

Keri O'Brien

From: Loretta DiTocco <lorettamdt@outlook.com>
Sent: Sunday, January 4, 2026 2:22 PM
To: City Clerk External E-Mail; Danise Henriquez; Monica Haskell
Subject: [EXTERNAL] TPS Agenda Item, 287(g) Implementation Review, and Statutory Compliance

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Dear Mayor and Commissioners,

Thank you for placing Temporary Protected Status (TPS) on an upcoming Commission agenda. TPS holders, mixed-status families, and other immigrant residents are long-standing contributors to Key West's tourism, hospitality, construction, health care, and service economy. Their stability directly affects the City's public safety, workforce reliability, and economic resilience.

I recognize that immigration enforcement authority is primarily federal, and that Florida municipalities operate under specific statutory requirements, including Florida Statutes §§ 908.102–908.111. At the same time, municipalities retain discretion over how local resources are deployed, how agreements are implemented, how data is collected and shared, and how constitutional and liability risks are managed.

Because the City has reinstated a 287(g) agreement pursuant to 8 U.S.C. § 1357(g), it is both appropriate and prudent to review how that agreement is operating in practice and how it intersects with the TPS discussion. Such a review would support compliance with state and federal law while also minimizing legal exposure, unintended consequences, and erosion of public trust.

I respectfully request that the Commission consider the following legally grounded steps:

1. Review and evaluate implementation of the 287(g) agreement

To support informed policymaking and public accountability, I ask that the Commission direct staff to prepare a public report addressing:

- The number of individuals flagged, detained, or referred to ICE pursuant to the 287(g) agreement since reinstatement;
- The categories of encounters leading to ICE referrals, including whether routine traffic stops or low-level offenses are involved;
- Any documented or observable impacts on local workforce stability, key economic sectors, and community trust, including impacts on TPS holders and mixed-status families.

This review would be consistent with the City's authority under 8 U.S.C. § 1357(g), which permits—but does not require—local participation in federal immigration enforcement and allows local governments to define the scope and implementation of such agreements.

I further request that the City Attorney be directed to outline legally permissible options to:

- Clarify or narrow the operational scope of the 287(g) agreement to align with public safety priorities, consistent with Florida Statutes §§ 908.102 and 908.105;
- Establish clear internal guidance to avoid prolonged stops or inquiries that could raise concerns under the Fourth Amendment to the U.S. Constitution and Article I, Section 12 of the Florida Constitution.

Placing this analysis on a future agenda would allow the Commission to determine whether additional guardrails, reporting requirements, or policy clarifications are warranted.

2. Adopt internal policies emphasizing compliance, consistency, and risk management

Within existing legal constraints, the City may wish to review internal practices to ensure they are no broader than required by law. The Commission could consider directing staff to:

- Review policies governing the sharing of non-public personal information to ensure compliance with Florida Statutes Chapter 119, 8 U.S.C. § 1373, and applicable privacy protections, limiting disclosures to those clearly required by law;
- Establish documentation and supervisory review procedures for immigration-related inquiries, supporting consistency and reducing exposure to claims of selective or improper enforcement;
- Identify any local practices that exceed statutory mandates under Chapter 908 and evaluate whether adjustments could improve public trust and efficient use of City resources without conflicting with state law.

3. Federal TPS context relevant to the Commission's discussion

While TPS is a federal designation governed by 8 U.S.C. § 1254a, current TPS protections for several nationalities are being maintained through active federal court orders. As of this writing, litigation has resulted in continued TPS protections—including protection from removal and continued eligibility for work authorization, subject to re-registration requirements—for many long-term TPS holders, including individuals from:

- **Venezuela** – TPS protections and associated work authorization remain in effect for covered beneficiaries pursuant to a federal court order while litigation challenging termination proceeds.
- **Haiti** – TPS is extended through at least early 2026, with deportation protection and work authorization preserved during the designation period.
- **Honduras, Nepal, and Nicaragua** – Federal court orders have blocked termination of TPS for these countries, maintaining deportation relief and work authorization while cases remain pending.
- **South Sudan** – A federal injunction has halted termination of TPS, continuing deportation protection and work authorization during ongoing litigation.

These protections are temporary and contingent on court rulings. They underscore the reality that many TPS holders in Key West are **lawfully present and authorized to work**, yet remain subject to uncertainty. Local policy choices that amplify instability may therefore have immediate workforce, economic, and public-safety implications.

Haitian TPS status. Haitian TPS is currently scheduled to expire on **February 3, 2026**. Federal litigation has prevented earlier termination attempts and restored the designation to that date, but **there is no final court order extending TPS for Haitians beyond February 2026** at this time. Multiple lawsuits remain pending that challenge aspects of DHS’s termination process and authority, but those cases have not yet resulted in a nationwide extension covering all Haitian TPS holders past the current expiration. As a result, Haitian TPS holders remain lawfully present and work-authorized until the expiration date, while facing ongoing uncertainty regarding future status.

4. Public records request

To better understand local implementation, I have filed a public records request pursuant to Florida Statutes Chapter 119 seeking **Q4 2025 records**, including:

“All 287(g) activity logs, stop reports reflecting immigration status checks, and ICE referrals generated by the Key West Police Department.”

This request is intended to supplement, not replace, a comprehensive and contextualized report prepared by City staff for Commission review.

Taken together, these steps would demonstrate diligence, transparency, and responsible governance—ensuring compliance with state and federal law while addressing community concerns, managing risk, and maintaining public confidence in City operations.

I respectfully ask that during the TPS agenda item, the Commission consider:

- Scheduling a future meeting focused specifically on review of the 287(g) agreement’s implementation;
- Directing staff to prepare the reports and legal analyses described above; and
- Indicating whether follow-up policy recommendations or resolutions may be considered once that information is available.

Thank you for your consideration and for your attention to these complex and sensitive issues affecting the Key West community.

Sincerely,
Loretta M. Di Tocco
Key West, FL 33040
lorettamdt@gmail.com

