

Document Code No.: PFC-7-1-1-EO

Title: King County International Airport – Transparency on Use of Airport for Immigrant Deportations (supersedes and replaces PFC-7-1-EO)

Keywords: Airport, Immigrant, Deportations, Immigration and Customs Enforcement

Sponsoring Agency: County Executive Office



King County

PREAMBLE. King County proudly upholds the fundamental, self-evident truth announced at our nation's founding: that all people are created equal, while embracing the basic American value that we are a nation of opportunity for all. Immigrants and refugees are welcome in King County, and our region has acted decisively to become more inclusive, removing barriers to affordable housing, transit, health, economic opportunity and promoting strong childhood development for everyone. King County continues to uphold these same values and move forward with effective actions that set our region apart as a leader in protecting the rights of all people in our communities, and continues to not tolerate discrimination, harassment, expressions of hate, or any behavior intended to promote fear, intimidation, or isolation.

WHEREAS, in 2018, King County became aware that aircraft operated by charter operators were providing services to Immigration and Customs Enforcement (“ICE”) at the King County International Airport (“KCIA”) and using the airport as a location for transportation and deportation of immigrant detainees. Community members raised important and valid concerns over the use of KCIA for these purposes by ICE and its contractors, including detrimental effects on immigrant populations.

WHEREAS, on April 23, 2019, in order to address the harms to immigrant communities and adverse impacts on airport safety, Executive Order PFC-7-1-EO was enacted, which in its operative provisions, required KCIA to use its future leasing authority to prohibit the provision of aeronautical or non-aeronautical services to enterprises engaged in the business of transporting or deporting immigrant detainees (except for federal government aircraft). The use of KCIA for the transportation and deportation of immigrant detainees by ICE and its contractors subsequently ended.

WHEREAS, the federal government, through the Department of Justice, challenged the Executive Order PFC-7-1-EO, claiming that it violated the 1948 Instrument of Transfer and other federal laws. King County opposed this lawsuit, which was brought before the United States District Court for the Western District of Washington in case number 2:20-cv-00203-RJB.

WHEREAS, on March 30, 2023, the Court issued an Order invalidating Executive Order PFC-7-1-EO and enjoining King County from enforcing it (“March 30, 2023 Order”). The court’s decision notes that the “Executive Order has some parts that may be valid, but the

form of the Executive Order makes it appropriate to strike the whole document in its present form." As a result of the March 30, 2023 Order, Executive Order PFC-7-1-EO is no longer valid and may not be enforced.

WHEREAS, King County is a municipal corporation under the laws of the State of Washington and entitled under the First Amendment of the United States Constitution to speak and petition the federal government both for itself and for its nearly 2.3 million residents. As a matter of principle, King County remains firmly opposed to the use of KCIA by the federal government or its contractors for the deportation and transportation of immigrant detainees. King County remains firm in its belief that use of the airport in this manner is inconsistent with the public welfare, offensive to the Constitution and contrary to the human rights of immigrants.

WHEREAS, because deportations continue to raise deeply troubling human rights concerns which are inconsistent with the values of King County, including separations of families, increases of racial disproportionality in policing, deportations of people into unsafe situations in other countries, and constitutional concerns of due process, the public should be fully aware of any use of KCIA by the federal government and its contractors for the transportation and deportation of immigrant detainees. The public has a right to know the actions that federal, state and local governments are taking in its name and to influence those actions through protected democratic activities.

NOW, THEREFORE, I, Dow Constantine, King County Executive do hereby order and direct:

- 1) In accord with the March 30, 2023 Order, Executive Order PFC-7-1-EO is no longer in effect.
- 2) Except where specifically required under the May 26, 1948 Instrument of Transfer, federal law, regulations of the Federal Aviation Administration, or the March 30, 2023 Order, KCIA shall not use its discretionary resources to support the transportation and deportation of immigration detainees in the custody of ICE, either traveling within or arriving or departing the United States or its territories.
- 3) The Office of the Executive will continue to collaborate with key leaders from immigrant and refugee communities to establish a countywide strategy that enhances the health, safety and wellbeing of immigrants when traveling within or arriving at KCIA.
- 4) The Department of Executive Services shall coordinate with KCIA and the Facilities Management Division to take the following actions:
 - a) Develop systems to track and document the use of KCIA by ICE or its contractors for the transportation and deportation of immigrant detainees.
 - b) Work with our Congressional delegation to change the law to address the deportation practices that give rise to abuses of human and civil rights.
 - c) Publish monthly statistics on King County's public website, by no later than the 15th day of the following month, documenting the number of flights operated by either ICE or its private contractors for the transportation and deportation of immigrant detainees. Where known, the posting shall include 1) the number of immigrants on the flight, 2) the services provided at KCIA to facilitate the flight, and 3) any other information otherwise disclosable under the Public Records Act that would bring transparency to flight operations.

Dated and effective this 31st day of March, 2023.



Dow Constantine
King County Executive

Attest:



Norm Alberg

Director, Records and Licensing Services Division, Department of Executive Services