



Mayor's Office of  
Immigrant Affairs  
Bitta Mostofi  
Commissioner

**February 28, 2020**

Testimony of Commissioner Bitta Mostofi  
NYC Mayor's Office of Immigrant Affairs

Before a hearing of the New York City Council Committees on Immigration and Hospitals

Oversight – ICE's Escalated Attacks on NYC Policies Protecting Immigrants



Thank you to Chairs Menchaca and Chair Rivera and the members of the Committees on Immigration and Hospitals. My name is Bitta Mostofi and I am the Commissioner of the Mayor's Office of Immigrant Affairs (MOIA).

My testimony today will discuss the dramatic increase in ICE enforcement in New York City and the devastating impact such enforcement has had on immigrant families and communities, as well as on the City's interests in public safety, public health, and the general wellbeing of all of our residents. The Trump Administration's cynical fear-mongering and out-of-control enforcement has created tremendous confusion and terror among immigrant communities, to the detriment of all New Yorkers. In our ultimate city of immigrants, we stand with our three million foreign-born residents, and our one million New Yorkers living in mixed-status families.

I want to thank the Chairs and the Committee members for their leadership in addressing this important issue and convening today's oversight hearing.

### **Escalation in Enforcement**

Taking a step back, I often speak about New York City as the ultimate city of immigrants. What I mean by this is not just that there are many immigrants in New York City, but also that immigrants are deeply entwined into the fabric of every New Yorker's life. Nearly 60% of New Yorkers live in households with at least one immigrant, including over one million New Yorkers who live in mixed-status households (in which at least one person is undocumented).<sup>1</sup> Of the one million New Yorkers, 277,000 are children, and most of those children are U.S.-born citizens.<sup>2</sup>

Imagine the effect that a single arrest by ICE's enforcement arm would have on these families. The reality is that many of the children in mixed-status households are more vulnerable than children in other households, facing higher levels of linguistic isolation, overcrowded housing, and rent-burdened households.<sup>3</sup> For children in these households, a single immigration arrest may have ripple effects that disrupt their entire lives.

But ICE simply does not care about the repercussions of these arrests on the fabric of our city. They are ignoring the fact that indiscriminate, deprioritized enforcement is not only morally repugnant, but also threatens the public safety of everyone. Study after study has shown what New Yorkers know from experience: immigrants make our cities stronger, and building relationships with immigrant communities make us all safer.<sup>4</sup> But despite the moral and practical reasons to support our immigrant communities, ICE continues to seek to tear our families apart.

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<sup>1</sup> NYC Mayor's Office of Immigrant Affairs. "State of our Immigrant City," 2019, *available at* [https://www1.nyc.gov/assets/immigrants/downloads/pdf/moia\\_annual\\_report%202019\\_final.pdf](https://www1.nyc.gov/assets/immigrants/downloads/pdf/moia_annual_report%202019_final.pdf).

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> *E.g.*, Tom Wong, Facts still matter: Data shows sanctuary cities keep communities safer, *The Hill*, *available at* <https://thehill.com/opinion/immigration/481851-facts-still-matter-data-shows-sanctuary-cities-keep-communities-safer>.



Nationally, ICE arrests are significantly higher under President Trump as compared to under President Obama.<sup>5</sup> This is true in New York City as well. In Federal Fiscal Year (FFY) 2019, ICE total arrests in the New York City area increased by over one third (34 percent) when compared to the final year of the Obama Administration (FFY 2016).<sup>6</sup> Moreover, the Trump Administration has more than tripled the arrest of long-term residents with no criminal convictions in the New York area,<sup>7</sup> contrary to their claims that they are fulfilling a public safety mandate.

In combination with a trend of cruel and truly appalling incidents, it is clear that the federal government is committed to a strategy designed to instill fear in our City. We have seen an uptick in reports of arrests in January of this year, including so-called “collateral arrests” where ICE makes arrests of those who are not the original enforcement target. ICE agents routinely separate families – including pregnant women and their partners, children and their parents, brothers and sisters. They violate the principles of due process by arresting immigrants going to and from court. And recently, as you know, ICE shot a man in the face during an arrest. These are not the actions of an agency committed to public safety. These are the actions of an immoral, reckless agency that has been used repeatedly to advance the political and racist interests of President Trump, whose legitimacy must be questioned.

ICE has also singled out New York City in their rhetoric. Since the beginning of this year, ICE and Trump Administration officials have escalated their attacks on New York City, spreading misinformation and lies about how immigration enforcement and public safety interact. As an example of the ludicrous acceleration of this rhetoric, CBP announced that they would send members of their Border Patrol Tactical Unit (BORTAC), a special team meant to deal with high-risk situations, to so-called sanctuary cities. New York City remains the safest big city in the country. Sending additional CBP officers into New York City is not only a reckless use of resources, but also reveals a deeply concerning shift of resources toward interior enforcement.

### City Interests

MOIA has worked with City agencies and the Council to ensure that all New Yorkers can access a variety of services, regardless of immigration status. Local laws guarantee access to language access, prohibit the use of City resources for immigration enforcement, and protect personal information collected by the City. These immigrant-inclusive laws and policies are rooted in common sense and in social science research. We know that immigrant New Yorkers, including undocumented immigrants, are key participants in the city’s economy, paying taxes<sup>8</sup> and engaging in the labor force.<sup>9</sup> We also know that the research consensus is that there is no

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<sup>5</sup> Fact Sheet: ICE Enforcement in New York City (January 2020), *available at* <https://www1.nyc.gov/assets/immigrants/downloads/pdf/enforcement-factsheet-2020-01-22.pdf>.

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

<sup>8</sup> Institute on Taxation and Economic Policy. “Undocumented Immigrants’ State & Local Tax Contributions,” 2017, *available at* <https://itep.org/undocumented-immigrants-state-local-tax-contributions-2017/>.

<sup>9</sup> NYC Mayor’s Office of Immigrant Affairs. “State of our Immigrant City,” 2019, *available at* [https://www1.nyc.gov/assets/immigrants/downloads/pdf/moia\\_annual\\_report%202019\\_final.pdf](https://www1.nyc.gov/assets/immigrants/downloads/pdf/moia_annual_report%202019_final.pdf).

association between immigrant-friendly policies and higher crime,<sup>10</sup> and that some studies show that crime is lower in counties with these kinds of policies.<sup>11</sup> And immigrants who interact with and seek help from the City contribute to the public health and wellbeing of the city as a whole.

But the actions of ICE's enforcement arm have threatened the relationship between the City and our immigrant communities. For the City, which has invested millions of dollars into ensuring that immigrants feel safe interacting with City agencies and getting the help they need, ICE's actions are exacerbating an already difficult time for our immigrant families. This escalation of enforcement is not happening in a vacuum. In conjunction with the changes to the public charge rule, attacks on asylum and family reunification, and barriers to naturalization, ICE's indiscriminate immigration enforcement is creating an atmosphere of reluctance to engage with the City as a whole.

### **City response**

At this time of tremendous fear for our immigrant communities, MOIA and our partners in government and in the community are working to mitigate the harms caused by the federal government in a variety of ways, focused on connecting community members to information about their rights and legal assistance.

The City has been proud of our historic investments in immigration legal services over the last several years, made in partnership with the City Council and New York's first-class legal services providers. As ICE continued to target our immigrant communities in new and concerning ways, MOIA has also worked with legal service providers at Make the Road New York, Unlocal, the New York Legal Assistance Group, and Catholic Charities, the Office of Civil Justice, and the New York State's Office of New Americans to respond to emerging and urgent needs, investing \$1 million for rapid response to support immigrants facing imminent detention and deportation and expanding capacity for our ActionNYC hotline. This investment was a continued effort to improve access to immigration legal services through innovative solutions and in response to widespread fear and concern in immigrant communities.

Similarly, MOIA has focused on providing crucial information to immigrant New Yorkers so that they know that they have rights. A variety of teams within MOIA conduct or work with community partners to conduct KYRs forums, including partners like African Communities Together, Academy of Medical & Public Health Services, Jacob Riis Settlement, MASA, Mixteca, Center for Family Life, Damayan, Lutheran Social Services of NY, and UnLocal. These forums provide New Yorkers with information about their rights and how they can get help. Moreover, MOIA uses these forums as well as direct outreach to help immigrant New Yorkers as they respond to confusing and urgent federal policy changes and confront ICE enforcement in their neighborhoods. MOIA regularly works with community partners and our

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<sup>10</sup> Tom Wong, Facts still matter: Data shows sanctuary cities keep communities safer, *The Hill*, *available at* <https://thehill.com/opinion/immigration/481851-facts-still-matter-data-shows-sanctuary-cities-keep-communities-safer>.

<sup>11</sup> Tom Wong, The Effects of Sanctuary Policies on Crime and the Economy, *available at* <https://www.americanprogress.org/issues/immigration/reports/2017/01/26/297366/the-effects-of-sanctuary-policies-on-crime-and-the-economy/>.



elected leaders in supporting impacted communities after a raid or attempt, and a key part of this work involves distributing know-your-rights materials and conducting presentations.

As I mentioned above, MOIA is also committed to ensuring that immigrant New Yorkers can access and continue to access critical City services. This foundational commitment, which I know that Council shares, is what drives our work to craft inclusive laws and policies. We regularly work with our agency partners and City Hall to make sure there is awareness across the City about the City's laws regarding requests from non-local law enforcement agencies, and to protect New Yorkers' privacy and the safety and well-being of all New Yorkers to the utmost of our ability. We will always be the ultimate city of immigrants, and the recent decision by the Second Circuit won't change that: in fact, Officer Eddie Byrne's legacy reminds us that building strong relationships with immigrant communities keeps all New Yorkers safe.

Last, MOIA focuses on advocacy around overbroad ICE enforcement and efforts to provide more analysis and information about the impact to New Yorkers. Earlier this year, we shared our analysis of federal data on immigration enforcement through a fact sheet available on our website and shared with community partners and elected leaders. We work closely with our 200+ member strong Cities for Action coalition to share best practices and come together to advocate on behalf of our members' interests in safe, inclusive localities. We also work closely with our Federal Legislative Affairs team in D.C. to engage members of our Congressional delegation about federal developments that impact immigrant New Yorkers.

### **Conclusion**

ICE's attacks on New York City reveal the ignorance in the White House. But the City and MOIA remain committed to protecting and serving all of our residents, regardless of where they were born. Together, in partnership with the community and the Council, we can strengthen and support our fellow New Yorkers in this time of crisis.

I want to especially thank Chair Menchaca and his team for their work and collaboration with my team, in response to individual community or family needs.

Thank you to the Chair and members of the Committee for calling this hearing. I look forward to answering your questions.

# New York City Council

## Committee on Immigration Committee on Hospitals

Hearing Testimony for Agenda Item T2020-5852: “ICE’s Escalated Attacks on NYC Policies Protecting Immigrants”



Laura Alfredo, Senior Vice President and General Counsel  
GREATER NEW YORK HOSPITAL ASSOCIATION

Chair Menchaca, Chair Rivera, and members of the Immigration and Hospitals Committees, my name is Laura Alfredo. I am Senior Vice President of Legal, Regulatory, and Professional Affairs and General Counsel at the Greater New York Hospital Association (GNYHA). As general counsel, I am responsible for providing technical assistance and advocacy for our members on legal and compliance issues. GNYHA proudly represents all the hospitals in New York City, both not-for-profit and public, and hospitals throughout New York State and in New Jersey, Connecticut, and Rhode Island.

I would like to start by acknowledging the basics: GNYHA and our member hospitals believe health care is a human right—that is why we have campaigned, with 1199SEIU United Healthcare Workers East, to create and defend the Affordable Care Act and Medicaid expansion.<sup>1</sup> While for-profit hospitals are becoming the norm in other states, New York institutions continue to pursue their not-for-profit and public mission: caring for the most vulnerable. And that includes never, ever asking about or basing that care on anyone's immigration status.

Today, I am going to speak about Federal immigration policy and how it has affected our member hospitals, GNYHA's response to this challenge, the recent events at Maimonides Medical Center, and finally what we see as our work going forward to address some of the lessons we can learn from that experience. On this final point, I would add that I am here today to get your input in the spirit of collaboration since we and our members share your concerns and seek to create a safe environment for all patients to get care in our hospitals.

Despite unprecedented threats to the survival of New York hospitals—including looming cuts to the Federal Disproportionate Share Hospital Program in May, and Medicaid and Medicare payments that don't keep up with costs—they are open 24 hours per day, 365 days per year, committed to treating everyone regardless of ability to pay or insurance status. Our hospitals are also the economic anchors of their communities: they are the largest non-public sector employers in the City and employ hundreds of thousands of hard-working caregivers, the majority of whom are union members.

## **Federal Immigration Policy and Hospitals**

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<sup>1</sup> As a result, the uninsured rate in New York State is 5%—about half the national average. However, that leaves about 1 million uninsured New Yorkers, and we have a plan to get them covered. We know that about a third are already eligible for Medicaid but not enrolled; a third are eligible to purchase private coverage through the State health exchange but find it unaffordable; and the remaining third are low-income undocumented immigrants ineligible for any form of subsidized coverage other than emergency Medicaid. GNYHA supports policies to expand access to care for each of these groups, including: streamlining Medicaid enrollment and renewal, State-funded tax credits to supplement available Federal tax credits so coverage is more affordable for individuals, and expanding the Essential Plan to wrap around emergency Medicaid for low-income undocumented immigrants (as proposed in A.5974/S.3900 and supported in Council Resolution 918-2019).

Since January 27, 2017, the date of President Trump's first travel ban, our members have increasingly been contending with the impacts of a variety of immigration policies of the Federal government. And, as with all challenges facing New York's hospitals, GNYHA has been with them every step of the way. Beginning in January 2017, GNYHA has mobilized in unprecedented ways on the topic of immigration. We have longstanding relationships with immigration advocacy organizations and have worked on issues of interest to immigrants, including health care coverage and access and, most recently, helping our hospitals participate in the census to make sure that all New Yorkers are properly accounted for. We have made these efforts at our members' request and at their urging because they care about their immigrant communities and want to make them feel as safe as possible. We share this goal with the City Council and the Mayor's Office of Immigrant Affairs, as you have done so much to protect and support New York's vital immigrant communities.

Starting in early 2017, however, our immigration work escalated and took on a new tone, out of necessity. A brief outline of our work since then includes:

- Challenging the travel bans in all their iterations by advocating for exceptions for health care workers, supporting the New York State Attorney General's lawsuit against the Executive Order, and joining as an amicus in other litigation to explain the real-world impacts of the ban on hospital workers and patients
- Surveying our members to determine their practices regarding employment visas to help them prepare for and navigate the effects of the ban while it was still being litigated
- Creating a toolkit of guidance documents for our members on what to do if US Immigration and Customs Enforcement (ICE) arrives on the premises for enforcement activity, which I will address in more detail shortly
- Strenuously objecting to the Administration's changes to the "public charge" rule, which as you know now allows the immigration authorities to consider receipt of Medicaid, among other benefits to which certain immigrants are legally entitled, in determining whether to grant green cards and other changes in status, making it harder for legal immigrants to make those changes. We have supported litigation challenging the public charge rule and have done a great deal of education on the issue for our members, in collaboration with our partners at LegalHealth, a not-for-profit organization that provides free legal services to patients in many of our member hospitals.

While we are not here to discuss the public charge rule, I would like to address it because it applies equally to what we *are* here to talk about, which is the twofold impact of these immigration policies. The first is the direct impact of the policies themselves, what they intend on their face to do, and the second is what we call the chilling effect of the policies, which is perhaps also intended but not based on words on the page. The chilling effect stems from the climate of fear and confusion that infects many more people than the policies themselves are aimed at. I raise this



because the chilling effect, this sense of panic, plays a role in the events that unfolded at Maimonides Medical Center and how we understand them.

### What We Can Learn from Maimonides' Experience

As a preliminary matter, for the purposes of this testimony, I am relying on what has been reported in the media about the patients at Maimonides. State and Federal privacy laws preclude Maimonides from sharing information about the patients and their care. Regardless, the City Council correctly notes that there is still much to talk about and learn from, even without those details.

Earlier, I mentioned our “ICE Toolkit,” a set of documents we created to equip our members with accurate information on what they may do and refuse to do in the event of ICE attempting to conduct enforcement activities at a hospital site. As you know, ICE has a longstanding policy against conducting immigration enforcement activities at hospitals, churches, and other “sensitive locations,” but in January 2017, we felt it was unsafe to assume that we could count on that policy being continued as it had been previously. (The policy is still in effect, and our concerns remain.)

Our toolkit sets forth practices that hospitals can implement to manage ICE visits, including establishing a small team of trained administrators to liaison with law enforcement on every shift and a decision matrix for how to handle different types of legal process, such as subpoenas and warrants. The goal was to explain to members when they can and cannot legally refuse to cooperate with certain enforcement activities. We also included suggestions for communicating with employees and patients to calm tensions.

As you can see, our guidance is focused on the scenario where ICE enters to arrest a person or obtain documents. That is not what happened at Maimonides three weeks ago. But we think we can adapt some of the same principles for that situation, and we are here to assure you that we are undertaking such work.

But for now, let's talk about what did happen at Maimonides.

What happened was both very common and also rare. It is safe to say that each and every day in hospitals across New York, law enforcement—usually the NYPD or the Department of Corrections—brings in patients who have been arrested or are already incarcerated for care. The patients may have been injured during the course of the arrest or they may have underlying conditions that preceded the arrest. Irrespective of any of that, the hospital's goal is to care for the patient in custody to the same standard as anyone else. This naturally entails interacting with the law enforcement officers who accompany the patient and balancing their interest in maintaining public safety with the providers' role of giving care to the patient and protecting the safety and

well-being of patients and staff. I want to underscore that in the overwhelming majority of cases, everything works out. The interactions between hospital caregivers, especially in our emergency departments (EDs), and local law enforcement is generally respectful and very interdependent.

So what happened at Maimonides in one way was a version of a very common scenario. But in another way, it was atypical because ICE was the primary law enforcement agency on the ground. And because ICE is the face of immigration enforcement in this country, the presence of ICE agents in a hospital is super-charged and creates cause for concern.

I'd like to comment on the ways this type of scenario is different from the typical one, because it will highlight what we as a hospital association supporting New York City hospitals must work on next.

First, we must reaffirm what we observed back in early 2017, that our patients and workforce are living with a level of fear around immigration enforcement that is real and acute. It can intensify in an instant. Therefore, appropriate communications between and among hospital staff is important. Managing tensions, explaining what is and is not happening, should be the goal.

Second, while hospitals are regularly required to work with law enforcement in the ED, law enforcement's presence is not as unusual or as concerning when it is local law enforcement versus ICE. So while most hospital EDs cannot accommodate sequestering patients who are in custody as a general policy, hospitals should give thought to the location of the services. As I said, this may not be a workable solution in most cases, but where possible, it should be considered.

Third, in most cases in which law enforcement brings patients in custody to the hospital, the hospital is not called upon to facilitate or mediate informal communications between the patient and family or other representatives, including legal counsel. Most hospitals' only experience with this is in the context of bedside arraignments, which are not that common and which are a formal proceeding with defined roles and obligations for defense counsel and law enforcement. A hospital's primary interest is in delivering high-quality patient care and minimizing any disruptions to the care of the patient in custody and all the patients in the vicinity. Apart from that, there is little clarity. GNYHA is researching these areas and will address them by providing additional guidance to members.

As a related matter, our 2017 advice to designate a liaison trained in the principles set forth in our guidance, with ready access to legal counsel, applies in this scenario. There is no substitute for a confident, knowledgeable, experienced person interfacing with law enforcement, who knows what is and is not required of the hospital. This individual is the lynchpin in operationalizing other practices that will make the situation go more smoothly.

I want to point out that based on what we know, Maimonides managed the situation very well. Yet there is always room for reflection and improvement, especially with situations that arise infrequently.

GNYHA commits to doing more to offer guidance and assistance to our members and learning from the experience at Maimonides so that we can contribute to a caring environment for all New Yorkers. We welcome the opportunity to work with you and the City on this.

Thank you for the opportunity to speak with you about this important subject. I am happy to answer any questions you may have.

**FOR THE RECORD**

Hello - My name is Andres Jimenez. I am the Anti Detention Coordinator for the New Sanctuary Coalition. The New Sanctuary Coalition is a multi-faith based organization that believes no one should be deported, no one should be separated from their families, and ICE needs to be Abolished.

On February 6th, in Brooklyn, ICE shot an unarmed man in the face. I heard of the incident first through our NSC Staff but did not realize how close it was to my apartment until I stepped out and saw the police blocking off the street. I met the family at Maimonides Hospital and stayed with them for 10 hours before learning that Erick Diaz Cruz would survive.

On February 6th, the community took to the streets to demand justice; we are not backing down. We do not know the identity of the shooter or if there will be any real investigation into why this ICE agent shot to kill. What kind of training do they have with these situations and what are their protocols? By sheer luck and the grace of God, Erick Diaz Cruz was not murdered. The ICE agents blocked off any contact between the family and the two men attacked by ICE. The agents also did not allow any access to legal representation until the Mexican Consulate got involved.

The following day, unmarked ICE vehicles surrounded Maimonides Hospital. I entered to meet with the family and went to a conference room in the hospital where I passed a room heavily guarded by ICE agents and private security. I learned that ICE contracted a private security firm to assist in the removal of one of the men from the hospital. A man with a black mask covering his face and a "POLICE" marked bulletproof vest, along with 4-6 others, manhandled our friend into an unmarked SUV and disappeared. His partner, desperate because this was the first time she had been able to see him since the morning of the incident. Why was the agent covering his face?

ICE's Enforcement and Removal Operations (ERO) unit enforces civil immigration laws. Why are they shooting unarmed people in the face? According to the Denver post, in 2013 the Department of Homeland Security issued an open purchase order for 1.6 billion rounds of ammunition, an amount that can withstand a hot war for more than 20 years. ICE is a civilian agency, so why are they buying ammunition? What war are they gearing up for? Against who?

