



Agenda

DATE 9/24/13 TIME 11:02a

SERIALIZED BY Terrie Rodriguez

RECEIVED BY [Signature]

**Immigration Committee
October 1, 2013
Councilors' Conference Room
City Hall
4:30 p.m. to 6:00 p.m.**

1. Roll Call
2. Approval of Agenda
3. Approval of Minutes – September 3, 2013
4. Announcements
5. Community Comments
6. Old Business
 - a. State Police Chief Letter - Approve Draft Letter – Alejandra Seluja
 - b. Same Sex Marriage – Impact on Immigrant Gay Couples – Allegra Love
7. New Business
 - a. Re-Visit Waiver I-601 – Alejandra Seluja
 - b. Summary of Meeting with USCIS Regional Director – Alejandra Seluja
8. Communications from Staff
9. Communications from Committee
10. Next Meeting and Adjourn

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**IMMIGRATION COMMITTEE
INDEX – OCTOBE 1, 2013**

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Call to Order and Roll Call	The meeting was called to order by Ms. Alejandra Seluja, Chair, at 4:30 pm, a quorum was not present at roll call.	2
Approval of Agenda	<i>No formal action for lack of quorum</i>	2
Introduction of Board Member and Guests	<i>Reflected in Minutes – Others Present</i>	2
Approval of Minutes September 3, 2013	<i>No formal action for lack of quorum</i>	3
Announcements	<i>Informational</i>	3
Community Comments	<i>Informational, no formal action taken</i>	3
Old Business a. State Police Chief Letter b. Same Sex Marriage – Impact on Immigrant Gay Couples	<i>No action taken for lack of quorum</i> <i>Ms. Alegra Love presentation (Exhibit B)</i>	4
New Business a. Revisit Waiver I-601 b. Summary of Meetings with USCIS	<i>Informational, no formal action taken.</i>	4
Communications from Staff	<i>Informational</i>	4-5
Communications from the Committee	<i>Informational</i>	5
Adjournment and Signature Page	There being no further business to come before the Immigration Committee, the Chair called for adjournment at 6:00 pm.	5

IMMIGRATION COMMITTEE

October 1, 2013

4:30 P.M. - 6:00 P.M.

MINUTES

I. Call to Order

The meeting was called to order by the Chair at 4:30 pm, City Councilor's Conference Room, Santa Fe, Mexico. A quorum was non-existing at this meeting of October 1, 2013. No formal action was taken.

II. Roll Call

Present:

Alejandra Seluja, Chair
Maria Cristina Lopez
Cara Esquibel
Elizabeth Hemmer

Not Present:

Marcella Diaz
Amparo Guerrero
Jewel Cabeza de Vaca
Cecilia Tadfor, Excusad

Others Present:

Terri Rodriguez, Staff Liaison
Chris Sanchez, Children & Youth Staff Member
Captain Dale Lettenberger, Santa Fe Police Department
Julia Valdez, Santa Fe County
Fran Lucero, Stenographer

Tom Starke, Santa Fe County DWI Planning Council
Pedro Terrazas, Citizen
Laura Terrazas, Citizen
Allegra Love, ADELANTE Program, Santa Fe Public Schools

III. Approval of Agenda

No action, lack of quorum.

IV. Introductions of Board Members and Guests

Sign In Sheet – Reflected in “Others Present”

V. Approval of minutes of September 3, 2013

No action, lack of quorum.

VI. Announcements

On the Road to Statewide Caravan. The US House of Representatives refuses to bring immigration reform to a vote & Congressman Pearce, from Hobbs, is the only member of the NM Congressional Delegation who does not support a path to citizenship. Candlelight vigil will be held on October 5th, 6:00 pm at Our Lady of Guadalupe church to support those travelling to Hobbs.

VII. Community Comments

Guest: Tom Starke, Santa Fe County DWI Planning Council – invited by Maria Cristina Lopez, committee member.

