



City of Cambridge

Executive Department

YI-AN HUANG
City Manager

CMA 2026-74
IN CITY COUNCIL
March 30, 2026

To the Honorable, the City Council:

Please see attached a memo from City Solicitor, Megan Bayer, transmitting a response to Awaiting Report Number 26-17 relative to proposed amendments to the Welcoming City Ordinance.

Very truly yours,

Yi-An Huang
City Manager



Megan B. Bayer
City Solicitor

Elliott J. Veloso
Deputy City Solicitor

Kate M. Kleimola
First Assistant City Solicitor



CITY OF CAMBRIDGE

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March 30, 2026

Yi-An Huang
City Manager
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Re: *Awaiting Report No. 26-17 of 2/9/26, requesting that the City Manager direct the Law Department to draft ordinance language restricting the use of City-owned or City-controlled property, facilities, resources, and personnel for the purposes of civil immigration enforcement, as well as other amendments to the Welcoming Community Ordinance.*

Dear Mr. Huang:

I write in response to the above-referenced City Council Order (the "Council Order"), that requests that I draft amendments to the Welcoming Community Ordinance (the "Ordinance"). The Council Order proposes a number of possible amendments to the Ordinance. The Law Department, in consultation with the City Manager's Office, Cambridge Police Department and Office of Equity and Inclusion, reviewed the possible amendments, and drafted the attached recommendations.

The recommended amendments include incorporating the restrictions on City-owned or City-controlled spaces for civil immigration enforcement, and restricting access by Federal Immigration Authorities to non-public City spaces without a valid judicial warrant or court order, as requested in the Council Order. The recommended amendments also include that the City can bring a case seeking injunctive relief against a Federal Immigration Authority to enforce those provisions of the Ordinance.

Other recommended changes build on existing provisions in the Ordinance to make clear that access to City programs is not conditioned on immigration status, City employees other than CPD will not take part in federal immigration enforcement operations, and City resources will not be used for civil immigration enforcement. Additionally, there are several clarifying and cleanup type changes we recommend throughout the Ordinance.

These amendments to the Ordinance are consistent with the provisions of the City Manager's "Executive Order Prohibiting the Use of City Property for Civil Immigration Enforcement Activities, and Affirming the City of Cambridge Welcoming Community Ordinance and its Commitments to Public Safety and Public Trust," and codify these provisions into the Ordinance.

I will be available to discuss with the Council, and answer any questions.

Very Truly Yours,



Megan B. Bayer
City Solicitor

Enc.

Chapter 2.129 WELCOMING COMMUNITY ORDINANCE

Sections:

2.129.010 Purpose.

The purpose of this Chapter is to establish the City of Cambridge as a Welcoming City, to declare that all are welcome here, and to increase public confidence in the City of Cambridge's government by establishing standards associated with the City's voluntary involvement in federal immigration enforcement.

(Ord. No. 2020-3, 2-10-2020)

2.129.020 Preamble.

It is not within the purview nor mandate of the City of Cambridge to enforce federal immigration law or seek the detention, transfer or deportation of Cambridge residents for civil immigration purposes, nor should the City's resources be expended toward that end.

The City of Cambridge will equally enforce the law and serve the public without consideration of immigration status, citizenship, national origin, race, or ethnicity.

(Ord. No. 2020-3, 2-10-2020)

2.129.030 Definitions.

"Federal Immigration Authority." Any federal department, agency, component, task force, or officer whose primary or secondary function includes the enforcement of civil immigration law, including but not limited to the Department of Homeland Security (DHS) and the agencies within DHS, which include U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services (USCIS), and Homeland Security Investigations (HIS), or any successor entity.

~~"ICE." The federal agency known as the U.S. Immigration and Customs Enforcement, and any other federal agency charged with the enforcement of immigration laws, including but not limited to the Department of Homeland Security.~~

"Immigration detainers, ~~also known as and~~ ICE detainers." Requests made by federal immigration officials, including but not limited to those authorized under Section 287.7 of Title 8 of the Code of Federal Regulations to local Law Enforcement or Courts to voluntarily maintain custody of an individual once that individual is released from local custody, and/or to notify a federal agency before the pending release of an individual.

~~"ICE administrative warrant." A warrant, notice to appear, removal order, warrant of deportation, or other ICE custody document (I-200, I-203, I-205, or another listed in the National Crime Information Database (NCIC)) issued by a federal immigration official, not a judicial officer, and not based on a finding of probable cause for an alleged criminal law violation.~~

"Staging area." An area used to assemble, mobilize, or deploy personnel, vehicles, equipment, or materials for any purpose arising out of or related to the enforcement of civil immigration enforcement operations.