The Immigration and Customs Enforcement Agency is the modern day Gestapo. They are disproportionately attacking black and brown communities, separating and disappearing our families, and sending them to serious harm and/or death. The Supreme court has said itself that you can equate deportation to a death sentence, is this justice?

This is why we need to get Guns Out Of ICE and Abolish ICE in its totality.



**Whitney Hu**

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**Remarks:**

My name is Whitney Hu. I'm one of the co-organizers of Sunset Park ICE Watch. We're a rapid response group working against ICE in Brooklyn. We're here today because we must be. We know that ICE destroys records of what they do so we're proud to stand alongside the Diaz Cruz family, advocates, activists, and Council Member Menchaca and Rivera to hold ICE's actions up to the light. And we urge that we continue to do so beyond this hearing because **until** we abolish ICE, we must not rest.

In my written testimony, I write about some of the families that we've interacted with recently. When ICE takes a person away, they rip a family apart. Just this past week, my fellow organizer Jorge and myself traveled back to Maimonidies, not in protest, but to visit a woman who gave birth to a beautiful baby boy while her partner is detained. I will never forget the bitter joy of celebrating a new life, but realizing that myself and Jorge should not have been there, but instead her partner who we are even struggling to get photos sent to him of his newborn. Her baby is still in neonatal intensive care because she gave birth early due to the stress of her husband being taken by ICE.

I was also one of the first responders to show up to Maimonides when New Sanctuary put out the call. I was there until ICE dragged Gaspar out. I go into further detail in my written testimony, but I will note, even though it was an ICE agent that bodily removed me away from the car they put Gaspar in, NYPD was just as heavy-handed in preventing civil disobedience. I'd also argue that disobedience in preventing a rogue agency from stealing our neighbors should be reworded as the just and moral thing to do.

It was a NYPD Deputy Chief Charles Scholl who told me straight to my face that he was the one who arranged Gaspar to be removed from the ambulance bay. He said it was to make it harder for us to practice civil disobedience so he could arrest us if we acted out of line.

So I urge that we **thoroughly** investigate how our processes repeatedly failed Gaspar and many other vulnerable New Yorkers. From court records, to the way the NYPD enabled ICE, because we are in the fight for our lives. The Trump Administration and ICE have and will continue to ignore the definitions of democracy and justice so we must no longer accept excuses of process or decorum for why we don't resist harder. Because how many more lives will we lose?

We must demand more. For Gaspar, For Erick, for all of us.

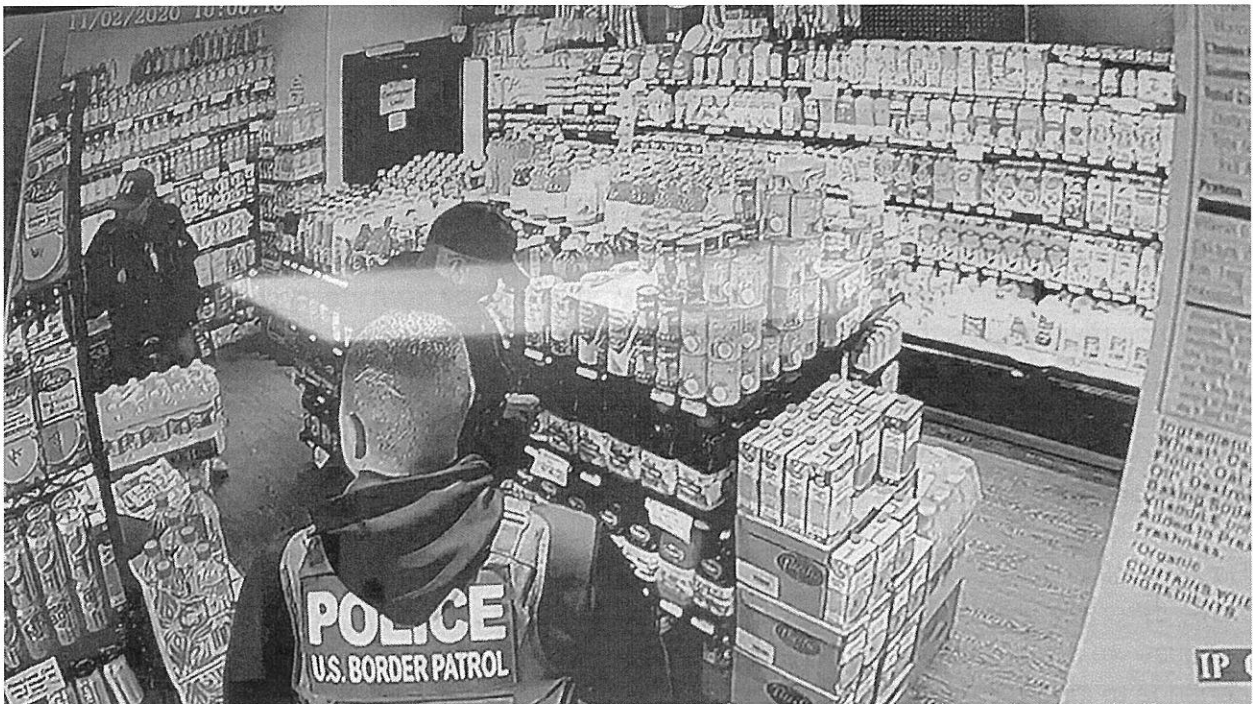
Thank you.

### Written Testimony:

As an organizer with Sunset Park ICE Watch, we realized that while we were successful in thwarting ICE's response during the summer, they have adapted and changed in the new year. We've seen a spike of arrests and struggling to keep up with how many families have been affected in our neighborhoods.

ICE has used deceitful tactics to do this. They've pretended to be NYPD, landlords, and often show up in plainclothes to confuse people to step out of their homes. They've gone to workplaces and in one case, we suspect they waited near a school, and arrested the father after he dropped off his children.

In a recent case, ICE showed up at the home and interviewed the (then) pregnant wife before going to the man's place of work at a bodega. The owner was unsure of how to resist ICE barging in and led them to the bathroom where the man was inside unaware of what was waiting for him when he exited. In this situation, ICE also was accompanied by a border patrol agent.



I was also on-site at Maimonides Hospital when both Erick and Gaspar were held inside. On the first day, that February 6, NYPD officers complained about having to be on-site. Calling us "professional agitators" and apathetically stood off to the sides. I think the apathy was the more offensive part -- none seemed concerned that a young man was shot in the face or that another had been repeatedly tased.

NYPD Deputy Chief Charles Scholl also attempted to put up barricades early on. There were less than 20 people at the time, on the sidewalks, away from entrances but he still called for gate barricades to be dropped off. When I asked him about this, he mockingly bowed his head to me, and called me "missy" & "sweetheart" a few times. For any woman, you know this is less of a sign of respect or endearment, but to reinsert his dominance of the given situation.

The next day, as we got word that Gaspar was being released from hospital, NYPD Deputy Chief Charles Scholl told Ravi Ragbir from New Sanctuary Coalition he would let us know what exit they would bring Gaspar through. He said, "so we can scream and protest all we want" but repeated and warned us not to interfere with the hospital's operation.

So it was a surprise that he picked the ambulance bay. Where the hospital's operations were obviously stalled because of this choice. When I asked him to confirm this was the plan, he told me straight to my face that he was the one who arranged Gaspar to be removed from the ambulance bay. He said it was to make it harder for us to practice civil disobedience so he could arrest us if we acted out of line.

As we waited for them to bring Gaspar down, several NYPD officers stood around with barricades around the ambulance bay. One repeatedly said this was a "waste of his time" and ignored the obvious gravity of the situation. When they did bring Gaspar out, and others went to rush around ICE agents, it was the NYPD who yelled at us repeatedly. Angry that we dared to perform civil disobedient. Yelling that we would get arrested or fined if we kept going.

While I'm aware that controlling ICE's actions is a difficult and long road. They didn't even listen when President Obama was still in office, I'm well-aware of the fact that the NYPD is within the controls of our Mayor and City Council. That oversight can be called.

I hope that we continue to do the investigative work needed to make sure that ICE no longer terrorizes our immigrant communities but that at every point, our City and government, do not comply or assist them either.



Meryl Ranzer  
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My name is Meryl Ranzer. I work for New Sanctuary Coalition, an immigrant's rights organization in New York City. On Thursday morning February 6<sup>th</sup>, 2020, I received an appalling message from Ravi Ragbir, the Executive Director of New Sanctuary—ICE had shot a man in the face. We later learned, the man, Erick Diaz Cruz was here in New York City as a tourist, visiting family. He was shot when ICE, who did not identify themselves, went after his mother's friend, Gaspar Avendano-Hernandez. Who would not try to defend a friend when strangers appear to be assaulting them outside the door of their home?

We immediately reached out to rapid response communities and allied organizations for mobilization to Maimonides Medical Center as soon as possible in solidarity with Erick and Gaspar. We want ICE to know that they cannot sweep this atrocity under the rug, and that we were, and are watching them.

We stand with each other when fascists come to our city.

I arrived at the hospital around 1pm on February 6<sup>th</sup>, meeting others who were there since earlier in the day. As the day progressed, we started getting more information. One of the things we learned was that ICE was making it difficult for the medical team in the hospital to do their work by being in the way, and keeping Gaspar shackled to the bed. We also learned that they were keeping his family away from him. The cruelty they showed Gaspar and his family is hard to fathom, but is not surprising from ICE, an agency where so many have died in their care.

We want to know what the NYPD's role was in the arrest of Gaspar. How did he end up going to the hospital in one of their vehicles? Were they gatekeeping for ICE in the hospital? There were many community affairs officers outside doing "crowd control." But we were there peacefully. When the hospital security asked us to make sure we stayed out of the way of the patient entrances and the ER bay, we complied.

On Friday afternoon, ICE roughly took a shackled Gaspar out through the ER exit. One of the ICE agents covered his entire face. (See attached photo) What kind of government agent works behind a mask? I walked into the street as the ICE vehicles sped up to meet the agents holding Gaspar. I witnessed the agents violently pushing advocates, including faith leader, Chloe Breyer who tried to stop them from taking Gaspar while his already traumatized family watched. Many of the agents do not wear any identifying uniforms, they may be ICE, or private contractors, we do not know. We should know who is invading our communities and kidnapping our friends and neighbors. NYPD was in the street with the community and ICE. Why did they stand by as ICE roughed up our allies?

We demand ICE stop using the guise of being local police in our city.  
We demand all guns out of ICE.

We demand a full investigation into the shooting of Erick Diaz Cruz, and that the name of the shooter be made public.

We demand that Gaspar Avendano-Hernandez be set free to be with his family while he fights to stay in the United States.





FOR THE RECORD

February 28, 2020

New York City Council Committee on Immigration and Committee on Hospitals  
Council Chambers  
City Hall  
New York, NY

**RE: Oversight - ICE's Escalated Attacks on NYC Policies Protecting Immigrants; Res 0274-2018 - Combating Deceptive Immigration Enforcement Practices Act of 2019 (H.R. 3498)**

My name is Rex Chen and I am the Director of Immigration at Legal Services NYC (LSNYC). We are the largest civil legal services provider in the country. We fight poverty and have been dedicated to fighting for racial, social and economic justice for low-income New Yorkers for over 50 years. In 2018, we gave immigration assistance to households in which over 23,000 people lived.

We want to describe the impact caused by Immigration and Customs Enforcement (ICE) when its agents call themselves police officers while they conduct immigration enforcement activities. ICE officers violate ICE policies if they pretend to be associated with another law enforcement agency without discussing the ruse beforehand with the other agency. In 2005, ICE added a policy to its Detention and Deportation Officer's Field Manual that applies when ICE is "adopting the guise of another agency (federal, state or local)."<sup>1</sup> Whenever ICE uses the name of another agency to cover the operation, "the Team Leader will contact that agency or entity. The

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<sup>1</sup> Memo from John Torres, "Addition to Section 5, Chapter 19 (Field Operations and Tactics) of the Detention and Deportation Field Officer's Manual (DDFM) – USE OF RUSES DURING ARREST OPERATIONS," Aug. 18, 2005.

initial point of contact with the proposed cover agency or entity should be the local agency head or the local chief of security of the private entity.” If the local agency has concerns with the use of the ruse, the policy requires ICE to “contact the Headquarters Fugitive Operations Unit.” ICE strengthened this policy in 2006 by directing that the use of ruses involving health and safety programs by a local government agency will be discontinued and that all other “ICE investigative enforcement actions requiring the use of a health or safety-based ruse must be pre-approved by the Assistant Secretary of ICE and coordinated with the respective government agency or private entity.”<sup>2</sup> We are concerned that ICE may not follow its policies when ICE officers pretend to be NYC police officers.

I have worked with immigration lawyers around the country to argue that immigration judges should end immigration court cases where ICE violated its policies about ruses. Procedurally, lawyers file a motion to terminate proceedings in immigration court. I am actually going to discuss termination motions to challenge ICE ruses at a training later today (February 28, 2020) at the New York Asylum Conference at New York Law School. Unfortunately, I am not aware of any immigration judges agreeing to stop immigration court cases on this basis.

At this time, other approaches to stopping ICE from violating its policies about conducting ruses might be more effective than filing termination motions in immigration court.

Sincerely,

Rex Chen  
Director of Immigration  
Legal Services NYC  
40 Worth Street, Suite 606  
New York, NY 10013  
(646) 442-3552

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<sup>2</sup> Memo from John Torres, “Use of Ruses in Enforcement Operations,” Mar. 6, 2006.

**Committee on Immigration jointly with the Committee on Hospitals  
Oversight – ICE's Escalated Attacks on NYC Policies Protecting  
Immigrants.**

**Testimony of Edith Lopez, Executive Director of La Colmena**

On January 29. Around 6 am. Somebody knocked at the door very hard. My husband and i woke up we got scare because we didn't know what it was happening. Then i ask at the door "who is it". They answer" is police open your door." I ask why. The man told me "we are in a middle of investigation, we are looking for a man, ¿did you lost any ID or did you borrow your address to somebody ? open the door we need to check inside your house."

I ask for a letter for you to come in to my house. He Said " i don't have a letter but i have a picture, open the door and I will show you the picture " i ask him to show me through the window. The man said "his name is Luis, are your sure he is not in your house?". I replied No.

And for last time he ask me again "are you sure you don't feel comfortable to show me inside your house? I said No.. And They left. 40 or 50 minutes after it was time for my husband to go to work. I decided to drive him to his work. When we left the parking lot i notice that a black car was following us, and 1 or 2 min away from the house this car turn on the police lights, i stop and park the car.

And right away two more cars surrounded us. A man went to my husband window, he say open the door "i ask my husband not to opened", and he screamed again open the door, your are under arrest." then another man came to my window and ask just open your window. I ask him why is he under arrest if we just came from our house,?:

He ask me for ID. the other police keep saying he is under arrest and he has to get off of the car, i know who he is. He has court.. And don complicate his case and let him get off of the car. And I told him "then you know he has a lawyer and he is is doing everything right.. In Spanish he insisted to my husband to get off of the car, i ask him for the warrant letter.

The guy only show me a little piece of paper with my husband pic and some info. I told him that is not a warrant. Then the other guy said i have it on my phone i told him is that is not a proof and enough for me for you take my husband. So the other guy call his supervisor. After 10 or 15 min. While we were waiting my body started to shake i was getting an asthma attack.

A lady came with a sheet and told me here is the warrant, but she never allowed me to read it or see it closely. Then she ask the man to open the door and arrest my husband. I couldn't do nothing else to help my husband. My husband gave up to protect me. I miss my husband and I want my family to be together.

**Committee on Immigration jointly with the Committee on Hospitals  
Oversight – ICE’s Escalated Attacks on NYC Policies Protecting Immigrants.**

**Testimony of Yesenia Mata, Executive Director of La Colmena**

My name is Yesenia Mata, I am the Executive Director of La Colmena, an Immigration and Day Laborer Rights Organization on Staten Island. I want to thank the Chairs Councilmembers Carlos Menchaca and Carlina Rivera for your leadership on holding this critical hearing at this critical time.

Currently, La Colmena is helping out four Staten Island families whose loved ones have been detained by ICE. In each of the four cases, each family indicates that the ICE agents identified themselves as police specialist, saying that they were conducting an investigation. In each case, the families asked the ICE agents to show a badge or a warrant, however, the only thing the ICE agents would show was a picture of someone who did NOT reside there or would ask for someone else whose name did not match anyone inside the household. In one of the cases, the partner went back and forth to ask if they were immigration agents. She was told: no we are police officers. She responded, from where. They retorted: we are police officers. She asked again, are you from immigration or from the NYPD. They responded, we are police officers. Thinking it was only a case of mistaken identity, these fathers, sons, went about their way to head to work.

However, once they stepped outside, scores of heavily armed agents surrounded them or their vehicles, and in some of these cases, with their hands on their weapons. These are loving people who had their lunches, not guns, their keys, not knives. These ICE agents didn’t even care that Edith was visibly a pregnant or the trauma to an elderly mother weeping for her son.

These are the deceptive and violent tactics that ICE is using to detain someone who poses no violent threat to our country or national security. The only thing that these deceptive tactics are creating is shattering the

trust between the immigrant community and the New York police department.

These deceptive and violent tactics have had consequences such as a man being shot in the face by ICE agents in Brooklyn. I am a Military Police officer in the U.S. Army and I can tell you that these ICE agents are trained to use these lethal weapons that they are carrying and understand the power of using these types of weapons, and the way that the weapon was used in that particular situation in Brooklyn was reckless.

This is scaring the immigrant community on Staten Island, which it comes to no surprise since it is the most conservative borough in New York City and the most ignored because it is secluded from the other boroughs. ICE is attempting to overwhelm the city, and organizations like my own by arresting as many people as they can. Just yesterday, I spoke with another woman whose husband was detained by ICE. We are not a legal advocacy organization nor have an attorney to assist us but we try to do our best to support these families as much as we can. We thank the leadership of Chair Carlos Menchaca for championing the New York

Family Unity project that has provided free legal counsel to those detained by ICE. We thank the Chair Carlina Rivera for standing with us and ensuring Hospitals can still be places of healing not immigration traps. On Staten Island, we will continue fighting and we hope we can count on the City Council for support.





**Make the Road New York  
Jacqueline Pearce**

Testimony on T2020-5852: Oversight - ICE's Escalated Attacks on NYC Policies  
Protecting Immigrants; and

Res 0274-2018: Resolution calling on the United States Congress to pass, and the President to sign the Combating Deceptive Immigration Enforcement Practices Act of 2019 (H.R. 3498), prohibiting agents of the United States Department of Homeland Security from wearing clothing or equipment that bears the word "police," and calling upon the Department of Homeland Security to prohibit United States Immigration and Customs Enforcement (ICE) agents from identifying themselves as police officers while conducting immigration enforcement activities in New York City

**February 28, 2020**

**New York City Council, Committees on Immigration and Hospitals**

Thank you to the Council and in particular to the Committee Chairs, Reps. Menchaca and Rivera, for your leadership on these issues and your support for Make the Road members and clients.

My name is Jackie Pearce and I am a raids response attorney with Make the Road New York. Make the Road is a community-based organization with over 24,000 members dedicated to building the power of immigrant and working class communities to achieve dignity and justice.

Each month, dozens of New Yorkers come to Make the Road seeking help in the wake of ICE raids at homes, outside of courthouses and across our communities. They are devastated, terrified, and often don't know the most basic information about what has happened to their loved one. We work to support these impacted families, to get them answers, and to provide them legal assistance.

I represent Gaspar Avendaño Hernandez, whose partner's son was shot in the horrific ICE raid in Brooklyn on February 6, 2020. It is with great regret that I sit here today in place of my client. Mr. Avendaño is the central witness to both the raid that devastated his family, and his treatment thereafter, including during day and a half in the emergency room at a New York hospital.

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The Council requested Mr. Avendaño's presence to testify today but ICE did not allow it.

I am not able to provide the testimony he would have today--testimony that is so important to this Council's investigation. However, I want to bring to the Council's attention several deeply disturbing issues that arose after ICE's terrifying raid.

First, the NYPD played a role here that we believe warrants scrutiny. NYPD officers transported my client to the emergency room and interacted with ICE officers at the hospital. Yet it's our understanding that the NYPD many not have investigated the scene or the possibility that ICE officers committed a crime, when they shot an unarmed man in the face and used excessive force against Mr. Avendaño. We would like to know why NYPD played the role that they did, rather than investigating whether ICE officers committed a crime here.

Second, at the hospital, ICE officers interfered with Mr. Avendaño's right to have confidential conversations with his doctors and with me, his attorney.

Third, Mr. Avendaño had both wrists handcuffed to the rails of his hospital bed for a day and a half, even as he slept, was examined by doctors, used the bathroom, and when he met with me.

But most devastating for Mr. Avendaño and his family was that he was not allowed to have any access or contact with his loved ones. His family were at the hospital, desperate for updates on his condition. He was just as desperate for their news -- especially about his partner's son who Mr. Avendaño had last seen being loaded into an ambulance. But ICE did not permit any contact between Mr. Avendaño and his family, including Carmen, his devoted partner of over 12 years and the mother of the shooting victim.

After being released from the hospital, Mr. Avendaño was brought directly to Hudson County Correctional Facility. Without justification or explanation, he was placed for three days in solitary confinement. He continues to go without the medical care that the hospital recommended for him upon discharge, and without the ability to speak freely with his loved ones, who have been through incredible trauma and who are desperate for him to come home.

What happened to our client is horrifying. It demands an independent investigation and democratic accountability, of the type that this Council -- importantly -- is beginning today.

Thank you.



