

Mayoral candidates divided on Albuquerque's immigrant-friendly status amid federal funding threats



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Reporter

Candidates' full responses

Albuquerque voters will soon have to decide which vision of immigration policy aligns with their values—and their bottom line.

Alex Uballez

Question: Are we an immigrant-friendly city or a sanctuary city?

Answer: By city ordinance (R-18-7), the people of Albuquerque have declared Albuquerque to be immigrant friendly.

Question: Can you define the difference between the two?

Answer: Neither is a legal term, so we rely on context for definition. An immigrant friendly city is defined in ordinance as a city that “welcomes and encourages immigrants to live, work and study in Albuquerque and to participate in community affairs, and recognizes immigrants for their important contributions to our culture and economy.” In the President’s Executive Order, he has defined sanctuary jurisdictions as a “local jurisdiction that obstruct[s] the enforcement of Federal immigration laws.” The operative word is

“obstruct.” To put it in plain terms, if a person ran a marijuana shop in violation of federal law, a civilian witness (or a city) would violate federal law if they physically blocked the way of FBI agents as they executed an arrest warrant on the owner. “[W]elcoming and encouraging immigrants to live, work and study in Albuquerque,” does not “obstruct the enforcement of Federal immigration laws” and so it appears that the President did not include cities like Albuquerque in the scope of his Executive Order.

Question: If we are an immigrant-friendly city, does that mean we will not help provide information to ICE agents about the immigration status of the people living here?

Answer: By ordinance, “no City agency, department, officer, employee, or agent shall collect, make, or initiate any inquiry regarding the citizenship or immigration status of an individual,” (with enumerated exceptions). This means that the City of Albuquerque is not collecting information regarding immigration status, and therefore, none will be available upon request of ICE agents.

Question: If we are not going to provide that information to ICE agents, Albuquerque is threatened with losing federal funding. What would you do without that federal funding?

Answer: Because Albuquerque does not obstruct federal immigration law, there are no grounds in the current Executive Order to defund the City of Albuquerque. Even if the DOJ and DHS misinterprets the President’s words, they would have no legal basis to force compliance—the federal government cannot force local officials to enforce federal laws (*Printz v. United States*). Furthermore, the federal government has enough immigration resources, having conscripted the federal agencies tasked with keeping us safe from violence and drugs, like the DEA and US Marshals, to instead enforce federal immigration law. We need our police to pick up the slack and keep us safe from violent crime and drug trafficking in the absence of federal attention. This right to prioritize the people of Albuquerque is enshrined in the Tenth Amendment of the U.S. Constitution: the federal government “may neither issue directives requiring the States to address particular problems, nor command the States’ officers, or those of their political subdivisions, to administer or enforce a federal regulatory program.” Furthermore, the President does not have the power to impose conditions on federal grants—only Congress does. Even if the President wanted to defund Albuquerque, it would take an act of Congress to achieve it. We’ve won this in Court before

(City and County of San Francisco v. Trump) and will win again. Finally, we are strong enough to withstand a President who would ignore his own words and the law. As United States Attorney, I led the USAO through the single largest budgetary shortfall in DOJ history, and kept us in the black the entire time all while fighting violent crime, drug trafficking, and unearthing thirty years of corruption in the Albuquerque Police Department. The City budget has ballooned by nearly 50% from just under \$1B in 2018 to \$1.4B today, far outpacing inflation and population growth. Just as I did in the U.S. Attorney's Office, we would go line-by-line through the budget and the organization chart finding every extra dollar to keep our city afloat all while improving the service we provide to the people.

Question: If elected, are you going to push to have the city declared immigrant-friendly, a sanctuary city, or neither?

Answer: I will fight to protect the people of Albuquerque. We do that by getting to work here at home: driving down violent crime, building solutions to homelessness, and growing a vibrant economy. If we care about violent crime, that means we care about victims and witnesses being brave enough to call for help and testify in court and not fear that they or their family members will be deported. If we care about the unhoused, that means we care about lowering the barriers to getting people into houses. If we care about our economy, it means we care about the massive contributions of the tens of thousands of undocumented immigrants in Albuquerque—from their innovation, to their hard work, to the taxes they contribute, to their vibrant role in our culture and our community. At the end of the day, I will never trade lives in Albuquerque for statistics in D.C.

Darren White

Question: Are we an immigrant-friendly city or a sanctuary city?

