



Office of
Immigrant Affairs
Nisha Agarwal
Commissioner

April 26, 2017

Testimony of Commissioner Nisha Agarwal
NYC Mayor's Office of Immigrant Affairs

Before a hearing of the New York City Council Committees on
Immigration, Public Safety, and Education:

Hearing on Intro 1557, 1558, 1565, 1566, 1569, 1578, 1579, 1588

Thank you to Speaker Mark-Viverito, Chair Menchaca, Chair Gibson, Chair Dromm, and members of the Committees on Immigration, Public Safety, and Education. My name is Nisha Agarwal and I am the Commissioner of the Mayor's Office of Immigrant Affairs (MOIA). This testimony will address the proposed bills on the handling of identifying information by the City and outline the City's approach to protecting the privacy and confidentiality of all New Yorkers. My testimony will also provide feedback on the other immigration bills that have been proposed by the Council and will be heard later today, in addition to the identifying information bills.

As a general matter, my testimony is informed by the City's approach of vigorously protecting the privacy and security of all New Yorkers, while ensuring that City services and public information remain open and accessible for all. These are goals that apply broadly, but of course they have special urgency for vulnerable populations in the City, including but not limited to immigrants.

At the outset, I would like to applaud the leadership of the Speaker and City Council in continuing to fight for the rights and well-being of vulnerable New Yorkers. As the Commissioner of MOIA, I am aware of the increased fear and anxiety within many immigrant communities at this time and recognize how important it is to have local government leaders who are committed to maintaining and expanding inclusive and welcoming policies that recognize and celebrate our City's diversity.

Protecting the Privacy and Confidentiality of All New Yorkers

I start with the bills that relate to identifying information and data security, Intro 1557 and Intro 1588. Together, these bills establish a division within the Law Department to be solely responsible for reviewing and approving of requests for information received by every city employee, contractor, and sub-contractor. In addition, these bills place restrictions on the collection, retention, and disclosure of identifying information.

We recommend that these bills be amended to 1) maintain consistency with the City's approach to maintaining data and information privacy for all New Yorkers, and 2) avoid a significant operational burden on agencies and the Law Department that would impinge on the City's ability to provide crucial services efficiently. I will address each of these recommendations now.

First, the City's approach to securing data and information privacy is to vigorously protect the privacy of all New Yorkers. We recognize that all New Yorkers, including the three million foreign-born New Yorkers, may have concerns about how the City handles their private and confidential information when they access City services, and that these concerns may impact their willingness to seek out critical help – from health care services, to public safety, to education and civil rights and legal services. This is particularly true for more vulnerable populations – including survivors of domestic violence, LGBTQ individuals, victims of hate or bias crimes, and undocumented immigrants.

Recognizing that our ability to maintain a safe, healthy, and thriving city depends on New Yorkers' confidence that local government will protect confidential information, the Administration takes the protection of data and information privacy and security very seriously. This is not new. Indeed, we have learned from our experience in implementing the IDNYC program that strong privacy and confidentiality protections are foundational to the broad-based success of citywide initiatives.

The IDNYC program is proud to have over 1 million cardholders from every corner of the City, and the program's success is closely linked to strict protocols on the storage and handling of cardholders' identifiable information, including secure processes and standards for any third-party request for cardholder information followed by the Human Resources Administration, as the administering agency. This approach has been crucial in maintaining the program's credibility with community members and program partners. We strongly believe in this broad-based approach to maintaining the security of our residents' information and data.

In seeking to remain consistent with the City's approach, we believe that legislation aimed at protecting identifying information should broadly address the privacy and security concerns of all New Yorkers. Instead of a particular focus on requests from federal immigration enforcement authorities, as currently reflected in the bills, we recommend that Council adopt a broader approach that recognizes the privacy concerns of all.

Second, we strongly recommend that the Council consider the administrative and operational burdens that these bills, as currently written, place on city agencies in a manner that could impact access to services for many New Yorkers. Maintaining smooth and efficient government operations is crucial for ensuring that all New Yorkers are able to access the services they need. Therefore, we are particularly interested in not imposing severe operational burdens on City agencies in a manner that could negatively impact New York City residents' access to services or impede efforts to improve City services through data integration.

With more than 300,000 city employees, and upwards of tens of thousands of city contractors, these bills could create a significant bottleneck in operations, given the proposed framework of having a single division within the Law Department review the majority of requests. We recommend a more streamlined approach to handling data disclosure requests that takes efficiency, access, and agency expertise into account, while of course maintaining high standards of privacy and confidentiality. Specifically, we recommend amending the bill so that requests for information are reviewed by each agency's respective legal departments, with guidance from the Law Department, which would alleviate the administrative burden on the Law Department and leverage the subject-matter expertise of the agencies themselves in reviewing and making determinations regarding requests for information.

Such an approach would strike an appropriate balance between privacy and effective, accessible services. The City has experience in doing this, as demonstrated by efforts led by the Citywide Data Integration Initiative, which is managed by the Mayor's Office of Operations and governed by a steering committee created by the First Deputy Mayor. This initiative establishes

Administration-wide support for a “One City” approach to data, while providing a vigilant legal privacy and data security framework for developing multi-agency projects involving the integration of data from three or more agencies.

Recently, the Mayor’s Office of Operations and the City’s Law Department worked closely with the Citywide Data Integration Initiative Steering Committee to provide internal guidance for all City agencies on handling third-party requests for information held by City agencies in a manner that maximizes thoughtfulness and vigilance for data privacy and security, while not impeding agency operations. Under this internal guidance, agency legal departments handle data disclosure requests by considering a series of factors and legal considerations and consult with the Law Department as needed. This approach provides agencies with standards, while also allowing them to leverage their expertise and make determinations in a streamlined manner. We encourage a similar approach for Intros 1557 and 1588.

Concerns about privacy and access that drive my comments on the identifying information bills also extend to other proposed legislation that the Council is considering related to immigrant protection. Before addressing these other bills specifically, I want to briefly describe the City’s recent efforts on behalf of immigrant New Yorkers.

