAS, the power to establish and enforce immigration laws is granted solely to the federal government and is not a responsibility of local governments; and

WHEREAS, providing County services to immigrant communities is necessary to meet the needs of the County's diverse population, to maintain public confidence in County government and its agencies, and to comply with State and Federal civil rights laws;

NOW, THEREFORE, I, PATRICK K. RYAN, Executive of the County of Ulster, in accordance with the foregoing and in furtherance of my statutory duties, do hereby direct and order the following:

A. Definitions:

1. "County Department" shall mean all (i) departments and agencies over which the Executive has executive authority, (ii) all boards, committees, and commissions for which the Executive appoints the chair or a majority of the members of such boards, committees and commissions.
2. "Alien" shall mean any person who is not a citizen or national of the United States.
3. "Illegal Activity" shall mean any unlawful activity that constitutes a crime under state or federal law. However, an individual's status as an undocumented alien does not constitute unlawful activity.
4. "Judicial Warrant" shall mean a warrant based on probable cause and issued by an Article III federal judge or a federal magistrate judge that authorizes federal immigration authorities to take into custody the person who is the subject of the warrant. A judicial warrant does not include a civil immigration warrant, administrative warrant, or other document signed only by Immigration and Customs Enforcement (ICE) or Customs and Border Patrol (CBP) officials.

5. "Probable Cause" shall mean more than mere suspicion or that something is at least more probable than not. "Probable cause" and "reasonable cause," as that latter term is used in the New York State criminal procedure code, are equivalent standards.


B. Department and Employee Responsibilities Respecting the Privacy of Personal Information

1. No officer or employee of any County Department shall inquire about an individual's immigration status unless:
 - i. The immigration status of such individual is necessary to determine his or her eligibility for a program, benefit, or the provision of a service; or
 - ii. The County officer or employee is required by law to inquire about such individual's status.
2. No officer or employee of any County Department, including law enforcement officers, shall disclose information to federal immigration authorities for the purpose of federal civil immigration enforcement, unless required by law. Notwithstanding such prohibition, this Order does not prohibit, or in any way restrict, any County employee from sending to, or receiving from, federal immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of any individual, as required by law.
3. Absent a lawfully issued judicial warrant, no officer or employee of any County Department shall provide ICE or CBP with access to an individual in their custody, or the use of office facilities to question or interview such individuals if ICE's or CBP's sole purpose is enforcement of federal immigration law.

- C. This Executive Order shall take effect on the date hereof and shall remain in effect until otherwise superseded, repealed, modified or revoked.

Dated: June 26, 2019
Kingston, New York

THE COUNTY OF ULSTER


Patrick K. Ryan,
County Executive

FILED
3 H 21 M
COPY
JUN 26 2019
Nina Postupack
Ulster County Clerk