Answer: Albuquerque is clearly a Sanctuary City, which was enacted by Mayor Keller in 2018.

Question: Can you define the difference between the two?

Answer: The difference is that Mayor Keller's Sanctuary City law specifically prohibits ICE from being present in the Prisoner Transport Unit to determine if those arrested for crimes in Albuquerque are here illegally. This prevents ICE

from being able to put detainers on illegal immigrants who are arrested for crimes, which leads to them being released back onto our streets.

Question: If we are an immigrant-friendly city, does that mean we will not help provide information to ICE agents about the immigration status of the people living here?

Answer: We have had an immigrant-friendly policy for years, and the Albuquerque Police Department has never enforced federal immigration law against witnesses, victims, etc. What Tim Keller did was specifically provide protection for illegal immigrants arrested for crimes. This has led to numerous tragedies involving illegal immigrants who have been released back onto our streets and commit more crimes, including murder.

Question: If we are not going to provide that information to ICE agents, Albuquerque is threatened with losing federal funding. What would you do without that federal funding?

Answer: I will repeal the Sanctuary City Law immediately upon taking office.

Question: If elected, are you going to push to have the city declared immigrant-friendly, a sanctuary city, or neither?

Answer: If elected, I will not allow Albuquerque to be a Sanctuary City for illegal immigrants who commit crimes and we will fully cooperate with federal law enforcement. We will continue to protect witnesses and crime victims, but we will not shield illegal immigrants from ICE when they are arrested for crimes. I will ensure that ICE can once again maintain a presence in the Prisoner Transport Unit. Under Mayor Keller, Albuquerque has been plagued by a historic crime crisis, including over 750 murders. Police already have more than enough to deal with from local criminals who are preying on our community -- we don't need more who are here illegally.

Mayling Armijo

Question: Are we an immigrant-friendly city or a sanctuary city?

Answer: Albuquerque is an immigrant-friendly City. Albuquerque officially became an immigrant-friendly City in 2000 with the passage of Resolution R-00-151.

Question: Can you define the difference between the two?

Answer: The term “Sanctuary City” is not legally defined. However, it refers to cities that limit cooperation with Immigration and Customs Enforcement (ICE) and protect individuals from being questioned or detained based solely on their immigration status. Because the terms (Immigration-friendly and Sanctuary) are often used interchangeably, there are no specific differences other than Albuquerque officially declares itself an Immigrant-friendly City and legally sets forth the rights and privileges of immigrants. The Twenty-third City Council (Bill R18-7) enacted a Resolution regarding the City’s status as an Immigrant-friendly City. It more specifically provides as follows:

- “ The City welcomes and encourages immigrants to live, work, and study in Albuquerque and to participate in community affairs, and recognizes immigrants for their important contributions to our culture and economy;”
- The City shall not discriminate on the basis of a person's national origin and will treat all persons with respect and dignity, regardless of immigration status”
- The City resolution reaffirms that “no municipal resources shall be used to identify individuals’ immigration status or apprehend persons on the sole basis of immigration status, unless otherwise required by law to do so”
- Further the Resolution acknowledges that the Tenth Amendment of the Constitution of the United States recognizes the sovereign status of the states and their political subdivisions and precludes the federal government from attempting to compel state and local governments, either directly or by their use of threats to withhold federal funding, to assist the federal government in enforcing federal laws, including immigrations laws.”

Question: If we are an Immigrant-friendly City, does that mean we will not help provide information to ICE agents about the immigration status of the people living here?

Answer: Immigrant-friendly Cities do not report undocumented immigrants to Border Patrol or ICE. They do not impede federal law enforcement. They do not assist with federal law enforcement. They do not shelter or conceal immigrants from detection. They do not gather immigration status of the people living in their cities. However, it is imperative to understand that an

immigrant-friendly city will prosecute an undocumented immigrant if they commit a crime.

Question: If we are not going to provide that information to ICE agents, Albuquerque is threatened with losing federal funding. What would you do without that federal funding?

Answer: Federal funding is imperative for the continued success, betterment, and safety of the citizens in Albuquerque. My expertise and experience in economic development provide me with the skills necessary to attract new businesses to the community to diversify our tax base. We would work to improve infrastructure, promote the community's strengths and unique characteristics, and request participation from the State and the County. I would like us to explore tapping into new revenue streams such as opioid settlements and marijuana tax revenue, implementing budget cuts to streamline spending, and encouraging partnerships with private organizations and philanthropists to secure more funding for specific initiatives. Also, I would work closely with the New Mexico Federal Delegation to advocate for continued federal funding.

