

1 local governments, either directly or by their use of threats to withhold federal
2 funding, to assist the federal government in enforcing federal laws, including
3 immigrations laws; and

4 WHEREAS, immigrants are twice as likely to start a business as U.S. born
5 citizens and immigrant-owned businesses generated approximately \$389
6 million dollars in economic activity in New Mexico between 2006 and 2010,
7 according to the Partnership for the New American Economy; and

8 WHEREAS, immigrants play a vital role in New Mexico’s workforce, and
9 comprised 12.34 percent of the state’s workforce in 2016 (117,534 workers),
10 according to the Migration Policy Institute; and

11 WHEREAS, unauthorized immigrants in New Mexico paid \$101.5 million in
12 state and local taxes in 2010, according to data from the Institute for Taxation
13 and Economic Policy; and

14 WHEREAS, the foreign-born share of the US population has grown from 7.9
15 percent in 1990 to 13.1 percent in 2013. During the same period, FBI data
16 shows that the violent crime rate has dropped 48 percent; and

17 WHEREAS, according to the Pew Research Center, decades-worth of data
18 indicate that immigrants commit far fewer crimes than native born Americans
19 with a study in 2013 finding first generation adolescent immigrants are almost
20 ten percent less likely to commit crimes than adolescents who were born in
21 the country; and

22 WHEREAS, at least 89.12 percent of children with one or more immigrant
23 parents in New Mexico were U.S. citizens in 2016, according to data from the
24 Migration Policy Institute; and

25 WHEREAS, M-17-14 acknowledges that recent Presidential Executive
26 Orders relating to immigration “contain directives that threaten to lead to
27 family separation, endanger refugees fleeing violence and persecution, strip
28 immigrants of their due process and discriminate against the Muslim
29 community”; and

30 WHEREAS, the Trump administration has rescinded the Deferred Action for
31 Childhood Arrivals (DACA) program putting more than 800,000 young people
32 at risk of deportation and undermining the economic, moral, social, cultural,
33 and intellectual fiber of this nation; and

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1 WHEREAS, according to estimates by the Immigrant Legal Resource
2 Center, ending DACA will cause far-reaching unemployment, lead to the
3 immediate job loss of 645,145 DACA recipients currently employed by
4 businesses in the United States; reduce Social Security and Medicare tax
5 contributions by DACA employees and employers by \$24.6 billion over a
6 decade, and weaken the Social Security and Medicare trust funds; and

7 WHEREAS, the Trump administration has rescinded Temporary Protected
8 Status (TPS) for immigrants from certain countries, with the promise of
9 deporting hundreds of thousands of immigrants from countries devastated by
10 war and natural disaster; and

11 WHEREAS, the Trump administration has issued executive orders that
12 amongst other provisions, criminalize immigrants, further militarize the
13 border, expand the number of Immigration Customs and Enforcement and
14 Customs and Border Patrol agents, expand the use of private prisons for
15 immigrants, target “sanctuary cities”, strip hundreds of thousands of
16 immigrants of protections such DACA and TPS, institute a travel ban that
17 targets Muslim immigrants, dramatically reduce the number of refugees
18 allowed to resettle in the United States, and violate constitutional rights; and

19 WHEREAS, the current immigration system is outdated and has had a
20 devastating impact on New Mexico’s families resulting in family separation,
21 labor abuses and exploitation of workers, and has prevented immigrants from
22 fully integrating into the broader community; and

23 WHEREAS, the Albuquerque City Council understands that the
24 enforcement of federal civil immigration laws is under the sole purview of the
25 federal government and firmly believes that the involvement of local
26 government in enforcement of federal civil immigration laws would undermine
27 community policing, hinder a productive and trusting relationship with the
28 immigrant community, and divert important public safety resources; and

29 WHEREAS, the Albuquerque City Council should not adopt policies that
30 may violate its residents constitutional rights under the Fourth Amendment
31 such as “immigration detainers,” and that exceed the government’s limited
32 warrantless arrest authority under federal law, exposing the City to civil rights
33 violations; and

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1 WHEREAS, the City Council wishes to assure its vulnerable communities
2 that the City supports them, will do all it can to maintain and improve their
3 quality of life, and does not tolerate acts of hate, discrimination, bullying, or
4 harassment; and

