



# Agenda

CITY CLERK'S OFFICE

DATE 12/19/14 TIME 11:01am

SENDER BY Terrie Rodriguez

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Immigration Committee  
January 6, 2015  
500 Market Station, Suite 200  
Round House Conference Room  
4:30pm to 6:00pm

1. Roll Call
2. Approval of Agenda
3. Approval of Minutes – December 2, 2014
4. Announcements
5. Community Comments
6. New Business
  - a. Mayor Gonzales
7. Old Business
  - a. Victoria Ferrara's report on SF Public Schools
  - b. President Obama's announcement update about local and national actions– Alejandra Seluja including:
    - i. Discussion and approval of proposal for the City Immigration Committee to be a sponsor for the DAPA training.
    - ii. Discussion and approval of a proposal for the City to take an active part on the implementation of Dapa
  - c. Discussion and approval of proposal to support Driver's Licenses for immigrants during Legislative Session – Alejandra Seluja, Marcela Díaz
  - d. Business License Ordinance Information – Alejandra Seluja
8. Communications from Staff
9. Communications from Committee
10. Next Meeting and Adjourn

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**IMMIGRATION COMMITTEE  
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Old Business a. Victoria Ferrara Report on SFPS b. President Obama’s Announcement Update about local and national actions. c. Discussion and approval to support Driver’s Licenses for immigrants during Legislative Session. d. Business License Ordinance Information	<b><i>Ms. Lopez moved that the Immigration Committee be a sponsor of the DAPA training on January 20, 2015 at Guadalupe Church, second by Ms. Esquibel, motion carried by unanimous voice vote.</i></b>  <b><i>Ms. Diaz moved that a recommendation be made to the Mayor and City Council for the City of Santa Fe to take an active</i></b>	Page 6-8

	<p><b>role along with legal service organizations and community organizations for financial support of DAPA, second by Ms. Lopez, motion carried by unanimous voice vote.</b></p> <p><b>Mr. Rios moved to approve support of Driver's Licenses for Immigrants during legislative session, second by Ms. Cabeza de Vaca, motion carried by unanimous voice vote.</b></p>	
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**IMMIGRATION COMMITTEE  
JANUARY 6, 2015  
Market Street Offices, Santa Fe, NM  
4:30 pm –**

**MINUTES**

1. The Chair called the meeting to order at 4:30 pm. A quorum is reflected in roll call.
2. Roll call constitutes a quorum.

**Present:**

Alejandra Seluja, Chair  
Jewel Cabeza de Vaca  
Maria Cristina Lopez  
Javier Rios  
Cara Esquibel  
Cecilia Tadfor  
Marcela Diaz

**Not Present, Excused**

Elizabeth Hemmer  
Amparo Guerrero

**Others Present**

Mayor Javier Gonzales  
Terri Rodríguez, Director  
Dale Lettenberger, Santa Fe City Police Department and Staff Liaison  
Julia Valdez, Santa Fe County Representative for Commissioner Stefanics  
Mariela Morales, Audience  
Alegra Love, Attorney  
Gabriela (last name), Attorney from SOMOS un Pueblo Unido  
Victoria Ferrara, Attorney  
Fran Lucero, Stenographer

**3. Approval of Agenda**

New Business #6 – to follow approval of Agenda.

Ms. Lopez moved to approve the realignment of New Business #6, to follow approval of Agenda, second by Jewel Cabeza de Vaca, motion carried by unanimous voice vote.

#### **4. Approval of Minutes – December 2, 2014**

Page 4 – 4<sup>th</sup> paragraph two immigration attorney's not #2  
Last paragraph attorneys should not have an apostrophe.

Ms. Lopez moved to approve the minutes of December 2, 2014 with corrections, second by Ms. Tadfor, motion carried by unanimous voice vote.

#### **5. Announcement**

Mr. Rios inquired from the Mexican Consulate as to what they will do for DAPA. Once a report is received he will provide a report to the committee. The Chair said that she is working with national agencies and they are also creating a document to send to the Mexican Consulates.

Mr. Rios announced a visionary meeting on how the health department will be changing in the next few years. Mr. Rios will send the link to Ms. Rodriguez to inquire if it is an open meeting. Ms. Diaz asked if Mr. Rios could speak on behalf of the Committee or could a member of the Immigration Committee be a stakeholder at that meeting. Mr. Rios will follow up on this question. It was noted that the meeting is for staff and not open to the public and he would try his best to speak on behalf of the immigrant population as it relates to his job.