Question: If elected, are you going to push to have the City declared immigrant friendly, a sanctuary city or neither?

Answer: Albuquerque is already well-established as an immigrant-friendly City, and under my administration, if elected, will remain so. On April 28, the current president issued an executive order titled "Protecting American Communities from Criminal Aliens." Based upon research by the University of New Mexico, there is no correlation between immigrant-friendly/Sanctuary Cities and crime. In fact, research shows that cities with sanctuary policies have lower crime rates than cities without them. Sanctuary policies encourage participation in community policing by all members of the community and engagement with social services and community and economic development initiative that mitigate poverty. Immigrants have always played a vital role in New Mexico's economy. I believe that involvement in federal civil immigration laws would undermine our already limited community policing, hinder a productive and trusting relationship with the immigrant community, and divert public safety resources in addition to violating constitutional rights of the citizens of New Mexico under the Fourth Amendment of the Constitution of the United States.

Eddie Varela

Question: Are we an immigrant-friendly city or a sanctuary city?

Answer: Albuquerque is both an immigrant-friendly and a sanctuary city. Albuquerque passed a policy in 2018 which prevents local government and law enforcement from questioning or disclosing a person's immigration status or using city resources to enforce federal immigration laws. This law also aligns with the definition of a sanctuary city, which limits cooperation with federal enforcement.

Question: Can you define the differences between the two?

Answer: Cities that are friendly to immigrants generally support them in many ways but might still follow federal rules on immigration. Sanctuary cities, on the other hand, go a step further by limiting how much they help federal immigration officials, aiming to protect undocumented immigrants.

Question: If we are an immigrant-friendly city, does that mean we will not help provide information to ICE agents about the immigration status of the people living here?

Answer: We will cooperate with all federal agencies.

Question: If we are not going to provide that information to ICE Agents, Albuquerque is threatened with losing federal funding. What would you do without federal funding?

Answer: If elected Mayor of Albuquerque, we will not lose federal funding under my administration for any reason.

Question: If selected, are you going to push to have the city declared immigrant-friendly, a sanctuary city, or neither?

Answer: Neither.

Patrick Sais

Note: Sais only replied to the first three questions.

Question: Are we an immigrant-friendly city or a sanctuary city?

Answer: We are called immigrant-friendly.

Question: Can you define the difference between the two?

Answer: No defense

Question: If we are an immigrant-friendly city, does that mean we will not help provide information to ICE agents about the immigration status of the people living here?

Answer: Yes I will comply.

Brian Fejer

Question: Are we an immigrant-friendly city or a sanctuary city?

Answer: Neither - Albuquerque has been an autonomous city since 1706.

Question: Can you define the difference between the two?

Answer: The phrases 'immigrant-friendly city' or 'sanctuary city' are partisan talking points, just like #HousingFirst or #BuildTheWall

Question: If we are an immigrant-friendly city, does that mean we will not help provide information to ICE agents about the immigration status of the people living here?

Answer: According to the United States Constitution, the Tenth Amendment limits the federal government's power, preventing it from "commandeering" state and local governments to enforce federal laws #ReadingIsFundamental

Question: If we are not going to provide that information to ICE agents, Albuquerque is threatened with losing federal funding. What would you do without that federal funding?

Answer: The State of New Mexico has always been too dependent on Federal spending. We need to diversify. Given that our state is sitting on 53.407 billion dollars in financial reserves from oil, gas, and investments for a rainy day, maybe it's time to realize that we're up to our necks in flood waters.

Question: If elected, are you going to push to have the city declared immigrant-friendly, a sanctuary city, or neither?

Answer: Neither. Our current immigration system in the United States is rooted in the atrocities of WW2. Given that we supposedly live under a system of Constitutional Checks and Balances, to update and change immigration laws, the United States legislative branch would have to pass immigration reforms. The GOP has been killing reforms for two decades. The Democrats are too feckless to counter the GOP's subhuman immigration rhetoric. The right to seek asylum emerged from the atrocities of World War II, leading to its incorporation into international law through the 1951 Refugee Convention and its 1967 Protocol. The U.S. recognized this right and incorporated it into domestic law with the Refugee Act of 1980.