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SENATE MEMORIAL 42

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Jacob R. Candelaria

A MEMORIAL

DENOUNCING A BAN TO PREVENT CERTAIN MUSLIMS FROM ENTERING THE UNITED STATES.

WHEREAS, on Friday, January 27, 2017, the president of the United States signed an executive order to ban Syrians from taking refuge in the United States; and

WHEREAS, the executive order also halts the United States' refugee resettlement program for four months and temporarily blocks people from certain, mostly Muslim, countries from entering the United States; and

WHEREAS, the president approved the refugee ban on holocaust remembrance day, which honors the millions of people killed during World War II, many of whom tried to flee to the United States but were turned away; and

WHEREAS, the executive order, among other directives,

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1 blocked refugee admissions from the war-torn country of Syria
2 indefinitely and suspended refugee admissions from all
3 countries for one hundred twenty days; and

4 WHEREAS, the American civil liberties union and other
5 legal organizations filed a lawsuit on behalf of individuals
6 who were subject to the executive order's ban; and

7 WHEREAS, those individuals have been detained by the
8 United States government and threatened with deportation even
9 though they have valid visas to enter the United States; and

10 WHEREAS, the American civil liberties union argued that
11 hundreds of immigrants and lawful visitors to the United States
12 would suffer irreparable harm under the Muslim ban; and

13 WHEREAS, in a decision and order issued on January 28,
14 2017 by the United States district court, eastern district of
15 New York, the petitioners were found to have a strong
16 likelihood of success in establishing that the removal of the
17 petitioners and others similarly situated violates their rights
18 to due process and equal protection guaranteed by the United
19 States constitution; and

20 WHEREAS, in that order, the court enjoined the removal of
21 "individuals with refugee applications approved by United
22 States citizenship and immigration services as part of the
23 United States refugee admissions program, holders of valid
24 immigrant and non-immigrant visas, and other individuals from
25 Iraq, Syria, Iran, Sudan, Libya, Somalia and Yemen legally

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1 authorized to enter the United States."; and

2 WHEREAS, other court orders were filed by judges in at
3 least four different cities, and the orders require maintenance
4 of the status quo; and

5 WHEREAS, the United States department of homeland security
6 stated that it would comply with the court orders; and

7 WHEREAS, in ordering the ban, the president maintained
8 that the United States government retains the right to revoke
9 visas at any time if it is required for national security or
10 public policy; and

11 WHEREAS, the president's executive order is a significant
12 departure from previous executive efforts to admit more
13 refugees into the United States and to improve relationships
14 with Muslims; and

15 WHEREAS, the president's policies are expected to affect
16 tens of thousands of people, including refugees preparing to
17 come to the United States; foreign nationals; immigrants;
18 would-be visitors from designated countries; and Americans with
19 families who now will be unable to visit; and

20 WHEREAS, there are concerns that the order may also
21 endanger United States national security interests by
22 imperiling strategic alliances in the Middle East; and

23 WHEREAS, former secretary of state Madeleine Albright
24 called the order "a gift to the Islamic state of Iraq and
25 Syria" to be used as propaganda in support of their anti-

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1 Western rhetoric;

2 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
3 OF NEW MEXICO that it denounce the recent ban to prevent
4 certain Muslims from entering the United States; and

5 BE IT FURTHER RESOLVED that the courts be encouraged to
6 continue to assess the limits of presidential power over
7 immigration policy and continue to maintain judicial checks
8 against unconstitutional policies or orders; and

9 BE IT FURTHER RESOLVED that copies of this memorial be
10 transmitted to the president of the United States, the chief
11 justice of the United States supreme court, the president pro
12 tempore of the United States senate, the speaker of the United
13 States house of representatives and members of the New Mexico
14 congressional delegation.