



# AGENDA REPORT

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**TO:** Honorable Mayor and Members of the City Council

**FROM:** Councilmember Charlene Wang, District 2 and Councilmember Noel Gallo, District 5

**DATE:** June 1, 2026

**SUBJECT:** ORDINANCE: (1) REAFFIRMING THE CITY OF OAKLAND'S SANCTUARY CITY POLICY (COLLECTIVELY FOUND IN RESOLUTION NUMBERS 63950, 80584, 86498, 87036 CMS, AND ORDINANCE NUMBER 13515 CMS); (2) PROHIBITING THE USE OF CITY PROPERTY FOR NON-CITY PURPOSES; (3) SETTING PARAMETERS FOR RESPONDING TO CIVIL IMMIGRATION DETAINER AND NOTIFICATION REQUESTS; AND (4) CONSOLIDATING AND CODIFYING THESE PROVISIONS AS CHAPTERS OF THE OAKLAND MUNICIPAL CODE AND DESIGNATING THIS ORDINANCE AS THE "CITY OF REFUGE" ORDINANCE

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## **RECCOMENDATION:**

**ADOPT AN ORDINANCE:** (1) REAFFIRMING THE CITY OF OAKLAND'S SANCTUARY CITY POLICY (COLLECTIVELY FOUND IN RESOLUTION NUMBERS 63950, 80584, 86498, 87036 CMS, AND ORDINANCE NUMBER 13515 CMS); (2) PROHIBITING THE USE OF CITY PROPERTY FOR NON-CITY PURPOSES; (3) SETTING PARAMETERS FOR RESPONDING TO CIVIL IMMIGRATION DETAINER AND NOTIFICATION REQUESTS; AND (4) CONSOLIDATING AND CODIFYING THESE PROVISIONS AS CHAPTERS OF THE OAKLAND MUNICIPAL CODE AND DESIGNATING THIS ORDINANCE AS THE "CITY OF REFUGE" ORDINANCE

## **EXECUTIVE SUMMARY**

This ordinance consolidates nearly four decades of Oakland’s sanctuary policies into the Oakland Municipal Code to ensure clarity, accessibility, enforceability, and permanent legal standing.

The action responds to a sharp escalation in federal civil immigration enforcement and surges into cities with high immigrant populations. Data from TRAC Immigration indicates that by 2025 alone, immigration detention rates in California rose **114%**, reaching nearly **6,500 individuals** detained by early 2026 alongside major increases in deportations. California courts issued **66,089 formal deportation orders** in 2025, a **68% rise** from 2024. As of February 7, 2026, ICE held **68,289 individuals in detention**, of whom **73.6%** had **no criminal conviction on record**. California held approximately **5,807** detainees, the second-highest number nationwide. Data also shows that **wrongful arrests of U.S. Citizens by ICE** detaining U.S. citizens through database errors, name mismatches, and profiling **disproportionately affects Latino and Black U.S. citizens**.

Simultaneously, Oakland and the Bay Area experienced increased ICE presence, including courthouse arrests and neighborhood-level enforcement activity. Communities particularly Latino, Southeast Asian, African, Middle Eastern, and Afro-Caribbean residents have reported heightened trauma, sharply reduced access to safety services, and avoidance of schools and clinics, and diminished trust in law-enforcement interactions. These conditions strain public trust and safety, intensify fear, and disproportionately impact low-income immigrant neighborhoods.

As a proactive effort, our current Mayor, Barbara Lee, issued two Executive Orders in January 2026 to protect our Oakland residents. This Ordinance codifies those emergency directives, ensuring that City policy **remains steadfast regardless of changes** in federal administration or mayoral leadership in our City.

Therefore, this ordinance will achieve the following:

- **Make permanent** the City’s prohibition on participating in or facilitating federal civil immigration enforcement;
- Establishes clear operational rules for OPD and other City employees, including rules associated with data collection of immigration status as well as governing civil immigration detainees;
- Prohibits federal immigration enforcement staging or operations on City property;
- Strengthens public trust in City services by eliminating ambiguity in practice and implementation.

## **BACKGROUND / LEGISLATIVE HISTORY**

Oakland has formally operated as a City of Refuge since 1986 through successive Council actions by numerous resolutions (**63950, 80584, 86498, 87036**) and an ordinance (13515), affirming its longstanding commitment to protecting immigrant communities and refusing local collaboration in civil immigration enforcement. However, these policies remained scattered across various legislative records rather than being consolidated into the Oakland Municipal Code (OMC).

Meanwhile, the national data from TRAC and the ACLU data show a significant escalation in federal immigration enforcement both statewide and local levels. **Immigration detention** in California nearly doubled, rising from approximately 3,100 detainees in April 2025 to about 6,459 in early 2026—a 114% year-over-year increase (1, 2). **Deportations** climbed 78% year-over-year, with over 900 recorded voluntary departures in 2025 (3, 4). Across the Bay Area nearly 9,505 formal deportation orders were issued across nine counties in 2025; Alameda County remained among the highest-volume jurisdictions (3, 5). **ICE arrests** escalated at sensitive sites, including Alameda County’s Wiley Manuel Courthouse in Oakland, where a high-profile detention occurred in September 2025 (5).