Mr. Starke stated that they are in the midst of their annual planning process and would like to reach out to the Immigrant Community to provide education and support regarding the DWI laws of New Mexico, reducing substance abuse and use of opiates. Mr. Starke would like to receive input from the immigrant community and asked the committee members for suggestions on how best to reach this population. Mr. Starke stated that he is working with Shelley Mann-Lev from Santa Fe Public Schools to assure that the children can take information back home to their families. Mr. Starke said that it is important to identify the issues in order to provide education and services. He stated that 13% of our community, based on county statistics, is immigrants. It was noted that Sgt. Ludowski from the Santa Fe City Police is also working with the DWI Planning Council.

Recommendations are to have Spanish speak advocates who can volunteer at community events or meetings on the south side and provide them with educational information. Another support person would be Deacon Anthony Trujillo and the churches, most important are San Isidro and Guadalupe Catholic Church who hold a Spanish Speaking mass. Mr. Sanchez also offered the support from the Children and Youth Commission who award 35 community organizations. Maria Cristina Lopez encouraged Mr. Starke to contact SOMOS un Pueblo Unido. Alegra Love, Immigration Attorney with Adelante also encouraged dialogue with the immigrant community in Spanish to help them understand.

Guests: Mr. and Mrs. Pedro Terrazas

Mr. and Mrs. Terrazas addressed the committee seeking guidance on a recent lay-off of Mr. Terrazas from his employment. There were questions related to the steps followed and questioning of other employees related to this lay-off. Mr. Terrazas did seek help from SOMOS un Pueblo Unido and they directed Mr. Terrazas to seek legal counsel. The Immigration Committee thanked the Terraza family for bringing this information to their attention and also encouraged the Terraza family to utilize the resources available to them through the State of New Mexico Workforce Solutions and the Civil Rights Division.

VIII. Old Business

- a. State Police Chief Letter – Approve Draft Letter
Postponed action, lack of quorum.
- b. Same Sex Marriage – Impact on Immigrant Gay Couples – Allegra Love
Immigration Attorney, Allegra Love presented (Exhibit B) Notes on Immigration Benefits Post-DOMA.

Ms. Love reiterated that all references made in Exhibit B are based on Federal Law. Referencing “derivatives” means “children”. This law enactment is available immediately. It was clarified that civil unions are not marriages. There is also a time limit to re-open cases from February, 2011. Ms. Love covered each item one-by-one in her document. No questions at this time. Thank you to Ms. Love for presenting this important information.

IX. New Business

a. Re-Visit Waiver I-601 – Alejandra Seluja

Ms. Seluja met with USCIS regarding the 601-A application process to request not to be deported. Ms. Seluja reported the importance of specifying the extreme hardship reasons for a spouse not to be deported. Noting casually that it is a hardship will not result in any consideration; applicant has to specify the extreme hardship reasons.

b. Summary of Meeting with USCIS

Mayor Coss and Ms. Seluja, Chair of the Immigration Committee met with USCIS Regional Director and the Albuquerque Director. The discussion and cohesive agreement is to reach out to the immigrant community to diminish the fear and correlation of USCIS and ICE. The Chair would like to have a Focus Group created possibly through Adelante to work together on this topic.

X. Communication from Staff

Ms. Rodriguez informed the committee that there would be a repeat event of the “taking back drugs” effort in cooperation with Santa Fe County/Santa Fe City Police/Wal-Mart and other local places of business. Ms. Rodriguez will send out an e-mail to the committee informing them of the October 26th activity and its location.

Ms. Rodriguez reported on the Quality of Life Effort of the SW being led by Councilor Carmichael Dominguez. On November 1, 2013 from 9:30 am – 11:30 am at the Zona del Sol a kick-off meeting will be conducted. In support of this endeavor are Senator Heinrich and Representative Lujan.

The City Clerk’s office has purchased translating equipment for use during city business.

Transitional School follow-up meeting. Mr. Sanchez reported that 95 people were in attendance at this meeting which included community members, governmental and educational officials and other interested organizational leaders. Planning is progressing smoothly, more information to follow.

XI. Communications from the Committee

Maria Christina Lopez requested that the idea of having the Mayor and City Council candidates attend a meeting and explain their stand on immigration issues be kept on the agenda.


