

**A RESOLUTION ESTABLISHING A POLICY ON ARREST FOR CIVIL
IMMIGRATION VIOLATION**

AGENDA #3a(3)

A RESOLUTION ESTABLISHING A POLICY THAT THE CHAPEL HILL POLICE DEPARTMENT WILL NOT SEEK TO ARREST PERSONS WHEN THE SOLE BASIS FOR ARRESTING SUCH PERSONS IS THAT SUCH PERSONS HAVE OR MAY HAVE COMMITTED A CIVIL IMMIGRATION VIOLATION

WHEREAS, in Section 15A-401 of the North Carolina General Statutes, the General Assembly has specified the circumstances under which law enforcement officers may arrest persons, with or without an arrest warrant; and

WHEREAS, the list of circumstances under which a person may be arrested does not include an arrest of persons whose only known violation of law is or may be a civil violation of federal immigration statutes;

NOW THEREFORE, the Chapel Hill Town Council resolves:

Section 1. It shall be the policy of the Town of Chapel Hill not to arrest or take into custody persons when the sole basis for arresting or taking such persons into custody is that they have or may have committed a civil immigration violation.

Section 2. This resolution shall become effective upon adoption.

This the 26th day of February 2007.

**A RESOLUTION TO REDRESS SOME OF THE HARM CAUSED BY THE ARREST
AND IMPRISONMENT OF SIMA FALLAHI**

WHEREAS, the Town of Chapel Hill is committed to the human and civil rights of its residents and to actions that preserve and protect those rights, demonstrated by its stand on October 8, 2003, in voting to protect its residents against unconstitutional actions (2003-10-08/R-5.1); and

WHEREAS, enforcement of civil immigration laws has historically been a federal obligation considered off-limits to state and local law enforcement; and

WHEREAS, serious concerns have been raised regarding the ability of state and local police to prevent and solve crimes when non-citizens fear that state and local enforcement officers will enforce immigration laws against them; and

WHEREAS, the Chapel Hill Town Council regrets the tragic consequences of the detention of Sima Fallahi for a civil violation of a federal immigration statute, resulting in her subsequent imprisonment, separation from her eleven-year-old daughter Leila, and the threat of deportation leading to probable imprisonment in her native Iran; and

WHEREAS, members of the community have come forward to support Sima and Leila Fallahi, including incurring legal costs which will be at least \$10,000 to \$15,000; and

WHEREAS, the Chapel Hill Town Council seeks to redress some of the harm that has been done in this instance;

NOW THEREFORE, the Chapel Hill Town Council resolves:

Section 1. To make a significant contribution to the legal costs incurred in providing effective legal counsel to Sima Fallahi in her effort to reopen her case and seek political asylum in the United States.

Section 2. This resolution shall be effective upon adoption.

This the 26th day of February, 2007