The City’s efforts on behalf of immigrant New Yorkers

We are currently experiencing a time where there is increased xenophobic and anti-immigrant sentiment nationally and a more enforcement-oriented approach to immigration at the federal level, which has in turn led to fear and concern among immigrant and other communities in New York City. In light of this climate of heightened fear, the City, under the leadership of Mayor de Blasio, has worked to ensure that all New Yorkers know that City services remain available to them, including public health, education, emergency housing, and public safety resources. This effort has spanned City government. For example:

- In February 2017, the Department of Consumer Affairs, the City Commission on Human Rights, and MOIA held a #OneNewYork Day of Action: Protecting Our Muslim Communities to remind fellow New Yorkers that the City is committed to protecting the rights of all New Yorkers where they live, work, and shop;
- In January 2017, the Department of Education (DOE) and MOIA jointly issued immigration guidance and supports for all schools. Those guidelines were expanded in March 2017 to provide a detailed protocol to school officials for responding to requests from non-local law enforcement agencies and offering additional trainings for students and families across the City;
- In December 2016, NYC Health and Hospitals and MOIA issued an open letter to reassure immigrant New Yorkers that they can get medical care in any public health care setting without fear; and
- On multiple occasions, the New York City Police Department has publically reinforced its commitment to neighborhood policing and maintaining strong ties with immigrant

communities throughout the five boroughs. Both Commissioner O’Neill and the Mayor have spoken out clearly that the NYPD’s role is not to enforce federal immigration law, and the Police Department has made considerable efforts to make sure that immigrant crime victims and witnesses know they can feel safe coming forward to report crime and seek help from NYPD.

In addition, at MOIA, we continue to closely monitor new developments at the federal level in immigration policy and practices and brief our sister agencies about updates that may impact their work and the communities they serve, as well as engage with our sister agencies to strengthen the City’s response and ensure access and inclusion for the immigrant community. Indeed, we were delighted to hear about the California federal court ruling issued yesterday that enjoined the President’s attempt to cut vital funding to cities, and we look forward to further briefing our City colleagues on this development.

My office has also focused on working with community partners to inform and empower community members about their rights. We have conducted over 250 Know Your Rights trainings since November 2016 in schools, hospitals, churches, and community-based organizations. We have also just released a second edition of our Resource and Referral Guide, translated into ten different languages, that provides information on a broad range of services available to immigrant New Yorkers, regardless of immigration status.

Finally, I am delighted to say that the Administration will be baselining \$16.4 million to fund legal representation for immigrant New Yorkers facing deportation and other immigration charges. With this investment, the city will have dedicated over \$30 million total specifically for legal and other services for immigrants.

Discussion of Intro 1565, Intro 1566, and Intro 1578

Intros 1565, 1566, and 1578 reflect this expanded need for information among immigrant communities that my office, in conjunction with many sister agencies and the Council, have worked to address.

At MOIA, we are particularly proud of the work that we’ve done in partnership with DOE to provide high-quality information and resources to immigrant parents and families.

- As described above, we provided guidance on non-local law enforcement access to schools, and are conducting many Know Your Rights trainings in schools for students, parents, and community members.
- Additionally, the City’s ActionNYC in Schools program, which provides immigration legal clinics at schools across the city, has held 70 clinics at 27 different schools in the last year, providing safe legal help for students who need it.
- Our IDNYC program has also placed a special emphasis on making sure that students over the age of 14 have access to a government-issued identification card and the myriad

benefits that come with the IDNYC. The program has held pop-up enrollment sites at schools and Summer Youth Employment Program enrollment sites to ensure that students are informed about the card and have an opportunity to enroll in the IDNYC program on the spot.

- Finally, MOIA's outreach and organizing staff have strong relationships with parent coordinators in immigrant-dense neighborhoods and are regularly present at school events, fairs, and information sessions.

With these efforts to reach immigrant parents and students in mind, we support the goal of Intro 1565, which requires the Department of Education (DOE) to distribute information regarding students' and parents' educational rights and DOE policies related to interactions with state and federal law enforcement. However, we recommend that the Council narrow the scope of the required information that DOE must distribute and provide the agency with more flexibility. While the City firmly believes in distributing information that is useful for parents and children, we believe that some types of information outlined in the bill relate to legal issues that are often complex and case-specific, and that would involve putting DOE in the position of providing legal advice to families and legal information that is beyond the scope of the agency's expertise. We suggest that MOIA and DOE work together to develop and distribute materials regarding DOE policies and appropriate resources for immigrant students, with clear referral information for where to get more detailed assistance.

As for the two bills that specifically address the work of my office, Intro 1566 and Intro 1578, we also support the goals set out in these bills to enhance the City's capacity to analyze national, state, and local developments related to immigration policy and immigrant integration and make recommendations for how the City can further support the well-being of immigrant New Yorkers. **We would again urge more flexibility for the Mayor and MOIA in the approach to this work, and welcome the opportunity to work with the Council on building in more flexibility into these bills.**

Discussion of Intro 1579

Next, I will discuss Intro 1579. Intro 1579 prohibits non-local law enforcement from accessing non-public areas, subject to narrow exceptions, and requires the posting of signs containing immigration enforcement-related "Know Your Rights" information in publically accessible areas controlled by the City. I will discuss the City's feedback for each of these provisions individually.

Regarding the bill's prohibition on non-local law enforcement from accessing non-public areas controlled by the City, we share in the Council's concern for ensuring that individuals on city property are not unnecessarily targeted by non-local law enforcement. However, we feel that this concern would be best addressed through a more neutral and flexible approach. Based on the City's successful experiences with implementing a broad-based approach to data privacy and security, we believe that a similar approach here is possible and beneficial. Providing guidance for how City agencies should address all visitors who seek

to enter non-public areas of the City in a manner that is flexible and adaptable for a variety of circumstances would provide clarity to and be a benefit to all individuals who may have business with the City.

Intro 1579 also requires the posting of signs in publically accessible areas. **While we certainly support the goal of ensuring that New Yorkers are aware of their rights with regard to federal immigration enforcement, we recommend that the Council also take a more neutral and broad-based approach in considering the content of these signs.**

We would also like to avoid approaches that may have the counter-intuitive impact of making City services less accessible or of stoking community fear and panic at a time when rumors and confusion remain very dangerous. We believe that the posting of signs on city property with this messaging could create more anxiety and confusion about what could or could not happen while an immigrant New Yorker is in a city building. Rather, we recommend an approach that promotes positive messaging about the City's immigrant inclusion policies and our commitment to ensuring access for all.

We also believe that more detailed information about individual rights would be more appropriately disseminated through the context of a Know Your Rights training or information session, where individuals are able to ask questions about their rights vis-à-vis immigration enforcement and be directly connected to qualified lawyers for case-specific questions. Such an approach would be more likely to provide clear information, rather than signs that may spark more confusion. We would be happy to work with Council to increase our outreach in these forums.