**AMERICAN IMMIGRATION LAWYERS ASSOCIATION  
NEW YORK CHAPTER  
2019-2020**

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February 28, 2020

The New York City Council  
250 Broadway  
New York, NY 10007

**Re: Hearing on ICE's Escalated Attacks on NYC  
Policies Protecting Immigrants.**

Dear City Council Members.

We are submitting this testimony on behalf of the New York Chapter of the American Immigration Lawyers Association (AILA), the nation's largest professional organization of immigration lawyers. We thank you for the opportunity to contribute to this forum.

AILA has over 15,000 members nationwide, with more than 1,700 members in New York whose practices span the entire scope of immigration law. Because of our knowledge, experience and expertise in immigration law – including dealing with the impact and effects of Immigration Customs and Enforcement (“ICE”) policies of deliberately identifying themselves as police officers within this city’s immigrant communities- we are well-positioned to discuss the Council’s proposed resolution.

The mission of the NYPD, which is prominently displayed on its website and in its precincts throughout all five boroughs “is to enhance the quality of life in New York City by working in partnership with the community to enforce the law, preserve peace, protect the people, reduce fear, and maintain order.” The importance of maintaining a “partnership with the community” is reflected in the city’s policies protecting its immigrant communities. New York City’s policies that collectively aim to prohibit local law enforcement from acting as an extension of ICE reflect the values of a city that has enormous respect and appreciation for the contributions of its immigrant population.

The impact immigrants have on the city’s financial, cultural, and technological foundations cannot be overstated and have been testified about many times before this body. Contributions in these areas is what makes New York City thrive and a place that is the true envy of the world. But just as important of a contribution is the partnership immigrant communities have developed with the New York City Police Department (“NYPD”). It is a relationship that has proven essential to the department’s mission to preserve peace, protect people, reduce fear, and maintain order. And it is a relationship that is under attack from a federal agency whose goals directly conflict with the concept of community engagement that is at the heart of the NYPD’s mission statement.

Federal regulations confer authority upon ICE, 8 U.S. Code § 1357. Powers of immigration officers and employees:

- a) *Powers without warrant: Any officer or employee of the Service authorized under regulations prescribed by the Attorney General shall have power without warrant—*
  - 1) *to interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States;*
  - 2) *to arrest any alien who in his presence or view is entering or attempting to enter the United States in violation of any law or regulation made in pursuance of law regulating the admission, exclusion, expulsion, or removal of aliens, or to arrest any alien in the United States, if he has reason to believe that the alien so arrested is in the United States in violation of any such law or regulation and is likely to escape before a warrant can be obtained for his arrest, but the alien arrested shall be taken without unnecessary delay for examination before an officer of the Service having authority to examine aliens as to their right to enter or remain in the United States;*
  - 3) *within a reasonable distance from any external boundary of the United States, to board and search for aliens any vessel within the territorial waters of the United States and any railway car, aircraft, conveyance, or vehicle, and within a distance of twenty-five miles from any such external boundary to have access to private lands, but not dwellings, for the purpose of patrolling the border to prevent the illegal entry of aliens into the United States;*

ICE already has overreaching powers. ICE's policy of permitting its officers to identify themselves as "police officers" is a brazen attempt to deceive our immigrant population into believing they are part of the same **city police department** that relies on their support and cooperation. This deception results in an environment that directly undermines the relationship between local law enforcement and our immigrant communities, which thrives on mutual feelings of respect and trust. ICE's actions do not preserve peace within our communities, but destroys it. They do not instill a sense of order, but chaos. And they do not reduce fear, but enhance it. How can members of the immigrant community be expected to voluntarily come forward as a witness to or victim of a crime after seeing family members and friends dragged away by an ICE officer who had identified themselves as a police officer? Why would they possibly report unsafe working or housing conditions when they believe doing so will cause "the police" to detain them for overstaying a visa? Is it any wonder why so many immigrants now choose to not attend even basic traffic court hearings, when they believe "the police" will now take them into custody before they even enter the court room?

ICE's policies also create an access to health care crisis. In a time where the national and local conversation is centered around the need for more accessible health care, ICE's deceptive methods prevents that from becoming a reality. The safety and security of many of this city's hospitals is overseen by its great police force. In deliberately placing ICE agents who identify themselves as police officers within pools of officers that protect those hospitals, the waters become muddied. The rationale behind the immigrant population's reluctance to cooperate with local criminal investigations naturally extends to decisions regarding medical treatment for themselves or loved ones. A decision to go to the emergency room should be made solely on whether it is medically necessary and not whether it will lead to an immigration enforcement action.

City resolutions aimed at restricting these predatory and harmful policies are, unfortunately, one of a what is an extremely limited amount of options in reigning in ICE's power. The reality is that there is very little oversight of ICE's methods of enforcement at the local level. As an agency that is under the jurisdiction of the same branch of government that appoints the nation's immigration judges, there is simply no adjudicating body that can realistically demand accountability. And until the federal government acts and implements an independent Article I immigration judiciary, it is resolutions like this that must be relied on. We, therefore, fully endorse this resolution.

Thank you.



Sylvia Livits-Ayass  
Chapter Chair



Oral Testimony  
Dennise Hernandez  
Education and Outreach Coordinator, UnLocal  
NY City Council Committee on Immigration  
Friday, February 28, 2020

Thank you for the opportunity to present my views to this Committee. My name is Dennise Hernandez and I serve as the Education and Outreach Coordinator at UnLocal. Through my line of work I frequently facilitate Know Your Rights presentations for community members who live in fear of the deportation machine.

I am here today to thank the City Council for the steps they are taking in passing this resolution, but also to ground us in the lived realities of New York City's most vulnerable. Every single week, I hear from immigrant families who have been in contact with ICE during an enforcement operation, or closely know someone who has. It is no secret that Immigrations and Customs Enforcement as an agency knows few limits, as they routinely facilitate civil and human rights violations. At a time when immigrant communities are under attack in previously unforeseen ways, it is not enough to simply name one injustice within the broader context.

It is absolutely inexcusable that ICE impersonates local police officers to deceive people into opening their doors so that they can initiate an enforcement action, I'm sure many of us in the room can agree to that. Nonetheless, we cannot assert that countering this practice is about safeguarding and restoring trust in the New York City Police Department. When an ICE agent pretends to be a local police officer, they are doing so with the intent to enter someone's home by whatever means necessary,



without alerting them to the fact that they are work for ICE. In that moment, an immigrant family will not open the door because they inherently trust the police; they will open the door because the calculated risk of speaking to a police officer is less in comparison to speaking to an ICE agent. As immigrant communities of color know very well, speaking with police officers, even if it is for “investigatory” purposes carries inherent risk and it is a fallacy to claim that police officers are “safe” or trustworthy because we’ve seen aid and facilitate ICE arrests.

I would also like to challenge this city to have a closer look at the manipulative practices that are happening in our own streets between ICE, the NYPD, and immigrants. Through our Raids Response work, we have been in contact with families who have not only been tricked by ICE’s deceptive practices, but also actually seen police officers assist ICE’s enforcement operations. A mother in the Bronx’s 40th precinct had police officers arrest her son on her apartments doorsteps. Moments later, the young man was handed off to ICE agents in her building’s basement. Another young man received a call asking him to report to his neighborhood’s precinct. When he arrived, ICE agents in vehicles were stationed right outside his 44th Precinct. Both are now currently in detention.

While it is important for this City Council to pass this symbolic resolution in solidarity with New York City’s immigrant communities, it is clear that there is much internal work to be done within our city as well. To better ensure the safety of immigrant communities, the NYPD must be investigated with a much closer lens because they are collaborating with Immigrations and Customs Enforcement.

**NYLPI**

**JUSTICE THROUGH  
COMMUNITY POWER**

**Testimony of Hayley Gorenberg, Legal Director of  
New York Lawyers for the Public Interest**

**To the Committees on Immigration and Hospitals of the  
New York City Council on February 28, 2020**

**Regarding ICE's Escalated Attacks on NYC Policies Protecting Immigrants**

Violent arrests and medical abuses in custody, executed by United States Immigration and Customs Enforcement and entities with which it contracts, are ravaging the health of New Yorkers, harming their families and friends, and sending shock waves through entire immigrant communities. My name is Hayley Gorenberg, and I am the Legal Director of New York Lawyers for the Public Interest, or NYLPI. NYLPI runs an extensive Health Justice Program largely focused on the wellbeing of immigrants, including people in detention or at-risk of being detained. Our individual casework and our partnership with doctors through the NYLPI Medical Provider Network drive our systemic advocacy and litigation. That litigation includes federal appellate precedent we won in 2019 to cement applying the constitution to guarantee mental health discharge planning for people confined to immigration detention. We continue to bring cases on behalf of people harmed in detention, or in one current matter, for the family of a detained man who hemorrhaged to death. This extensive work by the Health Justice team at New York Lawyers for the Public Interest informs our recommendations to the Council.

NYLPI has documented injuries during ICE arrests and extensive neglect of medical needs once detained. Earlier this month, we activated our Medical Provider Network after an urgent request from our colleagues at Make the Road New York. Within hours Emergency Medicine specialist Dr. Marie DeLuca, from whom you heard on the first panel, was ready to review Gaspar Avendaño-



Hernandez's medical records and documentation from his medical care team at Maimonides Medical Center. Dr. DeLuca assessed Mr. Avendaño-Hernandez's diagnosis of rhabdomyolysis, likely caused by the repeated electric shocks Mr. Avendaño-Hernandez received when ICE tasered him extensively. As Dr. DeLuca explained, rhabdomyolysis "can result in damage to the kidneys, dangerous electrolyte abnormalities, and death if left untreated." As she set forth, hydration is one of the most important treatments for this condition, and this critical information was clearly set forth in Mr. Avendaño-Hernandez's discharge summary from Maimonides.

*In direct conflict, we are informed that when Mr. Avendaño-Hernandez was transferred to Hudson County Correctional Center, he was placed in solitary confinement without rationale, stripped nude, and given water only every eight hours. Mr. Avendaño-Hernandez's experience is not an isolated incident. Our medical-legal-community partnership has documented multiple examples of arrest-related injuries that go unaddressed once the individual is in a detention center and away from community support. One person was handled so roughly by ICE agents that their shoulder was dislocated, with tears to musculoskeletal structures that required emergency surgery. After surgery to repair the damaged shoulder, they were left in an arm sling for months in detention, without any further follow-up from a surgeon or orthopedic specialist. In another violent arrest, a person with a metal implant in their arm had the same arm reinjured by the arresting ICE agents. The individual reported pain and loss of mobility while detained, but their pleas for medical assistance were ignored for weeks.*

In our reporting, NYLPI has documented egregious delays and denials of necessary medical care in immigration detention, cutoffs of treatment underway before detention, inadequate recording of medical history and care (which undermines subsequent care), language access barriers, neglect of people in severe pain, failure to evaluate and manage chronic illnesses, and failure to evaluate and manage mental health conditions. ICE has physically injured people in the course of taking them into custody and then ignored legal responsibility – and I would say moral and ethical and basic human

responsibility – to provide adequate medical care after taking physical control of people and separating them from their doctors.

*Throughout, ICE continues fomenting fear in immigrant communities. These communities already experience disparities in access to health care and in medical outcomes, all of which is further concerning in the wake of the new public charge rule targeting immigrants. Many immigrant New Yorkers are already grappling with decisions about whether to forgo medical care in hope of someday having the opportunity to become legal permanent residents. We fear that ICE's actions, including presence in hospitals, will deepen the healthcare divide in our city by stoking avoidance of what should be safe spaces.*

In the face of grave danger to the lives of immigrant New Yorkers, we cannot overstate the importance of the City Council's continued support for high-quality, free immigration representation; we therefore ask you to continue funding New York Immigrant Family Unity (NYIFUP) programs to ensure New Yorkers have access to counsel. We hope the City Council will continue to monitor ICE operations in the City and work closely with the Mayor's Office and local advocates to promote timely notice of ICE presence, particularly in sensitive locations such as hospitals. We encourage elected officials and hospital administrators to work with immigration and health advocates like the New York Immigration Coalition to implement and publicize policies for managing encounters with ICE and to offer know-your-rights workshops in healthcare settings. Specifically, we encourage private hospital systems to follow Health and Hospitals' lead in creating a more welcoming environment for immigrant, undocumented and limited English proficient New Yorkers, training frontline staff, and creating written policies addressing ICE. The violence our communities experience underscores the importance of sanctuary spaces, and we ask the City Council to continue to stand firm in the face of increasing attacks on the values of our diverse city.

Our entire team at New York Lawyers for the Public Interest thanks you –  
Chairpersons Menchaca and Rivera, the Committee on Immigration, and the Committee on Hospitals – for the continuing opportunity to address the immigrant healthcare crisis.

**Hayley Gorenberg**  
**Legal Director**  
**New York Lawyers for the Public Interest**  
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**hgorenberg@nylpi.org**  
**(212) 244-4664**

*Since 1976 New York Lawyers for the Public Interest (NYLPI) has been a leading civil rights and legal services advocate for New Yorkers opposing marginalization on the basis of race, poverty, disability, and immigration status. Our community-driven work integrates the power of individual legal services, impact litigation, and comprehensive organizing and policy campaigns. Guided by the priorities of our communities, we strive to create equal access to health care, achieve equality of opportunity and self-determination for people with disabilities, ensure immigrant opportunity, strengthen local nonprofits, and secure environmental justice for low-income communities of color.*

*NYLPI's Health Justice Program brings a racial justice and immigrant rights focus to health care advocacy in New York City and State. NYLPI's Health Justice Program has documented conditions in immigration detention and assisted seriously ill immigrants in obtaining necessary medical care. (See "Detained and Denied," [https://nylpi.org/wp-content/uploads/2017/02/HJ-Health-in-Immigration-Detention-Report\\_2017.pdf](https://nylpi.org/wp-content/uploads/2017/02/HJ-Health-in-Immigration-Detention-Report_2017.pdf)) With the help of doctors in NYLPI's Medical Provider Network, we connect numerous detained people with medical providers to advocate on their behalf.*

## Testimony

Friday, February 28, 2020

### Oversight - ICE's Escalated Attacks on NYC Policies Protecting Immigrants.

#### NYC Council Committee on Immigration, Customs and Hospitals

Thank you to the City Council Member Carlos Menchaca and the members of the Immigration Committee, as well as the Hospital Committee for giving us the opportunity to testify on this topic.

My name is Mae Lee, I am the executive director of the Chinese Progressive Association. We assist immigrants with programs such as English classes, citizenship classes, application assistance. We conduct education about immigration laws and policies, and about navigating and finding resources. Both documented and undocumented immigrants seek help from us.

Our clients and members live in or commute to Chinatown and the Lower East Side for school or work. Of those who commute to Chinatown, many live in Brooklyn in neighborhoods such as Sunset Park and Bay Ridge.

We are greatly alarmed about the news of proposed expansion of Immigration and Customs Enforcement ICE presence in New York City. We have clients who are undocumented or who have been in deportation proceedings in the past. We also have members/clients green card holders/American citizens but their family members are undocumented or may have been in some kind of deportation proceeding. These undocumented immigrant clients we know span all ages from 20 years old to 80 years old. This should be no surprise. Last year, in February 2019, a report was

(continued)

**Testimony from Chinese Progressive Association**

**Re: Oversight - ICE's Escalated Attacks on NYC Policies Protecting Immigrants.**

**To: NYC Council Committee on Immigration, Committee on Hospitals**

released by the NYC Comptroller's office showing that in 2016-2018 Chinese immigrants made up the largest nationality of New York City immigrants, with over 10,000 immigration cases (21 percent of cases) started during that period.

This proposed federal policy in combination with policies such as the new public charge rule have created a great deal of uncertainty within our community among immigrants and non-immigrants alike.

Our community works hard to communicate with local police precincts about our everyday needs regarding community safety. It was very alarming to hear that an ICE agent could wear clothing or carry equipment that leads others to think they are a "police officer".

So, we are in support of the City Council's proposed Resolution 274A calling on the United States Congress to pass, and the President to sign, the Combating Deceptive Immigration Enforcement Practices Act of 2019 (H.R. 3498). ICE officers should be required to clearly identify themselves as ICE agents, rather than as police officers, when approaching individuals with deportation orders.



**The Arab American  
Association of  
New York**

**Testimony of the Arab American Association of New York**  
New York City Council Committees on Immigration & Hospitals  
Hearing on ICE's Escalated Attacks on NYC Policies Protecting Immigrants  
February 28th, 2020

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Chairwoman Rivera, Chairmen Menchaca, members of the Committees on Immigration and Hospitals, thank you for having us and our partner organizations here today. My name is Iman Al Ahdal, and I am an immigration case manager for the Arab American Association of New York.

I'm here today to speak on behalf of all of the undocumented people AAANY serves, but there is one person in particular I'm here to represent. Anwar Alomaisi is many things - a skilled photographer, an avid bird watcher, a beloved member of his community, and one of my dear friends. Until last week, he was also an undocumented immigrant. Anwar came to the United States in 1998, fleeing violence and civil war in Yemen, and has been trying since then to gain immigration status. He built a life for himself in the Hudson Valley, paying taxes, volunteering in the community, and celebrating his new life every day. He spent his free time photographing bald eagles on the Hudson. He was a patriotic American who found beauty everywhere he looked, and described himself as 'the happiest guy on the planet.'

Two weeks ago, he arrived at his regular appointment with immigration officials to find a trap waiting for him. He was taken into custody by ICE and deported overnight back to Sa'ana without a chance to talk to his lawyer, family, or friends. Today he lives in fear of violent reprisal at the hands of Houthi rebels who he has spoken out publicly against, and he is struggling to rebuild his life in a country ravaged by war.

Anwar is special to me, but his story isn't unique. Tens of thousands of people have had their lives turned upside-down by the Trump administration's preoccupation with deporting and demonizing black and brown undocumented immigrants. ICE agents stalk our communities, preying on people in the places they are most vulnerable - our schools, our hospitals, and our homes. By disguising themselves as law enforcement officers they take advantage of the fear and confusion of law-abiding immigrants like Anwar to entrap our friends and neighbors. Everywhere ICE goes they leave destruction in their wake by tearing apart lives and too often ending them, as was nearly the case in the shooting of Eric Diaz-Cruz earlier this month. If the status quo is allowed to stand, this will only get worse. Emboldened by President Trump, ICE increasingly brings a wartime mentality to their actions - and thanks to the President's decision to



**The Arab American  
Association of  
New York**

deploy BORTAC Forces to New York, they soon will be using literal weapons of war to hunt down our undocumented friends and neighbors.

While we recognize the powers of the city are limited, there are concrete measures that the city government can take to help protect our communities from ICE. Supporting legislation like Resolution 274A and the Combating Deceptive Immigration Enforcement Practices Act is an excellent first step, and will send a message that we are committed to fighting for our rights. However, the City of New York cannot stand by and wait for action from Washington.

The city council must create means by which to hold the NYPD accountable for violations of sanctuary city law. The arrest of Gasper Avenando Hernandez following a routine traffic stop proves that there is still at least tacit cooperation between the NYPD and ICE, despite laws explicitly banning this. New York's sanctuary laws are supposed to protect us from this type of abuse, and taking the steps to hold officers accountable for violating them will start to mend the distrust in our communities towards law enforcement.

Finally, the City Council must make sure that organizations that fight for the undocumented in court have the resources they need to do so. The Trump administration has rigged the legal process against immigrants, but organizations like AAANY, the AAF, NYIC, and many others give our undocumented clients the tools and support they need to fight deportation in court. The city must make sure that we have the means to stand up for our communities and make sure every undocumented immigrant can have due process.

Anwar's future is uncertain. Despite widespread public outcry from his friends and from state officials, his deportation means it's going to be hard to get him home to his life in America. We are fighting a difficult battle against this administration, and our city must do whatever it can to stand up for the undocumented. While you may never be lucky enough to meet Anwar, you and your fellow council members must fight in his name, and in the name of thousands like him, to give New York's undocumented the freedom from fear that every American deserves.



## Asian American Federation

### Testimony Submitted to the New York City Council Immigration Committee Regarding Increased ICE Enforcement in New York City

*February 28, 2020*

Thank you Chair Menchaca and members of the New York City Council Immigration Committee for giving us this opportunity to submit testimony. I am Jo-Ann Yoo, Executive Director at the Asian American Federation (AAF).

AAF's mission is to raise the influence and well-being of the pan-Asian American community through research, policy advocacy, public awareness, and organizational development. We also come to you today on behalf of our network of 70 member and partner organizations supporting the Asian American community with their work in health and human services, education, economic development, civic participation, and social justice.

AAF has also been coordinating efforts within the pan-Asian community to defend and fight back against the Trump administration's xenophobic rhetoric and policies, including his threat to punish sanctuary cities like New York for protecting immigrants from arbitrary and excessive enforcement. The spectre of increased ICE presence in our neighborhoods, the recent implementation on Monday of the public charge rule, as well as the shocking announcement on Wednesday of the creation of a Denaturalization Section in the Justice Department, are part and parcel of this administration's unrelenting war on immigrants that has caused constant fear and anxiety in our communities.

**AAF therefore supports the City Council's proposed Resolution 274A calling on the United States Congress to pass, and the President to sign, the Combating Deceptive Immigration Enforcement Practices Act of 2019 (H.R. 3498).** ICE officers should be required to clearly identify themselves as ICE agents, rather than as police officers, when approaching individuals with deportation orders.

We also call on the City Council to uphold its sanctuary commitments by increasing support for immigration legal services for the communities that are most heavily impacted by increased ICE activity, ensuring that immigration enforcement does not interfere with our justice system, and investing more heavily in Asian-serving community-based organizations.

