



Legislation Text

File #: M-17-4, Version: 2

**CITY of ALBUQUERQUE**  
**TWENTY-SECOND COUNCIL**

COUNCIL BILL NO.   M-17-4   ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Klarissa Peña, Isaac Benton, Patrick Davis & Diane Gibson

MEMORIAL

Reaffirming The City Of Albuquerque’s Commitment To Diversity And Immigrant Friendly Status, And To Safeguarding The Civil Rights, Safety And Dignity Of All Our Residents, Whether They Be Immigrants, War Refugees, People Of Color, Muslims, Jews, LGBTQ People, Or People With Disabilities (Peña, Benton, Davis, Gibson)

REAFFIRMING THE CITY OF ALBUQUERQUE’S COMMITMENT TO DIVERSITY AND IMMIGRANT FRIENDLY STATUS, AND TO SAFEGUARDING THE CIVIL RIGHTS, SAFETY AND DIGNITY OF ALL OUR RESIDENTS, WHETHER THEY BE IMMIGRANTS, WAR REFUGEES, PEOPLE OF COLOR, MUSLIMS, JEWS, LGBTQ PEOPLE, OR PEOPLE WITH DISABILITIES.

WHEREAS, since the election of new National leadership there has been a sense of uncertainty and fear among many communities in Albuquerque, across our State and across the Nation; and

WHEREAS, recent Presidential Executive Orders relating to immigration enforcement have done nothing to allay those fears, and in fact contain directives that threaten to lead to family separation, endanger refugees fleeing violence and persecution, strip immigrants of their due process and discriminate against the Muslim community; and

WHEREAS , the Tenth Amendment of the Constitution of the United States recognizes the sovereign status of the states and their political subdivisions and precludes the federal government from attempting to compel state and local governments, either directly or by their use of threats to withhold federal funding, to assist the federal government in enforcing federal laws,

including immigrations laws; and

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

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

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

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

WHEREAS, the City Council desires to reaffirm and declare its commitment to immigrant integration and inclusion exemplified in R-00-151 which states that “the Council welcomes and encourages immigrants to live, work, and study in Albuquerque and to participate in community affairs, and recognizes immigrants for their important contributions to our culture and economy.”; and

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

WHEREAS, R-00-151 states that the “City shall not discriminate on the basis of a person’s national origin and will treat all persons with respect and dignity, regardless of immigration status.”; and

WHEREAS, R-00-151 states that “no municipal resources shall be used to identify individuals’ immigration status or apprehend persons on the sole basis of immigration status, unless otherwise required by law to do so”; and

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

WHEREAS, the City of Albuquerque is made up of diverse individuals, both native born and

immigrants, whose collective cultures, religions, backgrounds, orientations, abilities and viewpoints join to form a highly pluralistic community which prides itself on being a place which welcomes persons and families of all walks of life; and

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

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

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

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

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

WHEREAS, APD's standard operating procedures are consistent with the policy established under R-00-151 and recognizes that "enforcement of immigration laws and arrest of undocumented foreign nationals resides exclusively with the federal government," and that "officers shall not stop, question, detain, or arrest any person solely on the ground that they may be undocumented," and "shall not inquire about or seek proof of a person's immigration status" unless it is pertinent to the investigation of an underlying non-immigration criminal violation; and

WHEREAS, the City Council firmly believes that the involvement of local government in enforcement of federal civil immigration laws undermines a productive and trusting relationship with the immigrant community and hinders local law enforcement and community safety.

BE IT MEMORIALIZED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

SECTION 1. That the City Council reaffirms the City of Albuquerque's status as an "Immigrant Friendly City" and welcomes and encourages immigrants to live, work and study in Albuquerque and to participate in community affairs, and recognizes immigrants for their important contributions to our culture and economy.

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

SECTION 3. Affirms and memorializes that in accordance with City policy established in R-00-151 and APD standard operating procedures that City employees, including members of the Albuquerque Police Department, shall not enforce Federal immigration laws and shall not use city monies, resources or personnel to investigate, question, detect or apprehend persons whose only violation is or may be a violation of immigration law.

SECTION 4. That the City Council supports the equal treatment of all persons and states that all persons who live within the City should have full access to all city services with respect and dignity, including public safety services and programs, regardless of their race, disability, national origin, gender identity, religion, sex, sexual orientation, ethnicity, economic or immigration status (in addition to any other protected classes under local, state, or federal law).

SECTION 5. That City Council staff is directed to review current City policies and practices to ensure they are in accordance with the provisions of R-00-151, and propose to the Council means to address any non-compliance. As a part of their analysis, Council staff may identify and recommend policies or proposals that would serve to supplement and enhance the City's immigrant friendly status.

X:\CITY COUNCIL\SHARE\CL-Staff\_Legislative Staff\Legislation\22 Council\M-4final.docx