Discussion of Intro 1568, Intro 1558, and Intro 1569

Intro 1568 and Intro 1558 relate to how the City's relationship works with federal immigration enforcement. **We recommend that these bills remain consistent with recent approaches taken by the City Council and this Administration, which has been to work with federal immigration enforcement authorities in limited circumstances where there are risks to public safety, while otherwise prioritizing remaining an accessible city that values family unity, immigrant inclusion, and strong relations between local law enforcement and immigrant communities.** This approach ensures that any cooperation with immigration enforcement leads to meaningful gains in public safety for all New Yorkers, immigrant and native-born alike.

This approach avoids exposing undocumented immigrants who commit minor and non-violent infractions, such as getting a parking ticket, but does contemplate cooperation in situations where public safety may be implicated. In an effort to remain consistent with this approach, we believe that Intro 1568, which places a broad prohibition on the use of city resources to support federal immigration enforcement, with a few limited exceptions, could benefit from taking a similarly nuanced approach that factors in the need to build community trust while maintaining public safety.

We also have concerns that the bill currently prohibits local law enforcement from enforcing certain criminal warrants. This prohibition may place city agencies in a position to disregard a lawfully issued court order. We would instead support narrowing the bill in a manner that would echo the current practice, which is that City agencies are not engaged in, nor do we assist in, civil immigration enforcement.

As for Intro 1558, which prohibits the Department of Probation from honoring civil immigration detainers, we recognize and support the goal of this bill to ensure that important Probation services remain accessible to all Probation clients. We would recommend revisions to this bill, however, that better reflect the distinct role and function of Probation, which, unlike the Department of Corrections, is a non-custodial criminal justice agency, while also ensuring that legislation does not inadvertently diminish trust between Probation and its immigrant clients.

Finally, we also support the goal of Intro 1569, which creates a city version of the disorderly conduct offense. This bill would eliminate immigration collateral consequences associated with a conviction for the current version of disorderly conduct. This continues the City's efforts to lighten the touch of low-level criminal justice enforcement.

Conclusion

In summary, the City is appreciative of the City Council's continued work in fighting for the rights, safety, and security of immigrant New Yorkers. We look forward to continuing to work with you on this legislation to strengthen the City's efforts to protect the privacy of all New Yorkers and vulnerable populations, while also paying special attention to the needs of immigrant New Yorkers during this time.

FOR THE RECORD

TESTIMONY OF

**MINDY TARLOW, DIRECTOR
MAYOR'S OFFICE OF OPERATIONS**

**BEFORE THE
NEW YORK CITY COUNCIL**

COMMITTEES ON IMMIGRATION, PUBLIC SAFETY, AND EDUCATION

**HEARING ON INTROS
1557, 1558, 1565, 1566, 1568, 1569, 1578, 1579, and 1588**

APRIL 26, 2017

Good morning Speaker Mark-Viverito, Chair Menchaca, Chair Dromm, and members of the Committees on Immigration, Public Safety, and Education. My name is Mindy Tarlow, and I'm the Director of the Mayor's Office of Operations (Operations). On behalf of the Administration, I would like to thank you for the opportunity to testify alongside my colleague Commissioner Nisha Agarwal from the Mayor's Office of Immigrant Affairs, on the critically important topic being addressed today: protecting vulnerable New Yorkers, as part of the City's overarching commitment to protecting all New Yorkers. I would also like to take this opportunity to commend the Speaker and Committee members for their efforts to find lasting solutions that will help ensure the privacy and security of our residents.

My testimony today will focus specifically on two proposed laws most relevant to the work of Operations—Intros 1557 and 1588—which we understand, among their purposes, are intended to strengthen the City's data privacy practices in handling the broad array of individually identifiable information that agencies collect, disclose and retain—in part, by centralizing authority over such activities and related decision-making in a new identifying information division within the City's Law Department.

While this legislation is aspirationally and conceptually aligned with the Administration's commitment to safeguarding the privacy of residents' identifying

information, we have already established a comprehensive citywide data privacy protocol for handling such information that incorporates a factual and legal assessment process, which serves as a supplemental resource to enhance existing agency privacy practices. Rather than centralizing privacy practices within a single City department, as contemplated by Intro 1557, the Administration's protocol incorporates a role for senior agency officials and agency counsel having the subject matter expertise necessary to help inform privacy related decision-making—as well an oversight role for Corporation Counsel, given its authority under the City's Charter over the legal business of the City. We recommend that the Intros 1557 and 1588 be amended to align with these existing practices.

My office delivered testimony earlier this week to the Council's Committee on Technology on the topic of City data privacy and security, emphasizing the important balance of protecting individual privacy while also advancing important interagency collaborations and human subject research to better serve our residents. We believe Intros 1557 and 1588, as written, would impose significant administrative and operational burdens upon affected agencies that could have the unintended consequence of impeding this important interagency work.

As I shared with Chair Vacca and Technology Committee members, the Mayor's Office of Operations manages a wide array of citywide programs and technology resources that help facilitate multiagency data exchange, integration,

and analysis across agencies, programs, and neighborhoods; support data-driven resource and programmatic decision-making; and streamline operational efficiencies. Such efforts are in furtherance of the Administration's goal, set forth in OneNYC, of expanding its internal data integration capacity so that our residents receive the right resources and services at the right time. They include **Worker Connect**, which enables read-only case management across agencies pursuant an interagency data exchange agreement, and a business use case approved by data owners; **ACCESS NYC**, an online public benefits screening tool; and the **Common Client Index (CCI)**, an algorithm-based technology that enables electronic matching of encrypted records which, with planned enhancements, will allow for de-identification of linked records to support cross agency research. In each initiative, individually identifying data can only be shared with an authorized user for a lawfully permitted purpose that has been approved by the agency data owner.

Most recently, Operations launched and now manages the **Citywide Data Integration Initiative**, which provides a legal privacy and data security framework and operational protocols for developing multiagency data integration analytic and research projects. Developed in collaboration with the Law Department and other City agency partners with expertise in data privacy, it is governed by a **Steering Committee** established by the First Deputy Mayor. City leadership remains

committed to this important work, leveraging technological advances, with the goal of improving the quality and coordination of services delivered to all New Yorkers.