5 WHEREAS, the City Council wishes to reaffirm and declare that
6 Albuquerque is a safe place for immigrants from all countries, as well as for
7 war refugees, people of color, Muslims, Jews, LGBTQ people and people with
8 disabilities; and

9 WHEREAS, through the adoption of R-00-151, enacted in 2000 and still the
10 official policy of the City, the City declared Albuquerque to be immigrant
11 friendly; and

12 WHEREAS, R-00-151 committed that “the City will include in its legislative
13 agenda requests that Congress enact just and humane immigration reforms
14 that provide immigrants and their families with rights in this country that are
15 commensurate with human dignity and their status as taxpayers and
16 contributing members of our community.”; and

17 WHEREAS, this City Council believes in the human dignity of all
18 Albuquerque residents, regardless of immigration status, and recognizes the
19 importance of immigrants’ many contributions to the social, cultural,
20 intellectual and economic fabric of the City; and

21 WHEREAS, the City of Albuquerque is made up of diverse individuals, both
22 native born and immigrants, whose collective cultures, religions,
23 backgrounds, orientations, abilities and viewpoints join to form a highly
24 pluralistic community which prides itself on being a place which welcomes
25 persons and families of all walks of life; and

26 WHEREAS, the City of Albuquerque has a strong tradition and mission of
27 embracing and valuing diversity and the City Council believes that it is
28 similarly important to support diversity and to provide services to all persons
29 in the City regardless of their race, disability, national origin, gender identity,
30 religion, sex, sexual orientation, ethnicity, economic or immigration status (in
31 addition to any other protected classes under local, state, or federal law); and

1 WHEREAS, the City of Albuquerque and Mexico have a shared economy
2 and shared culture going back over 300 years, and we are proud of our Sister-
3 City relationships with the Mexican cities of Chihuahua and Guadalajara; and

4 WHEREAS, the relationship between the City of Albuquerque and Mexico is
5 one that has coexisted for a long time and the current anti-Mexican rhetoric is
6 not a reflection of how we feel about Mexico and immigrants; and

7 WHEREAS, the City Council is greatly concerned about public safety in
8 Albuquerque and the mission of the Albuquerque Police Department is to
9 protect the safety of the public against crimes committed by persons whoever
10 they may be; and

11 WHEREAS, most residents in the City, including the vast majority of
12 immigrants, are law-abiding citizens and are, when crimes occur, themselves
13 the victims of crime, and because of this the City wishes to foster trust and
14 cooperation between the City, its police department, and its immigrant
15 communities, and wishes to encourage immigrants to report crime and speak
16 to the police without fear of being arrested or reported to the United States
17 Immigration and Customs Enforcement agency; and

18 WHEREAS, current policies regarding immigration enforcement efforts
19 have had a chilling impact on immigrant survivors of domestic violence and
20 sexual assault; and a national study released by the National Alliance to End
21 Sexual Violence (NAESV) and the National Network to End Domestic Violence
22 (NNEDV) in May of 2017 indicates that 78 percent of advocates reported that
23 immigrant survivors expressed concerns about contacting police, three in four
24 service providers reported that immigrant survivors have concerns about
25 going to court for a matter related to the abuser or offender and 43 percent of
26 advocates worked with immigrant survivors who dropped civil or criminal
27 cases because they were fearful to continue with their cases; and

28 WHEREAS, APD'S standard operating procedures are consistent with the
29 policy established under R-00-151 and recognizes that "enforcement of
30 immigration laws and arrest of undocumented foreign nationals resides
31 exclusively with the federal government," and that "officers shall not stop,
32 question, detain, or arrest any person solely on the ground that they me be
33 undocumented," and "shall not inquire about or seek proof of a person's

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1 immigration status” unless it is pertinent to the investigation of an underlying
2 non-immigration criminal violation.

3 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
4 ALBUQUERQUE:

5 SECTION 1. That the City Council reaffirms the City of Albuquerque’s
6 status as an “Immigrant Friendly City” and welcomes and encourages
7 immigrants to live, work and study in Albuquerque and to participate in
8 community affairs, and recognizes immigrants for their important
9 contributions to our culture and economy.