**Asian New Yorkers Would Be Deeply Impacted by Increased ICE Enforcement:** Over half a million undocumented immigrants in New York City, and according to the Migration Policy Institute, 1 in 4 undocumented immigrants in New York State are of Asian descent (an estimated 140,000 residents). Furthermore, Comptroller Stringer's 2019 report, *The Demographics of Detention*, revealed that 21% of immigrants in deportation proceedings in New York City are

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Chinese; 10% are Indian; and 8% are Bangladeshi. While the mainstream narrative on immigration underplays this reality, there is no shortage of cases in which Asian immigrants are arrested, detained, and separated from their families.

**Trump's Agenda is Not Just Anti-Immigrant, It's Anti-Justice:** The federal administration's offensive against immigrant communities has consistently relied on using fear and confusion to disrupt processes by which immigrants access to social services, educational opportunities, jobs, and even being counted in the 2020 Census. Their threat to increase ICE's presence in New York City is itself a disruption of the justice system that makes our City less safe for immigrants. Giving ICE agents license to apprehend undocumented individuals by any means necessary, including self-identifying as police officers, obstructs justice from being served to the most vulnerable populations. A recent study by *The Center for American Progress* revealed that sanctuary policies do not increase the prevalence of crime. In fact, crime *against* immigrants rises and reports of crime by undocumented residents fall when sanctuary policies are not in place, and police have a more difficult time performing their duties when local police are mistaken for immigration enforcement agents.

#### **Recommendations:**

1. **Continue putting pressure on state and federal legislative bodies to advance policies that protect immigrant communities from harm**, including urging the signing of the Protect Our Courts Act by the Governor, the passage of the Access to Representation Act by the State Legislature and the Governor.
2. **Build capacity for immigration legal services at Asian-serving nonprofits.** The high deportation rates in the pan-Asian community is due in large part to a lack of affordable resources for Asian clients seeking culturally competent immigration legal services. In fact, in a recent AAF member survey, 95% of respondents rated immigration legal services as "Very Important", "Fairly Important", or "Important". Aside from local policies curbing excessive ICE enforcement, additional investment is needed to help grow capacity for immigrant-serving community organizations to provide language-accessible legal services to help families navigate the immigration system and Know Your Rights and immigration emergency response training for immigrant communities.
3. **Increase access to immigration legal services by investing in quality language services.** Language barriers can often make the difference between an undocumented individual obtaining access to representation and successfully avoiding deportation, or being caught up in an increasingly indiscriminate deportation machine. Making sure that nonprofit legal service providers have access to quality, low-cost language services is key to mitigating the harm coming from this administration.

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**The Bronx  
Defenders**

**Redefining  
public  
defense**

**New York City Council  
Committee on Immigration and Committee on Hospitals**

**Hearing re: Oversight - ICE's Escalated Attacks on NYC Policies Protecting Immigrants  
February 28, 2020**

**Written Testimony of The Bronx Defenders  
By Sophia Gurulé, Policy Counsel, Immigration Practice**

Good afternoon Chairs Rivera and Menchaca, my name is Sophia Elena Gurulé and I am Policy Counsel to the Immigration Practice at The Bronx Defenders. I also represent Mr. Duguid Gamboa — whose wife shared testimony about her family's experience being terrorized by ICE in their own home — in his deportation case at the Varick Street Immigration Court through the New York Immigrant Family Unity Project, also known as NYIFUP.

The Bronx Defenders (“BxD”) is a public defender non-profit that is radically transforming how low-income people in the Bronx are represented in the legal system, and, in doing so, is transforming the system itself. Our staff of over 350 includes interdisciplinary teams made up of criminal, civil, immigration, and family defense attorneys, as well as social workers, benefits specialists, legal advocates, parent advocates, investigators, and team administrators, who collaborate to provide holistic advocacy to address the causes and consequences of legal system involvement. Through this integrated team-based structure, we have pioneered a groundbreaking, nationally-recognized model of representation called holistic defense that achieves better outcomes for our clients. Each year, we defend more than 20,000 low-income Bronx residents in criminal, civil, child welfare, and immigration cases, and reach thousands more through our community intake, youth mentoring, and outreach programs. Through impact litigation, policy advocacy, and community organizing, we push for systemic reform at the local, state, and national level. We take what we learn from the clients and communities that we serve and launch innovative initiatives designed to bring about real and lasting change.

Our Immigration Practice pioneered the model of integrated criminal defense and immigration representation over fifteen years ago. Immigration attorneys work closely with clients and their advocates throughout the pendency of their cases in both criminal and family court to avoid or mitigate negative immigration consequences. Additionally, immigration attorneys represent

clients in deportation proceedings in both detained and non-detained settings, provide affirmative immigration services, and pursue community-based systemic reform litigation and advocacy aimed at reforming federal immigration laws. Since November 2013, our immigration attorneys have also served as assigned counsel at the Varick Street Immigration Court under the New York Immigrant Family Unity Project (NYIFUP), the first-ever universal representation project in immigration court.

### **THE CITY COUNCIL MUST PROTECT IMMIGRANT NEW YORKERS WITH CRIMINAL LEGAL SYSTEM CONTACT**

I thank the City Council for the opportunity to testify today. I also thank Chair Menchaca and his staff, who worked diligently to ensure that Mr. Duguid Gamboa obtained a NYIFUP public defender. Through NYIFUP, Mr. Duguid Gamboa was able to obtain bail from an Immigration Judge and reunite with his family in Sunset Park, their home.

As a NYIFUP public defender who has represented dozens of people in deportation cases at the Varick Street Immigration Court, I can say that, unfortunately, the experience of Mr. Duguid Gamboa and his family with ICE immigration law enforcement is not uncommon. ICE officers regularly engage in deceptive police tactics that result in months of incarceration, family separation, and deportation.

The Bronx Defenders has represented many people who were arrested by ICE officers pretending to be police officers throughout New York City. In most instances, people are arrested by ICE officers waiting outside their home, their work, or outside criminal court. It is unclear how ICE determines when or where to arrest, but one thing is clear: ICE regularly arrests people who have open criminal court cases. As ICE deliberately deceives immigrants with criminal legal system contact to effectuate civil arrests in the midst of heightened enforcement, New York must pass the Protect Our Courts Act to limit ICE's power.

That fear and predation have become the primary tools of ICE enforcement is evident not only in their targeting of courts, but in their deceptive practices they use to detain people. In one instance on Staten Island, ICE officers came to a family's home pretending to be police officers who could help their family member "dismiss his criminal case." Relying on this information, his wife informed the officers that he was at work and shared his location. He was then arrested outside his job at a popular Staten Island restaurant. Half a year later of immigration incarceration, he won his deportation case and is reunited with his family. But during that time his young child became suicidal and required hospitalization. The impact on him and his family

by his ICE arrest and incarceration cannot be overstated, and it is similar to the experiences of many incarcerated immigrants and their families that we represent through NYIFUP.

In another instance, on the day that he was scheduled to go to criminal court for the dismissal of his case, a 23-year-old Bronx resident was at his parents' home when several ICE officers knocked on the door, pretending to be police who were looking to arrest a different person from the neighborhood. They asked him if they could come inside to discuss. He opened the door and they arrested him instead. He is still incarcerated by ICE to this day and has celebrated three birthdays at the Bergen County Jail in ICE custody. His daughter--born while he was in ICE custody--is about to celebrate her second birthday without her father.

In the past two months, we have seen ICE escalate these types of deliberately deceptive, violent policing tactics against New York City and immigrant communities who live here. We have seen ICE issue subpoenas<sup>1</sup> to the New York City Department of Corrections to obtain information that is otherwise inaccessible to them due to New York City's detainer policies. We have seen ICE's Acting Director Matthew Albence say "ICE has no option but to increase enforcement" due to New York City's lack of cooperation with ICE. ICE's escalation in policing should also not surprise us when in September 2019 the ICE New York Field Office Director Thomas Decker said that "[i]f we're not able to pick them up from the jail . . . Then we're gonna look for them in the community."<sup>2</sup> Finally, we have seen that the Trump administration is deploying the SWAT team of the Border Patrol right now to assist ICE in arrests in New York City.<sup>3</sup> This announcement came a week after ICE shot Erick Diaz Cruz in the face and hand.<sup>4</sup>

The Second Circuit's decision this week allowing the federal government to withhold funding to so-called "sanctuary cities" will also undoubtedly embolden the Trump administration to act even more punitively against our city and its community members.<sup>5</sup> ICE and the Trump administration have made it unequivocally clear: New York City and its immigrant communities are its targets, and they will terrorize them to the fullest extent that they can.

In light of these flagrant escalations, it is critical now more than ever that the Council remain steadfast in its commitment to protect the most vulnerable New Yorkers. We urge the City

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<sup>1</sup> *ICE issues subpoenas to obtain information refused under NY sanctuary policies*, ICE.gov (Jan. 18, 2020), <https://www.ice.gov/news/releases/ice-issues-subpoenas-obtain-information-refused-under-ny-sanctuary-policies>.

<sup>2</sup> Dean Meminger, *ICE Official: Elected Officials Lying About Latest NY Arrests*, NY1 News (Sept. 27, 2019), <https://www.ny1.com/nyc/all-boroughs/news/2019/09/27/ice--new-york-officials-lying-about-recent-arrest-spree>.

<sup>3</sup> Caitlin Dickerson & Zolan Kanno-Youngs, *Border Patrol Will Deploy Elite Tactical Agents to Sanctuary Cities*, N.Y. Times (Feb. 14, 2020), <https://www.nytimes.com/2020/02/14/us/Border-Patrol-ICE-Sanctuary-Cities.html>.

<sup>4</sup> Annie Correal & Ed Shanahan, *Shooting of Man in the Face by ICE Turns Into a Trump-New York Fight*, N.Y. Times (Feb. 11, 2020), <https://www.nytimes.com/2020/02/11/nyregion/ice-officer-shooting.html>.

<sup>5</sup> *See generally State v. Dep't of Justice*, No. 19-267(L), 2020 WL 911417 (2d Cir. Feb. 26, 2020)

Council to keep asking questions of other city and state agencies about their roles in protecting immigrant New Yorkers, such as:

- How can the City Council limit ICE's practice of arresting immigrant New Yorkers with open, unresolved criminal cases?
- Which city or state agency will investigate the shooting of Erick Diaz Cruz? Has an investigation into this shooting begun, and if not, why not?
- And finally: What is the NYPD protocol that led to NYPD officers escorting ICE agents as they drove Mr. Avendaño to Hudson County Correctional Facility on February 7, 2020?

The crisis of ICE terrorizing New York immigrant communities is escalating, already resulting in a violent shooting and the hospitalization of two men. ICE is stoking fear throughout working-class immigrant families in New York City. Sadly, the fear is warranted with ICE officers luring people into arrest seemingly every day. We call upon the City Council to uphold and strengthen New York City's detainer laws to further demonstrate to immigrant New Yorkers that NYPD cannot in any way work with ICE. We encourage the City Council to draft legislation that limits data-sharing between city and federal agencies that may result in ICE arrests, such as information about pending criminal cases. Above all else, we ask the City Council to remain firm in its commitment to protecting all New York immigrants -- including those with criminal legal system contact -- as the Trump administration will only further its attacks on our city in their name.



# COUNCIL OF PEOPLES ORGANIZATION

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## **Testimony to be Submitted to the New York City Council Immigration Committee Regarding Increased ICE Enforcement in New York City**

On behalf of Council Of Peoples Organization (COPO) I would like to express our unwavering support for The City Council's proposed resolution 274A calling on the United States Congress to pass, and the President to sign, the Combating Deceptive Immigration Enforcement Practices Act of 2019 (H.R. 3498).

The ability to identify an ICE agent as opposed to a Police officer is VITAL when it comes to individuals with deportation orders. This is because such individuals may be fearful of being arrested or suffering criminal consequences and in that scenario would be more susceptible to questioning that may lead to their detainment and deportation. If they were aware the officer questioning them was in fact ICE, they would then have an opportunity to make a more informed decision to remain silent when possible and would also likely be more inclined to reach out to an immigration attorney before answering or signing anything.

Additionally, at COPO we have seen a very high increase in clients who are much more fearful of ICE since the decision to send more agents to sanctuary cities such as ours. The secondary effect of the increase in deportations is the further isolation felt by the undocumented community who continue to be marginalized by the current administration.

We have additionally been very concerned by the methods utilized by ICE when removing individuals with removal orders. There is absolutely no regard for one's dignity in the method in which these individuals are removed. This includes the seizing of passports, and ICE personally showing up at residences and removing individuals in front of their families and literally taking them to either an express departure, or to a detention facility until their departure.

COPO stands firmly with our community through these tough times, and we continue in our efforts to inform and assist vulnerable individuals who continue to fight every day for better lives in the United States. We also want to sincerely thank the council for introducing these measures. It means the world to these communities that the City of New York is still on their side.

Thank you.

Mohammad Razvi

Executive Director



**TESTIMONY OF:**

**Nyasa Hickey – Director of Immigration Initiatives, Immigration Practice**

**BROOKLYN DEFENDER SERVICES**

**Presented before**

**The New York City Council Committees on Immigration and Hospitals**

**Oversight Hearing ICE’s Escalated Attacks on NYC Policies Protecting Immigrants**

**February 29, 2020**

My name is Nyasa Hickey. I am the Director of Immigration Initiatives at Brooklyn Defender Services (BDS). I am one of the BDS staff members responsible for reviewing our internal reports of U.S. Immigration and Customs Enforcement (ICE) enforcement actions in our communities as well as in and around courthouses, and I am also one of the people responsible for providing staff with guidelines about how to respond to ICE’s actions and how to counsel people we represent about their rights.

BDS provides multi-disciplinary and client-centered criminal, family, and immigration defense, as well as civil legal services, social work support and advocacy, for nearly 30,000 clients in Brooklyn every year. Since 2009, BDS has counseled, advised or represented more than 10,000 immigrant clients. I thank the City Council Committees on Immigration and Hospitals, and in particular Chair Menchaca, for the opportunity to testify about ICE’s escalated attacks on New York City’s policies to protect immigrant New Yorkers.

We are a provider of the New York Immigrant Family Unity Project (NYIFUP) and a Board of Immigration Appeals (BIA) recognized legal service provider. In addition, we represent individuals in applications for immigration relief, permanent residence, and naturalization before the U.S. Citizenship and Immigration Services (USCIS), and in detained and non-detained

removal proceedings in federal immigration court. Our immigration specialists provide support and expertise on thousands of cases, including Padilla advisals, advocacy regarding enforcement of New York City's detainer law, as well as individualized immigration screenings and know-your-rights advisals.

I thank the City Council Committee on Immigration for the opportunity to testify about the proposed resolution and the attacks on New York City policies to protect immigrants.

### **Support for Existing Policies that Protect Immigrants' Rights and Resolution 274A**

We applaud New York City and this City Council for its long-standing acknowledgement that immigrant New Yorkers are essential to the fabric of our community and that we must stand united to protect the rights and the integrity of all New Yorkers.

The New York City Council has led the nation with its efforts to protect and support immigrant communities. The first-in-the-nation public defender program for detained immigrants facing deportation, the New York Immigrant Family Unity Project, has become a model for the provision of immigration legal services that is now being replicated in jurisdictions across the country.<sup>1</sup> In addition, the City invests millions of dollars every year for additional immigration legal services, English language lessons, citizenship outreach and education, and other programming that support the success of immigrant New Yorkers.

New York City was one of the first jurisdictions in the nation to pass a comprehensive detainer discretion law, which ensures that City police and jails are not unwittingly commandeered into making warrantless arrests in the service of a federal scheme of deportation that is rife with errors, abuses, and due process violations. Immigration detainers ask localities to hold people in jail beyond the time they would otherwise be released without a judicial warrant so that ICE can take custody of them and transfer them to immigration detention. Cities not only have to pay the bill for holding people in jail in violation of their Fourth Amendment rights, but are also legally responsible when they get sued for violating people's rights by holding them without a judicial warrant, transferring them to immigration detention centers that are notorious for horrific conditions and inadequate medical care, and facilitating their deportation when in fact they are United States Citizens. Moreover, blindly cooperating with immigration detainers would make the City complicit in a punitive deportation regime predicated on racial animus and hostile to the very concept of asylum, that by and large functions as a form of labor discipline for noncitizen working people who are scapegoated as "illegals" and "criminal aliens."

The Trump Administration has blamed "Sanctuary City" policies for its escalation in courthouse arrests, arguing that preventing ICE from apprehending people in city jails and police precincts leaves them no choice but to stalk people who appear before local and state courts. ICE has been quick to exploit any offense allegedly committed by an immigrant for propaganda purposes and to blame localities for refusing to deputize their local officials in furtherance of expediting and

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<sup>1</sup> Learn more at Vera Institute of Justice, *SAFE Cities Network*, <https://www.vera.org/projects/safe-cities-network>.



facilitating the deportation pipeline. However, many of the local policies in question, like the City's detainer law, had been in effect for several years even before the current Administration, and these policies only prevent City agencies from turning people over to ICE when there is no valid judicial warrant to verify the legitimacy of the arrest. The problem is not the City's policies; the root of the problem is that ICE is an unrestrained agency that arrests immigrants without facing any significant check or measure of accountability on the self-proclaimed legitimacy of its self-issued administrative arrest warrants,<sup>2</sup> or its propensity for employing coercive and violent tactics that are used to arrest individuals. Unable to compel City police and jails into its service, ICE retaliates by taking advantage of a cornerstone of the integrity of the state criminal court process—the expectation that defendants released from custody will voluntarily return to court—to conduct disruptive plainclothes arrests that interrupt criminal proceedings by delaying both prosecution and exoneration. It is these practices that threaten the integrity of our State Courts and the safety of our communities, and there is simply no excuse for ICE's widespread use of deceptive ruses, coercion, brandishing of weapons and resort to violent force.

Accordingly, we are also in support of the City Council to pass Resolution 274A - calling on the United States Congress to pass, and the President to sign, the Combating Deceptive Immigration Enforcement Practices Act of 2019 (H.R. 3498), which would prohibit agents of the U.S. Department of Homeland Security from wearing clothing or equipment that bears the word "police," and calling upon the Department of Homeland Security to prohibit ICE agents from identifying themselves as police officers while conducting immigration enforcement activities in New York City.

Notably, we have also outlined additional steps that this City Council can take protect our immigrant New Yorkers and New York communities in the section titled "Recommendations and Additional Actions."

### **Increased ICE Enforcement and Harmful Operations Tactics in New York**

In the past month and a half since the beginning of 2020, we have seen a dramatic increase in ICE operations in New York City, including more than ten arrests of people already represented by BDS at the time of arrest in criminal or family court proceedings. ICE has increasingly been using militarized rhetoric and tactics such as a declaring that they will deploy special forces known as BORTAC, which are enhanced tactical law enforcement units that typically have stun

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<sup>2</sup> See Bob Ortega, *ICE supervisors sometimes skip required review of detention warrants, emails show*, CNN, March 13, 2019, <https://www.cnn.com/2019/03/13/us/ice-supervisors-dont-always-review-deportation-warrants-invs/index.html> ("Internal emails and other ICE documents . . . obtained through a Freedom of Information Act request . . . show that other officers across [a] five-state region . . . had improperly signed warrants on behalf of their supervisors – especially on evening or weekends. Some supervisors even gave their officers pre-signed blank warrants – in effect, illegally handing them the authority to begin the deportation process.").

grenades sniper certifications.<sup>3</sup> The impact of the increased and militarized enforcement policies at the federal level are felt by our immigrant clients, their families and New York City communities. We have written about many of these practices at length in previous testimony<sup>4</sup> and list many of ICE's most pernicious practices here:

- Arrests
  - Increased home and workplace raids in the community including ICE arrests in homeless shelters<sup>5</sup>
  - Increased ICE arrests in and around city courthouses, limiting access to the court system<sup>6</sup>
  - Increased arrests of people who are not the targets of the arrest, also known as “collateral arrests,” which also seems to correlate with the use of mobile fingerprint devices and demands by ICE that everyone in the proximity submit their fingerprints
  - Increased use of aggressive arrest practices and use of force including brandishing guns and making threats
  - Reliance on ruses and other nefarious means to lure targets into ICE custody including using police precincts as locations for ruses<sup>7</sup>
  - Effectuating arrests or entering private homes without judicial warrants<sup>8</sup>
  - Racial profiling, including relying on unsubstantiated gang allegations<sup>9</sup>
  - Detaining people at Order of Supervision (OSUP) check-ins<sup>10</sup>
  - Re-arresting people who have won relief in immigration court but have not yet received their visas or green cards<sup>11</sup>

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<sup>3</sup> Caitlin Dickerson and Zolan Kanno-Youngs, *Border Patrol Will Deploy Elite Tactical Agents to Sanctuary Cities*, The New York Times, Feb 14, 2020,

<https://www.nytimes.com/2020/02/14/us/Border-Patrol-ICE-Sanctuary-Cities.html>

<sup>4</sup> Please see our previous testimonies before the City Council, available on the Brooklyn Defender Services website at [www.bds.org/#policy](http://www.bds.org/#policy).

<sup>5</sup> IMMIGRANT DEFENSE PROJECT, ICEWATCH: ICE RAIDS TACTICS MAP (2018), available at <https://www.immigrantdefenseproject.org/wp-content/uploads/ICEwatch-Trends-Report.pdf>.

<sup>6</sup> See, e.g., Press Release, Immigrant Defense Project, IDP Unveils New Statistics & Trends Detailing Statewide ICE Courthouse Arrests in 2017, available at <https://www.immigrantdefenseproject.org/wp-content/uploads/ICE-Courthouse-Arrests-Stats-Trends-2017-Press-Release-FINAL.pdf>.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> Kavitha Surana, *How Racial Profiling Foes Unchecked in Immigration Enforcement*, PROPUBLICA, June 8, 2018, <https://www.propublica.org/article/racial-profiling-ice-immigration-enforcement-pennsylvania>.

<sup>10</sup> *Testimony of Andrea Saenz, Presented before the New York City Council Committee on Immigration Oversight Hearing on the Impact of New Immigration Enforcement Tactics on Access to Justice and Services*, March 15, 2017.

