



King County

Office of Equity and Racial and Social Justice

King County Code § 2.15

Immigrant, Refugee, and Language Access Ordinance

Departmental Guide

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Overview of Ordinance 18665, KCC § 2.15

Adopted by the King County Council on February 26, 2018, Ordinance 18665 codified as KCC § 2.15, outlines policies that enhance trust and promote equity, fairness, and inclusion for all residents, particularly immigrant and limited-English-proficient (LEP) communities. This ordinance reinforces King County's commitment to protecting constitutional rights and providing equitable access to services, regardless of immigration or citizenship status.

KCC § 2.15 establishes clear prohibitions on the use of County resources for civil immigration enforcement and sets forth requirements for employee conduct to uphold these protections. Additionally, it mandates the provision of language access services to ensure LEP individuals can access County benefits and services effectively.

This guide offers an in-depth overview of these policies, providing leadership and covered agencies with the tools, frameworks, and guidance needed to achieve compliance and advance equitable service delivery.

Definitions

The following terms, as defined in KCC § 2.15.005, apply throughout this guide and the implementation of Ordinance 18665:

Administrative Warrant: A noncriminal immigration warrant issued by ICE, CBP, or USCIS, including documents such as arrest warrants, removal orders, or notices of custody determination, for civil immigration enforcement purposes. This does not include judicial warrants issued under the Fourth Amendment.

Agency: A King County department, division, commission, council, committee, board, or other body established under ordinance, executive order, or charter.

Agent: A person acting within the scope of employment by or on behalf of a King County agency.

CBP (Customs Border Protection): A federal agency under the U.S. Department of Homeland Security responsible for border enforcement.

Citizenship or Immigration Status: A person's recorded status under the Immigration and Nationality Act at the time the information is received by a County agency or agent.

Civil Immigration Enforcement Operation: An operation aimed at identifying or apprehending individuals to investigate alleged immigration violations, including detention, removal proceedings, or deportation.

Coerce: The use of express or implied threats toward an individual or their family member to compel them to act against their will by inducing fear of consequences.

Commitment: Confinement in secure detention after a determination of guilt. This excludes pretrial detention, such as instances where bail has not been posted.

Employee: A person appointed as an employee by a King County agency, department, or office, including elected officials and board members, acting within their scope of employment. Employees of the judicial branch are excluded, except for employees of the Department of Judicial Administration.

ICE (Immigration and Customs Enforcement): A federal agency under the U.S. Department of Homeland Security responsible for immigration enforcement and removal operations.

Immigration Detainer: A request by ICE to a federal, state, or local law enforcement agency to provide notice of release or maintain custody of an individual based on an alleged immigration violation. Examples include DHS Form I-274A and other similar documents.

Interpretation: The spoken or signed transfer of communication from one language to another to facilitate understanding.

Limited-English-Proficient (LEP): A person who does not speak English as their primary language and has a limited ability to read, speak, write, or understand English.

Nonpublic: Any area of a County facility not generally accessible to the public, requiring special permission for entry, such as secure detention facilities.

Personal Information: Information linked or reasonably linkable to an individual's identity, including but not limited to:

- Home or work address
- Telephone number or email address
- Social media identifiers
- Social Security number
- Driver's license or state ID number
- Financial account numbers
- Data from automated license plate recognition systems
- Login credentials for online accounts

Public Communication Materials: Printed materials intended for wide distribution to inform or educate King County residents. Examples include brochures, posters, pamphlets, and billboards.

Translation: The written transfer of text from one language to another while preserving the meaning and intent of the original content.

USCIS (U.S. Citizenship and Immigration Services): A federal agency under the U.S. Department of Homeland Security responsible for administering the country's immigration system.

Verbal Abuse: Insulting, mocking, or belittling remarks directed at an individual based on their:

1. Race, color, sex, religion, national origin, English proficiency, sexual orientation, or gender identity or expression.
2. Citizenship or immigration status, or that of a family member.

Vital Documents: Documents essential for accessing County services or benefits where failure to provide such information would have serious consequences.

County Services and Immigration Status (KCC § 2.15.010)

Access to County Services

- No County office, department, agency, or employee may condition the provision of County services on citizenship or immigration status unless required by law.
- Agencies are required to review and modify applications, questionnaires, and interview forms to remove requests for citizenship, immigration status, or national origin unless explicitly required by federal or state law or an international treaty.
- Agencies collecting immigration-related demographic data for performance measurement must separate that data from personally identifying information

Seattle-King County Public Health

- Health benefits, opportunities, and services cannot be conditioned on citizenship or immigration status.
- Immigration status inquiries may only be made to determine benefit eligibility or seek reimbursement from federal, state, or third-party payers.

