

POSITION STATEMENTS

IN SUPPORT OF
ALBUQUERQUE CITY COUNCIL RESOLUTION R-04-87 - OPPOSING
THE ENACTMENT OF FEDERAL LEGISLATION CALLING FOR STATE
AND LOCAL POLICE TO ENFORCE FEDERAL CIVIL IMMIGRATION
LAWS
MAY 2004

The New Mexico Human Rights Coalition supports passage of Albuquerque City Council Resolution R-04-87, which opposes the federal Clear Law Enforcement for Criminal Alien Removal Act (CLEAR Act) and the federal Homeland Security Enhancement Act (HSEA), both of which 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 these Acts jeopardizes the safety of immigrant victims of domestic violence and sexual assault who fear deportation and loss of their children and would further endanger the lives of this already vulnerable population. The Coalition also believes that these Acts 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 CLEAR Act and the HSEA 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 could lead to unwarranted racial and ethnic profiling of immigrants by law enforcement officers. Because local law enforcement officers are ill-equipped to determine who has violated a civil immigration law, some officers will inevitably stop and question people of certain ethnic backgrounds, who speak certain languages, or who have accents when speaking English.

These proposed Acts would undermine the intent and requirements of the City of Albuquerque's 2001 Resolution that declared Albuquerque as "...An Immigrant-Friendly City" and the position that immigrants and their families be provided with rights that are commensurate with human dignity. The City's policy encourages, and mandates in some instances, that municipal resources shall not be used to identify an individual's immigration status or apprehend persons on the sole basis of immigration status.

Resolution R-04-87 clearly establishes that the City of Albuquerque opposes the enactment of the Clear Act and the HSEA or any other legislation that encourages or compels local law enforcement to enforce federal civil immigration laws; it reaffirms the City's commitment to civil rights and equal access to all city services, including police protection, regardless of immigration status, and it reaffirms that no municipal resources will be used to identify and apprehend persons solely based on their immigration status.

The Coalition urges the City Council to support and pass Resolution R-04-87 and urges the Mayor to sign it when it reaches his desk.