<sup>11</sup> *Id.*

- Court Appearances
  - Abolishing nearly all in-person appearances at Varick Street Courthouse, leaving the only option for detained people to appear in court to do so via Video Teleconferencing (VTC)<sup>12</sup>
  - Failing to produce detained people for state court proceedings where writs are issued by the courts or prosecutors to ensure their appearance
- Detention
  - Sub-standard detention conditions for detained immigrants
    - Insufficient access to medical care and mental health treatment<sup>13</sup>
    - Insufficient or spoiled food<sup>14</sup>
    - Damaged and insufficient clothing and hygiene products<sup>15</sup>
    - Overly restrictive and inappropriate use of administrative segregation<sup>16</sup>
  - Lack of access to programming and other supports
  - Lack of language services to facilitate communication with non-English-speaking detained people

***I. ICE uses coercion and intimidation to gain entry people's homes:***

Example: In the early morning hours just a few days before Christmas, when it was still dark outside, ICE officers banged on a family's door and misleadingly announced themselves as "police." The ICE officers repeatedly shouted that they had a warrant and therefore should be let into the home, although they refused to show the warrant and in fact did not have a judicial warrant allowing them entry into the home, but merely an administrative warrant. When a family member opened the door to the home, the ICE officers still did not accurately identify themselves, and proceeded to accuse a family member of "harboring" a "criminal" in front of her young children. At this point the family member "consented" (read: was coerced) to allow ICE to enter the home. ICE arrested James<sup>17</sup> in such an aggressive and intimidating matter that the family member and the young children in the home were crying and shaking.

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<sup>12</sup> *Testimony of Nyasa Hickey, Presented before the New York City Council Oversight Hearing on the Impacts of the Trump Administration Family Separation Policy on New York*, July 12, 2018.

<sup>13</sup> NEW YORK LAWYERS FOR THE PUBLIC INTEREST, *DETAINED AND DENIED: HEALTHCARE ACCESS IN IMMIGRATION DETENTION (2017)*, available at [http://www.nylpi.org/wp-content/uploads/2017/02/HJ-Health-in-Immigration-Detention-Report\\_2017.pdf](http://www.nylpi.org/wp-content/uploads/2017/02/HJ-Health-in-Immigration-Detention-Report_2017.pdf).

<sup>14</sup> HUMAN RIGHTS FIRST, *AILING JUSTICE: NEW JERSEY, INADEQUATE HEALTHCARE, INDIFFERENCE, AND INDEFINITE CONFINEMENT IN IMMIGRATION DETENTION (2018)*, available at <https://www.humanrightsfirst.org/sites/default/files/Ailing-Justice-NJ.pdf>.

<sup>15</sup> *Id.*

<sup>16</sup> OFFICE OF THE INSPECTOR GEN., U.S. DEP'T OF HOMELAND SEC., *CONCERNS ABOUT ICE DETAINEE TREATMENT AND CARE AT FOUR DETENTION FACILITIES (June 2019)*.

<sup>17</sup> The names of the persons we represent have been changed.

Example: ICE raided a home by pounding on the door before 7:00 a.m. The officers shouted that they were “police” and had the words “police” on the front of their jackets. Jeffrey opened the door and ICE agents forced their way in, announcing themselves as “police” and were doing some sort of a verification. Once inside the home, the ICE agents dragged the targeted person outside to the ICE vehicle in only pajama bottoms, without any essential clothing such as socks, shoes, or shirt, at which point they handcuffed him.

## ***II. ICE uses unnecessary lethal weapons to intimidate and arrest people in public places***

Example: Laurence when leaving court after his court appearance, he was approached by ICE officers while waiting for a bus. The ICE agents pushed a gun into Laurence’s side and said, "don't move, ICE" and held the gun there for about 10 seconds until three more agents arrived in a van. The agents then pushed Laurence into the van, searched him, and arrested him.

Example: Jack was leaving an appointment with his personal injury lawyer and was walking to his parked car. When he got inside his car was he approached by someone on foot who identified himself as an ICE agent and a car pulled up next to him, blocking his car from moving. Then, several ICE agents got out and told him to get out of his vehicle, after which they pointed a gun to his back and arrested him.

Example: Charlie was on his way from his house to go to his court appearance when ICE agents stopped him by pointed a gun at him and telling him to get on his knees. The ICE agents then threw him to the ground arrested him.

## ***III. ICE’s uses of deceptive ruses and intentional misrepresentation of themselves as “police”***

ICE officers routinely pose as police officers, purposefully misdealing or failing to distinguish themselves from NYPD or other law enforcement agencies, and even goes so far as to claim to be “police” working with the local District Attorney:

Example: Lennard received a number of phone calls on his cell phone from a number he didn’t recognize. After of a couple of unanswered calls, Lennard eventually answered the phone. ICE agents, who told Lennard that they were from the Brooklyn District Attorney’s office, told Lennard that he needed to come into the office to speak about an open case. The ICE agents offered to meet Lennard in uptown Manhattan, where he was staying at a friend’s apartment. Lennard, believing that the agents worked for the District Attorney’s office, agreed to meet them at 10:00 a.m. The ICE agents suggested that they meet Lennard on nearby street corner, and he agreed although he thought it was a peculiar meeting place. At 10:00 a.m. on the agreed-upon date, Lennard showed up and no one was there. He called the agent that he had been in touch with and the ICE agent said he was running late but on his way. Shortly afterwards, three cars pulled up and

arrested Lennard. It was only then that Lennard learned that the agents were ICE and not actually affiliated with the Brooklyn District Attorney's Office.<sup>18</sup>

ICE unabashedly touts the use of ruses as a legitimate ICE tactic. John Torres, Acting Director of ICE in 2005, wrote the following in an agency memo on the use of ruses:

The USMS [U.S. Marshals Service], FBI and various other federal, state and local agencies have successfully used 'ruses' to lure targets to locations where the arrests were made with the least amount of danger to both the officers and targets. The use of a ruse during an arrest means that we control the time and location, not the target.[...] Ruses can run the gamut from announcing that you are with DRO [ICE Detention and Removal Operations] and looking for a person other than the target to adopting the guise of another agency (federal, state or local) or that of a private entity.<sup>19</sup>

#### *IV. ICE has hijacked our courts for its enforcement purposes*

ICE's focus on targeting State and City courts as a place to stalk and arrest immigrants has created additional obligations for our attorneys appearing in court who now must regularly be physically present with people that they represent outside of the courthouses in an attempt to help them invoke their rights in the event that ICE seeks to arrest and detain them. Notably, ICE routinely fails to take notice of counsel's presence or invocation of a person's rights, and instead seizes identification without consent, takes statements without counsel present, and fails to notify counsel of a person's location in detention. This is especially problematic when BDS staff attempt to tell ICE officers that a client has special needs—such as life-threatening medical conditions that require medication, or responsibility as the sole caretaker for a minor child—but are ignored.

ICE has arrested our clients in parking lots, sidewalks and other areas outside of courts in the Bronx, Manhattan, Brooklyn, Queens, Community Justice Courts, as well as in and around courts in Long Island, Westchester and Upstate New York. When making courthouse arrests, ICE is almost always dressed plainclothes, and generally refuses to identify themselves or give information about where the person they are arresting is being taken. To effectuate the arrest, ICE uses coercive and intimidating arrest tactics such as brandishing weapons and allegedly saying things like: "You either come with us now, or we follow you home and take your whole family."

The criminal history of the people targeted in and around the courthouses has ranged from people who are only accused of a crime and have no criminal history, to minimal DUI infractions to more serious and lengthy criminal histories. Regardless of the gravity of the criminal

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<sup>18</sup> Ryan Devereaux, *ICE has conducted hundreds of raids in New York since Trump came to Power. Here's what those operations look like*, THE INTERCEPT, July 23, 2018, <https://theintercept.com/2018/07/23/ice-raids-in-new-york/>.

<sup>19</sup> John P. Torres, Acting Director, U.S. Immigration and Customs Enforcement, "Addition to Section 5, Chapter 19 (Field Operations and Tactics) of the Detention and Deportation Officer's Field Manual (DDFM) – Use of Ruses During Arrest Operations (Aug. 15, 2015).

allegations, in the case of the courthouse arrests these noncitizen clients are voluntarily returning to court. In some cases the person we represent was arrested after the case was called, but while there was still an open case (*i.e.*, the case was adjourned to a future date); in other cases the client was arrested before he could appear before the criminal court. As a consequence of intervening ICE arrests, people are regularly denied the opportunity to speak with defense counsel, the chance to understand what's happening in their case, or the right to appear in court. These denials lead to severe consequences in many cases, even a criminal court warrant being issued for a person's arrest who failed to appear in criminal court because he was detained in ICE custody.

Most recently, we have noticed that ICE arrests have happened in the community just days after someone was arraigned in criminal court. As a result, a criminal case for minor charges remains open and unresolved, both prejudicing the person we represent in their immigration proceedings where a pending criminal charge is linked with a presumption of guilt, and in their criminal proceedings where the person's absence may result in the issuance of a warrant or, at the very least, an open case hanging over their head.

The ICE arrests and the detention and deportation of immigrants with open criminal charges disrupts the criminal legal process and interferes with people's due process rights by preventing them from appearing before the criminal courts. The issuance of a criminal warrant because someone is detained in immigration jail not only stymies the entire judicial system and an individual's access to due process to challenge the charges against them, but can lead to denial of immigration relief and effective lifetime banishment in the form of deportation.

Example: NYPD recently refused to certify a U-visa for the victim of a serious crime, who is represented by BDS, because the person has an outstanding warrant for failure to complete the last of a series of give classes related to driving without a license. The person was unable to complete the classes and appear in court because that individual was detained in ICE custody and as a result a warrant was issued. This individual was detained in immigration for more than 125 days without a court hearing at Varick Street Immigration Court, meanwhile they were unable to complete the TASC class nor appear in court and as a result a warrant was issued on the criminal case. As a secondary result, because of the warrant, now that person is ineligible for a U-visa as a victim of a crime because of NYPD's refusal to certify.

Notably, other actors in the immigration deportation system also frequently violate our clients' rights, and our concerns about their actions are listed in previous testimony before this committee. However, the combined effect of these injustices are that our clients are increasingly likely to be targeted for enforcement or swept up in mass raids, held for months of years without bond in horrible detention conditions. All of this occurs on top of harsh and unfair immigration laws like IIRIRA and racially biased policing that disproportionately punishes low-income people of color.

The Trump administration is facilitating family and community separation by funneling people into the immigration deportation system in the name of "safety" and "criminal justice." Instead, public proclamations of increased raids in New York and use malicious ICE arrest strategies forces immigrant communities to turn away from reporting crimes, cooperating in investigations,

and from seeking help. This destabilizes all of our communities, creates additional mistrust of the local police, and makes us all less safe.

### **Brooklyn Defender Services is Responding**

As a direct services provider, Brooklyn Defender Services is a first-responder to ICE's attacks on the immigrant clients and immigrant communities we serve. We regularly provide know-your-rights trainings for the community, including information on encounters with ICE and family preparedness planning. For example, at our Community Office we developed a training for people who work in homeless shelters to understand the rights of immigrant shelter residents and interactions with ICE in shelters. We also produced four short animated films as part of a national empowerment campaign called "We Have Rights" or "Tenemos Derechos" that informs community members how to prepare for and safely defend their rights during encounters with ICE.<sup>20</sup> We are currently developing new video segments for the "We Have Rights" campaign in response to the increased enforcement and militarization against the immigrant community.

As enforcement has continued to ramp up since 2017 and enforcement practices have changed, we continuously had to pivot to modify our advice to inform the people we represent and the Brooklyn community about current ICE practices. Our Immigration Practice provides individualized screening and know-your-rights advice to immigrant BDS clients in all of our practice areas including the Criminal Defense Practice and Family Defense Practice. If we learn that a person we represent has been detained by ICE, we have an internal triage process through which we screen and provide support, which sometimes includes outside referrals. In most cases our NYIFUP team is immediately brought on board and provides the people we represent with top-notch representation. Internally, we also collect written reports of ICE courthouse or community arrests in order to monitor current trends and be as prepared as possible to answer questions from the people we represent.

### **Recommendations and Additional Actions**

This City Council can continue its support of New York immigrant communities and take concrete steps to minimize the detrimental impact of ICE enforcement actions through the following recommendations:

1. Support robust funding for immigration legal services like NYIFUP which are critical to keeping families together.
2. End Broken Window Policing a policy that, in criminalizing even the smallest of offenses, puts thousands of immigrants in danger just by virtue of having been fingerprinted. Mere arrests, even in cases that are later dismissed or resolved with a non-criminal violation, can lead to deportations, broken families and broken communities.

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<sup>20</sup> Learn more about the campaign at [www.wehaverights.us](http://www.wehaverights.us)

Change NYPD's policy to fingerprint anyone who is arrested, even if only for a low-level offense like fare evasion. Some police armed with tablets are even fingerprinting people in their neighborhoods, without even making an arrest that leads to a trip to the precinct and processing at Central Booking. Fingerprints collected by the NYPD are transmitted to the FBI, who in turn can share them with the Department of Homeland Security, potentially leading to an arrest by ICE and deportation. Even if a district attorney declines to press charges, an immigrant is put at heightened immediate risk of being found by ICE.

Broken windows policing, or the criminalization of the most minor offenses, even without a resulting conviction, thus directly sends thousands of immigrants and their fingerprints to the federal government every year. Over the past three years, the BDS immigration practice has represented dozens of detained clients in deportation proceedings for underlying "crimes" like possession of small amounts of marijuana, turnstile jumping, and driving without a license. Some of these clients are legal permanent residents who had been living in the U.S. for dozens of years with these minor convictions on their record before they were swept up by ICE.

3. Provide support to city agencies, hospitals and communities to develop policies and training for staff on know-your-rights information specific to the immigrant population that they serve. For example, provide funding and resources to support for homeless shelters to develop protocol to protect the rights of immigrants when ICE targets a homeless person in a New York City shelter for arrest and deportation.
4. Support the State legislative efforts to change systems and practices that harm immigrants, such as:<sup>21</sup>
  - NY for All (S7562/A9586) to restrict municipal or state agencies from inquiring about a person's immigration status or nationality, from sharing information with ICE or Customs and Border Enforcement (CBP) except as required by federal law, from entering into agreements to deputize officers to work on behalf of ICE, and from enforcing civil immigration law themselves.
  - Protect Our Courts Act (A2176A/S425A), which would prohibit the warrantless ICE arrests of immigrants in or on their way to the courthouse and ensure that they can access their due process rights without fear and intimidation by ICE.<sup>22</sup>
  - Repeal the "Walking While Trans" ban (A00654/S02253) which would repeal Penal Law 240.37, Loitering for the Purpose of Engaging in Prostitution which

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<sup>21</sup> Information about many of these legislative efforts available through the Justice Roadmap: <https://www.justiceroadmapny.org/>

<sup>22</sup> Information about the New York State bill, Protect Our Courts Act: <https://www.immigrantdefenseproject.org/ice-courts-nys/>



has a disparate impact on women of color and LGBTQ communities and results in the detention and deportation of immigrants.<sup>23</sup>

- Marijuana Regulation and Taxation Act (S1527B/A1617B) which ends marijuana prohibition, expunges marijuana offenses, removes a positive marijuana test as a basis for parole or probation violations, or for denying access to employment or licensing, and drastically reduces the number of people at risk of deportation due to marijuana offenses. There is a growing recognition among policymakers of all parties, many of whom may struggle with addiction themselves or have friends or family members who struggle with addiction, that criminalization is an ineffective and, in fact, often very dangerous approach to drugs. The sharp racial disparities in these arrests—approximately nine-in-ten of those arrested are Black and/or Latinx—are inexcusable and are a pipeline to the detention and deportation of immigrants.
5. Urge Governor Cuomo to exercise his pardon power to protect immigrants from deportation.<sup>24</sup> The City could also fund community organizations or partner with pro bono law firms to file pardon applications and do pardon advocacy.
  6. Build community trust between the City and the immigrant community to ensure that community members feel comfortable reaching out to NYPD to verify whether or not an “investigation” or a request to surrender on a warrant is valid, or whether it is an ICE ruse. Building community trust also requires reforming many of the policing strategies this City has trumpeted for years, including ending quality of life crime policing as outlined above and instead focusing on building public safety through community support and developing close ties and trust with the communities that the police are meant to serve.

## **Conclusion**

We urge New York City to remain steadfast in the protection of immigrants New Yorkers, and not to fall prey to false rhetoric blaming “Sanctuary City” policies. We hope this Council will commit to advocating for city, state and federal reform that will change systems and practices that harm impacted immigrant communities. We also urge the Council to continue to support funding for legal services as we know that impact of access to legal representation is central to an individual’s ability to challenge their deportation proceedings, as well monitor and hold the government accountable for detrimental policies and practices and challenge violations of people’s rights. As New Yorkers, we know that policies that protect our immigrant communities protects our community as a whole. Thank you for inviting us to testify and for considering our testimony today.

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<sup>23</sup> <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/repeal-the-walking-while-trans-ban>

<sup>24</sup> <https://immigrantpardonproject.com/>

## City Council testimony

We stand here today, on the heels of a horrific event that took place earlier this month. When ICE agents brutally attacked Gaspar Avendaño-Hernandez to arrest him, and shot Erick-Diaz Cruz in the face, nearly killing him. The days that ensued were horrific, as we witnessed the extent ICE's abuse and disregard for the law and human rights.

I stand to voice my support for this resolution that stands before these committees, which is a crucial part in fighting back and standing up for the most vulnerable in our society. We can no longer allow ICE to operate with impunity and identify themselves as police, enabling them to freely continue terrorizing our communities. As a matter of fact, ICE must be completely abolished. We must also condemn the use of heavily armed swat-like teams to enforce ICE raids, which will lead to many more shooting and killings of innocent civilians. It is also incumbent on thi chamber to take a stance to create a real sanctuary in New York, and scrutinize the cooperation between NYPD and ICE which has been deeply troubling to witness.

As an immigration activist who has worked on several other cases to stop deportations, I want to make it clear that unfortunately, these events have not happened in a vacuum. We have grappled with a three year onslaught against our immigrant communities at the direction of the federal government headed by Trump. Make no mistake, these policies and rhetoric are part of a larger plan to advance a white supremacist agenda, with the goal of ethnically cleansing Latinos and immigrants of color out of the country, in order to maintain political and democratic control of the nation. We must rid ourselves of this scourge, making defeating Trump in November a matter of survival.

As Mark Twain fampusly said, History may not repeat itself, but it certainly rhymes. The moment we are living through is rhyming in a very similar fashion to one of the ugliest era's of human history. The thing about history is that it is the harshest of judges, and a day like today we examine who is standing on the right side of humanity. I ask that we all stand together to demand justice for Erick, freedom to Gaspar, and the freedom of all immigrants in the United States because no human is illegal, and one should fear to exist. ABOLISH ICE!

- Carlos J Calzadilla-Palacio

President of Young Progressives of America, immigration activist, Senior political science student at CUNY John Jay College of Criminal Justice

## TESTIMONY

Submitted to the New York City Council  
Joint Hearing of the Immigration and Hospital Committee  
On ICE's Escalating Immigration Enforcement  
February 28, 2020

By:  
Ari Moma, RN  
Member, Board of Directors  
New York State Nurse Association (NYSNA)

My name is Ari Moma. I am a registered nurse at Interfaith Medical Center in Central Brooklyn.

I think I speak for many nurses in New York City when I say I was horrified when I heard that ICE Agents in Southern Brooklyn had violently confronted two men outside their home, shooting one in the face on February 6.

Those men were brought to Maimonides Hospital, where my fellow NYSNA nurses work, and where ICE remained, making their presence felt in patient care areas.

Nurses work to heal patients. We care for ALL New Yorkers, including immigrant and undocumented New Yorkers!

Having ICE occupy our hospitals creates fear in our immigrant patients, and can prevent sick people from seeking treatment in our hospitals. That has negative consequences for public health—and it impacts us all!

Having ICE occupy our hospitals also creates fear for the healthcare professionals who work in our hospitals.

New York City is a sanctuary city, and our hospitals—whether public Health + Hospitals facilities, or private facilities such as Interfaith and Maimonides—should also be sanctuaries from violence and from fear. We nurses took an oath: we will not allow harm to our patients. Hospitals are a sanctuary for healing!

ICE has no place in our hospitals, or in our communities using excessive force on our residents. This is a civil agency, not a law enforcement agency. We fully support Resolution 274-A, which will prevent ICE from misidentifying themselves—and which we hope will prevent future shootings and harm to come to immigrant New Yorkers.

Thank you!

## **TESTIMONY BEFORE NEW YORK CITY COUNCIL'S COMMITTEES ON HOSPITALS AND IMMIGRATION**

**Presented on February 28, 2020**

My name is Casey Dalporto and I am an attorney specializing in the intersection of criminal and immigration law at The Legal Aid Society. For more than 140 years, The Legal Aid Society has been a tireless advocate for those least able to advocate for themselves, including the New York City immigrant community.

In the most recent fiscal year, our immigration team assisted in over 5,000 individual legal matters benefiting over 10,500 New Yorkers city-wide. Our breadth of experience provides us with unique insights into the challenges facing immigrant New Yorkers, and we are on the frontline of efforts to defend our city against an overtly hostile federal administration. Beyond representing thousands of individual noncitizens every year, the Legal Aid Society seeks to effect systemic change through litigation and advocacy, spearheading important lawsuits and campaigns to defend New York's immigrant communities.

In that spirit, today we welcome the opportunity to provide testimony on the terror-inducing impact of recent Immigration and Customs Enforcement (ICE) activity in New York City, and the importance of our legislative bodies taking action to protect our immigrant population.