Mr. Rios announced that there is an Anti-Racism Day and Bill at the NM Legislature this session. Mr. Rios will send information to the staff liaison to be shared with the Immigration Committee members.

Ms. Diaz talked about the meetings that will be held to help people prepare documents they will need to collect and be ready by May. Dates and destinations are posted on SOMOS website.

#### **6. Community Comments**

Community members were pleased with the Mayor's commitment and comments presented earlier regarding DAPA preparation.

Community member said that they had come to the meeting tonight to ask the Mayor for financial support to apply in May. He was happy to hear that the Mayor will research ways that he can help them. Some families have 3 to 4 members that need to apply and it will become very expensive.

The Chair expressed her thanks to the members of the audience who attended the meeting in support of DAPA.

Ms. Mariela Morales has been working with an Immigration Attorney and she reiterated that people need to be very honest when they are completing their application. It was noted that with one DWI you will not qualify.

## **7. New Business**

### **a. Mayor Gonzales**

The Chair introduced Alegra Love who spoke about her experience in working with the immigrant population on DAPA. Santa Fe Community Foundation, Guadalupe Credit Union, SOMOS un Pueblos Unido and St. Vincent's Hospital, Adelante, Catholic Charities and others are collaborating to help out. Ms. Love said that they are working hard to create a collaboration to assist with the DAPA program. Ms. Love said that her advice to clients is to be patient, save money, do not pay for any consultations. The Chair said that there is miscommunication and there is a lack of money for this endeavor. The Chair will be presenting in Los Angeles, CA regarding the program needs.

Ms. Diaz noted and complimented Mayor Gonzales for his positive feedback and immediate telephonic conversation with Mayor Bill de Blasio when the announcement was made. Ms. Diaz stated that 14% of Santa Fe residents are foreign born. Approximately 5,000 Santa Fe County residents are expected to qualify for work authorization and relief from deportation under President Obama's executive action.

Ms. Diaz, on behalf of the committee would like to work with the SFPS in this endeavor. We have also approached some of the key business associations to provide support with the city. The interest is to hold a stakeholder's meeting and Santa Fe Community Foundation has offered this service. Ms. Diaz would like to see the philanthropic organizations, community businesses, schools and others join with the city in this endeavor. Ms. Diaz said if we could be proactive and collaborate we could become a model for the nation.

The Chair said that Guadalupe Credit Union talked about a fund and loan that was made available in the past. It worked well and assisted the immigrant population. It is important to incorporate them in to the mainstream financial system, provide them with a loan and help them purchase a home.

Mayor Gonzales is part of the collaborative created by Mayor de Blasio working with Mayor's across the country. The Mayor asked, "What is the role that the committee would like to see the Mayor lead. Who is going to lead and how do we get the trust of the immigrant community." The Mayor is ready to be a part of this endeavor and it goes in line with his objective of growing the young. The immigrant populations in Santa Fe are our entrepreneurs, Santa Fe needs to respond back and create those pathways. The Mayor asked the committee to identify the role they would

like to have from him as Mayor. Whether it is the voice of the Mayor or the non-profit community, the definition needs to be presented. We are working with a community that has trust concerns with the government, Mayor Gonzales said he is ready to jump in with 2 feet on the ground and this conversation will be part of his state of the City address on his vision of Santa Fe and he is ready to assist in anyway possible. The Mayor was clear that he needs an Action Plan for himself; what are the components that are needed with the key players.

Ms. Diaz said that the committee would love for Mayor Gonzales to co-convene a forum with stakeholders. January 28<sup>th</sup> is the date and would love to have the Mayor co-convene this meeting.

Ms. Diaz asked that the collaboration of services is important, for example, 5 years of residency needs to be proven and that can be accomplished by working with agencies within the city and it could become overwhelming.

Ms. Diaz agreed with the Mayor that a preliminary meeting be scheduled prior to the meeting on January 28<sup>th</sup>. To follow the meeting or to be included in the discussion is the funding resources available.

Ms. Love said that in discussion with many of the agencies she has contacted, they wanted to know how much funding the city has committed to.

