



rRemarks Data for November 18, 2025 Village Council Meeting

Agenda Section & Item: Comments of a General Nature

Commenter: Gina

Comment: 1. I want to ask that you review the library budget stop rubber stamping it.
2. Fill the vacant Trustee spot and the 8/31 expired Humphrey 32 yr term spot before hiring a new director.

Agenda Section & Item: Council Member Reports - MOT 2025-11021 - 1. Motion:
Discuss Resolutions Regulating Use of Village Owned Property for Civil Immigration
Enforcement Activities and Reporting Potential Court Violations

Commenter: Ilene T Briner

Comment: Non-citizens constitutional rights are a complex interplay between constitutional protections and immigration law. I recommend not getting involved with federal law-enforcement.

What Constitutional Rights Do Non-Citizens Have in the U.S.?

Aug 11, 2025

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by

Writ of Mandamus Lawyer in New York, New Jersey & Connecticut

Does a Non-Citizen Have Constitutional Rights?

Overview of Constitutional Rights for Non-Citizens

So, does a non-citizen have constitutional rights? The answer is unequivocally yes. However, fully understanding the scope, application, and limitations of these rights requires navigating a complex and evolving legal framework influenced by multiple critical factors. These include the individual's precise immigration status—ranging from lawful permanent residents (green card holders) and temporary visa holders to refugees, asylum seekers, and undocumented immigrants—the specific jurisdiction within the United States where the rights are asserted, and the particular constitutional provisions at issue. The U.S. Constitution provides a foundational legal framework that extends many protections to all “persons” within its jurisdiction, not solely to citizens. This distinction is crucial because the term “person” in constitutional language frequently encompasses non-citizens, thereby granting them essential rights such as

due process and equal protection under the law. Nevertheless, courts have long grappled with balancing these constitutional guarantees against the government's compelling interests in immigration enforcement, national security, and sovereign control over borders. This ongoing tension results in nuanced judicial interpretations and, at times, carefully tailored limitations on the exercise of certain rights by non-citizens—particularly in contexts involving immigration proceedings, national security concerns, or public safety considerations.

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For instance, while a non-citizen may challenge unlawful detention under the Due Process Clause, the government's authority to detain individuals pending removal proceedings is often upheld under immigration statutes, illustrating the complex interplay between constitutional protections and immigration law. Landmark Supreme Court decisions such as *Yick Wo v. Hopkins* (1886), which affirmed that constitutional protections apply to all persons regardless of citizenship, and *Mathews v. Diaz* (1976), which recognized Congress's broad authority to regulate immigration while still upholding certain constitutional safeguards for non-citizens, underscore the principle that fundamental rights transcend citizenship. These cases highlight how constitutional rights for non-citizens are not absolute but are carefully balanced against the government's legitimate interests, reflecting a dynamic legal landscape shaped by evolving social and political considerations. More recent rulings continue to refine this balance, addressing issues such as the rights of asylum seekers, protections against indefinite detention, and the limits of executive power in immigration enforcement, demonstrating the ongoing evolution of constitutional jurisprudence in this area.

Descripción de la Imagen

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The category of non-citizens is broad and diverse, encompassing lawful permanent residents, temporary visa holders, refugees, asylum seekers, and undocumented immigrants. Each subgroup's constitutional protections can vary significantly based on their legal status and the specific circumstances under which they interact with government authorities. Many fundamental constitutional rights—such as due process under the Fifth and Fourteenth Amendments, freedom of speech and religion under the First Amendment, and protection against unreasonable searches and seizures under the Fourth Amendment—apply broadly to non-citizens. Yet, certain rights are explicitly or implicitly restricted. For example, the right to vote in federal and state elections is

constitutionally reserved exclusively for U.S. citizens. Additionally, access to some public benefits and government programs may be limited or conditioned on citizenship or lawful presence. To clarify these complexities, consider the following key constitutional protections and their application to non-citizens:

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Due Process and Equal Protection: Non-citizens are entitled to fair legal procedures and equal protection under the law. However, immigration enforcement proceedings, such as removal (deportation) hearings, often involve specialized administrative processes distinct from standard criminal trials. This reflects the unique nature of immigration law and the government's interest in efficient enforcement, while still upholding fundamental fairness. For example, non-citizens have the right to a hearing before an immigration judge and may appeal adverse decisions, but they do not enjoy all the procedural safeguards typical in criminal cases, such as the right to appointed counsel.