(Ord. No. 2020-3, 2-10-2020)

2.129.040 Requirements.

- (A) Equal treatment. The City will treat all persons equally, enforce laws, and serve the public without consideration of immigration status. Citizenship, immigration status, national origin, race, and ethnicity shall have no bearing on an individual's treatment by City employees or officials. Access to City programs, services, and benefits shall not be conditioned upon the applicant's immigration status, except where required by law.
- (B) Inquiries about immigration status. City employees and officials may not inquire or collect information about the immigration status of any victim, suspect, arrestee, 911 caller, or other member of the public with whom they have contact, ~~except as required by 8 U.S.C. § 1373.~~
- (C) Roles of City employees and officials, other than within the Cambridge Police Department, in immigration enforcement. City employees and officials shall not take part in or assist with federal immigration enforcement operations, except where required by law or pursuant to a valid judicial warrant.
- (DE) Role of Police Department in immigration enforcement. The Cambridge Police Department will not initiate investigations or take law enforcement action on the sole basis of actual or perceived immigration status, including the initiation of a stop, an apprehension or arrest. The Cambridge Police Department shall not take part in or assist with federal immigration enforcement operations, except as permitted with Subjection (j) below. This section shall not limit the Cambridge Police Department's ability to actively assist in Federal human trafficking operations.
- (E) Use of City Resources. Other than when required by law, City employees and officials shall not use City facilities, property, funds, equipment, data, technology, or City personnel for the purpose of enforcing civil immigration laws.
- (FD) ~~ICE~~Immigration detainers and administrative warrants. Consistent with state law, no officer or employee of the Cambridge Police Department may arrest or detain an individual solely on the basis of an ~~ICE~~immigration detainer or ~~ICE~~ administrative warrant. This includes extending the length of detention by any amount of time once an individual is or would otherwise be released from local custody, or before being transferred to court or admitted to bail.
- (GE) Federal requests for information. No officer or employee of the Cambridge Police Department shall provide an officer or employee of a Federal Immigration Authority~~ICE~~ with the following information relating to a person in the custody of the Police Department: information about an individual's incarceration status, length of detention, home address, work address, personal information other than citizenship or immigration status, hearing information, or pending release, except information that is available through the Massachusetts Public Records Laws, G.L. c. 66, section 10 and G.L. c. 4, section 7 (twenty-sixth). Nothing in this section shall prohibit or restrain an officer or employee of the Cambridge Police Department from sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. § 1373.
- (HF) Encountering persons driving without a license. When taking action against a person who is found to be driving without a valid driver's license, officers of the Cambridge Police Department shall, whenever possible in the officer's discretion and if there are no other violations causing the person to be arrested, issue a summons to court instead of taking the person into custody. In such circumstances, the law enforcement officer taking action shall endeavor to provide the driver a reasonable opportunity to arrange for a properly licensed operator to drive the vehicle before seeking to impound the vehicle, unless the violation is one subject to a statutory or regulatory requirement of vehicle impoundment.
- (IG) Notice to individuals subject to ~~ICE~~Federal Immigration Authority interventions. If the Cambridge Police Department receives an immigration detainer or ~~ICE~~ administrative warrant for a person in its custody, the Police Department shall provide the person with a copy of such detainer request or administrative warrant, and any other documentation it possesses pertaining to the person's immigration case.

