

WSR 21-19-109

POLICY STATEMENT

DEPARTMENT OF AGRICULTURE

[Filed September 20, 2021, 12:08 p.m.]

Administrative Policy No. POL-AM-135 - Supporting the Rights and Dignity of Immigrants

On August 25, 2021, an administrative policy regarding how the Washington state department of agriculture (WSDA) and its employees support the rights and dignity of all residents, regardless of their immigration or citizenship status was signed.

RCW 43.17.425(4) requires publication of this administrative policy.

A copy of the administrative policy may be obtained by accessing our website or by contacting Gloriann Robinson, Agency Rules Coordinator, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1802, email wsdarulescomments@agr.wa.gov.

Subject Matter Lead: Administrative regulations manager.

Effective Date: August 25, 2021.

Sunset Review Date: August 2025.

Approved By: Derek I. Sandison.

References: RCW 43.17.425 Immigration and citizenship status—State agency restrictions.

WSDA supports the rights and dignity of all residents, regardless of their immigration or citizenship status. The 2019 Washington state legislature passed legislation (chapter 440, Laws of 2019) reinforcing that the federal government, not local and state governments, bears the primary jurisdiction to enforce federal immigration law.

1. NO EMPLOYEE MAY USE AGENCY FUNDS, FACILITIES, PROPERTY, EQUIPMENT, OR PERSONNEL TO INVESTIGATE, ENFORCE, COOPERATE WITH, OR ASSIST IN THE INVESTIGATION OR ENFORCEMENT OF ANY FEDERAL REGISTRATION OR SURVEILLANCE PROGRAMS OR ANY OTHER LAWS, RULES, OR POLICIES THAT TARGET WASHINGTON RESIDENTS SOLELY ON THE BASIS OF RACE, RELIGION, IMMIGRATION, OR CITIZENSHIP STATUS, OR NATIONAL OR ETHNIC ORIGIN

- This does not apply to any program with the primary purpose of providing persons with services or benefits.

2. EMPLOYEES MAY NOT CONDITION SERVICES BASED ON A PERSON'S IMMIGRATION STATUS, CITIZENSHIP STATUS, OR PLACE OF BIRTH.

- Employees shall serve and provide agency services to all Washington residents without regard to immigration or citizenship status.

3. EMPLOYEES MAY NOT REQUEST INFORMATION OR PROOF REGARDING A PERSON'S IMMIGRATION STATUS, CITIZENSHIP STATUS, OR PLACE OF BIRTH.

- Except as specified in section (5), below.

4. EMPLOYEES MUST LIMIT THE COLLECTION OF INFORMATION ABOUT INDIVIDUALS TO THE MINIMUM NECESSARY TO COMPLY WITH SECTION (5) OF THIS POLICY.

- Employees may not disclose information collected from individuals except as necessary to comply with section (5) of this policy or as permitted by state and federal law.

5. EMPLOYEES MAY COLLECT, USE, OR DISCLOSE INFORMATION WHEN:

- Required to comply with state or federal law;
- Responding to a lawfully issued court order;

- Necessary to perform agency duties, functions, or other business, as permitted by statute or rule, conducted by the agency that is not related to immigration enforcement;
- Required to comply with policies, grants, waivers, or other requirements necessary to maintain funding; or
- The information is in the form of deidentified or aggregated data, including census data.

6. EMPLOYEES MAY NOT ENTER INTO IMMIGRATION DETENTION AGREEMENTS.

7. IF ANY PART OF THIS POLICY IS FOUND TO BE IN CONFLICT WITH FEDERAL REQUIREMENTS THAT ARE A PRESCRIBED CONDITION TO THE ALLOCATION OF FEDERAL FUNDS, THE CONFLICTING PART IS INOPERATIVE SOLELY TO THE EXTENT OF THE CONFLICT.

DEFINITIONS:

Court order means a directive issued by a judge or magistrate under the authority of Article III of the United States Constitution or Article IV of the Washington Constitution. A "court order" includes but is not limited to warrants and subpoenas.

Deidentified means information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual.

Immigration or citizenship status means such status as has been established to such individual under the Immigration and Nationality Act.

Gloriann Robinson
Agency Rules Coordinator