### **1. Ensuring Equality Of Opportunity For New York City's Immigrant Communities**

Under the leadership of the City Council and the Mayor, the City has historically worked to ensure that all New Yorkers - regardless of immigration status - are able to prosper

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in our city. This has entailed enacting multiple measures to provide a level of protection to undocumented and other non-citizen New Yorkers, to enable them to go about their everyday activities without the constant, looming specter of ICE and deportation.

These actions are critically important to the security and stability of all New Yorkers, not just immigrants. To be clear, anxiety about immigration enforcement extends far beyond the actual individuals vulnerable to deportation, and indeed, commonly spreads to other family members, often children. An Urban Institute study from July 2019 found that, nationwide, one in three adults in vulnerable immigrant families reported avoiding at least one routine activity for fear of coming into contact with ICE.<sup>1</sup> These activities range from talking with school teachers, interacting with law enforcement, or even visiting a doctor or clinic. Thus, it is clear that an escalated ICE presence harms the wellbeing not only of undocumented persons, but their entire families and communities.

## **2. ICE Enforcement Activities in New York City**

While the City has made great strides in protecting non-citizen residents and undocumented New Yorkers, our immigrant communities face an unprecedented threat from an emboldened federal immigration enforcement presence in New York. The escalation of ICE enforcement activities have been a central facet of the federal administration's anti-immigrant policies since 2017, when ICE shifted its focus from specific individuals posing a threat to public safety and national security, to instead targeting potentially undocumented non-citizens indiscriminately. This shift in enforcement priorities, and an increasingly

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<sup>1</sup> Urban Institute. July 2019. "Adults in Immigrant Families Report Avoiding Routine Activities Because of Immigration Concerns". Available here: <https://www.urban.org/research/publication/adults-immigrant-families-report-avoiding-routine-activities-because-immigration-concerns>

belligerent and adversarial approach to enforcement, is part of a broader hostile campaign by the federal administration to target marginalized communities.

In addition to increased enforcement activities at courthouses and other public institutions, as the Legal Aid Society has testified previously, ICE has also substantially increased its enforcement activities across the city more broadly. This includes the recent announcement of plans to deploy ICE tactical units from the southern border to cities such as New York as part of accelerated arrest operations in localities that do not actively participate in immigration enforcement. These include elite “SWAT” team-equivalent tactical units with enhanced special forces training and specialized equipment typically used in operations to disrupt large-scale drug and smuggling operations in areas around the border. The deployment of these units to support routine enforcement activities in an urban environment represents an unprecedented escalation of immigration enforcement, and will disrupt and further spread terror across communities already on high alert under the Trump administration.

- 3. Proposed Res. No. 274-A - Resolution calling on the United States Congress to pass, and the President to sign the Combating Deceptive Immigration Enforcement Practices Act of 2019 (H.R. 3498), prohibiting agents of the United States Department of Homeland Security from wearing clothing or equipment that bears the word “police,” and ... calling upon the Department of Homeland Security to prohibit United States Immigration and Customs Enforcement (ICE) agents from identifying themselves as police officers while conducting immigration enforcement activities in New York City.**

In this context of increasing ICE enforcement activities, an additional concerning trend has emerged in New York City, in which ICE agents impersonate local law enforcement to trick unsuspecting non-citizen New Yorkers into opening their doors or complying with ICE

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requests when there is no legal requirement for the individual to do so. Over the past several years, our clients have reported many instances of such ruses. In one commonly reported scheme, the noncitizen receives a knock on their door from an ICE officer pretending to be an NYPD detective. The officer, usually wearing clothing or equipment bearing police insignia, claims that the noncitizen is a victim of an identity theft scheme that the NYPD is investigating. The officer asks to meet with the noncitizen under the guise of a police officer working to protect NYC residents from fraud. In fact, the only fraud committed is by the officers themselves, impersonating our city's police, exploiting our residents' trust in New York's vital public services.

Not only is this practice morally reprehensible, it also destabilizes NYC's entire system of law enforcement. More specifically, these ruses degrade the legitimacy and reputation of NY's police force among a community that is already apprehensive about reporting crimes and cooperating with police and prosecutors. Nationally, an estimated one in five adults in families with one or more foreign-born individuals without a green card or U.S. Citizenship report avoiding talking to the police or reporting a crime out of concern of being questioned about their immigration status and risking potential discovery.<sup>4</sup> Ensuring that all New Yorkers are able to interact with law enforcement authorities safely is vital to public safety and the proper functioning of the criminal justice system.

The Legal Aid Society wholeheartedly supports this proposed resolution and fully endorses its spirit. We are grateful to live in a sanctuary city that takes its commitment to supporting its vulnerable, immigrant communities seriously.

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<sup>4</sup> Urban Institute. July 2019. "Adults in Immigrant Families Report Avoiding Routine Activities Because of Immigration Concerns". Available here: <https://www.urban.org/research/publication/adults-immigrant-families-report-avoiding-routine-activities-because-immigration-concerns>

Historically, New York has been the entry point for millions of immigrants to the U.S. and we are proud that we continue to welcome immigrants to our city. This approach has helped establish New York City as among the most progressive in the nation, and has become even more vital since the arrival of a President with a blatantly anti-immigrant agenda and a federal administration that engages in unprecedented attacks on immigrant communities across the nation. In what has always been an international city built on the diversity fostered by thriving immigrant communities, protecting these vulnerable New Yorkers is essential to who we are.

Respectfully submitted,

Casey Dalporto  
*Staff Attorney*  
Immigration Law Unit



*The Rev. Dr. Chloe Breyer  
Executive Director, The Interfaith Center of New York  
Feb. 28, 2020*

**FOR THE RECORD**

I am speaking today as an NYC faith-leader with growing concern about the fear and confusion ICE is sewing in our city. My recent first-hand encounter with ICE agents outside Maimonides Hospital on Feb. 7, 2020 a day after the shooting of Erick Diaz, increased these concerns.

On February 6, I received notice from the New Sanctuary Coalition that Erick Diaz and his relative Gaspar Avendando-Hernandez had been taken to Maimonades Hospital after Erick had been shot by an ICE official. I drove to the hospital where I met NSC leaders outside the ambulance bay. I saw a black car parked next to the ambulances with a pile of police vests in the front seat that said “POLICE” on them. As none of the vests had NYPD logo on them, I asked the uniformed woman next to the car if she was with ICE. She said no.

I returned to the hospital the next day and attended a press conference organized by Brooklyn Borough President Eric Adams. With other NSC leaders I moved around the building expecting that Gaspar would be released at some point in the afternoon. The NYPD Chief from Brooklyn introduced himself and said that the NYPD was just there to make sure that other patients were able to get in and out of the hospital unimpeded. Erick’s mother and some other elected officials came by. I heard second hand that the Mexican Consulate came to the hospital to negotiate Erick’s release from ICE custody because he had a student visa.

At some point in the early afternoon, the NYPD began erect barriers across the sidewalk between the ambulances and the hospital Emergency Room. I got a phone call on my cell phone and backed away from the entrance to take it. When I looked up, I saw a cluster of men wearing brown and black jackets and street clothes hustling a man in chains out of the hospital doors, passed a crowd gathered, and toward a waiting black SUV. I was deeply shocked and frightened—particular when I saw that one of the men with Gaspar was wearing a black ski mask that hid his face. His disguise and the upsetting anonymity of the other officers made the scene feel more like some kind of extrajudicial kidnapping than a real law enforcement operation. Knowing that Gaspar’s partner was watching him be taken away while her son was still in a critical condition inside exacerbated my sense of powerlessness and anger.

I went out into the street and stood in front of the black car that Gaspar had been forced into and stood there while the driver revved the engine once and the NYPD Chief yelled in my ear that I was going to be arrested. Other people were shouting around the car. When I didn’t move immediately, two ICE officers came over and started pushing me out of the way of the car and saying that they were going to arrest me. I came back once to my position in front of the car and then was pushed out of the way again. Another person did the same thing a few yards later and then the car drove away.

Based on more than a decade of work with diverse immigrant religious leaders across NYC and this firsthand encounter with ICE officers removing Gaspar from the hospital, I am here today to ask, what will the City Council do to stop this unraveling of trust caused by ICE’s unwarranted removal operations and its violent tactics? Besides the separation families and the criminalization of neighbors, there is collateral damage – including an increase in unreported domestic violence incidents. Other unintended consequences with long-term effects—include an unwillingness to lack of willingness by witnesses to testify in court, increased exploitation of labor, and the fear that undocumented New Yorkers will have in participating in the US Census when federal officials/enumerators come to their doors this Spring. I join other faith leaders and people of conscience in asking the Council to address these concerns.

2/28/2020

Rabbi Barat Ellman, Ph.D.  
Rabbin Council, Jews for Racial & Economic Justice  
Faith Leaders Advisory Council, New Sanctuary Coalition  
baratellman@gmail.com

My name is Rabbi Barat Ellman. I am a member of the clergy and a volunteer with New Sanctuary Coalition. On Thursday February 6, while I was at 26 Broadway to accompany an undocumented friend to her ICE check in, I received a text message informing me that ICE agents had shot a man in Brooklyn in the course of trying to detain an undocumented individual. As part of the Rapid Response Team, I was asked if I could go to Brooklyn to learn what had happened and provide support to the family of the undocumented person. I went to Gravesend, Brooklyn where members of the media were interviewing Kevin Diaz, the brother of the man who had been shot. Kevin relayed his impressions of the episode and clarified Erick Diaz's (the man who had been shot) relationship to him (they are brothers) and that of the man ICE sought to detain, Gaspar Avendano-Hernandez, who is Kevin's mother's partner.

From there, I went to Maimonides Hospital where both Erick Diaz and Gaspar Avendano-Hernandez were being treated for injuries and where I hoped to provide clergy support to the Diaz and Avandano-Hernandez. I met a colleague, Rabbi Joshua Stanton, also a volunteer for New Sanctuary, and the two of us approached the hospital security requesting to visit Mr. Diaz and Mr. Avendano-Hernandez.

Hospital security was courteous and permitted us to enter the emergency ward. However, upon entering the ward, Rabbi Stanton and I were met by a plain-clothed individual who did not identify himself. We explained that we had come to offer support to Mr. Diaz and Mr. Avenano-Hernandez and their families. The individual asked us to wait, went back further into the ward, and returned with another plain-clothed individual who told us that we could not have access to the two men. He asked where we came from and we replied we were from the New Sanctuary Coalition. He responded saying that "he had nothing to do with us." We asked him to identify himself, and he said he was from ICE.

At that point, Rabbi Stanton and I left the emergency ward and waited outside. We observed the presence of several other ICE agents and deduced that the two men were, in fact, being detained while under medical supervision. From that point on, community members rallied outside Maimonides Hospital to demonstrate their support for the family and their opposition to ICE's presence in the hospital.

But I want to step back from this factual report to make a few observations. First, Rabbi Stanton and I were given no explanation other than "they wanted nothing to do with us" for denying us access to the two detained persons injured by ICE.

Second. When I went to Brooklyn to respond to the shooting, I left from 26 Federal Plaza where I was part of a team accompanying a friend who was checking in- as required- with DHS. ~~When accompanying another undocumented individual at her ICE check in.~~ When volunteers accompany our friends, we are keenly aware of how terrified they are over their looming encounter with DHS and ICE. They fear that, for reasons they do not understand, they will suddenly and without warning be snatched from their families and communities and threatened with immediate deportation. For a myriad of reasons, those threats alone are enough to cause fear. But one fear our friends going for check-ins, individual hearings, or bond hearings don't have, is the fear of being shot.

That is what happened in Gravesend Brooklyn on February 6. ICE agents shot a person – not even the person they intended to detain although that, too, would have been egregious. They shot a by-stander, a family member who was distressed by the attack on his father-in-law by

people who did not identify themselves as federal agents. They shot a Mexican citizen who was in the United States under a tourist visa, on vacation.

Why – tell me why – are ICE agents armed? How is it that the scenario that unfolded in Gravesend on February 6 happened? How is it that ICE agents can disguise themselves as police – it turned out that the agents who attempted to seize Avandano-Hernandez were wearing facsimiles of police jackets – to support their attempts to apprehend undocumented people without warrant? How is it that anyone can disguise themselves as police without having been trained in police protocol – the protocol that would have constrained the officer who shot Erich Diaz from reacting so precipitously?

Everything about the events of February 6 point to the danger ICE poses to our neighborhoods. Agents are not trained on proper protocol yet they are armed. Agents attempt to apprehend individuals without warrants or ID. ICE agents are armed. This last element is the most frightening. Why – we must ask – why are ICE agents armed? Why do they have guns? There is no valid explanation. We must take arms away from ICE and we must prevent ICE from terrorizing our communities.

## **2.28.2020 Ratto City Council Statement About ICE**

I was at Maimonides hospital in Brooklyn on February 6th and 7th as part of the ICE watch effort. We held space at the hospital for two days, focused media attention on ICE's criminal and renegade tactics, and provided support to the family of Eric and Gaspar. When ICE came to the hospital to take away our friend, we attempted to block their vehicles.

ICE is a rogue violent gang that is terrorizing New York City. It is critical that NYC refuses to cooperate with ICE in any way, and takes active steps to prevent them from kidnapping any more members of our community.

At the hospital, when ICE came to remove Gaspar, NYPD set up barriers to keep his supporters away. Why was NYPD helping ICE take him out of the hospital?

As City Council members, can you find out what communication happened between ICE and NYPD at the hospital on February 6th and 7th?

Moving forward, we need a total commitment that NYC will not cooperate with ICE in any way. Any employee of New York City, including the NYPD should not speak to ICE, email with ICE, or provide any assistance to ICE. Can you commit to upholding that standard for all city employees moving forward?

When ICE initially came to try to detain Gaspar, an ICE agent shot Eric in the face. Who is investigating this attempted murder? What can the City Council do to prevent ICE from using guns during their NYC raids? It is imperative that we fight the increasingly militarized tactics of ICE and CBP in NYC.

Finally, while I appreciate the steps the City Council can take, it is the people in the streets who can rise up to protect our neighbors and prevent ICE from operating in our city. When ICE came into the hospital, some of us were out in the streets to prevent ICE vehicles from taking away our friend. We need more people in order to interfere with ICE operations. Please join us with ICE Watch patrols, Know Your Rights flyering, and direct action to block ICE vehicles.

February 28<sup>th</sup>, 2020

Testimony of Marie DeLuca, MD  
Physician Volunteer, NYLPI Medical Provider Network  
Before the New York City Council's Committee on Immigration and Health

Good morning, my name is Marie DeLuca, and I am an emergency medicine physician in New York City. I have a Bachelor's of Science and Doctorate of Medicine from Brown University in Providence, RI, and I completed an emergency medicine residency at Detroit Receiving Hospital in Detroit, MI. I am now a research fellow and emergency medicine physician. Thank your for the opportunity to speak.

After I was notified, as a doctor participating in the Medical Provider Network of New York Lawyers for the Public Interest, about the case of Mr. Gaspar Avendaño Hernandez, I reviewed medical records about his conditions and treatment in detention. I reviewed over 100 pages of records released from the Hudson County Corrections & Rehabilitation Center on 2/11/20, as well as notes from conversations with his legal team and over 50 pages of documents, including the records from his treatment at Maimonides Medical Center from 2/6 to 2/7. This testimony is based off of these records. I wrote two medical advocacy letters in support of releasing Mr. Gaspar Avendaño Hernandez, based on my review of these records and the concerns they raised about his medical conditions.

Mr. Gaspar Avendaño Hernandez was tased during the raid and subsequently developed rhabdomyolysis, a condition in which muscle breakdown results in release of protein into the blood, which can lead to electrolyte abnormalities, kidney damage, and death. Additionally, the records note multiple abnormal heart tests: an elevated troponin, a right bundle branch block on EKG, and an abnormal echocardiogram. In a 33-year-old man with no known prior medical or heart problems, these findings are concerning. On discharge from Maimonides Medical Center he was given instructions to rest, take adequate hydration, avoid exercise, avoid hot conditions, and avoid activities that promote dehydration. He was also told to follow up with a cardiologist in 2-3 weeks to assess whether his abnormal cardiac testing had resolved.

On discharge from the hospital, Mr. Avendaño Hernandez was placed in 24-hour isolation on 2/8. He was denied access to phone calls with his family, was not given any utensils to eat his food with, and had all of clothes taken away from 2/8 until 2/10. He reportedly only had access to water every 8 hours and had difficulty sleeping due to his placement.

There was no medical indication for isolation. There are multiple documented psychiatric examinations in the records, which indicate no reported suicidal ideation, and normal psychiatric exams. There are no abnormal vitals or indications of an infectious disease that would require isolation from the general population.

Isolation is psychologically harmful, and again, there was no medical indication for his isolation or the removal of his clothing.

Additionally, Mr. Avendaño Hernandez was explicitly told to maintain adequate hydration upon discharge from the hospital due to his medical diagnoses, yet he was placed in an environment where he did not have free or frequent access to water. The conditions of his detention directly conflicted with the recommendations made for his *medical care*. Further, there are no indications in the released records that Mr. Avendaño Hernandez was allowed to schedule his necessary follow-up appointments.

As a physician, I am deeply concerned about the treatment of Mr. Avendaño Hernandez, including the medical conditions he sustained after being tazed and the conditions he was placed in while in detention. The care he received placed him at substantial risk for serious harm, and the detention facility did not take reasonable steps to keep him safe.

Thank you for your time.

Sincerely,

Marie DeLuca, MD

February 28, 2020

**Testimony of Dr. Nathaniel Kratz, MD On Behalf of New York Lawyers for the Public Interest's Medical Provider Network Before the New York City Council's Committees on Immigration and Health**

Good day, my name is Nathaniel Kratz and I am a medical doctor who actively volunteers with the Medical Provider Network at New York Lawyers for the Public Interest. Thank you to Chairperson Menchaca and Chairperson Rivera and the members of the Committees on Immigration and Hospitals for providing this opportunity to present testimony today.

Oversight - ICE's Escalated Attacks on NYC Policies Protecting Immigrants.

*Resolution calling on the United States Congress to pass, and the President to sign the Combating Deceptive Immigration Enforcement Practices Act of 2019 (H.R. 3498), prohibiting agents of the United States Department of Homeland Security from wearing clothing or equipment that bears the word "police," and calling upon the Department of Homeland Security to prohibit United States Immigration and Customs Enforcement (ICE) agents from identifying themselves as police officers while conducting immigration enforcement activities in New York City.*

I am a licensed primary care doctor and have been working in a community health center in upper Manhattan for the past year. Prior to that, I worked in a federally qualified health center in the South Bronx for three years. In addition to my work in a primary care setting, I also work in a medical center taking care of patients in a hospital-based setting.

I am testifying today in support of Resolution 0274-2018, calling on the United States Congress to pass, and the President to sign the Combating Deceptive Immigration Enforcement Practices Act of 2019 (H.R. 3498).

In my role as a physician, I am confronted daily with the egregious impacts of a fractured and fragmented health system which presents many barriers to achieving adequate care and neglects the most vulnerable among us, while favoring the privileged. Among those affected by these barriers, perhaps none are more impacted than our low-income and immigrant communities.

Whether in a hospital or in a doctor's office, the disparities which affect my immigrant patients are so frequent as to become banal:

- The lack of adequate counseling and information about patient's medical conditions in a language that they can understand, resulting in failure of treatment and often a worsening of their medical conditions.

- Dismissive, blaming, and often racist language is often used to cast doubt on patients' conditions.

From the man with a new stent in his heart who did not understand that he needed to continue to take blood thinners after discharge, suffered a repeat heart attack, to the woman who was not told that she had diabetes for two years after her diagnosis, a river of stories runs together.

With the federal focus on deportation, first under the Obama Administration, and now intensifying under the Trump Administration, I have also seen the stress that these policies put on immigrant individuals and their families.

I have witnessed my patients' fear to use public benefits, and in some cases avoidance of care altogether, due to concern about the merciless public charge rule, or their fear of being swept up by ICE. I have also witnessed, during my teaching in hospitals, resident doctors fielding calls from ICE, which seeks to extract information about patients who are admitted under our care.

As a reaction to the climate of fear and persecution that confronts our immigrant communities in New York and across the country, I began to volunteer with the Medical Provider Network at New York Lawyers for the Public Interest (NYLPI). As a medical volunteer, I have conducted medical evaluations of undocumented people imprisoned by ICE in detention facilities. I am now an active member of the Steering Committee of NYLPI's Medical Provider Network, comprised of over 95 medical professional volunteers.

The purpose of the work that we do is to document both the health conditions of individuals in detention as well as the frequently dangerous and substandard level of care that they receive while in ICE detention. As a part of this work, I have visited multiple detention facilities in the New York City metropolitan area, reviewed medical records and written medical advocacy letter for affected individuals. This work has given me a first-hand view of the deplorable conditions where ICE incarcerates undocumented people.

I recall one patient in particular, whose medical condition required urgent evaluation for possible emergency surgery. Instead, despite severe pain, this man was left to take daily ibuprofen for nearly three months until he could be evaluated. It was only pure luck that his condition was not more serious. His case is not the exception.

ICE detention is in and of itself a serious threat to health, both in terms of neglect of previous medical conditions and the lack of adequate treatment for seriously ill individuals. Detention, and particularly the use of solitary confinement, worsen physical and psychological trauma.



In addition to the abuses of trust and deviations from standards of care that is intrinsic to ICE detention, I understand that ICE agents are using deceptive tactics to disguise themselves as police, in their efforts to detain and imprison undocumented people. This will only further exacerbate the environment of fear, and will furthermore undermine any trust that our communities may have in legitimate law enforcement in New York City.

For these reasons, I urge the City Council to approve Resolution 0274-2018, seeking to prohibit agents of the United States Department of Homeland Security from wearing clothing or equipment that bears the word "police," and calling upon the Department of Homeland Security to prohibit United States Immigration and Customs Enforcement agents from identifying themselves as police officers while conducting immigration enforcement activities in New York City.

