



City of Albuquerque Safer Community Places Ordinance
Frequently Asked Questions

City of Albuquerque Safer Community Places Ordinance (O-26-15)

Important: This guide is for informational purposes and does not constitute legal advice.

 **OVERVIEW & SCOPE**

The Safer Community Places Ordinance regulates how businesses interact with law enforcement agents conducting or supporting immigration enforcement. It establishes clear rules regarding voluntary workplace consent, required signage, safety plans, and mandatory employee notifications.

- **Who it affects:** All public and private businesses operating in the City of Albuquerque.
- **Federal Law Alignment:** This ordinance does not require employers to violate federal law or interfere with lawful law enforcement activities. It specifically regulates voluntary cooperation.

 **1. SPECIAL RULES FOR "SAFER COMMUNITY PLACES" (SCPs)**

Certain facilities are designated as "Safer Community Places" due to their role in public health, safety, and welfare. These include hospitals/healthcare clinics, schools, daycares, disaster/emergency shelters, County facilities, and public work zones/construction sites.

- **No Voluntary Entry:** SCPs are prohibited from giving voluntary consent to immigration enforcement agents seeking access to private, non-public areas of the business.
- **No Voluntary Record Sharing:** SCPs cannot voluntarily allow agents to access, review, or obtain protected student or patient records.
- **The Exceptions:** These restrictions do not apply if the agent presents a valid judicial warrant, subpoena, court order, or if exigent circumstances exist (such as preventing an imminent bodily threat).
- **No Interference:** The ordinance does not require or encourage employees to physically block or interfere with law enforcement.

 **2. REQUIREMENTS FOR ALL COUNTY BUSINESSES**

If your business operates in the City of Albuquerque and is seeking to register or re-register, you must meet the following criteria:

- **Mandatory Signage:** You must display clear signs at your workplace designating private (non-public) areas to mark the boundary where the general public is not allowed. Signs must remain visible during all operational hours.
- **Written Safety Plans (5+ Employees):** If you employ 5 or more workers (including full-time, part-time, temporary, or seasonal staff across all NM locations), you must adopt a written "Safety Plan."
 - ***This plan must outline steps to protect workers and customers from unwanted law enforcement intrusion into private spaces. - It must be made available to all employees in their primary communication language.***

3. STRICT 24-HOUR NOTICE REQUIREMENTS

All employers in the county must comply with rapid-response notification rules regarding immigration enforcement presence:

- **I-9 Audit Notices:** If a federal agency (like ICE) serves your business with a "Notice of Inspection" to audit your I-9 forms or employment records, you must notify all employees in writing within 24 hours. This notice must be posted conspicuously and distributed individually in the workers' primary language.
- **I-9 Audit Results:** If the audit reveals that an employee's work authorization documents are deficient, you must hand-deliver a private, written notice to that specific affected worker within 24 hours. The notice must detail the deficiency, the timeline for correction, and state their right to representation during meetings.
- **General Enforcement Presence:** If an immigration enforcement agent is present at your workplace for any reason other than an I-9 audit, you must notify current employees and contractors electronically or in writing within 24 hours. The notification must state the agency's name, date, and the nature of their actions.

KNOWING YOUR DOCUMENTS: JUDICIAL VS. ADMINISTRATIVE

- **Valid Judicial Documents:** Warrants, subpoenas, or orders issued by a state or federal court and signed by a state or federal judge.
- **Administrative Documents:** Warrants, subpoenas, or removal orders issued directly by a federal agency, immigration officer, or immigration judge do not count as valid judicial authorizations under this ordinance.