The Administration recognizes that, with data increasingly “on the move” to benefit our City and its residents—including identifiable information where lawfully authorized—comes a heightened responsibility for rigorous and consistent citywide data privacy practices. We believe that the Administration’s comprehensive legal privacy and security protocols, and our strong working relationships across agencies and with the City’s Law Department, enable this important City work to go forward under our collaborative leadership, with vigilant and protective stewardship.

In closing, I would like to reiterate our shared commitment to protecting the privacy, safety, and rights of our City’s residents, and we look forward to collaborating with all of you and continuing conversations to help shape workable solutions to this vitally important challenge.



Advocates for Children of New York

Protecting every child's right to learn

**Testimony to be delivered to the New York City Council
Committees on Immigration, Public Safety and Education
Re: New York City Department of Education's policies related to interactions with
non-local law enforcement and federal immigration authorities
April 26, 2017**

Good afternoon. My name is Rita Rodriguez-Engberg and I am a staff attorney in the Immigrant Students' Rights Project at Advocates for Children of New York. For over 45 years, Advocates for Children has worked to promote access to the best education New York can provide for all students, including students from low-income backgrounds, students who are learning English, students with disabilities and students of color. The Immigrant Students' Rights Project advocates for better educational opportunities for immigrant families in New York City public schools.

In the course of our work with immigrant families, we are seeing how the federal government's new immigration enforcement tactics are interfering with the education of New York City children. We have heard from parents who, worried about a potential arrest by Immigration and Customs Enforcement (ICE), have stopped visiting their children's schools altogether. In other cases, parents have scaled back on how often and how much they participate in in-person school events such as parent-teacher conferences. Families are also informing us that they worry about what may happen in the event that one or both parents are arrested while their children are in school.

The New York City Department of Education (DOE) has taken some steps to

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protect New York City children and families. However, additional action is needed. We ask that the DOE issue guidance to address the collection of sensitive immigration information and to address the very likely situation of immigrant parents being picked up by ICE during the day, while their children are at school.

Although the DOE does not ask families to disclose their immigration status, when students enroll in New York City public schools, families must provide proof of identity, age and residency. In our experience, oftentimes families rely on immigration documents for proof of identity, age or residence, such as Office of Refugee Resettlement papers, visas, and work authorization documents. Copies of these documents then become part of the student's file. In order to avoid the collection and storage of sensitive immigration information in a student's file, we urge the DOE to instruct Family Welcome Center and school staff to refrain from photocopying immigration-related documents at the time of enrollment and registration. We recognize that these may be the only documents a family has in their possession. For such cases, we urge the DOE to create a policy whereby DOE staff simply review these sensitive documents, and instead of photocopying them, complete a separate form confirming that they have verified the necessary information. With such a policy, DOE staff will still be able to review a family's documents without their ending up in the student's file.

School staff may also become aware of a family's immigration status through other means, such as when students show an immigration court notice to explain an absence. In these and other less formal instances, NYC DOE staff should not make



any notes of a student's status in student records, teacher files, emails, or any other internal written communication. Additionally, students or families who share their status with NYC DOE staff should be informed that this information will not be shared with other NYC DOE staff and will remain confidential unless the family gives express consent.

As we continue to hear reports of parents across the country being deported, the DOE needs to take additional steps to address the very likely situation of parents being picked up by ICE during the school day. In addition to updating emergency contact information on the "blue card," we suggest that the DOE expand the number of emergency contacts that may be listed on the blue card, in the event that multiple family members are detained at once.

Finally, we want to voice our support for Intro. 1565, sponsored by Council Member Dromm, to require the DOE to distribute information to families about educational rights and DOE policies related to interactions with non-local law enforcement and federal immigration authorities. To help ensure that families can benefit from this information, we recommend amending the bill to require the DOE to translate the materials and distribute the information in families' preferred languages.

Thank you for the opportunity to testify today. I would be happy to answer any questions you may have.



Asian American Federation

STATEMENT SUBMITTED TO THE COMMITTEE ON IMMIGRATION, COMMITTEE ON PUBLIC SAFETY, AND COMMITTEE ON EDUCATION OF THE NEW YORK CITY COUNCIL

April 26, 2017

Hearing Regarding Intro Bills Related to Protecting New York City's Immigrants

Thank you to three Committees on Immigration, Public Safety, and Education for convening this hearing. I am Howard Shih, research and policy director of the Asian American Federation. The Federation'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.

As the leadership convener for over 60 Asian social service organizations in New York City, the Asian American Federation (AAF) has played a key role in highlighting and advocating for the most pressing needs of the pan-Asian American community since 1989. We produce comprehensive research publications to highlight emerging needs in the Asian community and advocate for policy changes to improve access to essential services. We also convene informational, strategic, and policy-focused meetings between Asian community leaders and city and state officials to raise the visibility of the Asian community's needs.

Additionally, one of our pillar programs is providing technical assistance to our member agencies to help build their capacity to serve growing and emerging immigrant communities. The program includes one-on-one consultations about strategic planning and other areas of need; fundraising workshops and funding opportunities; leadership development trainings; and fiscal support services.

The Asian population continues to be the fastest-growing group in New York City, averaging an annual growth of 2.7% from 2000 to 2015, a rate that outpaces the Hispanic population, which only grew at a rate of 0.9% in that same time period. Asians now represent 10 percent or more of residents in 26 out of 51 Council Districts. A largely immigrant population, with 7 in 10 Asians having been born abroad, many Asians face many challenges integrating into their new city. For instance, statistics show that one in four Asians live in poverty in New York City. In addition, half of Asian residents in the City have limited English ability.

The increase in enforcement activity by the federal government has brought fear and uncertainty to the Asian immigrant community. MPI estimates there are almost 150 thousand undocumented Asian immigrants living in NYC in 2014. There were 796,903 Asian immigrants in NYC in 2014. Therefore, about 19% or one in five Asian immigrants may be undocumented in NYC. (Note: MPI only estimates by select counties. Staten Island was not one of them. For 4 Boroughs in NYC with data, the estimate was 148,000.) With the 2014 American Community Survey showing that 95% of Asian children in NYC have at least one immigrant parent, it is extremely likely that thousands of

Asian families will be impacted by deportation. For comparison, 60% of Hispanic children and 39% of non-Hispanic White children had at least one immigrant parent.

