

# Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

## BILL 3-26: ADMINISTRATION - IMMIGRATION ENFORCEMENT GUIDANCE - REQUIRED (THE COUNTY VALUES ACT)

### SUMMARY

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The Office of Legislative Oversight (OLO) anticipates Bill 3-26 would have a positive impact on racial equity and social justice (RESJ) in the County. Restricting immigration enforcement activity on County property and training County staff on how to respond to immigration enforcement would strengthen the County's existing trust policy and disproportionately benefit Black, Indigenous, and other People of Color (BIPOC) community members who are immigrants.

### PURPOSE OF RESJ IMPACT STATEMENTS

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RESJ impact statements (RESJIS) evaluate the anticipated impact of legislation on racial equity and social justice in the County. RESJ is a **process** that focuses on centering the needs, leadership, and power of Black, Indigenous, and other People of Color (BIPOC) and communities with low incomes. RESJ is also a **goal** of eliminating racial and social inequities. Applying a RESJ lens is essential to achieve RESJ.<sup>1</sup> This involves seeing, thinking, and working differently to address the racial and social inequities that cause racial and social disparities.<sup>2</sup>

### PURPOSE OF BILL 3-26

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Last May, the state adopted the Maryland Values Act in response to the Trump administration's nationwide campaign of mass harassment and detainment of immigrants. Among other measures, the Act prohibits certain state and local schools, libraries, and other institutions from granting federal personnel access to areas not accessible to the public and requires the Attorney General to publish guidance on immigration enforcement actions at sensitive locations.<sup>3</sup>

Modeled on the Maryland Values Act, Bill 3-26 ("The County Values Act") seeks to reaffirm the County's values of "equity, inclusiveness, dignity, and justice for all." It also seeks to safeguard community trust and equitable access to County services and facilities amid ongoing Immigration and Customs Enforcement (ICE) activity. The Bill aims to achieve these ends by:<sup>4</sup>

- Restricting ICE officers from accessing non-public areas of County facilities without a valid federal judicial warrant;
- Prohibiting the use of County-owned or-controlled parking lots, garages, and vacant lots for immigration enforcement activities while requiring County employees to report any unauthorized use of County property to their department directors; and
- Requiring the County Executive to provide detailed immigration enforcement guidance for County staff and contractors, while requiring departments to train staff on these guidelines.

The Council introduced Bill 3-26 on January 20, 2026.

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This RESJIS builds on the ones for:

- Expedited Bill 26-24, Police - U visa Law Enforcement Certification Policy, published in December 2024;<sup>5</sup>
- Expedited Bill 30-25, Noise Control – Leaf Removal Equipment – Enforcement Procedures, published in October 2025;<sup>6</sup> and
- Expedited Bill 35-25, County Administration - Immigrant Protection, published in January 2026.<sup>7</sup>

Please refer to the RESJIS for Bill 26-24 for background on undocumented community members and racial equity.

## U.S. IMMIGRATION AND RACIAL EQUITY

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From the nation’s founding, race has been a defining feature of U.S. immigration policy and how it has been enforced. The first immigration law in the U.S., the Nationality Act of 1790, created a pathway for “free White persons” to become naturalized U.S. citizens.<sup>8</sup> Just over a decade later, amid the Haitian revolution, Congress passed the first anti-immigrant law banning free Black migrants from the U.S.,<sup>9</sup> with several southern states subsequently passing laws that punished Black migrants with detention and enslavement.<sup>10</sup> These foundational policies reflect the broader legacy of racial inequity in the U.S.’s approach to immigration, which has historically opened the doors of the country to White immigrants, while restricting and punishing BIPOC immigrants.

Before the late 19<sup>th</sup> century, the U.S. had relatively open borders<sup>11</sup>. Laws such as the Homestead Act of 1862 actively sought to attract White immigrants from Europe to settle in the U.S.’s expanding territory, much of which was obtained through the forced removal of Indigenous people and land annexation from Mexico.<sup>12,13</sup> Anti-immigrant sentiment started to emerge around the mid-1800s, as waves of Chinese immigrants arrived to the West Coast in search of jobs. White residents responded to this influx with intense backlash, organizing an anti-Chinese movement that targeted Chinese communities with racial violence, discrimination, and forced removal. In 1882, this movement led to Congress’ passage of the Chinese Exclusion Act, which banned most Chinese people from immigrating to the U.S.<sup>14,15</sup>