The Government Accountability Office (GAO) documented systemic errors resulting in the **wrongful detention of U.S. citizens**, including hundreds of individuals mistakenly arrested due to database inaccuracies, name mismatches, and racial profiling. The GAO found persistent flaws in ICE’s IDENT and biometric systems, with these errors disproportionately impacting Latino and Black U.S. citizens (8, 9). At the same time, the California City Immigration Processing Center (CCIPC)—a 2,560bed facility operated by CoreCivic—reopened on August 27, 2025 under a \$130 million annual contract, expanding detention capacity statewide (6, 7).

More broadly, California remains home to an estimated 2.3–2.6 million undocumented immigrants in 2025, representing approximately 23–25% of the nation’s undocumented population (3, 11). Locally, this context has profound implications for Oakland, where, as of July 1, 2025, the total population was 440,838, including 27.5% (approximately 121,200 residents) identifying as foreign-born (10).

The national and local pressures underscore the urgency for Oakland to update and strengthen its Municipal Code, safeguarding undocumented and mixed-status households, a crucial and vulnerable segment of the population.

We see this clearly on a local level where enforcement-driven fear is producing measurable harm:

- The Oakland school district saw a spike in absences among English Language Learner (ELL) students—surging from about 700 per day to over 1,100 in late October 2025, coinciding with Bay Area enforcement operations <sup>12</sup>.
- Fruitvale-area businesses reported 20–30% declines in sales, and foot traffic fell sharply due to enforcement fear <sup>13 & 14</sup>.

- The day-labor market shrank drastically, with attendance falling from roughly 60 to 12 workers daily <sup>14</sup> & <sup>13</sup>.
- East Oakland clinics experienced a 15–25% decrease in non-emergency visits <sup>13</sup> & <sup>14</sup>.

These impacts destabilize families, undermine local commerce, discourage collaboration with the Oakland Police Department (OPD), and inflict lasting psychological distress, particularly on children. They underscore the urgent need to reinforce sanctuary protections within municipal law—especially in neighborhoods heavily reliant on immigrant residents.

These systemic failures underscore the necessity for enforceable protections preventing OPD and City personnel from cooperating with civil immigration enforcement. Mayor Barbara Lee’s 2026 Executive Orders reinforce OPD’s independence from federal immigration authorities, bar the use of City facilities and property for enforcement and initiate a plan to anchor these directives permanently in municipal code.

This ordinance advances that effort by codifying Executive Order measures into the Oakland Municipal Code (O.M.C.), ensuring these sanctuary protections become enduring city policy.

## **LEGAL FRAMEWORK & POLICY RATIONALE**

### **Civil Immigration Detainers**

The U.S. Supreme Court’s precedent (*Arizona v. United States*) and the Massachusetts Supreme Judicial Court (*Lunn v. Commonwealth*) reaffirm limits on state and local participation in civil immigration enforcement.

The ordinance mirrors San Francisco Administrative Code Chapter 12I and:

- Prohibits OPD from extending custody based solely on an ICE detainer;
- Allows a narrow exception only for recent serious violent felony cases with strict procedures;
- Provides clear operational guidance for arrests, release timing, and information-sharing.

## **RACIAL AND EQUITY IMPACT**

Federal enforcement disproportionately targets Oakland’s diverse immigrant communities—Latino, Southeast Asian, African, Middle Eastern, and Afro-Caribbean populations. With the reopening of the California City Immigration Processing Center (CCIPC) and anticipated new facilities, detention capacity and the number of individuals subject to enforcement are likely to increase and deepen these impacts (6, 7).

The CCIPC, a 2,560 bed ICE detention center operated by CoreCivic resumed receiving detainees on August 27, 2025 under a two-year, \$130 million contract. The facility confines individuals

primarily over their lack of authorized immigration status, and is criticized for inadequate conditions and lack of services. Its operation through a private firm raises serious concerns about profiting from imprisonment and compounded human rights violations. (1, 2, 6, 7).

The Bay Area Council Economic Institute's 2026 report, *The Economic Impact of Immigration Enforcement in the Bay Area*, warns that enforcement escalations are reshaping economic outcomes. While not removing workers en masse, targeted raids and fear-driven uncertainty introduce cascading effects: destabilizing workforce participation, increasing business risk, and permeating entire neighborhoods (3, 4).

Beyond the direct threat of deportation, our immigrant communities are experiencing:

### **1. Inequitable Access to Public Safety**

Many immigrant residents avoid contacting the police—even when victimized—out of fear that any interaction could trigger immigration enforcement, effectively creating a two-tiered justice system. Crime reporting in immigrant-heavy neighborhoods declined by nearly 18%, reflecting diminished trust in civic institutions and increased fear, leaving them more vulnerable to victimization and decreasing overall community safety.