Anti-immigrant bias is also leading many green card holders to seek citizenship to secure their status. Center for Migration Studies estimates there are nearly 200K immigrants from Asia who would be eligible for naturalization in NYC (estimated for year 2014). There were 368,724 non-citizen Asian residents in NYC. Therefore more than half (55%) of Asian non-citizens were eligible for naturalization. Based on our own experience running a citizenship program in Brooklyn, we are a demand in services like never before.

Despite the rapid growth in the Asian community and the persistent demand for culturally competent services, only 1.4 percent of contract dollars from city social service agencies went to programs run by Asian-led community organizations or programs aimed at serving mostly Asian clientele. This shortfall in contract dollars reflects both the lack of opportunities for smaller Asian organizations to compete for contracts and also the need to build capacity within the Asian community to run and administer contracts.

Regarding the nine bills discussed today:

We support the City Council's legislative efforts to protect our immigrant families. These bills currently on the docket will make concrete the city's commitment to be a sanctuary city. The protections on identifying information, the creation of safe spaces around city property, and limiting city employees interactions with federal immigration authorities are all important initiatives to reassure immigrants of all status that the city government is here to serve the community. For example, we have been asking the city for guidelines for mixed-status families to create legal documents for potential guardianship situation, based on our experience working in schools with a large citizen children-unauthorized parents population.

We support the Council's efforts to assign more responsibility and make more accountable the Mayor's Office of Immigrant Affairs. MOIA has been shown to be more than capable of launching and running major new programs devoted to serving New York City's immigrant community. We nevertheless see the need for MOIA to be more responsive to the ever-changing demographics of New York City's immigrant population, and to be accountable to building capacity for all immigrant communities.

The Asian American Federation also supports the creation of the interagency immigration task force. We look forward to working with a task force with clear overall responsibility for serving immigrants. We also recommend that the City Council have a strong oversight role over MOIA and have a seat on this task force. Local legislators have a direct link to their constituents that city-wide office holders may lack and it is important to have a direct role for city council in oversight of MOIA and on the immigration task force.

Int 1565 2017
New York City Council Committee on Education, Committee on Public Safety & Committee on
Immigration Joint Hearing

April 26, 2017

Sarika Kumar
Young Women's Advisory Council Member, Young Women's Initiative
Girls for Gender Equity

Good Morning. My name is Sarika Kumar and I am a Program Coordinator of the Young Women's Advisory Council at Girls for Gender Equity.

Today, I represent the Young Women's Advisory Council at Girls for Gender Equity. We are part of the Young Women's Initiative (YWI) that was launched by Speaker Melissa Mark-Viverito and the New York City Council to identify the gaps in services for young women ages 12-24, with a focus on cis and trans women of color. YWI brings together leaders and organizers, with the goal of crafting policy recommendations that address racial, gender and other disparities. As an anti-violence and education organization, Girls for Gender Equity is committed to the wellbeing and safety of cis and trans girls of color and gender non-conforming youth of color.

Girls for Gender Equity works with young people of diverse backgrounds, many of whom are children of immigrants, in afterschool programming. The heightened fear of deportation and detainment after the election, has made it more obvious that students, parents, guardians, educators, and counselors do not have access to accurate information on student rights and what to do in a situation of an immigration crisis. This only leads to more fear.

Intro 1565-2017 will ensure accountability of the Department of Education to the students it serves; requiring the DOE to provide students and parents educational rights and policies related to interactions with non-local law enforcement and federal immigrant authorities. Students and families of undocumented and mixed-immigrant status backgrounds deserve to know their educational rights and that the City of New York will stand by its undocumented communities.

- Within the proposed legislation, I further call on the Council to expand on Intro 1565 - 2017 by: considering how the DOE can make this information most accessible and comprehensive to NYC immigrant's multiple and intersecting identities.

In addition, as LGBTQ youth of color are increasingly pushed out of school, immigrant status only exacerbates this reality.

- Intro 1565 - 2017 must affirm Trans and Gender Non-Conforming and LGBTQ people in the immigrant community and speak to the experiences TGNC people of color have with law enforcement and federal immigration authorities so that their rights are known and resources made readily available to this population.

And to ensure we - as a city - are aware of the diversity of family structures;

- Intro 1565-2017 must also go further to consider foster care and homeless youth, who may not have access to a parent in order to be notified about a request for student records.
- For parents and guardians working multiple jobs, how will notifications and information be readily available? Often children of immigrants take-on greater responsibilities as advocates and interpreters for their family members.

As stated before the materials and information distributed should be available in multiple languages, on and offline, to make materials the most accessible.

With these addition to this bill, the City will continue to ensure all students, parents, and guardians know their rights, and are protected from federal immigration authorities. To be a true sanctuary city, our institutions, agencies, and departments must refrain from being complicit for complicity is an act of further endangering undocumented immigrants.

I thank the New York City Council for working with the Young Women's Advisory Council, and we respectfully request the passing of **Int 1565-2017**.

**Testimony of
SARIKA SAXENA,
NEW YORK LAWYERS FOR THE PUBLIC INTEREST
Opposing Intro. 1569, Bill Prohibiting Disorderly Behavior,
In support of Intro. 1557, 1558, 1566, 1568, 1578, 1579, 1588 Bills
April 26, 2017**

FOR THE RECORD

Good afternoon and thank you to Immigration Committee Chairperson Carlos Menchaca, Public Safety Committee Chairperson Vanessa Gibson, and Education Committee Chairperson Daniel Dromm for the opportunity to testify on the pressing and timely issues of immigration enforcement and cooperation between local and federal law enforcement agencies and personnel. My name is Sarika Saxena and I am the Health Justice Staff Attorney at New York Lawyers for the Public Interest. We support the spirit of the proposed bills, Intro. 1557, 1558, 1566, 1568, 1578, 1579, 1588, with recommendations to make them stronger and express reservation with regards to Intro. 1569.

For the past 40 years, NYLPI has advocated for New Yorkers marginalized by race, poverty, disability, and immigration status. Led by community priorities, we use every tool available – community organizing, impact litigation and individual representation, policy advocacy, pro bono partnerships, and public education – to make equal justice a reality. NYLPI’s health justice program brings a racial justice and immigrant rights focus to health care advocacy in New York City and State. As the Council considers the City’s budget with regards to services and support for New York’s immigrant communities, NYLPI hopes that the Council and Administration will prioritize immigrant health.

