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1 contributions to the social, cultural, intellectual, and economic fabric of the
2 City; and

3 WHEREAS, the City will continue to uphold these longstanding values
4 while balancing the need for public safety policies that effectively manage
5 crime rates and protect all residents in the City of Albuquerque; and

6 WHEREAS, most residents in the City, including the vast majority of
7 immigrants, are law-abiding citizens and are, when crimes occur, themselves
8 the victims of crime, however, when any individual has committed a serious
9 crime, they should be held accountable, regardless of immigration status; and

10 WHEREAS, the public safety benefit of cooperation between law
11 enforcement authorities is real; when local police and the United States
12 Immigration and Customs Enforcement agency are able to share information,
13 known criminals who are causing problems in our community can be
14 identified and held accountable instead of returned to the streets; and

15 WHEREAS, policies that shield criminals from accountability and allow
16 them to remain in our communities threaten the safety of all residents of the
17 City.

18 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
19 ALBUQUERQUE:

20 SECTION 1. The Immigrant Friendly Policy is hereby amended as follows:

21 “1. The City, or any third party on its behalf, shall not:

22 a. Make or initiate any inquiry regarding, or collect in any way
23 information regarding, the citizenship, immigration status, place of birth,
24 religion, or national origin, of any person;

25 b. Collect, or make or initiate any inquiry regarding an
26 individual’s social security number except as required to: (1) determine
27 eligibility for a federal or state benefit or program administered by the City
28 conditioned on verification of such status; (2) in order to determine eligibility
29 for City employment; (3) in order to carry out a necessary function of City
30 Government; or (4) as otherwise required by law; or

31 c. Collect, or make or initiate any inquiry regarding an
32 individual’s Individual Tax Identification Number (ITIN) except where

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1 necessary for purposes of executing a city contract with the person or the
2 person's company or employer.

3 2. Paragraph 1 above limits the information the City will collect and
4 store; where the City is required by law or policy to provide information to any
5 person or agency, it can only provide that information which it has collected
6 and stored. The City shall not disclose information that the City currently
7 possesses regarding place of birth, religion, or national origin, nor information
8 collected under the exceptions stated above in Paragraph 1 absent a valid
9 judicial warrant for such information or as otherwise required by law.

10 3. The City shall not use any City resources, including but not limited to
11 moneys, equipment, personnel, or City facilities, nor permit any City facility to
12 be used for the enforcement or to assist in the enforcement of federal
13 immigration law by any of the following:

14 a. Detecting, apprehending, identifying, investigating, arresting,
15 detaining, or continuing to detain a person based on the individual's
16 immigration status or the belief that the person has committed a violation of
17 immigration law;

18 b. Arresting, detaining or continuing to detain a person in
19 response to, or honoring in any other way, any immigration detainer, or
20 federal administrative warrant that is based solely on a violation of federal
21 immigration law; or

22 c. Enforcing any federal program requiring the registration of
23 individuals on the basis of religious affiliation or ethnic or national origin.

24 4. The City shall refuse access to all city-operated, non-public areas of
25 City property (including but not limited to the Prisoner Transport Center) by
26 federal immigration agents who are requesting access for the purpose of
27 enforcing federal immigration law unless presented with a judicial warrant
28 issued specifically requiring such access.

29 5. Paragraphs 3 and 4 above prohibit the use of City resources for the
30 purpose of enforcement or to assist in the enforcement of federal immigration
31 law and prohibit providing federal immigration agents access to City facilities.
32 Paragraphs 3 and 4 shall not apply when an individual has been charged with:
33 a felony involving violence; human trafficking; or trafficking of controlled

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1 substances. In such circumstances, the City shall contact and cooperate with
2 federal immigration authorities regarding the individual. The Albuquerque
3 Police Department shall develop guidelines for administering this paragraph
4 that include at least the following provisions: mandatory review and approval
5 by a sergeant or higher rank before the City may contact and cooperate with
6 federal immigration authorities; and tracking of individual demographics,
7 charges, outcomes, and all officers involved.]

8 [6. 5.] T[hat-t]he City Council supports the equal treatment of all persons
9 and states that all person[s] who live within the City should have full access to
10 all city services with respect and dignity, including public safety services and
11 programs, regardless of their race, disability, national origin, gender identity,
12 religion, sex, sexual orientation, ethnicity, economic or immigration status (in
13 addition to any other protected classes under local, state, or federal law).

14 [7. 6.] All City departments are directed to review current City policies,
15 procedures, and practices to ensure they are in accordance with this
16 Resolution and report back to the Council within six months of the passage of
17 this resolution. The City’s Office of Equity and Inclusion is responsible for
18 monitoring compliance with this Resolution. City staff may identify and
19 recommend policies and proposals that would serve to implement and
20 enhance the City’s immigrant friendly status.

21 [8. 7.] The CAO shall communicate these policies to all City employees
22 within 30 days of the passage of this resolution. The CAO shall develop and
23 publicly post a notice of all known instances where information is required to
24 be collected by the City pursuant to any of the exceptions in paragraph 1 of
25 this Section, and that advises of other instances where the provisions of this
26 resolution may not fully apply in dealings with the City or when using a City
27 facility, if any.

28 [9. 8.] Nothing in this resolution shall be construed or implemented to
29 conflict with any valid and enforceable duty or obligation imposed by a
30 warrant, court order or any federal or other applicable law.”

31 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
32 clause, word, or phrase of this Resolution is for any reason held to be invalid
33 or unenforceable by any court of competent jurisdiction, such decision shall

1 not affect the validity of the remaining provisions of this Resolution. The
2 Council hereby declares that it would have passed this Resolution and each
3 section, paragraph, sentence, clause, word, or phrase thereof irrespective of
4 any provision being declared unconstitutional or otherwise invalid.

5 SECTION 3. COMPILATION. Section 1 of this Resolution shall amend, be
6 incorporated in and made part of the Code of Resolutions of Albuquerque,
7 New Mexico, 1994, Chapter 2, Article 12, "Immigrant Friendly Policy."

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