10 SECTION 2. That the City Council reaffirms its commitment to policies
11 established under R-00-151 including but not limited to its commitment to
12 “treat all persons with respect and dignity, regardless of their immigration
13 status” and that “[t]o the fullest extent allowed by federal and state law,
14 immigrants who live within the city limits of Albuquerque and their families
15 shall have access to all City services and programs.”

16 SECTION 3. Immigrant Friendly Policy.

17 1. No City agency, department, officer, employee, or agent shall collect,
18 make, or initiate any inquiry regarding the citizenship or immigration status of
19 an individual except as required by law to determine eligibility for a federal or
20 state benefit or program administered by the City conditioned on verification
21 of such status, or in order to determine eligibility for City employment.

22 2. City agencies, departments, officers, employees, or agents shall not
23 disclose any personal information about any person which came into the
24 employee’s possession during the course and scope of that employee’s work
25 for the City of Albuquerque, except in order to provide a City service or carry
26 out a function of City government, in response to a written request for
27 records under the New Mexico Inspection of Public Records Act where such
28 information is not otherwise exempted, (§§14-2-1 et seq. NMSA 1978), or as
29 otherwise compelled by law. For purposes of this section, personal
30 information means social security numbers or individual tax identification
31 numbers, a person’s place and date of birth, a person’s status as a recipient of
32 public assistance or as a crime victim, a person’s custody release date, a

1 person's home address, a person's sexual orientation, physical or mental
2 disability, religion, or national origin.

3 3. City agencies, departments, officers, employees, or agents shall not
4 use City resources, including but not limited to moneys, equipment,
5 personnel, or City facilities, to assist in or otherwise facilitate the enforcement
6 of federal immigration law, or in the investigation, detection, apprehension, or
7 detention of an individual based on the real or perceived immigration status of
8 an individual. The prohibition set forth in this Section shall include but is not
9 limited to:

10 a. Identifying, investigating, arresting, detaining, or continuing to
11 detain a person solely on the individual's immigration status or the belief that
12 the person has committed a violation of immigration law.

13 b. Arresting, detaining or continuing to detain a person in
14 response to, or honoring in any other way, any immigration detainer, or
15 federal administrative warrant that is based solely on a violation of federal
16 immigration law.

17 c. Notifying any federal agency about the release date or pending
18 release date of any person in custody for immigration purposes.

19 d. Enforcing any federal program requiring the registration of
20 individuals on the basis of religious affiliation or ethnic or national origin.

21 4. The City shall refuse access to all non-public areas of City property
22 (including but not limited to the Prisoner Transport Center) by federal
23 immigration agents who do not present a judicial warrant issued specifically
24 requiring such access.

25 5. That the City Council supports the equal treatment of all persons and
26 states that all persons who live within the City should have full access to all
27 city services with respect and dignity, including public safety services and
28 programs, regardless of their race, disability, national origin, gender identity,
29 religion, sex, sexual orientation, ethnicity, economic or immigration status (in
30 addition to any other protected classes under local, state, or federal law).

31 6. All City departments are directed to review current City policies,
32 procedures, and practices to ensure they are in accordance with this
33 Resolution and report back to the Council within six months of the passage of

1 this resolution. The City’s Office of Diversity and Human Rights Division is
2 responsible for monitoring compliance with this Resolution. City staff may
3 identify and recommend policies and proposals that would serve to implement
4 and enhance the City’s immigrant friendly status.

5 7. The CAO shall communicate these policies to all City employees
6 within 30 days of the passage of this resolution.

7 8. Nothing in this resolution shall be construed or implemented to
8 conflict with any valid and enforceable duty and obligation imposed by a court
9 order or any federal or other applicable law.

10 SECTION 4. SEVERABILITY. If any section, subsection, sentence,
11 clause, phrase, or portion of this resolution is held to be invalid or
12 unconstitutional by the decision of any court of competent jurisdiction, such
13 decision shall not affect the validity of the remaining portions of this
14 resolution.

15 SECTION 5. COMPILATION. Section 3 of this Resolution shall be
16 incorporated in and made part of the Code of Resolutions of Albuquerque,
17 New Mexico, 1994, as Chapter 3 Article 12, titled “Immigrant Friendly Policy.”

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