The communities and clients that New York Lawyers for the Public Interest (“NYLPI”) works alongside and serves have expressed a heightened level of fear in recent months. Our clients have questioned going to their medical appointments and many have been apprehensive about applying for benefits, like Medicaid, that they are eligible for and could be life-saving. Their fears are grounded in stories of the new regime of aggressive immigration enforcement and harsh policies coming from Washington, but are also equally a product of what they are hearing about local law enforcement and city agencies’ interaction with federal agents to effectuate anti-immigrant policies against them.

Most of the proposed bills presented today try to address these concerns and New Yorkers’ fears. We applaud the Council and Committee Chairpersons for proposing bills Intro. 1557, 1558, 1566, 1568, 1578, 1579, 1588 and support these efforts. However, we encourage the Council to go a step further with some of the initiatives. I have organized my recommendations into themes that impact various proposed bills. We make the following suggestions:

Collection, Disclosure, and Security of Information, Intro. 1566, 1578, 1557, 1588:

Intro. 1566 and 1578

- The proposed bills encourage a coordinated response amongst city agencies to address immigration enforcement policies and changes. They also give the Mayor’s Office for Immigrant Affairs (“MOIA”) the capacity and resources to be at the helm of these policy changes. We generally support these bills. However, the bills should go further and include direct community engagement and a system for communication with communities.
- We have concerns with retention of the identifying information and encourage the Council and MOIA to think through to the end about what can be done to protect immigrant New Yorkers.
 - Intro. 1566 instructs MOIA to collect and monitor personal information on impacted communities without explanation of what will be done with the information and the purpose for data collection. The Council should amend the bill to add the purpose and use of the data collection and how it will be maintained or discarded.

- We join our clients and communities in strongly urging the Council to reconsider Section 5 of Intro. 1566, which proposes “to secure identifying information of immigrants held by city agencies and those contracting with city agencies.” The communities that we work alongside have expressed concern about the availability of their data, especially that which identifies their immigration status. This is the main reason why our clients and those of partner organizations are not registering and enrolling in benefits that they are eligible for, like Medicaid.
- Policies, such as Intro. 1557, that create an identifying information division to oversee the “collection, retention, and disclosure of identifying information” could do more and instruct agencies to destroy said information that is not essential or necessary to be kept. Thus, the Council should amend the bill to, instead, destroy all immigration-related records and information.
- Intro. 1578 instructs MOIA to create a task force, which NYLPI supports. However, we suggest that the bill be amended to the community and should include mechanisms for community engagement. Additionally, New York City Housing Authority (“NYCHA”) or an entity representing those living in public housing because immigrant New Yorkers living in NYCHA housing would also be impacted.

Intro. 1557

- Similar to the above suggestions about information retention, we suggest that Intro. 1557 also include a policy to destroy identifying information where it is not essential to keep it, similar to the policy for IDNYC. The bill could even address a limitation and change in agency policies as to when immigration-related information is collected. We welcome further discussion and remain available for consultation.
- If Intro. 1557 Intro. 1557 also instructs an agency that discloses an individual’s identifying information to notify the individual that their information has been shared in writing. While this is a good measure, it should be done both in writing and at least one other means of notification.
- Lastly, Intro. 1557 should include a way to review whether the disclosure was appropriate. Where the disclosure was inappropriate, the bill should include a penalty for disclosing an individual’s information.

Intro. 1588

- We support Intro. 1588 as it requires City employees and contractors to protect identifying information; however, where the bill proposes information collection, the bill should require limited data collection and destruction of protected information related to immigration status or lack thereof. See our recommendations for Intro. 1578 and 1557.

Cooperation between Local and Federal Law Enforcement, Intro. 1558, 1568, and 1579:

- We support Intro. 1558, which limits the Department of Probation from honoring civil immigration detainees under the same restrictions that apply to the Department of Corrections. However, we urge the Council to examine the violent crimes exception, which allows Department of Corrections and potentially Probation, to hold those who are accused or convicted of certain crimes under an immigration detainer and be transferred to federal immigration custody. We encourage the City to analyze what is a true violent crime and what is a product of the criminalization of communities.
- We support Intro. 1579 in its prohibition of non-local law enforcement’s access to non-public areas of City property, barring the exceptions noted in the bill; however, we request further clarification as to whether residential properties owned or operated by New York City Housing Authority are included in the definition of “City property” as delineated under Section 12-208(a). If they are not, we recommend they be included.

- We support the limitations placed on City resources from being used to enforce federal immigration laws under Intro. 1568 and offer no suggested amendments at this time.

Increased Criminalization of Conduct, Intro. 1569:

At the oversight hearing in February 2017, NYLPI, along with countless other community organizations and legal service providers, urged the Council and concerned Committees to end Broken Windows policing. We have heard from our communities that they are most concerned about such policing tactics that make them very vulnerable to anti-immigrant enforcement policies. We are disheartened that none of the proposed bills before us today, which aim to protect our immigrant neighbors, address the communities' highest concern.

We acknowledge that analogous conduct is covered under the state penal law statute criminalizing disorderly behavior and that there are some immigration advantages that this bill possesses for a modest number of immigrant New Yorkers caught up in the criminal legal system. However, we are concerned about the potential police abuse of the statute based on past application of the analogous state law. Not only will this bill keep people from exercising important rights, but also will put those who speak up for themselves and others at risk of deportation. The provisions of the bill are potentially unconstitutional and in violation of the First Amendment and Due Process protections as applied because it uses overbroad and vague language.

New York City prides itself on being a city of and a sanctuary for immigrants. Anti-immigrant rhetoric coming from Washington, and even within our City's borders, demonstrate that our clients and communities' worst fears could be realized. To combat those fears, our leaders must pass strong, affirmative legislation that protects us all and the Constitution. Therefore, we support the spirit of the proposed bills with recommendations on how to strengthen them. We welcome further discussion and remain available for consultation.



**Testimony Before the New York City Council's
Committees on Immigration, Public Safety, and
Education**

Presented on April 26, 2017

A. The Legal Aid Society

The Legal Aid Society (Society), the nation's oldest and largest not-for-profit legal services organization, is more than a law firm for clients who cannot afford to pay for counsel. It is an indispensable component of the legal, social, and economic fabric of New York City — passionately advocating for low-income individuals and families across a variety of civil, criminal, and juvenile rights matters, while also fighting for legal reform. The Society's unique value is in its ability to go beyond any one case to create more equitable outcomes for individuals, and broader, more powerful systemic changes for society as a whole. Through a network of borough, neighborhood, and courthouse-based offices in 27 locations in New York City, more than 2,000 attorneys, paralegal case handlers, and support staff, along with volunteer help coordinated by the Society's Pro Bono program, we provide comprehensive legal services to fulfill our mission that no New Yorker should be denied access to justice because of poverty. Through three major practice areas—Civil, Criminal, and Juvenile Rights—the Society handles approximately 300,000 cases a year in city, state, and federal courts.