Mayor Gonzales directed staff to arrange a meeting with the appropriate city departments to talk about the funding possibilities. Mayor Gonzales asked Ms. Rodriguez to also review the funding schedule that is now given to many of the human service providers and discuss opportunities for funding of these services.

Ms. Love said that one outcome that needs to be accomplished and considered is that they are under resourced with attorney's who do one-on-one consults in April.

Mayor Gonzales said in terms of next steps; 1) meet with staff to review the human services grantee budget as well as lodger's tax; 2) meet with the initiative collaborative, 3) bring to the City Council and ask for funding outside of the grantee schedule. Mayor Gonzales said that this meeting should take place before the end of January in order to create the plan.

The Chair expressed her thanks. Maria Cristina Lopez said that Santa Fe is known to be government friendly with the immigrant population.

Discussion and approval of proposal to support Driver's Licenses for immigrants during Legislative Session: It is important for the Police Chief

to be present at any legislative meetings and the Committee will work with the Police Chief and with the Mayor. Mayor Gonzales will be available to testify. Mayor Gonzales requested a pre-legislative meeting with himself and the Police Chief to discuss strategy on driver's licenses.

## **8. Old Business**

### **a. Victoria Ferrara's Report on SF Public Schools**

2003, 2006 and 2008 when we were in enforcement of immigration policies and there were very few attorneys to provide service in the area of deportation. There was a lot of hopelessness when services could not be provided. When DACA came in to their lives it gave them hope.

Ms. Ferrara is very grateful for all the work that is done by the Committee and there was such a void in this community. Thank you.

In August 2014, Ms. Ferrara attended a meeting where a parent and child attended the meeting and explained that she was being bullied at Ortiz School. The mother asked for a transfer for her daughter and they put her on a wait list and nothing was done. Ms. Ferrara offered and filed an appeal as this was a safety issue and the school was not addressing it. SFPS did not seem to have protocols in place. It was ultimately turned over to the Attorney for SFPS and when the two attorneys worked together the next school year the transfer was approved.

Ms. Esquibel said what is so disturbing to her is that there are not any protocols in place with SFPS.

Ms. Rodriguez said that there is an initiative through Mayor Gonzales to work with those families who are being bullied. The Principal from De Vargas will make his school and himself available for those families who are being exposed to bullying for their kids. Ms. Rodriguez said that each school should have a safe zone and parents and kids do not know there are safe zones in school. Cyber bullying is quite predominant in the schools.

Ms. Diaz asked if we could document on this case in order to assure that there is a protocol on what the Immigration Committee has done. Ms. Diaz feels that information such as this incident should be documented and share the lesson learned with the Mayor and the Council.

Chair Seluja said that pending and needs action is the completion of the letter that needs to be sent to the Superintendent.

Ms. Ferrara recommended that Mr. Geno Zamora be included in this communication. It was also recommended that the sub-committee set a



meeting with Mr. Zamora before the letter is completed for the Superintendent.

Thank you to Ms. Ferrara.

**b. President Obama's Announcement Update about local and national actions - Alejandra Seluja: Discussed with Mayor Gonzales.**

- I. Discussion and approval of proposal for the City Immigration Committee to be a sponsor for the DAPA training.

***Ms. Lopez moved that the Immigration Committee be a sponsor of the DAPA training on January 20, 2015 at Guadalupe Church, second by Ms. Esquibel, motion carried by unanimous voice vote.***

- II. Discussion and approval of a proposal for the City to take an active part on the implementation of DAPA

***Ms. Diaz moved that a recommendation be made to the Mayor and City Council for the City of Santa Fe to take an active role along with legal service organizations and community organizations for financial support of DAPA, second by Ms. Lopez, motion carried by unanimous voice vote.***

**c. Discussion and approval to support Driver's Licenses for immigrants during Legislative Session – Alejandra Seluja and Marcela Diaz**

House Bill 32 sponsored by Rep. Paul Pacheco (R-Bernalillo):  
The Chair asked that this committee have presence at the Legislature, testify and coordinate with other groups supporting driver's licenses to assure that the message is the same and that we support driver's licenses as they are today. The Chair and Maria Cristina Lopez are there much of the time and she asked the committee members that possibly sharing time and to be present at hearings. It was also requested that Santa Fe County be present.