Thank you for your time, and I look forward to continuing to work with the Council and our community towards improving the health and wellbeing of all New Yorkers regardless of their documentation status or place of origin.

Nathaniel Kratz, MD

**Testimony Before the New York City Council's Committee on Immigration Presented on  
February 28, 2020**

My name is Karen Bustos Herrera and I am a U.S. citizen. I live in Sunset Park with my husband, Jose Andres Duguid Gamboa, my sister, her husband, their 5-year-old daughter, and my mother. We have lived in our home for 2 years. Brooklyn is our home and Sunset Park is our community. I am represented in the City Council by Council Member Carlos Menchaca.

I am here today to testify about the Immigration and Customs Enforcement ("ICE") home raid that terrorized my family and me on January 15, 2020.

On January 15, 2020, at around six o'clock in the morning, I was sleeping in my bedroom with my husband, Jose, when I heard a loud banging on the apartment door and a woman yelling "police!" My sister replied asking, "Who is it?", and the woman yelled again that they were the police doing an investigation and ordered her to open the door. The woman never said she was an ICE officer, she just said "police." My sister later told me when she looked through the peephole she only saw one woman dressed as a police officer but once she opened the door five men who had been hiding on the stairs rushed through our front door.

All of the officers were wearing jackets that said "police". They knocked on my husband's and my bedroom door, again yelling to open the door. I asked who they were and they replied that they were police doing an investigation. My husband at this point was awake and opened the door. The officers stormed our bedroom and yelled at us to go to the living room. At this point, I still thought they were NYPD officers. My sister, my brother-in-law, my husband, and myself were all forced to sit on our living room couch while they searched all the other rooms. We live on the third floor and there are four bedrooms.

I am so grateful that my elderly mother was not at home that morning. But my 5-year-old niece, who suffers from heart problems, was still in bed. An officer kept yelling at us to stay seated on the couch and mocking us for not understanding her. I asked the officers to please stop screaming since my 5-year-old niece was still asleep and had heart problems. The officer continued to yell very loudly, ignoring my pleas. The officer then asked for our identification, so I gave them my New York driver's license and my brother-in-law and sister gave them their IDNYC cards. The officer told them that the IDNYCs were not sufficient and asked for passports. At that point I asked them, "So are you ICE or are you the police? Why are you asking for passports?" Only after I asked did they tell us that they were ICE. My husband Jose's passport was in the car and we told them that we needed to go outside to get it. They wouldn't let us leave but instead asked my husband's full name and date of birth. My husband complied and they handcuffed him. When

I asked them why they were doing this, ICE told me it was because “he did something bad, and if he hadn’t done anything bad we wouldn’t be here.”

The officers kept mentioning that they had a warrant, but they never showed it to us. I tried to tell the officer that my husband had a court date in criminal court in two days, but none of the officers cared. That criminal case was later completely dismissed. The officers wouldn’t let me talk to Jose once they handcuffed him. Both my husband and my brother-in-law were arrested that morning. They gave my sister a letter telling her to report to 26 Federal Plaza.

Two hours later, my brother-in-law called us and notified us that he and my husband were at 26 Federal Plaza in Manhattan and that I needed to go there with my husband’s passport. I immediately left with his passport because I was terrified and just wanted my husband home. Despite giving them the passport, I went back home to Sunset Park without my husband and with no answers about when I would ever see him again.

There are no words to describe the fear and terror of that morning. I saw firsthand ICE’s complete disregard for our safety and my family. It was traumatizing to witness ICE officers ignore our civil and human rights. They kept referring to my husband as someone who “did something bad” but my husband and I had already filed a marriage petition that was approved and we were in the process of adjusting his status. My husband now has a work permit. Why did they storm our home at six in the morning to take our family members away to jail in New Jersey?

I know that these types of raids are happening all over New York City, especially in our Sunset Park community. The fear of ICE coming into our homes or kidnapping our loved ones on the street is very real. I hope none of my neighbors will ever go through what my family has gone through.

Thank you again for the opportunity to provide this testimony and thank you to Council Member Carlos Menchaca who connected my family to The Bronx Defenders attorneys who reunited my family and brought my husband home.

**Testimonio ante el Comité de Inmigración del Ayuntamiento de la Ciudad de Nueva York**  
**Presentado el 28 de Febrero del 2020**

Mi nombre es Karen Bustos Herrera y soy una ciudadana de los Estados Unidos. Resido en Sunset Park con mi esposo, Jose Andres Duguid Gamboa, mi hermana, su esposo e hija de 5 años, y mi madre. Hemos vivido en nuestro hogar por 2 años. Brooklyn es nuestro hogar y Sunset Park es nuestra comunidad. Estoy siendo representada en el ayuntamiento por el concejal Carlos Menchaca.

Hoy estoy aquí para testificar a cerca de la redada que realizó Inmigración y Control de Aduanas (ICE) el 15 de enero y dejó aterrizados a mi y a mi familia.

El día 15 de Enero del 2020, como alrededor de las 6 de la mañana, estaba durmiendo en mi habitación con mi esposo Jose, cuando escuche un sonido de fuertes golpes en la puerta de mi apartamento y una mujer gritando "Policia!" Mi hermana contesto y pregunto, "Quien es?" y la mujer grito de nuevo que era la policia haciendo una investigacion y la ordeno a que abriera la puerta. La mujer nunca menciona que era una oficial de inmigracion, ella solo dijo "policia." Mi hermana luego me dijo que cuando miro por la mirilla de la puerta, ella solo vio a una mujer vestida de policia pero cuando abrio la puerta, cinco hombres que estaban escondidos en las escaleras, se apresuraron a traves de nuestra puerta.

Todos los oficiales llevaban chaquetas negras que decían "policía". Ellos tocaron la puerta de la habitación mía y de mi esposo, nuevamente gritando que abriáramos la puerta. Yo les pregunte que quien eran y ellos respondieron diciendo que eran la policia haciendo una investigacion. Mi esposo, que ya estaba despierto, abrio la puerta. Los oficiales se entraron de manera brusca a nuestra habitación, y nos gritaron para que nos fuéramos para la sala. Todavía en este momento, yo pensaba que eran oficiales de la policia de Nueva York. Mi hermana, cuñado, esposo y yo fuimos forzados a sentarnos en el mueble de nuestra sala mientras ellos registraban todas las habitaciones. Vivimos en un tercer piso y hay cuatro dormitorios.

Estoy muy agradecida de que mi madre, ya de avanzada edad, no estaba esa mañana en el hogar. Pero mi sobrina de 5 años de edad, que sufre de problemas del Corazon, todavía estaba en la cama. Una oficial seguía gritándonos diciéndonos que nos quedáramos sentados y burlándose porque no la entendíamos. Le pedi a los oficiales que dejaran de gritar ya que mi sobrina de 5 años estaba durmiendo y padecía de problemas del corazon. El oficial seguía gritando muy fuerte, ignorando mi suplica. El oficial luego nos pregunto por nuestras identificaciones, entonces le di mi licencia de conducir de Nueva York y mi hermana y cuñado les dieron sus tarjetas de "IDNYC". El oficial les dijo que la tarjeta de "IDNYC" no era suficiente y les pidio sus pasaportes. En ese momento les pregunte, "entonces ustedes son inmigracion o la policia? Porque estan pidiendo los pasaportes?" Solo despues que les pregunte fue que me dijeron que eran oficiales de inmigracion. El pasaporte de mi esposo Jose, estaba en el carro y les indicamos que teniamos que salir afuera para buscarlo. Ellos no nos dejaron salir y lo que hicieron fue

pedirle a mi esposo su nombre completo y por su fecha de nacimiento. Mi esposo cumplió y lo esposaron. Cuando les pregunté porque estaban haciendo eso, el oficial de inmigración me dijo que era por la razón de que “él hizo algo malo”, y que si no hubiera hecho nada malo, ellos no estuvieran ahí.

Los oficiales seguían mencionando que tenían una orden de arresto pero nunca nos la enseñaron. Yo traté de decirle al oficial que mi esposo tenía una cita en la corte criminal en dos días pero ninguno de los oficiales les importó lo que decía. El caso criminal mencionado fue completamente desestimado. Los oficiales no me dejaron hablar con José después que lo esposaron. Mi esposo y mi cuñado fueron arrestados esa mañana. Ellos le dieron a mi hermana una carta diciéndole que se reportara al 26 Federal Plaza.

Dos horas después, mi cuñado nos llamó y nos dijo que él y mi esposo estaban en el 26 Federal Plaza en Manhattan y que yo tenía que ir a ese lugar con el pasaporte de mi esposo. Yo inmediatamente me fui con su pasaporte porque estaba aterrorizada y solo quería que mi esposo regresara a la casa.

Aun después de entregarle el pasaporte, yo regresé a la casa en Sunset Park sin mi esposo y sin respuestas de cuando lo iba a volver a ver.

No hay palabras que puedan describir el miedo y el terror de lo que pasó esa mañana. Yo pude ver por primera mano la falta de despreocupación que tuvieron los oficiales de inmigración hacia la seguridad mía y la de mi familia. Era traumante testificar como los oficiales de inmigración ignoraron nuestros derechos civiles y humanos. Ellos seguían refiriéndose a mi esposo como alguien que “hizo algo malo” pero mi esposo y yo ya habíamos sometido una petición que fue aprobada y estábamos en proceso de ajustar su estatus. Mi esposo ahora tiene un permiso de trabajo. Porque se apresuraron de esa manera en mi casa a las 6 de la mañana para llevarse a nuestros familiares a la cárcel en Nueva Jersey?

Yo sé que estos tipos de redadas están ocurriendo en todas partes de la ciudad de Nueva York, especialmente en nuestra comunidad de Sunset Park. El terror de la posibilidad que oficiales de inmigración vengán a nuestra casa y secuestren a nuestros seres queridos en las calles, es sumamente real. Yo espero que ninguno de mis vecinos tengan que pasar por lo que mi familia pasó.

Gracias nuevamente por la oportunidad de dar mi testimonio y gracias al concejal, Carlos Menchaca, que conectó a mi familia a las abogadas de los “Bronx Defenders” quienes reunieron a mi familia y regresaron mi esposo a la casa.

Manhattan Young Democrats stand firmly behind Councilman Menchaca and his proposed Resolution 274A. We urge the New York City Council to stand up for our immigrant community and call on Congress to pass H.R 3498 (Combating Deceptive Immigration Enforcement Practices Act of 2019). It would seem obvious that members of ICE and the CBC not portray themselves as Police Officers to intimidate undocumented immigrants. The Trump administration's immigration policies are not about law and order, but about actively limiting immigration from non-white countries. Protections for undocumented immigrants make us all safer and more prosperous because they restore trust in local law enforcement and government, reducing fears that prevent people from reporting crimes and filling out necessary government forms like the census.

The Trump administration's immigration enforcement policy, on the other hand, is based on conspiracy theories, anti-intellectualism, and hate. What is being represented in the White House is not the vision that our country was founded on. We are literally a country of immigrants. Many of our ancestors were able to settle in the United States under an immigration system based not on fear, but on opportunity. We are disgracing their memory if we don't offer the next generation of immigrants the same aspirational American experience. We urge the council to support this Resolution and take a stand against the Trump administration's cruelty.

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**Adhikaar's Testimony at New York City Council Committee on Immigration  
In support of proposed Res 274-A**

Good afternoon Chairperson Menchaca and Committee Members,

Adhikaar is a workers center and community center based in Woodside, Queens that serves the Nepali-speaking community. We support Resolution 274-A calling on the United States Congress to pass, and the President to sign the Combating Deceptive Immigration Enforcement Practices Act of 2019 (H.R. 3498), prohibiting agents of the United States Department of Homeland Security from wearing clothing or equipment that bears the word "police," and calling upon the Department of Homeland Security to prohibit United States Immigration and Customs Enforcement (ICE) agents from identifying themselves as police officers while conducting immigration enforcement activities in New York City.

Adhikaar serves over ten thousand people a year in New York City, many of whom are TPS holder, seeking asylum or undocumented. For many of our members ICE and police are hard to separate as many members know ICE as "immigration police." Their uniforms state they are "police" and they identify themselves as "police" so many assume they are the same as the police not a separate entity called Immigration and Customs Enforcement. Although we are a Sanctuary City and there is a policy that prevents collaboration between the NYPD and ICE, most people when they see "police" on ICE uniforms don't understand that distinction. As a result when our members see police in the streets, there is general fear among undocumented members or TPS holders that the police and immigration enforcement are the same.

Adhikaar hosts Know Your Rights sessions to educate members about the difference between ICE and Police but as "police" is written on ICE uniforms and they call themselves police officers, the explanation of the difference becomes more complex and nuanced, and requires more examples and invested time. And even then people's reactions to police as a result of mixed messages on immigration enforcement, decreases the community's trust in the police and the city's sanctuary policies.

For example, one of our members, Pema, who has TPS has expressed her fear of going outside especially when TPS was terminated but before the *Bhattarai v Nielson's* preliminary injunction was in effect. She saw police vans near her home and assumed they were ICE. The mere presence of the words "police" created fear of detention and deportation in Pema and many other community members. Additionally, as we are building a rapid response network in Queens with our Hate Free Zone coalition it is difficult for allies and volunteers (including those with limited English proficiency) whose

responsibility is to identify raids or enforcement activity to clearly distinguish between police and ICE. This confusion creates a higher likelihood of false reports.

In our community, the cultural understanding of police and law enforcement are already scary. The impact of seeing the words “police” on ICE uniform increases the distrust with NYPD and creates an environment of fear that impacts our members’ mental health or their willingness to report crimes. It also impacts people’s ability to economically sustain themselves and their families if they are afraid to leave their house because the word “police” conjures fears of immigration enforcement. We have reports of members being late to work because they take more time to leave the house when police are around or longer routes to avoid certain areas where they see police or ICE “police”. The fear also impacts people being willing to apply for benefits and services that they need to support themselves and their families as they fear “police” presence.

We strongly support Resolution 274-A calling on the United States Congress to pass, and the President to sign the Combating Deceptive Immigration Enforcement Practices Act of 2019 (H.R. 3498) and calling upon the Department of Homeland Security to prohibit United States Immigration and Customs Enforcement (ICE) agents from identifying themselves as police officers .

We thank the Committee on Immigration and Chairperson Menchaca for hosting this hearing and pushing forward this important resolution to protect our community, decrease fear of police, and uphold our Sanctuary City policies.





February 28, 2020

By email to: [hearings@council.nyc.ny.us](mailto:hearings@council.nyc.ny.us)  
NYC Council Committee on Immigration  
And Committee on Hospitals

**Re: NYC Council Res. 274A supporting the passage of the Combatting Deceptive Immigration Enforcement Practices Act of 2019 (H.R.3498) prohibiting agents of the U.S. Department of Homeland Security from wearing clothing or equipment that bears the word “police”; and calling upon the DHS to prohibit Immigration & Customs Enforcement (ICE) agents from identifying themselves as police while engaging in immigration enforcement activities.**

Dear Members of the NYC Council Committees on Immigration and Hospitals:

LatinoJustice PRLDEF respectfully submits this letter testimony in support of Res. 274A calling for the immediate Congressional passage and enactment of the Combatting Deceptive Immigration Enforcement Practices Act of 2019 H.R. 3498.

Founded in 1972 as the Puerto Rico Legal Defense and Education Fund, *LatinoJustice PRLDEF* champions an equitable society by protecting, defending and advancing the rights of the greater pan-Latinx communities in the United States. As you may all know, LatinoJustice has long worked to advance the constitutional and human rights of immigrants, which have become increasingly under attack by an administration in Washington that continues to vilify and scapegoat them, making them fearful, unwelcomed and unsafe.

#### New York is a City of Immigrants

In March 2018, the Mayor’s Office of Immigrant Affairs released an annual report on the “State of our Immigrant City” which stated “New York has always been a city of immigrants, and for generations, diverse people from around the globe have come here to make a better life for themselves and their families. Today, more than a third of our residents are immigrants, and it is clear that they are our city’s past, present, and future.”

New York City is home to 3.2 million immigrants, who make up nearly 37.1% of the city population and 44% of its workforce. Of those 3.2 million, approximately 477,000 are undocumented immigrants. Over 25% of our 3.2 million foreign born residents come from Latin America, and 14.3% alone come from the Dominican Republic. It is the responsibility of all of our elected officials to protect this vast and vital community, and to ensure that they feel the safety and protection that all New Yorkers deserve.

The **Combating Deceptive Enforcement Practices Act of 2019** would prohibit agents of the United States Department of Homeland Security from wearing clothing or equipment that bears the word “police” and also prohibit United States Immigration and Customs Enforcement (ICE) agents from identifying themselves as police office officers while conducting immigration enforcement activities. New York is a sanctuary city meaning that the NYC Police Department does not typically work with agents of the United States Immigration and Customs Enforcement



(ICE). Unfortunately,<sup>1</sup> there has been widespread documented media accounts of ICE agents routinely wearing clothing denoting “Police,” as well as reports of ICE agents gaining entry into private residences without court ordered or judicial warrants by falsely representing themselves as police.

### ICE is a Rogue Federal Agency

ICE is an agency that undermines our community values, violates constitutional rights, and threatens immigrant NYC residents’ safety. NYC Mayor deBlasio has called the agency broken. The current administration in Washington has engaged in an onslaught of enforcement actions to attack our hardworking and vital immigrant community.

ICE agents wear apparel that falsely identifies them as “Police” during their immigration enforcement actions in our communities for the primary purpose to facilitate their taking advantage of innocent New Yorkers’ trust and respect of local law enforcement. A direct result of these increasing rogue enforcement actions has resulted in many immigrant families feeling afraid, unwelcomed, and feeling unsafe even within their own homes. When ICE agents wear clothing or use equipment that denotes “the police” it blurs the line between local NYC law enforcement officers and ICE which leads to confusion and distrust in the immigrant community.<sup>2</sup> Which in turn makes it less likely that immigrant community members will contact local police to report a crime for fear of being detained and deported. When crimes go unreported because people are afraid to come forward, results in these individuals becoming easy prey for those who would target and take advantage of them, resulting in the entire community feeling unsafe<sup>3</sup>. Furthermore, the inability of immigrant residents to distinguish between real local Police and ICE agents perpetuates further distrust of local law enforcement, which hampers the ability of local enforcement to prosecute crimes.

The primary mission of local law enforcement officers is to protect and serve our communities<sup>4</sup>. It is critically important for immigrant residents to be able distinguish between local police and federal immigration agents to maintain their trust in local law enforcement. Passing and enacting the **Combating Deceptive Enforcement Practices Act of 2019** will help ensure that the Latino community and fellow immigrant New Yorkers are able to clearly distinguish between local law enforcement officers and ICE agents. The bill is a critical legislative protection needed to reign

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<sup>1</sup> The Intercept, AS IMMIGRANTS BECOME MORE AWARE OF THEIR RIGHTS, ICE STEPS UP RUSES AND SURVEILLANCE, (July 25, 2019) Accessed On February 25, 2020 <https://theintercept.com/2019/07/25/ice-surveillance-ruse-arrests-raids/>

<sup>2</sup> The New Post, Law would bar immigration agents from having ‘police’ on uniforms, (April 5, 2017) Accessed on February 25, 2020 <https://nypost.com/2017/04/05/law-would-bar-immigration-agents-from-having-police-on-uniforms/>

<sup>3</sup> The New York Daily News, New House bill would ban immigration agents from wearing police uniforms (April 05, 2017) Accessed on February 25, 2020 <https://www.nydailynews.com/news/politics/house-bill-ban-immigration-agents-wearing-police-labels-article-1.3022489>

<sup>4</sup> CNN, L.A. officials to ICE: Stop calling yourselves police, (March 13, 2017) Accessed on February 25, 2020 <https://www.cnn.com/2017/03/10/us/immigration-ice-police-los-angeles/index.html>

in and prohibit the increasing deceptive and fraudulent practices by ICE agents wearing and bearing equipment that bears “police “and falsely claiming to be police officers.

Tragic Impact on Our Communities

There are harmful effects of a system that picks and chooses which people deserve the basic right to fair process. The Immigration and Nationality Law Committee of the New York City Bar Association released a committee report in which they explain the harmful causes and effects of our broken immigration system. All New Yorkers deserve the chance to live with their family, be a part of their communities, and not be subjected to rogue deceptive immigration enforcement practices. Facilitating deportations means having a hand in facilitating the federal government’s separation of families. This has such harmful effects on the children in these families, who face toxic stress, attachment damage, and trauma.<sup>5</sup>

NYC’s immigrant residents needs all of their duly elected representatives particularly in Congress to take a stand to protect all immigrant New Yorkers, especially those in precarious and vulnerable positions.

*LatinoJustice PRLDEF* joins with our many allies in NYC’s immigrants’ rights community in supporting passage of Res. 274A, and for all the aforementioned reasons, calls for the immediate passage and enactment of the Combating Deceptive Enforcement Practice Act of 2019 (H.R. 3498) as soon as possible.

Please do not hesitate to contact me if you have any questions at 212.219.3360, x7575 or by email at [jperez@latinojustice.org](mailto:jperez@latinojustice.org)

Respectfully submitted,



s/**Jose Perez**

Deputy General Counsel

By Ariana Salas

Legal Intern

CUNY School of Law Class of 2021

Cc:

Hon. Nydia Velazquez  
Hon. Adriano Espaillat  
Hon. Charles Schumer  
Hon. Kirsten Gillibrand



Legislative Affairs  
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New York, NY 10004  
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**Testimony of the New York Civil Liberties Union  
to  
The New York City Council Committee on Immigration  
and  
Committee on Hospitals  
regarding  
ICE’s Escalated Attacks on NYC  
Policies Protecting Immigrants**

**February 28, 2020**

The New York Civil Liberties Union (NYCLU) respectfully submits the following testimony with respect to the joint New York City Council Committee on Immigration and Committee on Hospitals oversight hearing concerning ICE’s escalated attacks on New York City policies to protect immigrants.

