



EXECUTIVE ORDER 17-04

RENEWING OREGON'S COMMITMENT TO PROTECTING ITS IMMIGRANT, REFUGEE, AND RELIGIOUS-MINORITY RESIDENTS

WHEREAS, Oregon is and must remain a welcoming, inclusive, and compassionate place for all contributing members of our civic community, including immigrants and refugees; and

WHEREAS, immigrants and refugees contribute to the health, prosperity, and general welfare of our State; and

WHEREAS, the Oregon Revised Statutes forbid state and local law enforcement agencies from using "moneys, equipment or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws," ORS 181A.820(1), subject to exceptions, ORS 181A.820(2)-(4); and

WHEREAS, under the U.S. Constitution, the immigration power to exclude and deport is reserved exclusively to the federal government; and

WHEREAS, the Oregon Revised Statutes declare it to be the public policy of the State that discrimination on the basis of religion "threatens the rights and privileges of its inhabitants" and "menaces the institutions and foundation of a free democratic state," ORS 659A.006(1); and

WHEREAS, the Oregon Constitution, in Article I, sections 2 and 20, guarantees freedom of religion and protects against discrimination on the basis of religion;

NOW, THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. Definition. For purposes of this Executive Order, "state agency" shall be defined as any agency within the Executive Department as defined in ORS 174.112, other than the Oregon Secretary of State, Oregon State Treasury, Oregon Department of Justice, and Oregon Bureau of Labor and Industries.

2. Statement of Policy. It is the policy of this State that Oregon be an inclusive jurisdiction that embraces, celebrates, and welcomes its immigrant and refugee residents and recognizes their contributions to the collective prosperity of all Oregonians.



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3. Non-discrimination. No state agency may condition the provision of services or benefits upon a resident's immigration status, except as required by federal or state law or as otherwise authorized by the Governor or her designee.

4. No State Expenditure for Federal Enforcement.

A. No state agency may use moneys, equipment, or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws, except as required by federal or state law or as otherwise authorized by the Governor or her designee.

B. The requirements of this section, as applied to all state agencies, are coextensive with ORS 181A.820, subject to the exceptions stated herein and in ORS 181A.820(2)-(4).

5. Non-participation in Religious Registry. No state agency may use moneys, equipment, or personnel to assist in or facilitate the creation of a registry the purpose of which is to identify members of a religious group, except as required by federal or state law.

6. This Executive Order is intended to be consistent with the State's obligations under federal and state law, including 8 U.S.C. §§ 1373 and 1644; accordingly, this Executive Order shall be interpreted as to not violate any requirement of federal or state law. Should federal or state law change so as to give rise to a conflict with any provision of this Executive Order, such provision shall be of no further effect, notwithstanding paragraph 8.



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7. This Executive Order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the State of Oregon, its subdivisions, its officers, employees, or agents, or any other person.

8. This Executive Order will remain in effect unless and until it is superseded by statute or another Executive Order.

Done at Salem, Oregon, this 2nd day of February, 2017.



A handwritten signature in black ink that reads "Kate Brown".

Kate Brown
GOVERNOR

ATTEST:

A handwritten signature in green ink that reads "Dennis Richardson".

Dennis Richardson
SECRETARY OF STATE