

# CITY of ALBUQUERQUE

## TWENTY-SECOND COUNCIL

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

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

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

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

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

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

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

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

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

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

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

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

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

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

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

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

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

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

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

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

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

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

1 undocumented,” and “shall not inquire about or seek proof of a person’s  
2 immigration status” unless it is pertinent to the investigation of an underlying  
3 non-immigration criminal violation; and

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

8 NOW, THEREFORE, BE IT MEMORIALIZED BY THE COUNCIL, THE  
9 GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

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

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

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

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

1           **SECTION 5. That City Council staff is directed to review current City**  
2 **policies and practices to ensure they are in accordance with the provisions of**  
3 **R-00-151, and propose to the Council means to address any non-compliance.**  
4 **As a part of their analysis, Council staff may identify and recommend policies**  
5 **or proposals that would serve to supplement and enhance the City’s**  
6 **immigrant friendly status.**  
7  
8 x:\city council\share\cl-staff\_legislative staff\legislation\memorials\immigrant friendly city memorial - pena.docx

[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion