

# **Backgrounder:Immigrant Integration and Sanctuary in ABQ**

The Albuquerque City Council passed Memorial 17-4, on a 6:1 vote on February 22nd. Memorial 17-4 aims to reaffirm the City of Albuquerque commitment to diversity and immigrant-friendly status, and to safeguarding the civil rights, safety, and dignity of all our residents, whether they be immigrants, refugees, people of color, Muslim, Jewish, from LBBTQ communities, or people with disabilities. The memorial calls for the City to reaffirm its commitment to policies established under R-00-151, Albuquerque’s original “Immigrant-Friendly” policies passed in a unanimous, bi-partisan vote in 2000 (sponsored by Hess Yntema, Republican, District 6).

## **What is Sanctuary?**

- Sanctuary city is a political theology—an idea that has both religious and secular origins and has taken different forms throughout history. There is no legal definition for a “sanctuary city” or policy. It is generally understood to be a range of policies that protect the immigration status of residents, deny the use of local government resources in the enforcement of federal immigration laws, and that seek to integrate mixed status immigrant families into the civic, economic, and cultural life of a community. <sup>1</sup>
- The current sanctuary movement was born out of the 1980’s, when people of faith and conscious mobilized to protect and assist Central Americans immigrants who were fleeing death, violence and abject poverty. During that time, Juarez, El Paso, and New Mexico had some of the most active and assertive sanctuary movements in the country. In 1986, New Mexico Gov. Toney Anaya declared New Mexico a “state of sanctuary.” This encouraged municipalities to follow suit. <sup>2</sup>
- Following the lead of Somos un Pueblo Unido in Santa Fe in 1999, immigrants’ rights, faith-based, civil rights, and elected officials worked together to pass Albuquerque’s first “Immigrant Friendly” policy in 2000, R-151, that prohibited the use of municipal resources in discriminating against immigrants based on immigration status. Since that time, El CENTRO de Igualdad y Derechos and allies have successfully worked to decrease civil rights violations and deportations in Albuquerque.

## **• President Trump's Draconian and Costly Executive Orders Aim To:**

- separate immigrant families by expanding an already massive deportation force,

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<sup>1</sup> Santa Fe Sanctuary Fact Sheet; Somos un Pueblo Unido; 12/16

<sup>2</sup> Santa Fe Sanctuary Fact Sheet; Somos un Pueblo Unido; 12/16

- expand the private prison industry— already a multi-billion dollar industry which profits off the targeting, detention, and separation of immigrant families.
- expand the militarization of border communities.
- attempt to coerce state and local law enforcement officials across the country to turn local law enforcement and jail officers into immigration agents;
- do away with previous enforcement priorities (including consideration of humanitarian factors) and instead makes an enforcement priority of any “removable” immigrant convicted or *suspected* of any criminal offense – gutting the presumption of innocence enshrined in our Constitution and raising concerns about abuse of power by law enforcement;
- erode due process rights
- turn away those fleeing violence and persecute in their homelands
- target and discriminate against the Muslim community and more.

**Click here** for more information about Trump’s executive orders issued on January 25th.

### **Why Albuquerque should function as an immigrant-friendly City/ Sanctuary City:**

- **To Keep Albuquerque’s Families Together-** Albuquerque’s immigrant communities are only too aware of the cost of targeting hardworking Albuquerque families for deportation— plunging already vulnerable families into further poverty, separating Albuquerque’s children from their parents, and creating a heightened sense of fear and anxiety.
- This fear was at an all-time high when Albuquerque Mayor Richard Berry vowed to end “sanctuary” in Albuquerque, and implemented Secure Communities, a federal deportation program, at the Prisoner Transport Center. Secure Communities was expanded and then dismantled by the Obama administration because it undermined public safety, led to pretextual arrests and racial profiling, targeted immigrants who had never been convicted of a crime, and assisted in the deportation of over 2 million immigrants nationwide. Berry’s deportation program is the same program that Trump re-launched by executive order. We must not allow our City to go in that direction again!!
- **Immigrant Integration-** Immigrant Friendly policies recognize the importance of immigrants’ many contributions to the social, cultural, intellectual and economic fabric of our city. These policies recognize that immigrants are our neighbors, co-workers, classmates, small-business owners down the block, tax-payers, and our family members. Immigrant workers take care of our elderly and children, build and roof our adobe homes, pick the chile that we are so proud of, work in the dairies and oil fields, and work in the service industry. We are all Albuquerque. We are all New Mexico.
- **Public Safety and Community Policing:** involvement of local government in the enforcement of federal civil immigration laws deteriorates community trust in law enforcement and undermines community policing and harms law enforcement’s productive and