Our commitment to serving immigrants began in 1876, when The Legal Aid Society was founded to defend the individual rights of German immigrants who could not afford to hire a lawyer. Though we have significantly broadened our legal practice, we have remained committed to our original mission: helping low-income immigrant communities. We have maintained an Immigration Law Unit (ILU) which has served New York City's immigrant population, providing access to justice to vulnerable populations, helping citizens by challenging removal proceedings and preventing the separation of immigrant families.

The Immigration Law Unit is currently comprised of over 45 staff including an Acting Attorney-in-Charge, Deputy Attorney-in-Charge, supervising attorneys, staff attorneys, paralegal case

handlers, and social workers. The Unit specializes in the intersection between immigration and criminal law. In addition to comprehensive immigration representation, the Unit works collaboratively with all of the Society's practice areas to serve our diverse immigrant clients through an integrated service model, providing clients with assistance with public benefits, health care, family law, employment and tax matters, and other issues faced by low-wage earners. Unit staff represents immigrants before U.S. Citizenship and Immigration Services (USCIS), immigration judges in removal proceedings, and the Board of Immigration Appeals, the federal circuit court, as well as in family courts in ten counties, in federal court on habeas corpus petitions, and petitions for review.

B. Int 1568-2017: A Local Law to amend the administrative code of the city of New York, in relation to federal immigration enforcement

We applaud the efforts of Speaker Melissa Mark-Viverito, and Council Members Rafael Espinal and Corey Johnson to ensure that our immigrant communities in New York City are protected from the Trump Administration's enforcement actions that result in the separation of families and the rending of communities.

The new Administration has reset the priorities for implementing immigration detention and removal policies. Rather than focusing on certain individuals with prior orders of removal or certain criminal convictions, now all immigrants who may be removable for any reason whatsoever are an enforcement priority. In addition, those who have been arrested but not yet convicted in a criminal proceeding have become a priority. Anyone who has committed immigration fraud or fraud in obtaining government benefits is a target. Parents who bring into the U.S. their children who are facing persecution in their home countries will be treated as alien smugglers, rather than recognizing that their unaccompanied minor children are refugees, and that helping these children seek safe haven in the U.S. should not make the parents an enforcement priority.

We are also concerned about the attempts by U.S. Immigration and Customs Enforcement (ICE) to increase its presence in the courts in New York City, at U.S. Citizenship and Immigration Services, at shelters, and at other locations where our clients are required to go for a myriad of reasons and services. This change in policy has not only increased the number of people subject

to immediate detention, it has caused widespread panic and confusion in the immigrant communities, and resulted in domestic violence survivors fearing to appear in court to seek orders of protection, parents fearing to appear in court on child support matters, criminal defendants fearing to appear in court for their hearings, and so on.

It is critical for New York City, a sanctuary city, to take every step possible to ensure the protection of our immigrant communities and that all individuals who call New York City continue to feel that they have the ability to access city services. including but not limited to assistance from law enforcement.

C. Int 1569-2017: A Local Law to amend the administrative code of the city of New York, in relation to prohibiting disorderly behavior

Non-citizens New York City residents arrested for violations and other low-level offenses have faced two adverse immigration consequences in at least two ways. First, because the Police Department would very often fingerprint them before they were arraigned for the low-level offense, and since these fingerprints would be shared with the Federal Bureau of Investigation and end being visible to the U.S. Department of Homeland Security, they would often spur ICE to issue a detainer or to appear in the Criminal Court to arrest the individual for an unrelated civil immigration violation. Second, because of the broad definition of misdemeanor contained in the Deferred Action for Childhood Arrivals (DACA) guidelines and in federal immigration regulations, even a Penal Law disorderly conduct conviction, with its maximum potential jail sentence of 15 days, would be considered a misdemeanor conviction for DACA eligibility purposes.

The City Council disorderly behavior bill addresses both these issues.

The creation of a civil rather than criminal penalty is beneficial, assuming that it is utilized, because it means that the person charged with violating the civil section will not get fingerprinted. In addition, because the burden of proof at any administrative hearing will be less than the “beyond a reasonable doubt” required in Criminal Court, findings of civil violations would not be able to form the basis of a criminal ground of removal under the Immigration and Nationality Act.

The proposed section's maximum criminal penalty of five (5) days jail means that a conviction would not be considered a "misdemeanor" under either the DACA guidelines or immigration regulations.

Of course, whether the creation of this new Administrative Code violation will be truly meaningful depends on whether the Police Department will actually use it. "Broken Windows" policing assumes that fingerprinting for minor offenses will achieve law enforcement goals, an assumption with which we do not agree. We hope that the Police Department will realize that fingerprinting only when required by law will protect our noncitizen residents from disproportionate and adverse immigration consequences that result in the separation of families and the rending of communities.

D. Int 1565-2017: A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to distribute information regarding educational rights and departmental policies related to interactions with non-local law enforcement and federal immigration authorities

The Legal Aid Society applauds the City Council for requiring the Department of Education to distribute information as described in the bill. Once passed, content development, language access, and distribution methods of the information to be distributed should be reviewed.

Also, we thank the Administration for its March 21, 2017 revision of its letter to all parents and students, stating that federal agents, including ICE, will not be allowed to enter schools, except when absolutely required by law. We appreciate the City's commitment to ensuring that all children, regardless of immigration status, are able to further their education in a safe, nurturing environment.

E. Int 1588-2017: In relation to identifying information and Int 1557-2017 : A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to an identifying information division

Confidentiality of identifying information is a perennial concern for all of us, but as the City recognized in 2003 with the promulgation of Executive Order 41, it is a special concern for non-citizen immigrants, whose personal information such as immigration status and any criminal record can be used as grounds for immigration enforcement or to prevent adjustment.

