

UPPER DARBY TOWNSHIP COUNCIL

RESOLUTION NO. 3-26

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF UPPER DARBY TOWNSHIP,
DELAWARE COUNTY, PENNSYLVANIA, ESTABLISHING AN OFFICIAL POLICY
THAT ITS LAW ENFORCEMENT OFFICERS AND RESOURCES SHALL NOT BE
ENGAGED IN THE ENFORCEMENT OF NON-CRIMINAL FEDERAL
IMMIGRATION LAWS**

WHEREAS, Upper Darby Township is a Home Rule municipality organized and operating in accordance with the Charter of Upper Darby Township (“Charter”) as permitted by the Home Rule Charter and Optional Plans Law, 53 Pa. C.S. §2901 et seq. (“Home Rule Law”); and

WHEREAS, fostering a welcoming environment for all people regardless of race, religion, ethnicity, national origin, or immigration status enhances Upper Darby Township’s cultural fabric, economic growth, and overall wellbeing and prosperity for current and future generations; and

WHEREAS, all people are created equal, regardless of race, religion, ethnicity, national origin, or immigration status; and

WHEREAS, all individuals must enjoy equal protection of the law regardless of immigration status, including the right to be free from unreasonable search and seizure; and

WHEREAS, the Constitution and the laws of Commonwealth of Pennsylvania require that a warrant for a person’s arrest must only be issued by a neutral and detached judge or judicial officer; and

WHEREAS, in many cases being present in the United States without proper documentation is considered a civil violation, not a criminal offense; and

WHEREAS, no state or federal law or regulation requires municipal police officers to assist the United States Immigration and Customs Enforcement (“ICE”) agents with their civil enforcement activities; and

WHEREAS, the Upper Darby Township Police Department does not participate in the federal ICE 287(g) program, which authorizes certain local law enforcement agencies to perform specific federal immigration enforcement functions; and

WHEREAS, the Upper Darby Township Council wishes to establish an official policy that Upper Darby Township will neither enable ICE-related civil law enforcement nor enter into ICE program 287(g); and

WHEREAS, the Upper Darby Township Police Department will continue to enforce all applicable federal, state, and local laws; and

NOW THEREFORE, BE IT RESOLVED by the Upper Darby Township Council, and it is hereby **ADOPTED** and **RESOLVED** by authority of same that Upper Darby Township will neither initiate nor accept any requests from any department or agency of the United States government to enter into any program or Memorandum of Agreement that would commit Township time, funds, efforts, or resources toward ICE non-criminal administrative enforcement activities, including entering into any agreement which authorizes any law enforcement officer of Upper Darby Township to apply and enforce federal immigration law under Section 287(g) of the Immigration and Nationality Act, codified at 8 U.S.C. §1357(g), more commonly known as a “287(g) Agreement.”

BE IT FURTHER RESOLVED, that Upper Darby Township will continue to fully comply with all applicable federal, state and local laws and may consult with the Township Solicitor, the District Attorney’s office, and other professional advisors as necessary to ensure the protection of the rights and liberties of all residents.

FUTHER RESOLVED,

1. All resolutions, or parts thereof, inconsistent with the provisions of this Resolution are hereby repealed to the extent of the inconsistency.
2. The provisions of this Resolution are declared to be severable. If any provision of this Resolution is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Resolution.
3. This Resolution shall become effective immediately upon the signature of the Mayor or, in the event the Mayor neither approves nor vetoes this Resolution, fifteen days after the last day on which the Mayor can approve or veto this Resolution, as set forth in the Upper Darby Township Home Rule Charter, Section C-702.C.

ADOPTED and RESOLVED this _____ day of February, 2026.

SEAL:

ATTEST: _____
MICHELLE BILLUPS
Secretary of Council

BY: _____
MARION MINICK
President of Council

Resolution No. 3-26 is hereby approved this _____ day of February, 2026.

ATTEST: _____
CRANDALL O. JONES
Chief Administrative Officer

BY: _____
EDWARD BROWN
Mayor