Community monitoring by ICE Spotted shows persistent plainclothes ICE surveillance in Fruitvale and other districts, including near schools, clinics, transit hubs, legal aid offices, and immigrant service centers (5, 6). Large Latino, Southeast Asian, African, and Afro-Caribbean neighborhoods are thus disproportionately affected, exacerbating already existing safety and equity challenges. Neighborhoods most impacted include Fruitvale, East Oakland, San Antonio, Chinatown, and West Oakland.

### **2. Wrongful Arrests of U.S. Citizens**

GAO, civil rights, and TRAC data reveal that hundreds of U.S. citizens have been wrongfully detained by ICE because of flawed biometric and database systems—again disproportionately impacting Black and Latino citizens (7, 8).

### **3. Local Economic Impact**

The Bay Area supports approximately 2.6 million immigrants, including around 477,000 undocumented individuals—about **350,000 of whom are employed** in essential sectors. Economic modeling suggests that intensified enforcement could slash Bay Area GDP by up to \$67 billion annually and reduce tax revenue by \$8.4 billion (3, 4). This would heavily disrupt restaurants,

hospitality, caregiving, construction, logistics, healthcare support, and domestic work sectors critical to Oakland's workforce. (12)

#### **4. Local Public Health & Education Impacts**

In fall 2025, Oakland experienced a spike in absenteeism in Fruitvale and East Oakland following localized ICE activity at school zones. English Language Learner absences soared from about 700 daily to over 1,100 on October 23, 2025 (9). Families reported fear arrests at student pick-up and drop-off points—coinciding with federal enforcement presence near transit nodes—resulting in drops in district funding tied to attendance (13). According to OPD and public health staff logs, non-emergency visits to city clinics also declined by 15–25% in early 2026, indicating significant health access barriers.

#### **Trauma & Household Disruption**

Community-based organizations report widespread anxiety and trauma following ICE operations, including displacement from daily routines, disruptions in childcare, avoidance of public spaces, and growing mistrust of uniformed personnel—even those not associated with immigration enforcement. There are documented cases of children avoiding school, playgrounds and after school programs due to fear particularly in Fruitvale and East Oakland. OPD reports indicate rising behavioral health challenges among youth and young adults following home raids and immigration-centered arrests. Families splitting routines to prevent simultaneous arrest risk.

These details serve to underscore the ongoing and daily trauma in immigrant communities—especially Latino, Southeast Asian, and Afro-Caribbean families—and demonstrates why formal codification of non-cooperation and city-property protections is both morally and practically vital.

Codifying this ordinance removes ambiguity and advances equity by ensuring all residents—regardless of citizenship status can access City services, including libraries, housing assistance, and public safety, except where limited by federal program funding requirements (e.g., certain HUD programs).

#### **FISCAL IMPACT**

**Operational Costs:** There is no direct fiscal impact for consolidating existing policy into the OMC. Administrative costs associated with updating the OMC and translating the ordinance into multiple languages (Spanish, Chinese, Vietnamese) will be covered within the existing City Clerk and City Administrator budgets.

**Asset Protection:** By prohibiting the use of City property (OMC 2.49) for non-authorized purposes, the City avoids the wear-and-tear and potential liability associated with federal tactical staging on municipal grounds.

**Federal Funding Risk:** While federal "Sanctuary" grant conditions are periodically litigated, current 2026 legal standards and California state law (SB 54) support the City's right to refuse the use of local resources for federal civil enforcement.

## **PUBLIC OUTREACH**

Faith in Action, Centro Legal de la Raza, APEN, and Catholic Charities and community leaders —have called for codification of sanctuary protections in response to the enforcement surge. City staff engaged with legal defense providers and the Police Commission (?) in preparing this ordinance.

## **CONCLUSION**

These systemic impacts—rooted in federal enforcement intensification, wrongful detentions, economic instability, public health deterrence, and community distrust—demand a definitive municipal response. This ordinance reflects Oakland’s long-standing values and the urgent need for clarity, equity, and resident protection amid rising immigration enforcement. By codifying sanctuary protections into the OMC, the city ensures a durable, legally grounded framework for public safety and community stability. It represents a vital step in preserving public trust, safety, and the well-being of Oakland’s diverse communities.

For questions regarding this report, please contact Bridget Ruiz Rivezzo, Policy Director for Councilmember Charlene Wang - District 2 at [BRuiz-Rivezzo@oaklandca.gov](mailto:BRuiz-Rivezzo@oaklandca.gov) or Rosa M Velazquez, Chief of Staff for Councilmember Noel Gallo - District 5, at [RMVelazquez@oaklandca.gov](mailto:RMVelazquez@oaklandca.gov).

Respectfully submitted,



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