First Amendment Rights: Freedom of speech, religion, and assembly generally extend to all persons within U.S. borders. Non-citizens can freely express political opinions, participate in peaceful protests, and practice their faith without undue government interference. Nonetheless, certain speech-related activities may be subject to heightened scrutiny under national security laws, especially if linked to terrorism or foreign influence concerns. For instance, non-citizens engaging in speech that supports designated terrorist organizations may face legal consequences beyond those faced by citizens.

Fourth Amendment Protections: Non-citizens are protected against unreasonable searches and seizures. Yet, immigration authorities may exercise broader discretion in specific contexts—such as at border checkpoints, airports, or during immigration raids—where the usual warrant and probable cause requirements may be relaxed under statutory or regulatory exceptions designed to facilitate border security and immigration enforcement. This creates a delicate balance between individual privacy rights and national security imperatives. For example, routine searches at international borders are generally exempt from the Fourth Amendment's warrant requirement, affecting non-citizens differently than citizens in these contexts.

Agenda Section & Item: Comments of a General Nature

Commenter: Ilene Briner

Comment: We need two new library trustees. This is the responsibility of the village council. Do your job appoint new library trustees. The new library trustees should be involved in the search and selection of the new library director.

Agenda Section & Item: Comments of a General Nature

Commenter: Karen Schmidt

Comment: I was hoping this weeks agenda would include appointment of 2 new library trustees to replace Marti Sladek who resigned in July and David Humphreys whose most recent term ended 8/31/2025 after serving over 30 consecutive years as a library trustee. With the final steps toward selecting the new library director happening in January it would be nice to see both of the new trustees selected and involved as they are who will be working with that director going forward. Please be transparent and share an update on the process being used and the timeline. (link to library director search timeline

<https://dglibrary.org/wp-content/uploads/2025/11/November-11-2025-Committee-of-the-Whole-Packet.pdf>)

Agenda Section & Item: Council Member Reports - MOT 2025-11021 - 1. Motion: Discuss Resolutions Regulating Use of Village Owned Property for Civil Immigration Enforcement Activities and Reporting Potential Court Violations

Commenter: Anonymous

Comment: Federal law is complex on the issue of immigration. I urge the Village to not interfere with something that is controlled by the federal government. I feel like this is simply virtue signaling from the council member and most importantly where is the precedent for DG government making ordinances regarding federal laws. I am sure there will be loud emotional voices at the meeting tonight supporting this item, however, your job, that you were elected to do, should be done with minimal emotion, and minimizing political activism while following the federal laws our country has. I understand the passion behind this issue for many, but passion doesn't trump facts and law. Let's keep DG from taking stands outside its jurisdiction including a few years ago when they did NOT enact bus regulations when people were dropped off here in our village. This is not for the village of DG to spend time or money on when there are complex federal regulations in place already.

Agenda Section & Item: Council Member Reports - MOT 2025-11021 - 1. Motion: Discuss Resolutions Regulating Use of Village Owned Property for Civil Immigration Enforcement Activities and Reporting Potential Court Violations

Commenter: Lisa Forst

Comment: Are we seriously going to thumb our noses at federal law and risk millions in grants just to score political points, while the same board just proposed raising property taxes on Citizens!!

Downers Grove residents are already paying more for less—now the village wants to further handcuff ICE from removing dangerous criminals, all so we can roll out the red carpet for non-citizens while sticking real citizens with the bill.

It exposes the village to legal liability and division— if we are not going to align with federal priorities. The 10th Amendment protects states from federal "commandeering," but it doesn't shield against consequences like withheld funds or civil suits from victims of crimes by deportable individuals released due to non-cooperation

This isn't compassion; it's cowardice wrapped in virtue-signaling. If the board is truly worried about public safety and taxpayer wallets, they'll reject this sanctuary nonsense tonight and keep cooperating with ICE—because the only people who benefit from tying our officers' hands are the criminals we can deport tomorrow.

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Discuss Resolutions Regulating Use of Village Owned Property for Civil Immigration
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Commenter: Laura Hois

Comment: Ignore Leslie Sadowski-Fughit allow federal law enforcement to do its job to keep our community safe. Mayor Barnett -do not cave to her evil ways