

Santa Fe Sanctuary Factsheet

(Compiled by *Somos Un Pueblo Unido* 12/16)

Background on sanctuary policies:

- 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.
- 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.
- In 1999, *Somos Un Pueblo Unido* along with many faith and community groups revived the sanctuary movement by working to pass a resolution in Santa Fe that prohibits the use of municipal resources in discriminating against immigrants based on immigration status and that led to the creation of the city’s Immigration Committee to monitor the human rights status of immigrant residents.
- Since 1999, *Somos* and its allies have built and maintained sanctuary policies throughout New Mexico not only to protect undocumented immigrants but to include them as full members of communities. These policies include the passage of a driver’s license law, access to higher education and the lottery scholarship, racial profiling legislation, and non-discriminatory jail policies.

Current status of sanctuary cities:

- Nationally, there are close to 500 cities, counties and other jurisdictions that have adopted some sort of sanctuary policy and more are considering it in the wake of the Trump election. Some jurisdictions such as San Francisco, Chicago and New York City have reaffirmed their sanctuary policies in recent weeks.
- Other jurisdictions’ policies outline the conduct of law enforcement officials or best practices when they encounter an individual with limited English ability. Montpelier, Vermont, for example, has a policy ensuring that officers will not use an individual’s personal characteristics as a reason to ask about or investigate a person’s immigrant status.
- There have been attempts by the Congress to limit sanctuary policies. Between 2004 and 2011, Republicans in the U.S. House introduced 15 proposals that threatened federal law enforcement funding to cities or counties with policies that limit cooperation with the enforcement of federal immigration law. These proposals failed, in part because of strong pushback by local law enforcement agencies that did not want to spend scarce resources in enforcing immigration laws and by victims’ rights and public safety groups who feared a breakdown in community policing efforts. A Trump administration promises to continue these anti-sanctuary efforts, but it is clear that the only funding that could potentially be at risk legally is limited to certain law enforcement funding.

Santa Fe's current and proposed sanctuary policy:

- Santa Fe's current non-discrimination policy, passed in 1999, prevents the use of city resources in enforcing federal civil immigration laws. What is missing from our current policy is a broader confidentiality agreement preventing municipal employees, including local law enforcement, from sharing information such as immigration status with federal agencies.
- The City of Santa Fe does not have a policy ensuring that we do not seek federal law enforcement funds that requires local law enforcement to identify, persecute, arrest or detain members of Santa Fe's community based on their immigration status.
- The Santa Fe Police Department does not currently have a written policy to assist crime victims with certification of U visa applications. The U visa was created by federal law in 2000 to protect certain non-citizen crime victims and encourage cooperation with law enforcement. By providing cooperation, victims can be granted protection from deportation and a pathway to legal immigration status.

In 2016, the SFPD temporarily stopped certifying certain U visa applications. This prompted a public safety working group made up of immigrant and victims' rights advocates to create recommendations based on best practices across the country regarding the U visa certification process. The Santa Fe Immigration Committee officially adopted these recommendations in October 2016 and is advising the City Council and police department to approve them through a comprehensive U visa policy.

- The City of Santa Fe should enact a policy ensuring that municipal employees including local law enforcement will accept the newly created Driver's Authorization Card (DAC) on the same basis as the federal REAL ID driver's license. There is much confusion about the DAC and many New Mexicans erroneously believe that it is only for undocumented immigrants. The resolution should lead to appropriate training for city workers to avoid potential discrimination and liability.
- The City of Santa Fe should enact a policy to not enroll in the voluntary federal "e-verify" system to investigate work eligibility of applicants for city employment. E-verify is a web-based program run by the Department of Homeland Security and is notorious for being out of date and inaccurate leading to the unlawful termination of workers across the country.
- The Santa Fe City Council should demonstrate a commitment to language access for non-English speaking residents of Santa Fe by directing city departments to conduct an evaluation of their need for professional translation and interpretation services.
- There is much fear and uncertainty in the immigrant community as a result of threats by the President-elect to deport 3 million people. The City is in a good position to provide community outreach and education concerning the civil rights of residents, workers, families, youth and business owners.
- The City of Santa Fe should lead efforts to work with other local governments that have "sanctuary" policies to share strategies and maximize resources to integrate and protect immigrant families, workers and youth. These include Santa Fe County, the Santa Fe Public Schools and the Santa Fe Community College.