



Town of Jupiter

Day Labor & Immigration Issues

Background & History

In 2003 and 2004, Jupiter's immigrant population was growing, and area growth and development was reaching an all-time high. Jupiter's quality of life makes it a very desirable place to live. But in some neighborhoods, large numbers of day laborers soliciting work on public streets were causing safety and traffic issues that threatened quality of life. Immigration enforcement is an area of law pre-empted by the Federal Government, so local law enforcement was limited in its ability and jurisdiction to address the issue.

It was clear that Jupiter's local problems could not wait for a national solution to immigration. Over a 2 year period, a strategy was developed to restore quality of life to affected neighborhoods, and address the need for a safe, controlled solution for matching workers with employers. In September, 2006, three local non-profit organizations opened the El Sol Neighborhood Resource Center as a central place for workers and employers to go for hiring needs. Also in September, 2006, the Jupiter Town Council approved Ordinance 29-05, prohibiting employers from hiring, and day laborers from publicly soliciting, work on town streets and public access ways.

Frequently Asked Questions

Q: What is the El Sol Neighborhood Resource Center, and who does it serve?

A: The El Sol Neighborhood Resource Center is a day labor center open to any individual within the Town looking for a day's work, and any employer in the area that needs a flexible workforce. It is an independent, non-profit entity run by volunteers who handle every aspect of running El Sol, including daily operations, promotion and fund-raising. El Sol registers workers for purposes of tracking the hiring process; this registration does not provide workers with any form of verification of legal status.

Q: Why and how was El Sol started?

A: The Jupiter community expressed concerns over potential conflicts that could result from a large day laborer population gathering in the Town's older neighborhoods. This dynamic created challenges with respect to maintaining a desired neighborhood quality of life. Recognizing that current Federal immigration policy was not sufficient to address issues on a local level, the Town pursued an anti-solicitation ordinance to prohibit hiring workers or soliciting work on its public streets. Legal research revealed that similar ordinances adopted by other cities were held unconstitutional unless an alternative location for hiring existed. In 2006, in an effort to address this, Catholic Charities leased the building at 106 Military Trail from the Town and opened and ran El Sol with the help of Corn Maya and Friends of El Sol. In 2007, Catholic Charities turned the operation of El Sol over to the Friends of El Sol, which currently runs El Sol with support from Corn Maya.

Q: Where is El Sol Located? What area does it serve?

A: El Sol is located on the Southwest corner of Military Trail and Indiantown Road. It serves the Jupiter area only; it is not a regional hiring center for the day laborer populations in surrounding communities.

Q: Who runs El Sol, and when did it open?

A: El Sol opened on September 6, 2006. A partnership of non-profit organizations – Friends of El Sol and Corn Maya -- runs the daily operations of El Sol, provides the programming, and evaluates service offerings on an on-going basis. A Board of Directors develops the strategic plan and programs for El Sol, and the staff and volunteers execute the Board's policies and programs on a day-to-day basis.

Q: Who owns the building in which El Sol operates?

A: The Town of Jupiter purchased the property and building that currently houses El Sol several years ago in anticipation of expanding the municipal complex. That expansion became impossible to fund due to budget decreases mandated by the Florida Legislature. Until funding for expansion becomes available, the space is leased to Friends of El Sol, one of the volunteer organizations that run El Sol. As a landlord, the Town of Jupiter handles exterior maintenance of the building and property, but all aspects of daily operations of El Sol are the responsibility of the volunteer organizations that run it.

Q: What is the Town of Jupiter's role in operating El Sol on a day-to-day basis?

A: The Town of Jupiter is not involved in the day-to-day operations of El Sol. The Town leases the facility to Friends of El Sol, one of the non-profit organizations that run the center. The Town is responsible as a landlord for exterior building maintenance.

Q: What is the Town of Jupiter's approach to day labor solicitation on area streets and gathering points?