**I. Introduction.**

The NYCLU, the New York State affiliate of the American Civil Liberties Union, is a not-for-profit, nonpartisan organization with eight offices across the state and over 190,000 members and supporters. The NYCLU defends and promotes the fundamental principles and values embodied in the Bill of Rights, the U.S. Constitution, and the New York Constitution, through an integrated program of litigation, legislative advocacy, public education and community organizing.

On the state and local level, the NYCLU has fought for policies to protect New York’s sizable immigrant population, and has worked closely with the New York City Council to help make the city a national leader in this area. In 2011 and 2013, the NYCLU supported passage of local laws that restrict law enforcement from honoring immigration detainer requests,<sup>1</sup> and subsequent legislation that

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<sup>1</sup> NYCLU, *Testimony Before the New York City Council in Support of Legislation Limiting the Detention and Deportation of Immigrants*, Jan. 25, 2013, <https://www.nyclu.org/en/publications/testimony-new-york-city-council-support-legislation-limiting-detention-and-deportation>.

strengthened those protections.<sup>2</sup> The NYCLU worked closely with the city council in 2017 on a set of bills to place further restrictions on using city resources for immigration enforcement and bolster the city's status as a place that welcomes immigrants.<sup>3</sup> New York City has consistently stood at the forefront of local efforts to make immigrant residents feel safe and welcome in the city they live in, and we are proud to have played a part in bringing those changes about.

The Council's work in this area is particularly critical in the current environment, in which New York City is the target of immigration authorities on multiple fronts. The city has seen a surge of aggressive activity by U.S. Immigration and Customs Enforcement (ICE), including an instance of ICE shooting a man during a raid in Brooklyn and escorting another member of that household, who they had targeted for removal, out of Maimonides Hospital.<sup>4</sup> The U.S. Department of Homeland Security (DHS) has threatened to deploy an elite tactical unit of U.S. Customs and Border Patrol (CBP) known for engaging in high-risk border-zone enforcement to New York City streets.<sup>5</sup> Advocates have collected numerous stories of ICE agents falsely insinuating that they are local police officers. And federal officials have tried to exploit tragedies to spread vitriol about the city's laws limiting its involvement in immigration enforcement.<sup>6</sup>

In light of these threats, it is imperative that the city stand up for the values underlying these policies and resist any call to cooperate with this administration's cruel immigration enforcement regime. Yet recent events also raise questions about how the city could better ensure that its existing laws and policies are faithfully implemented, and what further efforts the city could take to protect its immigrant residents. There are many facets to that discussion, which must be had on an ongoing basis. Our testimony today focuses on how the Council can use its oversight

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<sup>2</sup> NYCLU, *Testimony before the New York City Council Immigration Committee Regarding Immigration Detainers*, Oct. 15, 2014, <https://www.nyclu.org/en/publications/testimony-regarding-immigration-detainers>.

<sup>3</sup> NYCLU, *NYCLU Praises City Council's Intent to Protect Immigrants in Proposed New Bill Package*, April 26, 2017, <https://www.nyclu.org/en/press-releases/nyclu-praises-city-councils-intent-protect-immigrants-proposed-new-bill-package>.

<sup>4</sup> Wes Parnell, Trevor Boyer, and Leonard Greene, *ICE agents tussle with angry protesters as they escort undocumented Mexican immigrant from Brooklyn hospital*, N.Y. Daily News, Feb. 7, 2020, <https://www.nydailynews.com/new-york/ny-ice-shot-body-cams-20200207-dms77izpg5ftnlx7i2jtvqbtuq-story.html>.

<sup>5</sup> Caitlin Dickerson & Zolan Kanno-Youngs, *Border Patrol Will Deploy Elite Tactical Agents to Sanctuary Cities*, N.Y. Times, Feb. 14, 2020, <https://www.nytimes.com/2020/02/14/us/Border-Patrol-ICE-Sanctuary-Cities.html>.

<sup>6</sup> Annie Correal, *Citing Murder, Top Trump Official Condemns N.Y. Sanctuary Policy*, N.Y. Times, Jan. 17, 2020, <https://www.nytimes.com/2020/01/17/nyregion/reeaz-khan-immigration-maria-fuertes.html>.

authority to ensure that current prohibitions on participating in immigration enforcement are being honored, and how the city might lend its expertise on these matters to give guidance to private entities looking to assert their rights.

## **II. The city must ensure that its laws limiting involvement in immigration law are faithfully and transparently implemented.**

Enforcing immigration law is the job of the federal government, not local authorities. New York City has long recognized this, and has enacted some of the strongest disentanglement laws in the country. In addition to local laws prohibiting the honoring of detainers and restricting ICE access to non-public areas of city property, the city broadly limits the use of city resources for immigration enforcement.<sup>7</sup> Perhaps the plainest of the city's laws on immigration enforcement, this restriction on resources provides a backbone to the city's other laws and policies, ensuring that employees do not spend their time on duty doing the job of immigration authorities.

The City Council passed Local Law 228 in 2017, and the NYPD thereafter developed new guidance to implement the law.<sup>8</sup> The most recent version of this guidance provides procedures officers must follow when confronted with a request to assist in immigration enforcement (such as traffic control or vehicle escorts), which require a chain of approval that culminates in the duty chief determining an action to be taken “after reviewing the grounds of the request or proposal, considering the need to ensure public safety.”<sup>9</sup> The guidance also notes that in “emergency, public safety related situations,” a decision to assist may be made by the highest ranking officer at the scene.<sup>10</sup> These allowances seemingly derive from a provision of Local Law 228 providing that it shall not prohibit officers and employees from “performing their duties in accordance with state and local law.”<sup>11</sup>

While ensuring public safety is certainly among the duties of NYPD officers, this criteria is not entirely clear and gives certain officers significant discretion to decide when assisting immigration enforcement is warranted. This can cause confusion and suspicion in situations when onlookers see NYPD officers performing duties at the site of an ICE action, or merely witness NYPD and ICE officers in the same

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<sup>7</sup> NYC Admin. Code § 10-178(e).

<sup>8</sup> NYPD Patrol Guide § 212-126 (June 13, 2019). A prior version of this guidance was contained in NYPD Patrol Guide § 212-66 alongside guidance concerning information disclosures, but was later amended and moved to a separate section of the guide.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> NYC Admin. Code § 10-178(e).

vicinity. It would be in the interest of all, including the NYPD, to provide clearer information on what types of situations would warrant what types of assistance in the name of public safety or emergency management.<sup>12</sup>

The Council is well positioned to begin this inquiry using its oversight authority. Outside of this immediate hearing, the Council's Committee on Immigration should, with the Committee on Public Safety, endeavor to learn more about how these decisions are made and provide a forum for stakeholders to do the same.

### **III. The city should provide guidance to private entities regarding best practices for engaging with immigration authorities.**

New York City has taken significant steps to ensure that public agencies and contractors limit their participation in immigration enforcement, and has taken further steps to ensure access to legal counsel in immigration proceedings and ensure that individual's know their rights in immigration enforcement situations. Yet recent events illustrate that there is a remaining need for private entities within the city – such private hospitals, non-public schools, and non-profit community centers – to receive better information and training in these areas.

For institutions that are privately operate or otherwise outside the Council's jurisdiction, the city should use its expertise in matters relating to immigration enforcement to encourage adoption of policies of non-cooperation and appropriate limitations on access. This is particularly important with regards to hospitals, where the high-pressure environment and range of professionals involved in a patient's care can cause gaps in understanding and communication about best practices. The city should take on the task of studying how such institutions can best protect their patients, clients, and patrons and provide appropriate training and guidance to avoid unwarranted activity and interference by ICE.

### **IV. Conclusion.**

The current moment demands that New York City both stand by and strengthen its policies to welcome and protect its immigrant residents. We thank the Council for providing a forum to address these concerns, and we look forward to working with the Council and city officials on additional policy solutions.

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<sup>12</sup> Local Law 228 also requires city agencies to record requests for assistance by immigration enforcement and submit compiled reports to the speaker of the Council. NYC Admin. Code § 10-178(d). However, these reports are not currently available to the public on the city's website.



## Commitment to Improve Quality of Life

February 28, 2020

To: New York City Council Committee on Immigration  
From: India Home, Inc.

### **RE: ICE's Escalated Attacks on NYC Policies Protecting Immigrants**

Thank you Chair Menchaca and New York City Committee on Immigration for providing the opportunity for us to testify regarding ICE's escalated attacks.

I am writing from India Home, a non-profit organization founded by community members to serve South Asian older adults. The mission of India Home is to improve the quality of life for older adults by providing quality care in a culturally appropriate environment. We serve more than 200 older adults on a regular basis across Queens through senior center programs, case management, community mental health programs, recreational activities, and advocacy.

100% of the seniors India Home serves are foreign born and nearly 80% of them have Limited English Proficiency (LEP), which limits their understanding of and access to traditional services. As such, the culturally appropriate services that we and other grassroots organizations provide to immigrant communities are extremely necessary.

Through our programs, we are able to recognize the needs of our older adults and what impacts them. The South Asian older adults we work with are vulnerable new immigrants who live in poverty, depend on adult children, speak little English, have low-to-no income, and are socially isolated. We have seen firsthand that our clients have been in fear for the past few years because of the discriminatory administration. There is an especially large undocumented South Asian population that has been directly impacted through the rhetoric and actions of the federal administration.

The recently announced escalated ICE raids have amplified fear in our communities tremendously. ICE's escalated attacks are anti-immigrant, and anti-New Yorker. Furthermore, there is confusion in our communities when ICE officers are falsely identifying themselves as police officers, which further incites fear. These actions have substantial negative impact on the South Asian Seniors we serve, as well as the South Asian community at large.

Therefore, India Home supports the City Council's proposed Resolution 274A calling on the United States Congress to pass and the President to sign the Combating Deceptive Immigration

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## Commitment to Improve Quality of Life

Enforcement Practices Act of 2019. There also needs to be clear policies so that ICE officers identify themselves truthfully and without misinformation.

Moving forward, we recommend the City Council take the following steps:

1. Clearly inform the South Asian community on their rights during ICE raids through adequate language access services and legal help available in South Asian languages
2. Work with and provide special funding to grassroots organizations like ours to further disseminate knowledge on ICE raids to South Asian seniors

Sincerely,

Vasundhara D. Kalasapudi, M.D.



**Testimony of the New York Immigration Coalition  
Joint Hearing of the Committees on Immigration and Hospitals  
ICE's Escalated Attacks on NYC Policies Protecting Immigrants**

Max W. Hadler, MPH, MA

February 28, 2020

My name is Max Hadler and I am the Director of Health Policy at the New York Immigration Coalition (NYIC). The NYIC is an advocacy and policy umbrella organization for more than 200 multi-ethnic, multi-racial, and multi-sector groups across the state working with immigrants and refugees. Thank you to Committee Chairs Carlos Menchaca and Carlina Rivera, and all members of the Committees on Immigration and Hospitals, for the opportunity to submit this testimony.

The NYIC has a long history of speaking out about the rights of immigrant New Yorkers to access the health care services they need with confidence and without fear. We do this through our member organizations and via direct community engagement, highlighting among other relevant policies the “sensitive locations” memo of Immigration and Customs Enforcement (ICE) that clearly states that ICE does not generally conduct enforcement activity in health care settings. Regardless of whether ICE’s presence at Maimonides Hospital in Brooklyn last week violated the sensitive locations policy, ICE’s conduct is deeply troubling and any ICE presence in the sanctuary of a health care setting is concerning and can cause lasting damage. It took significant community outreach and education by trusted community-based organizations to counteract rumors about ICE presence at NYC Health + Hospitals/Kings County in February 2017, and that was only rumor. ICE’s presence in Brooklyn last week was very real.

I offer this testimony as a public health professional and advocate, not as an attorney, and thus I cannot comment on the legality of ICE’s actions last week. What I *can* comment on is the importance of having the strongest possible protective policies in place in all health care settings so that immigrants, and indeed all New Yorkers, can obtain needed health services without the undue involvement of ICE or any other immigration enforcement body. This requires significant effort on the part of individual health systems, including strong internal protocols for frontline staff on how to recognize a signed warrant and a clear chain of command to report ICE presence at a health care facility. The expectation should not be that every frontline staff member know how to confront immigration enforcement officers or have the confidence to do so, but to know how to quickly report ICE presence internally and escalate to colleagues according to an established protocol. Internal systems of safety for immigrant patients should also include policies on protecting written patient information from view, documenting immigration status as little as possible, and clearly delineating public and private space within a health center. Having onsite legal

**New York Immigration Coalition**

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services support for patients is an important part of the broader services equation, and many health systems in New York City are well positioned on this front through their participation in the excellent medical-legal partnership of NYLAG’s LegalHealth. These and other strategies are documented in resources designed to help health care providers protect immigrant patients, including by the National Immigration Law Center.<sup>1</sup>

While the focus of today’s hearing is on security and enforcement in health care settings, the efforts we encourage all health care systems to take go well beyond internal ICE protocols and should be viewed in the broader context of creating welcoming spaces that encourage immigrant communities to seek the care they need from health systems that demonstrate cultural responsiveness and humility in showing concern for their patients’ overall well-being. There are tangible ways to move toward achieving these qualitative goals, including clear signage about patient rights and information protection, and community information materials with clear messages about welcoming policies available in multiple languages in health care settings and distributed through trusted community-based organizations in the area surrounding health systems. Health + Hospitals is leading the way in this area through its longstanding and continuously evolving efforts such as the Seek Care Without Fear campaign, its messaging around “public charge” threats, and the Open Letter to Immigrant New Yorkers.<sup>2</sup> These efforts are reinforced by the city’s community-based outreach efforts through NYC Care.

There is a historic inclination to focus squarely on H+H in contemplating how best to serve and protect immigrant New Yorkers’ health needs. It makes sense for the country’s largest and longest-standing public health care system to be at the center of these efforts. However, we must resist the temptation to look only to H+H. *All* health care systems in New York City, including the many academic medical centers and other voluntary safety-net providers, should institute immigrant patient safety protocols augmented by a broader welcoming message and institutional commitment that includes public education campaigns and training for staff to create the most welcoming possible environment for immigrant patients. The NYIC has previously reached out to health care systems to offer our support and help systems consider the best approaches. We reiterate that offer here and are prepared to work with health systems and the broader immigrant health community to ensure the safety, accessibility, and desirability of services to everyone in our city regardless of insurance coverage, income, or immigration status. Thank you for the opportunity to submit this testimony.

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<sup>1</sup> <https://www.nilc.org/issues/immigration-enforcement/healthcare-provider-and-patients-rights-imm-enf/>

<sup>2</sup> <https://www.nychealthandhospitals.org/immigrant/>

THE COUNCIL *Asian Panel*  
THE CITY OF NEW YORK

Appearance Card

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in favor  in opposition

Date: 2-28-2020

(PLEASE PRINT)

Name: JoAnn Yoo

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

THE COUNCIL  
THE CITY OF NEW YORK

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Date: \_\_\_\_\_

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Name: Mohammad Razi

Address: 1081 Corey Island Ave

I represent: Council of Peoples Organization

Address: 1081 Corey Island Ave Brooklyn NY

THE COUNCIL  
THE CITY OF NEW YORK

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in favor  in opposition

Date: 2/28/2020

(PLEASE PRINT)

Name: Genia Blaser

Address: \_\_\_\_\_

I represent: Immigrant Defense Project

Address: 40 W 39 St #500 NY NY 10018

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Asian Panel

# THE COUNCIL THE CITY OF NEW YORK

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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Mo Bazvi

Address: \_\_\_\_\_

I represent: Council of Peoples Organization

Address: \_\_\_\_\_

# THE COUNCIL THE CITY OF NEW YORK

Appearance Card

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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Sophia Gumle

Address: 360 161st St BX NY 10451

I represent: The Bronx Defenders

Address: \_\_\_\_\_

Asian Panel

# THE COUNCIL THE CITY OF NEW YORK

Appearance Card

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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Jo-Ann You

Address: \_\_\_\_\_

I represent: Asian American Federation

Address: \_\_\_\_\_

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Asian panel

# THE COUNCIL THE CITY OF NEW YORK

Appearance Card

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 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Iman Al Ahdal

Address: \_\_\_\_\_

I represent: Arab American Association of NY

Address: \_\_\_\_\_

Asian Panel

# THE COUNCIL THE CITY OF NEW YORK

Appearance Card

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 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Mae Lee

Address: \_\_\_\_\_

I represent: Chinese Progressive Association

Address: \_\_\_\_\_

# THE COUNCIL THE CITY OF NEW YORK

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 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Carmen Cruz

Address: 1755 W. 12<sup>th</sup> St

I represent: Diaz-Cruz Family

Address: \_\_\_\_\_

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THE COUNCIL  
THE CITY OF NEW YORK

24

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Carlos j Calzadilla-Palacio

Address: 1134 Hancock St Apt #2 Brooklyn NY 11221

I represent: Young Progressives of America

Address: \_\_\_\_\_

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. 0274-

in favor  in opposition

Date: 2/28/20

(PLEASE PRINT)

Name: Jacqueline Pearce

Address: Make me Road NY

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/28/2020

(PLEASE PRINT)

Name: Commissioner Billa Mostoti

Address: \_\_\_\_\_

I represent: NYC Mayor's Office of Immigrant Affairs

Address: 253 Broadway, 14th Fl.



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**THE COUNCIL  
THE CITY OF NEW YORK**

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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Edith Lopez

Address: 779 Port Richmond Av.

I represent: La Colmena

Address: 774 Port Richmond Ave

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Yesenia Mata

Address: 1178 Arthur Kill Rd

I represent: La Colmena

Address: 774 Port Richmond

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 7/28/20

(PLEASE PRINT)

Name: Carl Forman

Address: 950 3<sup>rd</sup> Ave NY, NY 10022

I represent: American Immigration Lawyers Association

Address: 469 7<sup>th</sup> Ave, 7<sup>th</sup> Flr NY, NY 10018

Presented  
I.C.P.  
ID of Police

Please complete this card and return to the Sergeant-at-Arms



**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/28/2020

(PLEASE PRINT)

Name: Anthony Beckford

Address: 2054 Weststrand Ave BKlyn NY 11210

I represent: Copwatch Patrol Unit & Black Lives Matter  
Brooklyn

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. 274A

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Dennise Hernandez

Address: 37-16 88th St.

I represent: UnLocal

Address: 45 West 29th St.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/28/20

(PLEASE PRINT)

Name: Hayley Gorenberg

Address: 151 West 30th St - NY NY 10001

I represent: New York Lawyers for the Public Interest

Address: \_\_\_\_\_

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**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/28

(PLEASE PRINT)

Name: Whitney Hsu

Address: 105 20th St #6 BK 11232

I represent: Shant Park Ice Water

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/28/2020

(PLEASE PRINT)

Name: Rabbi Barak Ellman

Address: 390 4th Street

I represent: New Sanctuary Coalition AND Jews for Racial and Economic Justice

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Ari Moma, RN

Address: 131 W 33rd St 4th Flr NY NY

I represent: NY State Nurses Association 10001

Address: same

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/28/2020

(PLEASE PRINT)

Name: Andrew Ratto

Address: 167 Quincy Street #2

I represent: ICE Watch at Minionides

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/28/19

(PLEASE PRINT)

Name: Sarah Platts Marasrah

Address: 639 Bay Ridge Ave

I represent: New Again Action

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Meryl Ranzer

Address: 2611 8TH Ave

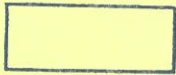
I represent: New Sanctuary Coalition

Address: 26 Thompson Street

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 2/28/2020

(PLEASE PRINT)

Name: Amy Torres

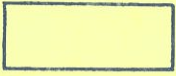
Address: 750 Elizabeth Street

I represent: Chinese American Planning

Address: Council (CPC)

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. 0274-2018  
 in favor  in opposition M/A

Date: 2/28/2020

(PLEASE PRINT)

Name: REY CHEN

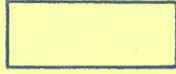
Address: 40 WORTH ST 606 NY, NY 10013

I represent: LEGAL SERVICES NYC

Address: 40 WORTH ST 606 NY NY 10013

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. Immigration Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Ellen Isaacs MD

Address: 207 W 106 St, 14E

I represent: myself - member of close the camps,

Address: Cosecha, New Sanctuary, Jewish Voice  
for Peace

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/28/20

(PLEASE PRINT)

Name: Dr Marie DeLuca

Address: 207 St Nicholas Ave, Apt 10, NY NY  
Medical Providers Network of

I represent: New York Lawyers for the Public Interest

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/28/2020

(PLEASE PRINT)

Name: NATHANIEL KRATZ

Address: 246 W 132nd St

I represent: NYLPI

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: Feb 28, 2020

(PLEASE PRINT)

Name: The Rev. Dr. Chloe Breyer,

Address: 475 Riverside Dr. Suite 540, NYC

I represent: The Interfaith Center of New York

Address: 1800 Adam Clayton Powell Apt 7B  
NYC 10115

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**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. 0274 -2018

in favor  in opposition

ICE deceptive Practices

Date: 2/28/20

(PLEASE PRINT)

Name: Cathy Dalporto  
Address: The Legal Aid Society, 199 Water Street, New York 10038  
I represent: The Legal Aid Society  
Address: 199 Water Street, NY 10038

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Immigration  
Enforcement

Date: 2/28/20

(PLEASE PRINT)

Name: ~~NYASA Hickey~~ NYASA Hickey  
Address: 177 Livingston Street  
I represent: Brooklyn Defender Services  
Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 5852 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/28/2020

(PLEASE PRINT)

Name: Laura Alfredo  
Address: \_\_\_\_\_  
I represent: GNYHA  
Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms