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TO: **Mayor**
City Council

CC: **Keith Macedo**, Chief of Staff
Steven Dotson, Chief Financial Officer
Gracie Ziegler, Chief Communications Officer

FROM: **Kit Williams**, City Attorney

DATE: **June 18, 2025**

RE: **Complaint by Representative Underwood**

I understand Representative Underwood has requested an Opinion from Attorney General Tim Griffin concerning whether Fayetteville has violated A.C.A. § 14-1-103 **Sanctuary policies prohibited - Definition**. My review of the facts of this is that Fayetteville has not violated this law. The City of Fayetteville has diligently followed the dictates of the Sanctuary policies prohibited law since its effective date in 2019 and is determined to continue abiding by this law. I have confidence that if and when Attorney General Tim Griffin is properly informed of all the facts of this situation, he will also determine that the City of Fayetteville has not violated the sanctuary law.

There are six ways that a city in Arkansas might violate the Sanctuary law. The facts will establish that no violation of any of these six prohibitions has occurred.

The first potential violation requires that the city "limits or prohibits a municipal official or (employee) ... from communicating or cooperating with federal agencies or official **to verify or report the immigrant status** of a person within the administration." The City of Fayetteville almost never has knowledge or information about the immigration status of persons in Fayetteville. Nor was our police officer asked to verify the immigration status of the persons stopped on I-49 by the State police, not the Fayetteville police.

The second prohibition is that a city may not grant to illegal immigrants the right to lawful presence or status ... in violation of federal law. Fayetteville has never attempted to grant such status.

The third requirement is that the city cannot violate 8 U.S.C. § 1373 which states a city cannot prohibit or restrict a government official from communicating the citizenship or immigration status of any person. The City of Fayetteville neither has such information nor has sought to prohibit or restrict information being sent to Immigration and Naturalization Service.

The fourth prohibition states that cities must comply with detainers to maintain custody of an immigrant or transfer an immigrant to ICE custody. When the Fayetteville Police Officer arrived, the Arkansas Highway Police already had the vehicle stopped and had custody of the suspects. There were no detainers presented, nor were the suspects ever in the Fayetteville Police custody.

The fifth prohibition states that the city police cannot require a warrant before complying with detainers to maintain custody or transfer custody to ICE. The Fayetteville police never had custody nor received any request to transfer custody to ICE.

The sixth provision states that the City of Fayetteville cannot prevent its officers from asking about his or her citizenship or immigration status. No City of Fayetteville policy exists that would limit its officers' discretion.

Therefore, it is clear that our Fayetteville Police Officer and our city official's action fully complied with the sanctuary cities law.

Mayor Rawn's statement that "The City of Fayetteville does not assist ICE in carrying out its agenda. Our police department's role is to keep our community safe, not to act as agents of immigration enforcement," does not violate the sanctuary cities law. The City of Fayetteville has long scrupulously followed and obeyed the **sanctuary policies prohibited** law, but that law in no way requires Fayetteville policer officers "to act as agents of immigration enforcement."

Furthermore, this sanctuary cities law does not require the City of Fayetteville to "assist ICE in carrying out its agenda." There are many, many things that are within this federal agency's agenda such as searching for, arresting and detaining illegal immigrants. There is not statutory requirement that our police must act as federal ICE agents to search for and arrest immigrants. Since the City of Fayetteville does not have knowledge of the illegal immigrant status of residents, nor do we have any city detention facilities where a suspected illegal immigrant might be housed and then transferred to ICE custody, the city cannot assist ICE in its agenda.