Ms. Esquibel is writing a letter as an educator to support our children of immigrants so their parents can drive to take them to school or for medical care. The letter will be shared with the committee when it is completed. There will be approximately 100 children at the Legislature.

(Exhibit B: New Mexico Ahead of the Curve Keeping all Drivers Licensed and Talking Points on Driver's license Repeal Bill (for allies).

Mr. Rios moved to approve support of Driver's Licenses for Immigrants during legislative session, second by Ms. Cabeza de Vaca, motion carried by unanimous voice vote.

- d. Business License Ordinance Information – Alejandra Seluja  
Successful process.

**9. Communication from Staff**

Chief Lettenberger will be retiring at the end of this month. Thank you to Chief for his participation.

Mayor Gonzales has asked staff to schedule two follow up meetings and the Chair will be informed.

The Chair asked that Ms. Rodriguez set up a meeting with Mr. Geno Zamora for SFPS policy and procedures for bullying.

**10. Communications from Committee**

None

**11. Next Meeting and Adjourn**

February 3, 2015 at 4:30 pm

There being no further business to come before the Immigration Committee, the meeting was adjourned at 6:15 pm.

**Signature Sheet:**

  
\_\_\_\_\_  
Alejandra Seluja, Chair

  
\_\_\_\_\_  
Fran Lucero, Stenographer

## Santa Fe DAPA Legal Services & Community Education Collaborative

### **Background:**

In November 2014, President Obama announced the Deferred Action for Parent Accountability (DAPA) Program that would potentially provide relief from deportation as well as work authorization to four million undocumented immigrants in the United States. DAPA would allow undocumented immigrant parents of U.S. citizen or legal permanent resident children who have lived in the United States for at least 5 years to apply for work permits. Applications for expanded DACA—Deferred Action for Childhood Arrivals—will be available in February 2015, and DAPA will be available in May 2015. Previously, successful DACA applicants were issued a two year work permit, but beginning next month DACA applicants will be eligible for three year work permits.

### **Impact on Santa Fe:**

14% of Santa Fe residents are foreign born. Immigrants, most of who live in mixed-status families with U.S. citizen children, are an essential part of Santa Fe's workforce. Approximately 5,000 Santa Fe County residents are expected to qualify for work authorization and relief from deportation under President Obama's executive action. This will have a significant impact on Santa Fe's local economy, such as expanding the city and county tax bases, increasing wages and buying power, spurring first-time home purchases, the creation of more locally-based businesses, and in demand for financial services. The cumulative effect will be poverty reduction for workers and their children.

### **Needs and Challenges:**

Based on the roll out of DACA three years ago, accurate information about program requirements was not always readily available to all potential applicants. Many eligible workers, for instance, were unaware that they could qualify under the program's broad educational requirements. An expansive effort by local stakeholders—city agencies, employers, schools, churches, service providers, and civic organizations—will be necessary to ensure that all Santa Fe residents understand DACA and DAPA requirements.

Second, filing an application for DAPA or DACA could be cost prohibitive for many low wage workers. There are only two private immigration attorneys in Santa Fe, and additional low-cost immigration legal services are scarce. The USCIS application fee is \$465, and attorneys have charged upwards of \$2,000 to file each application. For families with several DAPA eligible members, this will simply be unaffordable. Families in desperation may turn to unqualified representatives for legal help and risk not filing their applications correctly.

Third, the low-cost legal service providers in Santa Fe have limited staff and resources that are currently allocated to providing non-DAPA legal services. Without additional funding, these organizations will not be able to extend services to DAPA applicants.

*Exhibit A*

**Proposed Project:**

We are proposing a public/private collaborative to ensure that as many eligible Santa Fe residents as possible—immigrant parents, students, and workers—are able to successfully obtain DAPA three-year work permits and relief from deportation.

**Objectives**

- Provide accurate information to eligible workers in Santa Fe through broad community education, forums, written materials, PSA's, social media etc.
- Protect residents from immigration, tax, consumer, financial and other fraud.
- Identify and implement efficient processes for obtaining required documents from public schools, public hospitals, clinics, city agencies, and other organizations.
- Provide low-cost legal help to Santa Fe parents and workers filing DAPA applications.
- Educate the broader public about the positive impact and important contributions immigrants make to the economy and community.
- Build long-term capacity of Santa Fe city agencies, community organizations, and other stakeholders to expand services, maximize economic contributions and strengthen civic participation of immigrants.