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- (JH) ~~ICE~~Federal Immigration Authority access to facilities. Except in response to a judicial warrant or other court order, Federal Immigration Authority~~ICE~~ agents shall not be allowed access to individuals in Cambridge Police Department custody either in person or via telephone or videoconference.
- (K) Programs that protect removal. In furtherance of the US Victims of Trafficking and Violence Prevention Act, as well as the Violence Against Women Act ("VAWA"), the Cambridge Police Department shall consider a U or T Visa request, or other protections conferred by VAWA if an individual (i) is the victim of a qualifying crime, and (ii) has been, is being, or will likely be helpful in the investigation/prosecution of that crime, or is the victim of domestic violence and removal will place them in immediate danger if the individual meets the qualifications for such a visa.
- (L) Raids and other immigration enforcement actions. No officer or employee of the Cambridge Police Department may participate in an operation led by a federal agency to detain persons for deportation purposes. However, an officer or employee of the Cambridge Police Department is required to ensure public safety and shall perform actions and services deemed necessary to ensure the safety of all on scene.
- (MK) If the Cambridge Police Department is dispatched to the scene of federal immigration enforcement action, the Police Department shall take reasonable steps to verify that the individuals on scene are federal agents conducting federal immigration enforcement. The Cambridge Police Department shall document the activity on scene and document any identification information provided by federal officers or agents.
- (NL) Deputizing of local officials. No officer or employee of the Cambridge Police Department shall perform the functions of an ~~immigration~~Federal Immigration Authority officer, whether pursuant to 8 U.S.C. § 1357(g) or any other law, regulation, or policy, whether formal or informal, except as required by federal or state law or regulations.
- (OM) School records and enrollment. No employee of the Cambridge School Department shall require a student or parent to provide information regarding their immigration or citizenship status to establish the student's residency in the district for enrollment purposes. If such information becomes known to an employee of the Cambridge School Department, such information shall not be kept or distributed, except as required by federal or state law or regulations, and shall have no bearing of the student's ability to register for school or the school's treatment of that student. Information collected regarding place of birth for the purpose of providing appropriate services to any student shall be used only for that purpose and not distributed further, except as required by federal or state law or regulation.
- (P) City property prohibited for use as staging areas. No City-owned or City-controlled property, including parking lots, garages, parks, open space, or buildings, including the interior or exterior areas of any parcel upon which a building is located, shall be used as a staging area, processing location, operations base, or other supporting location for federal civil immigration enforcement. Prohibited uses include but are not limited to assembling, mobilizing, or deploying vehicles, equipment, materials, or personnel for the purpose of carrying out federal civil immigration enforcement operations.
- (Q) The City restricts access to non-public City spaces. Non-public City spaces are areas owned or controlled by the City that are not accessible to the general public. Examples of non-public City spaces include restricted areas requiring key or fob access, breakrooms, workstations (including those in an open area if the general public is not permitted at or in the workstation), storage closets, classrooms that are accessible only for registered students, and employee-only areas. Non-public City spaces are not open for the purposes of enforcement of civil immigration laws except with a judicial warrant or when access is required by law.

(Ord. No. 2020-3, 2-10-2020, 2025-13, 8-4-2025)

2.129.050 Complaints.

Allegations of violations of this Chapter's provisions by City employees and officials may be filed with the City Manager's Office, who shall investigate the complaint and take appropriate disciplinary action. In the case of a

complaint against an officer or employee of the Cambridge Police Department, allegations of violations of this Chapter shall also be filed with the Department's Professional Standards Unit. In the case of a complaint against an employee of the Cambridge School Department, allegations of violations of this Chapter shall also be filed with the Superintendent of Schools.

(Ord. No. 2020-3, 2-10-2020)

2.129.060 Other remedies.

The City may maintain an action for injunctive relief to enforce any provision of this Chapter that applies to a Federal Immigration Authority.

2.129.0760 Reporting.

Beginning on the date of passage of this Chapter and every six months thereafter, the Cambridge Police Commissioner shall submit a report, with the information detailed below, to the City Clerk, with a copy to the City Manager, and the City Clerk shall include the report on the agenda of the next-occurring meeting of the Public Safety Committee of the City.

The report shall contain:

- (A) A statistical breakdown of the total number of ~~ICE~~immigration detainers requests and, administrative warrants lodged with Cambridge Police Department;
- (B) The total number of individuals detained as a result of an ~~ICE~~immigration detainer or administrative warrants, if any;
- (C) The total number of individuals transferred to ~~ICE~~Federal Immigration Authority custody, if any;
- (D) The total reimbursements received from the federal government pursuant to any granted immigration~~ICE~~ detainer or administrative warrant, organized by case; and
- (E) The total number of investigations where the Cambridge Police Department cooperated with or provided information to a Federal Immigration Authority~~ICE~~ unless any part of such information cannot be publicly disclosed.

(Ord. No. 2020-3, 2-10-2020)

2.129.0870 Compliance with federal law.

Nothing in this Chapter shall be construed to violate any valid federal law, or to prohibit any Cambridge agency or department from providing another law enforcement agency citizenship or information status, consistent with 8 U.S.C. § 1373.

(Ord. No. 2020-3, 2-10-2020)

2.129.090 Relationship with Other Laws.

If this chapter and any State law apply to the same subject, the provision of broadest or most strict coverage shall control. This Chapter shall not be construed as restricting or interfering with the execution of court orders or judicial warrants, or the enforcement of criminal law, nor as limiting the rights of any person or entity under state or federal law.

2.128.100 - Severability.

The provisions in this Chapter are severable. If any part or provision of this Chapter, or the application of this Chapter to any person or circumstance, is held invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected by such holding and shall continue to have full force and effect.