

# Immigration Law for Colorado Municipal Governments



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# Presenters / Panel

- Jason Batchelor, Aurora City Manager
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- Peter Schulte, Aurora City Attorney

# Why this Presentation?

- Colorado is different than many other states with state laws that limit state, county, and local law enforcement and assistance with federal immigration authorities
- The Trump Administration has taken a hard stance on those governmental entities the administration considers to be “sanctuary jurisdictions.”
- The timing is NOW!

# What do we mean by Immigration?

- The law governing U.S. immigration policy is called the Immigration and Nationality Act.
- The law limits the United States to 675,000 permanent immigrant visas each year, with some exceptions.
- The President, with Congress, sets an annual number of refugees to be admitted each year.
- Other programs include asylum, Temporary Protected Status, and programs that do not have caps but have other restrictions.

# Immigration Historically

- Until 1917, the United States borders were relatively open. They showed up and got to stay.
- Throughout the 20<sup>th</sup> century, Congress and the executive branch routinely pushed through amnesties (1980s).
- Since 1990, Congress has largely left the legal immigration system untouched.

# Immigration numbers

- 158 million people have said they want to immigrate or applied to legally immigrate to the U.S.
- In 2021, 32 million people actually began the application process: 24 million workers, 8 million family members, and 200,000 refugees.
- That same year only 900,000 were allowed to enter the U.S. legally: 200,000 workers, 700,000 family members, 20,000 refugees.
- Most U.S. citizen petitions to reunite with adult children can expect a minimum wait of 9 years.

# Immigration Status and Registration

- Being in the United States without immigration status is not a crime, but a civil violation. The penalty is deportation.
- Federal law requirement that all immigrants who enter without a visa must register with the federal government has been dormant for decades but U.S. Citizenship and Immigration services announced February 25<sup>th</sup> that registration is required within 30 days.
- Anyone with an immigration “status” is considered registered.

# Colorado in the Debate (and the News!)

- [Department of Justice suing state of Colorado, city of Denver, local leaders over "sanctuary" policies - CBS Colorado \(CBS4\)](#)
- [Denver sues Trump administration over funding withheld by FEMA \(Denver Post\)](#)
- [DHS Exposes Sanctuary Jurisdictions Defying Federal Immigration Law | Homeland Security \(DHS\)](#)
- [Colorado House passes immigrant protections as Trump administration sues over 'sanctuary' laws | Colorado Newsline \(Colorado Newsline\) SB25-276](#)



# Trump v. “Sanctuary” States



# Colorado Law – HB19-1124

- Titled “Protect Colorado Residents from Federal Government Overreach.” Signed into law on May 28, 2019
- Most pertinent for municipal law enforcement
- Bill added Section 76.6 to C.R.S. Title 24 (Government-State).
  - Defines “Civil Immigration Detainers” and outlines that they are NOT arrest warrants under Colorado law, as they are not signed by a Judge
  - “A Law Enforcement Officer shall not arrest or detain an individual on the basis of a civil immigration detainer request.” C.R.S. 24-76.6-102(2).
  - Limits probation officers from providing any information to ICE
  - Crimes or criminal activity excepted
  - No penalty listed in bill
  - Forbids Colorado Governmental Entities from entering into 287(g) agreements
    - Teller County lawsuit July 3, 2024 – affirmed prohibition by this Bill

# Colorado Law – HB23-1100

- Titled “Restrict Government Involvement in Immigration Detention.” Signed into law on June 6, 2023
- Most pertinent for Detention Centers and County Jails
- Bill added Section 76.7 to C.R.S. Title 24 (Government-State).
  - Defines “Immigration Detention Agreements” and effective January 21, 2024 outlaws any governmental entity in Colorado from contracting with ICE to hold individuals detained by ICE
  - Includes the prohibition of any governmental entity from signing an agreement with a private company who may have a contract with ICE to hold individuals detained by ICE
  - No penalty listed in bill.

# Colorado Law – HB25-276

- Titled “Protect Civil Rights Immigration Status.” Signed into law on May 23, 2025. Begins on **July 1, 2025**
- Limits public childcare centers, public schools, local education providers, public institutions of higher education, public health-care facility, and publicly supported libraries from collecting the “place of birth, immigration or citizenship status, and information from passports, permanent resident cards, etc.” from a person [exceptions included].
- By **September 1, 2025**, those public facilities listed above must have a policy in place that “aligns with the requirements” of the bill.
- **PENALTY**: If bill intentionally violated, civil penalty of \$50,000 for each violation.
- Amends 24-76.6-101 to include ALL peace officers in the State
- Amends 24-76.6-103 to add pre-trial officers or services with probation officers
- Attempts to make a “civil arrest” (like on an immigration detainer) unlawful in a **courthouse, person going to, attending, or leaving a court proceeding, or while the person is receiving treatment in a related facility.**

# New Federal Law – Laken Riley Act

- “Laken Riley Act” was named for a 22-year-old nursing student murdered in Georgia, generally mandates detention (by DHS) for certain non-citizens **charged with OR convicted of** theft, assault on a police officer, burglary, larceny, **shoplifting**, or crimes resulting in death or serious bodily injury. Passed on **January 22, 2025** and signed by President Trump on **January 29, 2025**.
- The Act also expands mandatory detention for those accused of theft-related crimes, even if they have only been arrested and not yet convicted.
- Bill also authorizes States to sue the federal government if the decision by the federal government caused the state or its residents harm, including financial harm of at least \$100.00 for (5 areas – 2 most applicable here:),
  - Decision to release a non-U.S. national from custody,
  - Failure to detain an individual who has been ordered removed from the US





# So what does a Colorado City do?

- Aurora's Policies



- Brighton's Policies

# Working with your Police Departments

- Aurora's policies
  - Encourage crime reporting and cooperation by making witnesses feel safe
  - Aurora's focus is on enforcing local and state criminal code and reducing victimization
  - Officers do not ask about any individual's immigration status
  - Aurora Police do work with federal partners on criminal investigations and enforcement
- Brighton's Policies
  - Encourage crime reporting and cooperation by making witnesses feel safe.
  - An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.
  - Generally, an officer should not notify federal immigration officials when booking arrestees at a detention facility. Any required notification will be handled according to detention facility procedures.
  - Information sharing – only what is in public records.
  - Assist with U visa and T visa if applicable.

# Questions for Discussion

- How has your municipality or jurisdiction remained Switzerland?
- What is the impact of changing immigration enforcement on your municipality?
  - Federal funding
  - Requests for cooperation
- How do your police departments and city manager's office and city attorney's office collaborate to stay on the same page?



# THANK YOU!



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## Questions?

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