A: In September, 2006 the Jupiter Town Council enacted a Solicitation Ordinance (Ord. 29-05), which prohibits contractors from hiring, and day laborers from publicly soliciting, work on town streets and public access ways. Legal research revealed that similar ordinances adopted by other cities were held unconstitutional unless an alternative location for hiring existed. El Sol therefore plays an important role in providing employment matching services that replace the unmanaged process that used to take place in areas like Center Street.



Town of Jupiter

Frequently asked Questions on Day Labor & Immigration Issues

Frequently Asked Questions (cont.)

Q: What services does El Sol provide?

A: The volunteer organizations that run the center provide services that match day laborers and employers, and help to ensure fair practices in the areas of hiring, working conditions, and compensation. In addition, El Sol provides education and services such as language skills, skills training, civics education, activities and counseling services.

Q: Why is the Town supporting the presence of El Sol, and Friends of El Sol's and Corn Maya's involvement?

A: The national debate on immigration is ongoing, and as yet no definitive solution to address local issues has been proposed or implemented. Local law enforcement does not have legal jurisdiction to enforce immigration laws; it is pre-empted by the Federal Government from doing so. While a national solution is developed, the Town must address the negative affects caused by hiring activities taking place on its streets and in its gathering places.

The strategy is two-fold: (1) an anti-solicitation ordinance to prohibit contractors from hiring, and day laborers from publicly soliciting, work on town streets and public access ways (Ord. 29-05); and (2) a hiring center to provide a central location for the hiring process to take place safely.

Legal research revealed that similar ordinances adopted by other cities were held unconstitutional unless an alternative location for hiring existed. Several area non-profit organizations were interested in programs to assist the immigrant population, and in 2006 Catholic Charities, with support from Friends of El Sol and Corn Maya, created and implemented a plan to open El Sol.

Q: What is the Town of Jupiter's position on illegal immigration?

A: The Town of Jupiter respects and upholds the laws of the United States on all issues, including immigration. Suggestions that local government should remove "illegals" from the street are impossible to accommodate as local units of government, respecting the constitutional provisions protecting all people, cannot readily identify who is a U.S. citizen and who is not. Additionally, the Federal Government pre-empts the Town from enforcing immigration laws. When applicable, the Town and its police department work cooperatively to support Federal agencies that have authority and jurisdiction over immigration cases.

Q: Is the Town or Town Council acting inconsistently with any laws by allowing El Sol to operate?

A: No. The operation of a day labor center by another entity does not mean the Town, or officials of the Town, are involved in the recruitment and employment of illegal aliens.

Q: Do day labor centers, in and of themselves, violate federal immigration law?

A: No. A center that matches workers with employers is not required, nor does it have the jurisdiction, to verify or identify who is a U.S. citizen and who is not. Individual employers have a good faith obligation to verify the status of any person they hire.

Q: What is the Jupiter Police Department's policy on immigration?

A: As a common practice, the Jupiter Police Department checks the legal status of anyone arrested for a felony and notifies the proper agency whenever there is reasonable suspicion concerning someone's legal status. The Department does not engage in profiling, and is not authorized, equipped or funded to proactively pursue immigration cases. If called upon by agencies that have authority and jurisdiction over immigration cases, the Jupiter Police Department will support any operations as requested by those agencies.

Q: Why doesn't Jupiter train its officers in immigration enforcement?

A: Several agencies - Border Patrol and I.C.E., for example - have jurisdiction over immigration cases. In most cases those agencies have area and regional offices in reasonable proximity to Jupiter, and the Jupiter Police Department works cooperatively with them on any cases involving immigration. When considering jurisdictional issues, the cost of training, and the limited resources of a local police department, Jupiter has taken the approach of partnering with these trained, equipped agencies rather than investing in efforts that might duplicate their resources.

Q: Does Jupiter experience an increased crime rate due to its population of immigrants, or in its older neighborhoods, where many reside?

A: Crime rates in Jupiter, on average, are lower than most Palm Beach County and neighboring communities. In Jupiter's older neighborhoods, where many of the on-street hiring practices once took place, incidents of Part I crimes remain low, as referenced on the chart below.