Acceptable Forms of Identification

- If a County agency accepts a state-issued driver's license or ID card as evidence of identity, it must also accept:
 - State-issued documents marked "Not Valid for Federal Purposes."

- A photo identity document issued by the person's nation of origin, such as a foreign-issued passport, driver's license, or a Matricula Consular de Alta Seguridad.
- Individuals presenting these documents may not be subjected to additional scrutiny or different treatment.
- A request for translation of such a document does not violate KCC § 2.15, though translation services may not be provided by any federal immigration authority.
- These provisions do not apply to documentation required for completing a federal I-9 employment eligibility verification form.

Prohibitions on Immigration Inquiries

- County employees and agents may not inquire about a person's citizenship, immigration status, or place of birth unless required by state or federal law, regulation, directive, or court order.
- If such an inquiry is required, employees may not coerce a response.
- Individuals must be informed that they have the right to decline answering such questions without retaliation.

Protections Against Coercion and Abuse

- County employees and agents are prohibited from conditioning King County services on immigration status, except where explicitly required by applicable federal or state law.
- Employees may not verbally abuse, coerce, or threaten individuals with immigration-related actions, including contacting federal

immigration authorities or taking immigration-related action against them or their family members.

Prohibitions on Retention of Immigration Documentation

- Once a County agency's legitimate purpose for reviewing immigration-related documentation is completed, the documentation must be promptly returned to the individual.
- Agencies may not copy or retain these documents unless required by law.

Training Requirements

- The County Executive is responsible for ensuring all employees receive training on compliance with KCC § 2.15.
- Employees are required to complete the KCC § 2.15 NeoGov Training Module to ensure they understand legal responsibilities and protocols.

Sheriff's Office Limitations and Responsibilities (KCC § 2.15.015)

The King County Sheriff's Office may not:

- Request immigration-related documents, such as passports, alien registration cards, or work permits, solely to determine a person's immigration status.
- Use stops for minor offenses or voluntary requests for information as a pretext for investigating immigration status.
- Initiate inquiries or enforcement actions based only on a person's civil immigration status, race, English proficiency, inability to understand law enforcement personnel, or a hit in the National Crime Information Center (NCIC) database.

Clarification from the Code:

- The sheriff's office may use immigration-related documents if they are voluntarily offered in response to a general, non-specific request.

Limitations on County Participation in Civil Immigration Enforcement (KCC § 2.15.020)

Use of County Resources for Civil Immigration Enforcement

- County employees and agents may not use time, funds, or resources to assist federal civil immigration enforcement unless required by law.
- Departments may share information related to an individual's citizenship or immigration status with federal, state, or local agencies, as permitted by law.

Detainers, Administrative Warrants, and Civil Arrests

- County agencies do not honor ICE, CBP, or USCIS detainer requests or administrative warrants unless accompanied by a criminal warrant issued by a U.S. District Court judge or magistrate.
- No County employee may detain, delay release, or refuse bond based only on an ICE detainer request or administrative warrant.

Access to Nonpublic Areas and Data Systems

- Federal immigration officials may not access nonpublic areas of County facilities or databases without a judicial criminal warrant specifying the requested information or individuals.
- Any attempt to access restricted areas or systems must be reported to the appropriate department director.
- County contracts with detention facilities, halfway houses, or prisons must include provisions restricting access for civil immigration enforcement.

Restrictions on Sharing Personal Information

- County employees and agencies may not provide personal information, including place of birth, household members, services received, or court/release dates, to federal immigration authorities unless required by law.

Notification and Access Rights for Individuals in Custody

- King County only collects nationality information for individuals committed to secure detention after conviction and sentencing, per RCW 10.70.140.
- Individuals in custody must be informed of their right to consular notification under Article 36 of the Vienna Convention.
- Any interview requests from ICE, CBP, or USCIS must include a written consent form in the person's preferred language, stating that participation is voluntary and will not impact their case or treatment in custody.

Language Access Requirements (KCC § 2.15.030)

Free Interpretation and Translation Services

- King County and its contractors shall provide free interpretation and translation services to limited-English-proficient (LEP) individuals seeking or receiving County benefits or services, as required by the ordinance.
- These services must be available both remotely and in person to ensure effective communication.
- County agencies and offices shall employ sufficient qualified bilingual employees or contract with remote language services to meet the interpretation needs of LEP residents.

Prompt Service Delivery

- LEP individuals shall not experience unreasonable delays in receiving assistance compared to English-speaking individuals.
- County agencies must support contractors in meeting this requirement by providing resources or guidance to ensure equitable service delivery.

Support for Completing Applications

- When forms or applications must be completed in English for submission to local, state, or federal authorities, agencies or contractors shall make reasonable efforts to provide oral interpretation for LEP individuals.