The passage of the Chinese Exclusion Act in the late 1800s marked the beginning of an era of restrictive immigration policy in the U.S.<sup>16</sup> In 1911, the Congress-backed Dillingham Commission published a 41-volume report on immigration.<sup>17</sup> As noted in research from the Howard University School of Law, the report “differentiated between ‘desirable’ and ‘undesirable’ immigrants, based upon ethnicity, race, and religion, with [N]orthern European Protestants being favored over [S]outhern or [E]astern European Catholics and Jews, with non-European immigrants considered highly undesirable.”<sup>18</sup> This report set the stage for Congress to pass a series of anti-immigrant laws culminating in the Immigration Act of 1924, “[o]ne of the most restrictive immigration laws in U.S. history.” This law permanently enacted a discriminatory national origins quota system, which, as noted by the Migration Policy Institute, ensured “that arriving immigrants were mostly from Northern and Western Europe” and “limited religious, ethnic, and racial diversity, and sharply reduced the size of the country’s foreign-born population for four decades.”<sup>19</sup> The quota system remained in place until the Immigration and Nationality Act of 1965, a major piece of legislation achieved from the Civil Rights Movement, led by Black leaders and organizers to dismantle racial segregation and discrimination in the U.S.<sup>20</sup>

The late 1800s also saw a major shift in immigration enforcement in the U.S. A few years after the Chinese Exclusion Act, Congress enacted the Immigration Act of 1891, which centralized immigration enforcement authority in the federal government.<sup>21</sup> Since then, there have been three major iterations of federal agencies responsible for U.S. immigration enforcement: Immigration Bureau from 1891 to 1933;<sup>22</sup> Immigration and Naturalization Service (INS) from 1933 to 2003;<sup>23</sup> and since 2003, Immigrations and Customs Enforcement (ICE). Across iterations, BIPOC communities have been the frequent target of immigration enforcement agencies and their most brutal operations. For example, in “Operation

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Wetback,” the largest mass deportation campaign in U.S. history, the INS “used military tactics and propaganda” to violently remove as many as 1.3 million people of Mexican descent,<sup>24</sup> resulting in “scores of deaths and shattered families.”<sup>25</sup>

Since its inception, ICE has continued the legacy of targeting BIPOC in aggressive immigration enforcement. One study of early ICE raids in the 2000s found ICE agents racially profiled Latinx people in large-scale, military-style operations that involved “serious constitutional violations” and deeply traumatized families and entire communities.<sup>26</sup> Moreover, a 2022 study described how Black migrants were subjected to harsher conditions in ICE detention, including disproportionate instances of abuse and solitary confinement.<sup>27</sup> Another study found that Black migrants were deported at nearly four times their share of the population of people who are undocumented.<sup>28</sup>

Today, ICE’s operations and targeting of BIPOC communities has been vastly expanded due to the Trump administration’s anti-immigrant agenda, massive increases in funding to ICE,<sup>29</sup> and a 2025 Supreme Court decision allowing ICE agents to racially profile community members.<sup>30</sup> ICE agents have employed violent tactics in raids throughout the country,<sup>31</sup> resulting in many injuries and at least six fatal shootings since 2025.<sup>32</sup> Further, in 2025, at least 32 people died in ICE detention amid growing warnings of increasingly dire and inhumane conditions in detention facilities.<sup>33</sup> Recent studies show how ICE’s escalation has disproportionately impacted BIPOC communities. Specifically, within the Latinx community, a study from the University of California Los Angeles (UCLA) found Latinx people accounted for nine out of ten ICE arrests during the first half of 2025.<sup>34</sup> Another recent UCLA study found within the first eight months of 2025, the number of Latinx people without a criminal record in ICE detention increased six-fold compared to the previous year.<sup>35</sup>

### ANTICIPATED RESJ IMPACTS

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To consider the anticipated impact of Bill 3-26 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who would primarily benefit or be burdened by this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

Community members who are immigrants, especially those who are undocumented, would benefit from restricting immigration enforcement activity in County property and County staff being trained on how to respond to immigration enforcement. As shown in Table A (Appendix), Asian and Latinx community members are overrepresented among community members born outside the U.S. They are also overrepresented among community members who are not U.S. citizens. Conversely, Black, Native American, and Pacific Islander community members are proportionately represented among community members born outside the U.S. and those who are not U.S. citizens, while White community members are largely underrepresented. As noted in the RESJIS for Bill 26-24, community members who are not U.S. citizens include community members who have legal status in the U.S. and undocumented community members who do not have legal status. Estimates from the Migration Policy Institute suggest undocumented community members in the County are disproportionately Latinx.<sup>36,37</sup>

