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CITY of ALBUQUERQUE SIXTEENTH COUNCIL

Opposing The Enactment Of Federal Legislation Calling For State And Local Police To Enforce Federal Civil Immigration Laws.

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WHEREAS, the City Council strongly denounces terrorism and acknowledges that federal, state and local governments should protect the public from terrorist attacks in a rational and deliberate manner to ensure that security measures enhance public safety without violating the constitutional rights and infringing upon the civil liberties of its residents; and

WHEREAS, the City considers its police the real experts in ensuring public safety in Albuquerque and recognizes that local and state police in New Mexico have diligently responded to new homeland security mandates; and

WHEREAS, on July 9, 2003, Representative Charles Norwood (R-GA) introduced the Clear Law Enforcement for Criminal Alien Removal Act of 2003 (CLEAR Act), H.R. 2671 and on November 20, 2003, Senator Jeff Sessions (R-AL) introduced a similar measure entitled the Homeland Security Enhancement Act of 2003 (HSEA); and

WHEREAS, the CLEAR Act and HSEA will require local and state police to add federal civil immigration law enforcement to their already long list of duties or risk the loss of federal funding; and

WHEREAS, the enforcement of federal civil immigration law will distract local and state law enforcement from their primary mission of ensuring public safety and preventing crime in our community by having them focus on the apprehension of immigrants instead of criminals and by adding burdensome paperwork and reporting requirements; and

WHEREAS, Albuquerque City Council Resolution No. 9-2001 resolved that no municipal resources shall be used to identify individuals' immigration status or apprehend persons solely on the basis of immigration status; and

WHEREAS, the Albuquerque Police Department's procedural orders state that the "enforcement of immigration laws and the arrest of illegal foreign nationals resides exclusively with the Immigration and Naturalization Service" (Currently the Department of

Homeland Security); and

WHEREAS, local law enforcement already has the authority to arrest anyone, regardless of immigration status, who commits a crime and threatens the public safety of our community; and

WHEREAS, the enactment of the CLEAR Act and the HSEA would undermine community policing and create an atmosphere where immigrants begin to see local police as federal immigration enforcement agents with the power to deport them or their family members making them less likely to approach local law enforcement with information on crimes or suspicious activity; and

WHEREAS, the CLEAR Act and HSEA will lead to the misapplication of complex and technical immigration laws because local police will not be guaranteed the seventeen weeks of immigration law training required of federal enforcement agents; and

WHEREAS, New Mexico has enacted legislation to increase public and road safety that allows qualified applicants, regardless of immigration status, to obtain a drivers license and the enactment of HSEA would penalize any state which issues such licenses by withholding federal highway safety funds; and

WHEREAS, the CLEAR ACT and HSEA will endanger the lives of immigrant victims of crime by undermining the Violence Against Women Act (VAWA) and the Victims of Trafficking and Violence Prevention Act, both enacted by the federal government to provide them with particular protections; and

WHEREAS, many immigrant victims of crime are unlikely to report the crime to law enforcement if they believe that seeking police protection will result in deportation and ultimately in losing custody of their children; and

WHEREAS, enforcement of the CLEAR Act and HSEA invites racial profiling and other infringements on civil rights and liberties guaranteed under the United States Constitution of those individuals who speak languages other than English, appear to be of certain ethnic background or speak English with an accent; and

WHEREAS, the CLEAR Act and HSEA set a dangerous precedent of enforcement of federal law by local and state law enforcement; and

WHEREAS, immigrant communities play a vital role in the economic and cultural

landscape of New Mexico and precaution must be taken to ensure that our laws do not insinuate that all immigrants are suspected terrorists; and

WHEREAS, over 56 ordinances, police directives, resolutions, and policies nationwide protect immigrants' access to police protection; and

WHEREAS, locally and nationwide there is a broad spectrum in opposition to the CLEAR Act and HSEA including law enforcement, elected officials and government associations, domestic violence prevention advocates, service providers, conservative thinkers, faith-based groups, civil rights, civil liberties, and human rights organizations, immigrant/refugee rights groups, labor unions, businesses, and financial service providers in addition to community members; and

WHEREAS, while the City supports the fight against terrorism at home and abroad, this goal cannot be reached by placing the unmanageable burden of enforcing federal civil immigration law on local and state law enforcement.

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

Section 1. The City opposes the enactment of the CLEAR Act and HSEA and any other legislation encouraging or compelling local law enforcement to enforce federal civil immigration laws.

Section 2. The City reaffirms its commitment to civil rights and equal access to all city services including police protection regardless of immigration status.

Section 3. The City reaffirms that no municipal resources will be used to identify and apprehend persons solely based on their immigration status.