**Legal service providers:**

Adelante, United Worker Center of New Mexico (a project of Somos Un Pueblo Unido) and Catholic Charities of Central New Mexico.

**Potential Collaborators & Funding Sources:**

City of Santa Fe, Santa Fe Immigration Committee, Santa Public Schools, Guadalupe Credit Union, Santa Fe Community Foundation, business associations (i.e. Homebuilder's Association, Lodger's Association) churches with large immigrant congregations, private donors, and philanthropic organizations.

**Activities:**

- Community education via forums (first forum on January 20<sup>th</sup>) to prepare documents for May 2015 start date. Other forms of community education would include written information to be distributed to service agencies, schools, city agencies, etc.
- Stakeholder meeting at Santa Fe Community Foundation on January 28<sup>th</sup> to identify potential funding sources.
- Clinics with legal service providers and immigrant communities for one-on-one consultations in March and April and referrals to one of the three legal organizations. Complicated legal cases will be referred to local attorneys.
- In May, legal service providers (Adelante, *Somos* & Catholic Charities) will begin processing applications. The goal is to help process 1,500 applications between the three organizations between May 2015 and June 2016.

**For more information, contact Marcela Díaz at Somos Un Pueblo Unido (505) 670-9301 or Gaile Herling at Adelante (505) 577-5998.**

## **Talking Points on Driver's License Repeal Bill (for allies)**

### **RE: HB 32 Sponsored by Rep. Paul Pacheco (R-Bernalillo)**

- **The verdict is in: licensing immigrant drivers is good public policy. Others states are now following New Mexico's lead.**

Background: In 2013, seven states, Puerto Rico and Washington DC passed laws similar to New Mexico's requiring undocumented immigrants to be licensed (CA, CO, NV, IL, MD, CT & VT). They did this with strong support from Democrats, Republicans, and law enforcement agencies because those states were experiencing considerable public safety problems as a result of unlicensed drivers. Currently, one third of undocumented immigrants in the country are eligible for licenses in their state of residence.

- **Enough with the politics: New Mexico's current law is tested and it works**

Background: Over 90,000 immigrants have taken the required driver's license exams, purchased insurance, registered their vehicles, and entered their residency and identity information into the state's largest law enforcement database. These drivers live, work, and go to school in our state, and not allowing them to keep their licenses is senseless and dangerous. Driver's license fraud, grossly exaggerated by politicians in the past, is clearly under control. By Governor Martinez' own admission in the recent election, MVD has effectively utilized the numerous tools authorized by statute to catch and punish those who would try to game the system.

- **HB 32 is discriminatory and likely unconstitutional; costly litigation guaranteed**

Background: HB 32 would deny drivers' licenses to all undocumented immigrants including Deferred Action for Childhood Arrival (DACA) recipients, as well as those eligible for the pending Deferred Action for Parent Accountability (DAPA) program. The US Supreme Court refused in December to stay a 9<sup>th</sup> US Circuit Court of Appeals ruling that an Arizona policy denying licenses to DACA recipients likely violated the Equal Protection Clause of the US Constitution. HB 32 would most certainly be challenged in court.

- **HB 32 would hurt thousands of children born in New Mexico**

Background: In New Mexico, 85% of children with immigrant parents were U.S. citizens. This means thousands of children who were born in New Mexico count on their parents' drivers' licenses for safe transportation, as well as for identification at schools, pharmacies, doctor's offices, hospitals, and state agencies. Denying licenses and ID's to immigrant parents would only harm the public safety, educational opportunities, and economic security of New Mexican children.

- **REAL ID Act; no threat to New Mexicans**

Background: DHS announced in 2013 that REAL ID enforcement will be postponed for a fourth time because only 21 states are in full compliance. It will reassess implementation no sooner than 2016. DHS also announced that the federal government will continue to accept New Mexico drivers' licenses to board commercial flights. Meanwhile, 25 states passed laws prohibiting full compliance with REAL ID, making it nearly impossible for the federal government to implement the enforcement triggers associated with REAL ID.