- Agencies shall ensure that the LEP individual acknowledges the form was translated and completed with interpreter assistance.

Language Assistance Plans (LAPs)

- King County agencies and offices are required to develop Language Assistance Plans (LAPs) that:
 - Identify vital documents and public communication materials requiring translation into languages spoken by LEP individuals.
 - Include plans for translating webpages, automated telephonic greetings, voicemail messages, and informational signage.

Translation Thresholds

- The threshold for translation is based on the top six languages identified by the tier map of LEP individuals, maintained by the Office of Equity and Racial, and Social Justice (OERSJ) and the County demographer.

Complaint Process for Violations (KCC § 2.15.100)

Individuals who have been harmed or sustained damages as a result of a violation of KCC § 2.15 may file a formal complaint with the Office of Equity and Racial and Social Justice (OERSJ). The process for submitting and resolving complaints is governed by KCC § 12.22.040. This ensures accountability and facilitates resolution for affected individuals.

Federal Communication and Compliance Provisions (KCC § 2.15.110)

Communication with Federal Authorities

- In accordance with 8 U.S.C. § 1373, County agencies, employees, and agents are not prohibited from sending to, receiving from, or exchanging information with federal immigration authorities regarding an individual's citizenship or immigration status.

Permissible Information Sharing

- Departments may also share information related to immigration status with federal, state, or local government agencies as required or permitted by law, including maintaining such information when necessary.

How Does OERSJ Assist with KCC § 2.15 Implementation?

The Office of Equity and Racial and Social Justice (OERSJ) provides leadership and covered agencies with tools, guidance, and resources to effectively implement and comply with KCC § 2.15. OERSJ's services include:

Technical Assistance

- Providing guidance on updating, maintaining, and implementing compliant Language Assistance Plans (LAPs).
- Assisting with protocols for handling federal immigration inquiries, detainer requests, and information-sharing.
- Conducting risk assessments and policy reviews to identify and resolve compliance gaps.

Training and Capacity Building

- Delivering custom workshops and scenario-based training tailored to staff and leadership needs.
- Sharing best practices for engaging with LEP communities and addressing complex immigration-related issues.

Policy and Procedure Development

- Supporting the drafting and alignment of internal policies with KCC § 2.15 requirements.
- Offering strategic recommendations to integrate equity and language access into operational processes.

Tools and Resources

- Providing access to centralized templates, translated materials, complaint forms, and reporting mechanisms.
- Assisting in the development of systems for tracking and reporting compliance efforts.

Consultation and Collaboration

- Offering department-specific consultations to address unique challenges and ensure alignment with County-wide standards.
- Facilitating opportunities for feedback and engagement through partnerships with the King County Immigrant and Refugee Commission (KCIRC).

Leadership Checklist and Why Compliance Matters

Compliance with KCC § 2.15 ensures equitable access to services, fosters trust with immigrant and limited-English-proficient (LEP) communities, and prevents the misuse of County resources for civil immigration enforcement. Leadership can support these efforts by taking the following steps:

- Require all staff to complete the KCC § 2.15 NeoGov training module and ensure they understand their responsibilities under the ordinance.
- Appoint a Language Access Coordinator (LAC) to oversee compliance efforts, implement the department's Language Assistance Plan (LAP), and act as the primary liaison with OERSJ.
- Collaborate with OERSJ to develop, update, and maintain a compliant LAP tailored to the department's specific needs and operational context.
- Coordinate with OERSJ to align department training programs with County-wide standards, ensuring consistency in KCC § 2.15 implementation and adherence.
- Provide staff with clear, actionable protocols for handling federal immigration inquiries, detainer requests, and access to nonpublic areas. Direct complex or ambiguous situations to OERSJ for clarification or guidance.
- Consult with the King County Immigrant and Refugee Commission (KCIRC) to gather community feedback, ensuring department policies and practices are inclusive and responsive to diverse needs.
- Regularly assess compliance with KCC § 2.15 by identifying gaps in service delivery or adherence to the ordinance. Share findings with OERSJ to receive tailored guidance and support.

- Partner with OERSJ to conduct department-wide compliance audits and implement risk mitigation strategies based on findings and recommendations.

Risks of Non-Compliance

Failing to meet the requirements of KCC § 2.15 can result in:

- Loss of public trust, discouraging immigrant and LEP communities from accessing County services.
- Legal and financial liabilities due to mishandling personal or immigration-related information.
- Damage to King County's reputation as an equitable and welcoming government.
- Operational inefficiencies caused by inconsistent practices, unclear protocols, and unmet language access needs.