Aggressive immigration enforcement in the County and throughout the country has created a heightened state of fear within Black and Latinx communities as they have been targeted by indiscriminate and violent immigration enforcement.<sup>38,39</sup> By further restricting the County’s involvement with immigration enforcement, Bill 3-26 would help strengthen the County’s current trust policy.<sup>40</sup> Trust policies (often referred to as sanctuary policies) aim to build trust by limiting the involvement of state and local jurisdictions in federal immigration enforcement.<sup>41</sup> As noted in the RESJIS for Bill 35-25, adopting trust policies are a best practice for jurisdictions to strengthen trust, safety, and well-being among

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community members who are immigrants. According to the National Immigration Law Center, research shows that “state and local policies that welcome immigrants make our communities safer, healthier, and more prosperous.”<sup>42</sup>

Therefore, OLO anticipates Bill 3-26 would have a positive impact on RESJ in the County.

### RECOMMENDED AMENDMENTS

The County’s RESJ Act requires OLO to consider whether to recommend amendments to bills that could reduce racial and social inequities and advance RESJ.<sup>43</sup> OLO anticipates Bill 3-26 would have a positive impact on RESJ in the County. As such, OLO does not offer recommended amendments.

### CAVEATS

Two caveats to this RESJIS should be noted. First, predicting the impact of bills on RESJ is challenging due to data limitations, uncertainty, and other factors. Second, this RESJIS is intended to inform the Council’s decision-making process rather than determine it. Thus, any conclusion made in this statement does not represent OLO’s endorsement of, or objection to, the bill under consideration.

### APPENDIX

**Table A. Community Members Born Outside of the U.S by Race and Ethnicity, Montgomery County**

Race or ethnicity	% Born Outside of U.S.	% Born Outside of U.S. and not a U.S. Citizen	% County Population
Asian	31.6	25.7	15.4
Black	19.5	16.4	18.6
Native American	0.8	0.8	0.6
Pacific Islander	0.0	0.0	0.0
White	16.8	14.0	42.1
Latinx	32.2	44.1	21.0

Source: [Table S0501, 2024 American Community Survey 5-Year Estimates, Census Bureau.](#)

<sup>1</sup> Definition of racial equity and social justice adopted from [Marlysa Gamblin et al., “Applying Racial Equity to U.S. Federal Nutrition Programs,” Bread for the World](#) and [Racial Equity Tools](#).

<sup>2</sup> Ibid.

<sup>3</sup> [HB 1222, Public Safety – Immigration Enforcement](#), Maryland General Assembly, 2025 Regular Session, effective June 1, 2025.

<sup>4</sup> Bill 3-26, , [Introduction Staff Report for Bill 3-26](#), Montgomery County Council, introduced January 20, 2026.

<sup>5</sup> [RESJIS for Expedited Bill 26-24](#), Office of Legislative Oversight, December 17, 2024.

<sup>6</sup> [RESJIS for Expedited Bill 30-25](#), Office of Legislative Oversight, October 21, 2025.

<sup>7</sup> [RESJIS for Bill Expedited Bill 35-25](#), Office of Legislative Oversight, January 12, 2026.

<sup>8</sup> [Nationality Act of 1790](#), Immigration History, Immigration and Ethnic History Society.

<sup>9</sup> [Ban on “Importation” of “Any Negro, Mulatto, or Other Person of Colour” \(1803\) \(Effective 1808\)](#), Immigration History, Immigration and Ethnic History Society.

<sup>10</sup> [1790-1876: The Roots of Immigration Control](#), Mapping Deportations.

<sup>11</sup> [“Overview of INS History,”](#) U.S. Citizenship and Immigration Services History Office and Library, 2012, pg. 3.

<sup>12</sup> [“A Brief History of Civil Rights in the United States: Historical Overview – Immigration,”](#) citing T. Cieslik, et al., *Immigration: A Documentary and Reference Guide* (Greenwood Press, 2009), Vernon E. Jordan Law Library, Howard University School of Law, last updated January 15, 2026.