Ms. Lopez also noted that a reminder should be sent to the Immigration Committee members on the importance of having a quorum for conducting business.

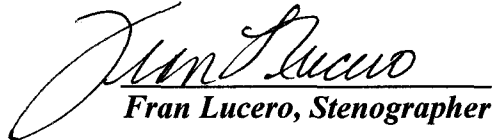
XII. Next meeting November 5, 2013

XIII. Adjournment

There being no further business to come before the Immigration Committee, the Chair called for adjournment at 6:00 pm.

Signature Sheet:


Alejandra Seluja, Chair


Fran Lucero, Stenographer

On the Road to Citizenship Statewide Caravan

The U.S. House of Representatives refuses to bring immigration reform to a vote & Congressman Pearce, from Hobbs, is the only member of the NM Congressional delegation who does not support a path to citizenship



Join us in Santa Fe for a send off & blessing of the CARAVAN TRAVELERS who are coming from all over New Mexico to travel to Hobbs to continue the pressure on Pearce.

CANDLE LIGHT VIGIL

& BLESSING FOR THE CARAVAN TRAVELERS

WHEN? *Saturday Oct. 5th*

TIME: *6 p.m.*

WHERE? *Sanctuary of Our Lady of Guadalupe (Meet in front of the statue of the Virgin)*

417 Agua Fria St Santa Fe, NM 87501

For more information call Somos Un Pueblo Unido at 505-424-7832

Lupita A

Notes on Immigration Benefits Post-DOMA

- June 26th 2013, in landmark case *US v. Windsor*, the Supreme Court held that Section 3 of the Defense of Marriage Act (DOMA) is unconstitutional. Section 3 defined the term "marriage" as a union between a man and a woman for purposes of all federal statutes and federal agency regulations and rulings. Before *Windsor*, Section 3 of DOMA was the only impediment for same sex couples to file applications for immigration benefits.
- Immediately following the ruling in *Windsor*, US immigration agencies including USCIS, DHS, Department of Labor (DOL), and Department of State took on the task of implementing the decision and ensuring that non-citizens in same-sex marriages were afforded equal benefits as all other couples.
- So far there are 13 Marriage Equality states (14?) + DC and over a dozen countries that recognize same sex couples. DHS and other agencies celebrate the "Place of Celebration Rule" meaning if the marriage was valid in the place it was celebrated, it will be recognized as valid even if they are no longer residing in that state.
- Certain benefits are ~~not~~ available that were not when DOMA had the force of law:
 - Adjustment of Status or Consular Processing with family based petitions
 - Adjustment or consular processing for derivatives
 - Cancellation of Removal
 - Waivers that require a qualifying relative
 - Derivatives for asylum
 - Derivatives for non-immigrant visas
 - Fiancée Petitions
 - VAWA Self-Petition
 - Wait three years instead of five to naturalize
- Couples can apply for benefits immediately! If they have been denied a benefit based solely because of Section 3 of DOMA they can motion to reopen their cases. They should contact a qualified immigration attorney in this scenario. There are time limits for reopening cases that were denied prior to February 2011
- This will change visa preferences. People may suddenly find that they are "Married" and not "Unmarried" and find their categories switched as they wait for a visa. This will likely lengthen wait times. But they can bring their spouse with them as a derivative!
- There may be issues in proving a bonafide marriage as many couples are not allowed to do the things that immigration agencies generally take to prove bonafide marriages. They may have to face high skepticism of fraud. In all cases the petitioner has to show – by preponderance of evidence that the marriage was entered into in good faith and not for the purpose of evading immigration law.
- Civil Unions are not marriage so it seems, although guidance is scant on this issue, that it would not trigger a benefit that a non-citizen is eligible for through marriage. However, in some places, step-children can be acquired through civil union and then they can be petitioned for
- In some cases it may be dangerous for a gay couple to return to one's country of origin because it is dangerous for same sex couples. There has been talk of providing a third party country for consular processing in those situations.

Exhibit B