Frequently Asked Questions (FAQ)

What is KCC § 2.15, and who does it apply to?

KCC § 2.15 ensures King County's resources are not used for civil immigration enforcement and promotes equitable access to services for all residents, including limited-English-proficient (LEP) individuals. It applies to all King County employees, agents, contractors, and subcontractors.

What's the difference between an Ordinance and King County Code?

An ordinance is a law passed by the King County Council. Once an ordinance is enacted, its provisions are codified (organized and compiled) into the King County Code (KCC), which serves as the official repository of County laws. KCC § 2.15 was codified from Ordinance 18665, making it part of the permanent legal framework governing County operations.

Can County departments share personal information with federal immigration authorities?

No. Departments are prohibited from sharing personal information with federal immigration authorities except where legally required. This includes refraining from honoring detainer requests or administrative warrants unless accompanied by a valid judicial criminal warrant.

What resources and support are available to help with KCC § 2.15 compliance?

OERSJ provides a range of resources to support compliance, including training, templates, technical assistance, and tools such as complaint forms and reporting templates. Departments can also request audits, consultations, and tailored guidance to address specific compliance

challenges. Partnering with OERSJ ensures consistent and effective implementation of the ordinance across all covered agencies.

What is the role of a Language Access Coordinator (LAC)?

A Language Access Coordinator, designated by department leadership, oversees compliance with all aspects of KCC § 2.15. This includes ensuring the development and implementation of Language Assistance Plans (LAPs), managing interpretation and translation services, conducting compliance audits, and monitoring adherence to immigration-related provisions. The LAC also serves as the department's point of contact for escalations related to immigration inquiries and language access needs.

What is the purpose of a Language Assistance Plan (LAP), and how is it developed?

A Language Assistance Plan (LAP) outlines the department's strategy for ensuring equitable access to services for LEP individuals. It identifies vital documents requiring translation, defines protocols for providing interpretation services, and ensures compliance with demographic-based translation thresholds set by the County. OERSJ provides templates and guidance to assist departments in developing LAPs.

How should staff respond to immigration-related inquiries or requests?

Employees should:

- Deny access to nonpublic areas unless presented with a valid judicial criminal warrant.
- Avoid collecting or inquiring about an individual's citizenship or immigration status unless legally required.

- Explicitly inform individuals of their right to decline to respond to immigration-related inquiries without fear of retaliation.
- Refer uncertain or ambiguous situations to their department's LAC or OERSJ for guidance.

How does KCC § 2.15 apply to contractors and subcontractors?

All contractors and subcontractors working with King County must adhere to the ordinance. This includes providing free interpretation and translation services to LEP individuals, following restrictions on sharing information with federal immigration authorities, and aligning with County policies on equitable service delivery.

Are there requirements for providing interpretation and translation services?

Yes. King County agencies and contractors must provide free interpretation and translation services to LEP individuals. Agencies must ensure these services are prompt, accessible, and meet the needs of the community. Departments must also ensure that their Language Assistance Plans (LAPs) identify and prioritize vital documents for translation, based on County demographic thresholds.

What steps should leadership take if a complaint is filed against their department for non-compliance?

Leadership must cooperate fully with OERSJ's investigation, provide all relevant documentation, and implement corrective actions to address identified gaps. Leadership should also proactively engage with OERSJ to assess compliance practices and mitigate the risk of future complaints.

What is the process for identifying and translating vital documents?

Departments must use the tier map of LEP populations provided by OERSJ and the County demographer to identify the top six languages spoken. OERSJ has developed a framework and criteria to help departments prioritize and translate vital documents. Departments are encouraged to consult with OERSJ for tailored guidance and support.

What happens if a department inadvertently violates KCC § 2.15?

Unintentional violations may still result in complaints and require corrective actions. Departments should immediately notify OERSJ, investigate the issue, and implement measures to prevent recurrence. OERSJ offers technical assistance to help departments address compliance gaps effectively.

Are there penalties for non-compliance with KCC § 2.15?

While the ordinance does not specify direct penalties, non-compliance can lead to significant risks, including loss of public trust, legal liabilities, and reputational harm.

How does KCC § 2.15 interact with other County policies and federal laws?

KCC § 2.15 complements existing County policies and does not conflict with federal requirements under 8 U.S.C. § 1373. Departments must ensure compliance with both County and federal requirements.

How should departments handle requests for access to nonpublic areas from federal immigration authorities?

Federal immigration officers are prohibited from accessing nonpublic areas

of County facilities without a valid judicial criminal warrant. Attempts to access nonpublic areas must be reported immediately to the appropriate department director, and access can only be granted with express, written approval.

Contact Information

If you have questions or would like to request this document in another language or alternative format, please contact us:

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