

Keep Washington Working Act 2019

The What and Why

In passing the Keep Washington Working Act, the Legislature exercised Washington State's rights to protect Washington communities and our economy from federal overreach. Nearly one million Washingtonians (1 in 7) are noncitizens. In numerous counties, a majority of children live in mixed-status homes (only 1 parent is a US Citizen). Noncitizens are an integral part of our communities and workforce.

The federal government's own data shows that places that declined to enforce immigration laws have lower rates of crime, poverty and unemployment. Despite these indicators, the federal government has made mass deportation a priority. Apprehending and deporting noncitizens has increased by 40 percent since 2016.

Recognizing the need to protect Washington communities and our economy from federal overreach, the 2019 Legislature exercised Washington State's right to limit involvement in civil immigrant enforcement by passing the Keep Washington Working Act (KWW) to:

❖ **Protect All Washington Residents**

KWW prohibits state agencies from inquiring into or conditioning services on an individual's place of birth, immigration or citizenship status, unless expressly required under federal or state law.

❖ **Sustain Washington's Economy**

More than 16% of Washington's workforce are noncitizens. Business sectors from agriculture to high-tech rely on an immigrant labor force. It is essential that state policy reflect their importance.

❖ **Safeguard Washington's Tax Resources**

The federal government does not reimburse the costs of local resources used to collaborate in immigration enforcement. Local governments must prioritize the needs of their communities.

❖ **Ensure Public Safety**

A 2018 nationwide study of police officers documented that local enforcement of federal immigration laws resulted in an increase in racial profiling, greater fear in immigrant communities, and the erosion of trust between law enforcement and the communities they serve.

New Rules for Jails and Local Law Enforcement

Under the Keep Washington Working Act, Local and State Law Enforcement Agencies, including jails, are PROHIBITED FROM:

1. Inquiring into or collecting place of birth, immigration or citizenship status information unless connected to violation of state or local law; includes no collection at booking; detained people notified of their right to contact their consulate if they are a noncitizen – but not required to disclose POB, immigration or citizenship status unless chose to exercise this right.
2. Providing ICE or CBP (Border Patrol) notification of a person's date and/or time of release from custody;
3. Providing non-public personal information to ICE or CBP; includes people on community custody;
4. Giving ICE or CBP access to interview people in custody about civil immigration violations; access to interview person about federal immigration crimes (like illegal re-entry after deportation only permitted with person's written consent and other protections);
5. Detaining someone solely to determine immigration or citizenship status;
6. Taking or holding someone in custody based on a civil immigration warrant;
7. Denying someone services, benefits, privileges or opportunities due to presence of an ICE detainer, notification request, immigration warrant;
8. Entering into an agreement with the federal government to deputize local law enforcement agents to perform immigration enforcement duties;
9. Entering into an agreement with the federal government to detain noncitizens for ICE or CBP; prior agreements terminated by December 31, 2021;
10. Contract for, or accept for free, language services from ICE or CBP;

NOTE: The prohibitions of sections 2, 3 & 4 do not apply to people in the physical custody of the Department of Corrections (they do apply to people on DOC community custody). But CE only permitted to interview a DOC detainee if informed, written consent.

NOTE: RCW 10.79.140 & 150 required local law enforcement agencies to notify ICE and CBP of people in their custody who "appeared to be an alien". KWW repealed these laws.

