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**FAQ on Immigrant Friendly/Non-Discrimination Policies**  
**(compiled by El CENTRO de Igualdad y Derechos, February 2019)**

**What is an immigrant-friendly/non-discrimination policy?**

- There is no legal definition for an immigrant-friendly or “sanctuary” policy. We have always used the term “immigrant-friendly” because the policies we have passed have always had as their main focus being a welcoming community and being committed to the full integration of immigrants.
- The terms are 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> Other terms used for these policies are “immigrant friendly”, “freedom zones/policies”, “welcoming City policies”.

**Q:WHAT DOES THE RESOLUTION DO?**

**A:** The proposed resolution would ensure that the County isn’t complicit in fueling Trump’s deportation machine by ensuring that the County does **NOT:**

- use any resources to assist with the enforce federal immigration laws. Our county government should use limited resources to help build stronger and safer communities, not harm and separate immigrant families.
- collect data such as country of origin/place of birth, immigration status, and citizenship status.

**And Ensuring that the County WILL:**

- safeguard personal sensitive information to ensure that data gathered by the County isn’t used to target vulnerable communities.<sup>2</sup> In order for the County to function properly,

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<sup>1</sup> Santa Fe Sanctuary Fact Sheet, Somos un Pueblo Unido, Dec 2016

<sup>2</sup>For purposes of this section, sensitive personal information means: social security number or individual tax identification number or lack of such numbers, an inmate’s custody release

they need to obtain certain sensitive personal information from New Mexicans, and all Bernalillo County residents have a reasonable expectation our information will remain confidential.

- would require Immigration and Customs Enforcement (ICE) to have a judicial warrant to enter non-public areas owned or run by the County, including MDC.

**Q: Aren't there similar bills at the legislature? If so, why do we need a county policy?**

**A:** HB141 would also safeguard personal sensitive information, **but it only applies to state agencies and departments**, so Bernalillo County needs its own policy to safeguard the sensitive personal information of its residents.

SB 196 would ensure local and state jurisdictions do not use local resources to aid federal agencies in the enforcement of immigration laws. Bernalillo County already has a similar policy in place, but this resolution has greater level of specificity to ensure that there is no confusion about what "resources" means in this context.

**Q: Is it true that hundreds of jurisdictions across the nation have similar policies?**

**A: Yes**

- There have been approximately two dozen immigrant integration policies enacted in New Mexico by local school districts, law enforcement agencies, and county and city governments.
- There are hundreds of jurisdictions across the nation that limit assistance with federal immigration enforcement and since the beginning of 2017, there has been an explosion of such policies enacted across the nation, recognizing the strong governmental interest in building healthier relationships with the communities they are sworn to protect.
- According to ILRC as of 2017 there were 169 counties that restrict notification, to ICE about release dates or other information, 117 counties limit ICE access to local jails and/or ICE interrogations of detainees, and 119 counties prohibit inquiries into immigration status and/or place of birth.
- According to the same publication, at least 120 communities have enacted policies which limit assistance with the enforcement of federal immigration law since Trump took office and 28 states have at least one jurisdiction that enacted such policies in just the last two years.

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date, a person's place and date of birth, a person's status as a recipient of public assistance or as a crime victim, a person's home or work address, a person's employment information, a person's sexual orientation, gender identity, physical or mental disability, religion, or national origin.

- The following states have passed policies which that limit local law enforcement's ability to cooperate with ICECA, IL, OR, NY, WA, CT, RI, VT, AK, MO

**Q: Hasn't Bernalillo County/City of Albuquerque already Passed Immigrant Friendly/Non-Discrimination Policies in the Past? Why do we need another resolution?**

**A: Yes.** The first Immigrant Friendly/Non-Discrimination Policies were passed by the City of Albuquerque in 2000, and Bernalillo County has passed various resolutions as well, including one passed last year. But, since day one, the Trump administration has passed executive orders and taken actions that aim to criminalize, persecute, detain, and deport refugee and immigrant workers and families. As the Trump administration's tactics become more aggressive and shift, so must our local governments continue to expand protections. This policy, would also bring us in line with City policy.

**Q: Will the resolution inhibit law enforcement's ability to do their job or hold anyone accountable once convicted of a crime.**

**A:** No.

- The resolution will **NOT** limit or prevent law enforcement officials from arresting a person who has been charged with a crime. If an undocumented person is arrested for a crime, he or she may still be held accountable by the justice system.

**Q: Does the Trump administration have the right to coerce local governments into assisting with the enforcement of federal immigration laws?**

**NO**

- Courts across the nation have consistently sided with communities that refuse to detain immigrants, sending the clear message that policies limiting assistance with federal immigration enforcement are not only good for public safety and moral, but legal.
- As of January 2019, twenty federal court decisions in the nine lawsuits over federal funding sided with cities and states against the Trump administration, ruling that **adding immigration enforcement conditions to federal grants was illegal.**
- In addition, in just the past weeks, the Los Angeles District Court ordered a **nationwide injunction**/stop to the federal government imposing the conditions **on both current and future Byrne JAG awards and Gang Suppression Grant programs** (federal law enforcement grants) **programs.**
- Assisting with the enforcement of federal deportation programs actually would open up the County to costly litigation, because multiple court rulings continue to dismantle ICE's

detainer system, finding that holding people on detainers violates federal statutes and the constitution.

**What are the exceptions to the safeguarding of sensitive personal information? (friendly amendments are in bold type)**

- Responsible exceptions include:  
County agencies, departments, officers, employees, **contractors**, or agents shall not disclose any sensitive information about any person which came into the employee's possession during the course and scope of that employee's work for the County of Bernalillo, except;
  - in order to provide a County service,
  - carry out a function of County government,
  - to assist the Judicial branch of our State (**including state courts, state district attorneys, and state public defenders**) in response to a written request for records under the New Mexico Inspection of Public Records Act where such information is not otherwise exempted, (§§14 et seq. NMSA1978),
  - or as otherwise compelled by law.
  - In addition to the exceptions listed above, the custody release date for an inmate of the Metropolitan Detention Center **shall** also be released in response to a request from the inmate's attorney, bondsman, or family member.