*Richard B*

➤ **Changing our law to a two-tiered licensing system is an unnecessary and costly step backward**

Background: While denying licenses to all undocumented immigrants, HB 32 would create a marked or “scarlet letter” driver’s permit for certain legal immigrants (DACA recipients). A marked license could have an unintended impact on racial profiling, the number of detentions and deportations initiated by local law enforcement officials, discriminatory treatment in lending and business transactions, and hate crimes. Revamping our licensing system would also cost MVD millions of dollars, an unnecessary waste of taxpayer’s money. **New Mexico has a law in place that is tested and works.**

Also, the REAL ID Act, contrary to misleading information perpetuated by politicians, does allow states to issue a standard license to all drivers, regardless of immigration status. A marked license for immigrants is not mandated.

Website for legislators and their constituents: [www.saferoadsnm.com](http://www.saferoadsnm.com); Somos’ DL blog for allies: [www.somosunpueblounido.org/DLNews](http://www.somosunpueblounido.org/DLNews)  
Contact—Marcela Díaz 505-670-9301



# NEW MEXICO AHEAD OF THE CURVE KEEPING ALL DRIVERS LICENSED

(Updated by *Somos Un Pueblo Unido*—January 2015)

## Background

In 2003, community and faith groups, victims' rights advocates, and law enforcement officials came together to promote a law requiring undocumented immigrant drivers to apply for a license. Since then, about 90,000 immigrants have successfully applied, taking the eye, written and road exams, registering their vehicles, and purchasing auto insurance. Governor Susana Martinez and a handful of Republican politicians have repeatedly tried to repeal the law. This would have disastrous consequences for public safety in New Mexico. Other states, meanwhile, have started to follow our lead.

## The verdict is in: requiring all drivers to be licensed is good public policy

### New Mexico is ahead of the national trend

Citing public safety concerns, seven other states, Puerto Rico, and Washington DC passed laws similar to New Mexico's in 2013 (CA, CO, CT, IL, MD, NV, and VT). They did this with strong support from Democrats, Republicans, and law enforcement agencies. Currently, one quarter of undocumented immigrants in the country are eligible to obtain a driver's license in their state of residence.

### Licensing immigrants improves public safety

- Victims and witness are more likely to call the police and participate in investigations. Victims also need a valid ID to go to court and request restraining orders.
- Immigrants are more likely to stay or render aid at the scene of an accident and exchange insurance information.
- Immigrants are more likely to cooperate with police when being cited for moving violations, make court appearances, and pay fines for traffic violations.
- Unlicensed drivers are more than twice as likely as licensed ones to cause a fatal crash.

### Strengthens efforts to prevent DWI's and underage drinking

- All immigrants under 25 must pass a DWI prevention course and exam before applying for a driver's license.
- The state can now keep track of immigrants' DWI violations, sentencing compliance, revocations, etc.
- Since 2003, New Mexico has seen a big decrease in alcohol-related crashes, injuries, and deaths.
- Alcohol and tobacco vendors can more accurately determine a person's age using a state issued driver's license.

### Provides important tools for law enforcement and supports officer safety

- During stops or investigations, police can quickly identify immigrants and check their record without having to examine documents in foreign languages. This makes officers safer and more efficient.
- Local, state and federal law enforcement can track outstanding warrants, repeat offenders, child support delinquents and citations of individuals who do not have social security numbers.
- All law enforcement, including federal immigration agents, can access MVD records to obtain photos, information and last known addresses for individuals with outstanding arrest warrants.

### Benefits the economy

- According to the state's own statistics, the uninsured motorist rate has decreased from 21% in 2003 to about 9% today, saving all New Mexicans in insurance premiums.
- Immigrants without socials contributed well over \$20 million to MVD in license and registration fees.
- To obtain an ITIN, a requirement to apply for a driver's license, an immigrant must file their federal income taxes. Immigrants also use the ITIN to pay state income taxes, contributing millions to New Mexico's tax base.

### Real ID Act; no threat to New Mexicans

- In December 2013, the Department of Homeland Security postponed for a fifth time implementation of the Real ID Act for individuals until further review no sooner than 2016.
- The federal government will continue to accept New Mexico drivers' licenses to board commercial flights.
- REAL ID allows states to issue licenses to undocumented immigrants. Some states that have been certified REAL ID compliant even though they've passed laws to license undocumented immigrants (CO, CT, MD, UT, & VT).

For more information go to [www.saferoadsnm.com](http://www.saferoadsnm.com) or call (505) 424-7832