

POSITION STATEMENT  
IN SUPPORT OF  
ALBUQUERQUE CITY COUNCIL RESOLUTION R-04-87 - IN  
OPPOSITION TO FEDERAL CLEAR LAW ENFORCEMENT FOR  
CRIMINAL ALIEN REMOVAL ACT

The New Mexico Human Rights Coalition supports passage of Albuquerque City Council Resolution R-04-87, which strongly opposes the federal Clear Law Enforcement for Criminal Alien Removal Act (CLEAR Act). The CLEAR Act, introduced in Congress by Representative Charles Norwood (R-GA), and similar legislation, entitled the Homeland Security Enhancement Act (HSEA) introduced by Senator Jeff Sessions (R-AL), will require local and state police to add federal civil immigration law enforcement to their duties or risk loss of federal funding.

The New Mexico Human Rights Coalition believes that the enforcement of federal civil immigration law will jeopardize the safety of immigrant victims of domestic violence and sexual assault who fear deportation and loss of their children. The CLEAR Act and HSEA would further endanger the lives of this already vulnerable population. The Coalition also believes that the CLEAR act and the HSEA would undermine community policing and jeopardize public safety by undercutting the effort of law enforcement to establish a trusting relationship with the communities that they serve. By turning police into immigration agents, victims and witnesses of crime will not readily come forward to report crime for fear of deportation.

The Coalition also believes the two Acts will distract local and state law enforcement from their primary mission of ensuring public safety and preventing crime by having them focus on immigrant apprehension and adding burdensome paperwork and reporting requirements. The Acts will also lead to racial and ethnic profiling by police. According to the Federal Hispanic Law Enforcement Officers Association, “If enacted, the CLEAR Act would encourage race and ethnic based profiling. Because local police are ill-equipped to determine who has violated a civil immigration law, some will inevitably stop and question people of certain ethnic background, who speak certain languages, or who have accents when speaking English.”

These proposed Acts would undermine municipal resolutions in both Albuquerque and Santa Fe that mandate that “no municipal resources shall be used to identify individual’s immigration status or apprehend persons on the sole basis of immigration status, unless otherwise required to do so by law” and legislation that expanded the issuance of driver’s licenses to all immigrants residing in the state of New Mexico. The Acts would also deny immigrants the

comprehensive federal protections afforded to immigrant victims of domestic violence, sexual assault and trafficking through the Violence Against Women Act (VAWA).

The New Mexico Human Rights Coalition strongly denounces the chilling effect of the CLEAR Act and the HSEA on the civil rights of state's immigrant population and supports passage of Councilor Eric Griego's bill opposing these proposed federal Acts.