trusting relationship with the immigrant community. Victims of domestic violence and other forms of violence choose to suffer in silence rather than seek assistance; key witnesses of crime refuse to come forward out of fear that they themselves will become a target; a climate of fear grips entire neighborhoods; and anxiety-ridden children struggle in school.<sup>3</sup>

- **Presumption of Innocence:** When local law enforcement, jails and/or criminal justice systems participate in deportation, immigrants need not be convicted of an offense to find themselves trapped in this system. Trump’s executive order also did away with previous enforcement priorities (including consideration of humanitarian factors) and instead makes an enforcement priority of any “removable” immigrant convicted or *suspected* of any criminal offense – gutting the presumption of innocence enshrined in our Constitution and raising concerns about abuse of power by law enforcement;
- **Pre-textual arrests and Racial Profiling-** Enforcement programs such as Secure Communities that use local law enforcement and local jails as entry points to the deal deportation system foment pre-textual arrests and racial profiling.
- **Limited Public Safety Resources—** our limited public safety resources should focus on those who pose a public safety threat, regardless of their immigration status. We should not participate in costly, unfunded mandates by the federal government. In addition.
- **The Constitution of the United States and Federal Law**
  - the City of Albuquerque should refuse to violate the U.S. Constitution, and not adopt policies that erode its residents’ constitutional protections including any enforcement programs (ex: Secure Communities) that use “immigration detainers,” which have been found by federal courts to violate the Fourth amendment to the U.S. Constitution and to exceed the government’s limited warrantless arrest authority under federal law, exposing local governments to substantial damages for civil rights violations.
  - Trump’s attempt to coerce and bully municipalities into assisting in the enforcement of federal immigration laws, is likely in violation of the the Tenth Amendment of the Constitution, known as the anti-commandeering doctrine. This doctrine clearly 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 the use of coercive threats to withhold federal funding, to assist the federal government in enforcing federal laws, including immigration laws.

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<sup>3</sup>Searching Out Sanctuary, An Analysis of America’s Counties and Their Voluntary Assistance with Deportation; Immigrant Legal Resource Center.

- Provisions of sanctuary policies lie in line, not in defiance of our federal system. Local jurisdictions have no legal obligation to assist with the civil immigration enforcement, which is the sole responsibility of the federal government.<sup>4</sup>

Albuquerque's current Immigrant Friendly resolution prevents the use of city resources in enforcing federal civil immigration laws. In light of the very real threats being posed by the Trump administrations' executive orders on immigration and proposed we urge the City of Albuquerque to work with immigrant and refugee communities moving forward to strengthen current policy to include, but not limited to:

1. broader confidentiality agreements preventing municipal employees from sharing sensitive information with federal agencies;
2. the commitment that the City will not seek federal law enforcement funds that requires local law enforcement to identify, persecute, arrest or detain members of Albuquerque community based on their immigration status;
3. policies which are conducive to immigrant integration such as:
  - A. language access for non-English speaking residents,
  - B. policies and programs which assist immigrant crime victims,
  - C. policies and programs which help victims of wage theft,
  - D. policies which help raise low-wage workers out of poverty such as paid sick leave and defending and raising the minimum wage,
  - E. and programs which support citizenship and naturalization.

**Compiled by El CENTRO de Igualdad y Derechos; [www.elcentronm.org](http://www.elcentronm.org); 714 4th St SW; (505) 246-1627**

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<sup>4</sup>Searching Out Sanctuary, An Analysis of America's Counties and Their Voluntary Assistance with Deportation; Immigrant Legal Resource Center.