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- <sup>13</sup> B. Bell, [“America’s Invitation to the World: Was the Homestead Act the First Accommodating Immigration Legislation in the United States?”](#) National Park Service History,
- <sup>14</sup> [“Lesson Fifteen: Industrialization, Class, and Race; Chinese and the Anti-Chinese Movement in the Late 19th-Century Northwest,”](#) Center for the Study of the Pacific Northwest, University of Washington.
- <sup>15</sup> [“White Idaho Residents Organize Anti-Chinese Convention,”](#) A History of Racial Injustice, Equal Justice Initiative, February 25, 2026.
- <sup>16</sup> [“Chinese Exclusion Act aka “An Act to execute certain treaty stipulations relating to Chinese,”](#) Immigration History, Immigration and Ethnic History Society.
- <sup>17</sup> [Dillingham Commission Reports \(1911\)](#), Immigration History, Immigration and Ethnic History Society.
- <sup>18</sup> [“A Brief History of Civil Rights in the United States: Historical Overview – Immigration.”](#)
- <sup>19</sup> M. Chishti and J. Gelatt, [“A Century Later, Restrictive 1924 U.S. Immigration Law Has Reverberations in Immigration Debate,”](#) Migration Policy Institute, May 15, 2024.
- <sup>20</sup> D.S. Fitzgerald and D. Cook-Martín, [“The Geopolitical Origins of the U.S. Immigration Act of 1965,”](#) Migration Policy Institute, February 5, 2015.
- <sup>21</sup> [Immigration Act of 1891](#), Immigration History, Immigration and Ethnic History Society.
- <sup>22</sup> [Immigration Bureau Established \(1891\)](#), Immigration History, Immigration and Ethnic History Society.
- <sup>23</sup> [“Overview of INS History,”](#) pg. 7.
- <sup>24</sup> E. Blakemore, [“The Largest Mass Deportation in American History,”](#) History.com, last updated October 31, 2025.
- <sup>25</sup> K. Linthicum, [“The dark, complex history of Trump’s model for his mass deportation plan,”](#) Los Angeles Times, November 13, 2015.
- <sup>26</sup> B. Hing, [“Institutional Racism, ICE Raids, and Immigration Reform,”](#) University of San Francisco Law Review, December 29, 2009.
- <sup>27</sup> T. Goff, et al., [“Uncovering the Truth: Violence and Abuse Against Black Migrants in Immigration Detention,”](#) Black LGBTQIA+ Migrant Project, Black Alliance for Just Immigration, UndocuBlack Network, and Freedom for Immigrants, October 2022.
- <sup>28</sup> A. Mahoney, [“Black Undocumented Migrants Face Far Higher Deportation Rates,”](#) Capital B, June 18, 2025.
- <sup>29</sup> B. Chappell, [“How ICE grew to be the highest-funded U.S. law enforcement agency,”](#) NPR, January 21, 2026.
- <sup>30</sup> E. Ryan, et al., [“The Supreme Court clears the way for ICE agents to treat race as grounds for immigration stops,”](#) NPR, September 13, 2025.
- <sup>31</sup> M. Anderson, [“Tackles, projectiles and gunfire: Many fear ICE tactics are growing more violent,”](#) NPR, October 13, 2025.
- <sup>32</sup> M. Biesecker and J. Bedayn, [“Texas man was fatally shot by a federal immigration agent last year during a stop, new records show,”](#) Associated Press, February 20, 2026.
- <sup>33</sup> M. Singh, C.M. Marcos, C. Simmonds, [“2025 was ICE’s deadliest year in two decades. Here are the 32 people who died in custody,”](#) The Guardian, January 4, 2026.
- <sup>34</sup> J. Ong, et al., [“Latino ICE Arrests Surge Under Trump,”](#) Center for Neighborhood Knowledge, UCLA, October 2025.
- <sup>35</sup> P. Ong, et al., [“Latino ICE Detentions Dramatically Reshaped Under Trump,”](#) Center for Neighborhood Knowledge, UCLA, January 2026.
- <sup>36</sup> [RESJIS for Expedited Bill 26-24](#), pg. 2.
- <sup>37</sup> [Profile of the Unauthorized Population: Montgomery County, MD](#), Migration Policy Institute.
- <sup>38</sup> M. Hellmann, [“‘It’s like they’re hunting’: US citizens and legal residents report increase in racial profiling by ICE,”](#) The Guardian, January 22, 2026.
- <sup>39</sup> N. Foy, [“We Found That More Than 170 U.S. Citizens Have Been Held by Immigration Agents. They’ve Been Kicked, Dragged and Detained for Days,”](#) ProPublica, October 16, 2025.
- <sup>40</sup> [“Council Unanimously Passes Trust Act to Protect Immigrant Communities,”](#) Montgomery County Council, February 10, 2026.
- <sup>41</sup> [“Sanctuary Policies: An Overview,”](#) American Immigration Council, February 21, 2025.
- <sup>42</sup> I. Mohyeddin, [“Data Shows Sanctuary Policies Make Communities Safer, Healthier and More Prosperous,”](#) National Immigration Law Center, March 5, 2025.
- <sup>43</sup> [Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Montgomery County Council.](#)