This concern is not new, but it is now heightened by the new ICE enforcement priorities announced in the Interior Enforcement Executive Order released by the White House on January 25, 2017, which has put all immigrants without lawful status at risk, and has arguably increased the risk of removal for our low-income, lawfully residing non-citizen clients especially by prioritizing enforcement actions against people who have simply been charged with a crime or who have allegedly "abused" government benefits, without a formal finding of guilt in either case. We should also note that there was a draft Presidential Executive Order leaked to the press in January 2017, but not yet signed as of April 26, 2017, that suggested a broadening of who may be considered a "public charge," and would be removable or be denied admission on that ground. This draft Executive Order would especially impact our clients, low-income New Yorkers who themselves or whose eligible children receive public benefits.

Given what is at stake for these New Yorkers, to ensure a continued willingness to access City services by non-citizens, the City of New York needs to be able to assure confidentiality of information given to the City and its contractors, subject to certain exceptions. We applaud the effort to fill any holes in the existing confidentiality protections, but we caution the need for vetting the Identifying Information bill in particular to assure that it targets precisely those areas where there are gaps without inadvertently lessening existing protections by enacting inconsistent rules to govern confidentiality in the many areas of life impacted by the bill, essentially any interaction with any agency of the City or its contractors. We at The Legal Aid Society welcome the opportunity to work with the Speaker, Councilmembers and their staff to assure that the bills meet this standard.

We also caution the Council to beware of setting up a system that calls for the creation of additional records that contain the very confidential information the proposed bills are designed to protect. For example, section 8-1209 of identifying information bill calls for periodic reporting of disclosures made under exigent circumstances. The language is not very specific, and could be read to require copies of the disclosures to be duplicated which would only multiply the areas where confidentiality must be maintained.

We applaud the efforts of the Speaker and Council to make New York a true Sanctuary City and look to support those efforts with respect to the confidentiality of identifying information with technical or any other type of needed assistance.

F. Int 1558-2017: A Local Law to amend the administrative code of the city of New York, in relation to persons not to be detained by the department of probation

In the past, the New York City Department of Probation misused its power under state law to assist ICE with the removal of non-citizen probationers from the United States. The Department of Probation would use its state statutory power to require probationers to report to its office in order to facilitate ICE's arrest and detention of the individual for an unrelated civil immigration violation. For years, no one seemed to question this noxious practice, even though it contravened a number of provisions in the Penal and Criminal Procedure Laws. Those state statutes impose a duty on the Probation Department to supervise probationers once a state court imposes a probationary sentence, require probationers to remain within the jurisdiction of the sentencing state court while they are on probation, and restrict the power to modify or terminate a probation sentence to the state judge who had imposed it.

Although the proposed City bill is a step in the right direction towards limiting the Department of Probation's cooperation with ICE, we recommend that the City go further by using the framework of state law duties and restrictions to limit the Department's communications and cooperation with ICE to the fullest extent possible.

The Legal Aid Society

By: Hasan Shafiqullah
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**NEW YORK CITY COUNCIL
COMMITTEE ON IMMIGRATION
JOINTLY WITH THE COMMITTEE ON EDUCATION AND THE
COMMITTEE ON PUBLIC SAFETY**

April 26, 2017

**Testimony of Jackie Pearce, Clinical Teaching Fellow
on behalf of the
Kathryn O. Greenberg Immigration Justice Clinic at Cardozo School of Law**

I am Jackie Pearce, clinical teaching fellow at Cardozo School of Law's Immigration Justice Clinic. Thank you to Speaker Mark-Viverito, to Chairman Menchaca, Chairman Vacca, and Chairman Dromm, and to the other members of the Committees on Immigration, Public Safety, and Education, for the opportunity to testify here today in support of the package of bills that is the subject of this hearing.

I would like to briefly make three points: first, I will discuss why these bills are critically important encourage access to city government for all New Yorkers thereby to improve the functioning of our city as a whole; second, I will identify the important and specific ways in which these laws improve upon existing city law and policy; and finally, I will explain why New York City is well within its legal authority to enact the contemplated legislation.

As the Council has heard from the other panelists, this ambitious package of bills goes a long way to address significant issues impacting the most vulnerable in our community. Every New Yorker, regardless of personal circumstance, must be guaranteed the same opportunity to access City services without fear of repercussion. That access is undermined when individuals worry that City employees and officers will disclose their private information. Without an expectation of confidentiality, individuals refrain from utilizing basic government resources. Our local government simply cannot function when segments of our population are afraid to report a crime, apply for a desperately needed benefit, or file a discrimination complaint.

New York City, this Council, Speaker Mark-Viverito and Mayor de Blasio's Administration have historically led the nation in assuring a welcoming and inclusive environment for all City residents. That tone has not only been critically important to vulnerable New Yorkers, who may otherwise have feared contact with local authorities and officials, but it has been good for *all* New Yorkers. When vulnerable communities feel safe accessing police services as witnesses and victims of crime, all New Yorkers are safer. When vulnerable communities feel safe accessing city safety net and economic opportunity programs, all New Yorkers reap the benefits to our local economy. And when vulnerable communities feel safe reporting discrimination and mistreatment, our entire city becomes a fairer and more humane place to live.

Unfortunately, given the political climate nationally, vulnerable New Yorkers are more fearful than ever. We cannot let that fear fester in our city. We must reaffirm and strengthen our commitment that all New Yorkers are safe in accessing city services and city officials. That's why the Council's proposed confidentiality and non-entanglement

provisions are such important steps forward. By safeguarding sensitive information, and limiting disclosure of that information, the City promotes trust between local government and its most vulnerable residents.

As I mentioned, the City currently has a patchwork of laws and policies providing for the protection of confidential information. However, the present legislation would accomplish two key improvements over the existing scheme.

First, by placing these protections in law—as opposed to Executive Order or other informal policy—the City is making a firm commitment to stand by the most vulnerable New Yorkers. This legislation would provide clear, concrete guidance to employees and officers of the City, as well as expectations to the community, about when confidential information can be collected and disclosed. Moreover, these bills deliver a more permanent solution that can withstand changing political winds. We are lucky now to have a Council and an Administration that are committed to principles of inclusion. But we need not reach very far back in our city’s history to realize that not everyone who lands in Gracie Mansion has had, or will have, the same commitment. Only legislation can permanently enshrine our commitment to inclusion and equal access.

Second, these laws would strengthen the existing framework for protection of confidential information in a number of key ways. Intro 1588-2017, for example, will shield a greater number of vulnerable members of our community than are covered by the existing confidentiality executive order, because the definition of sensitive information has been expanded to include, among other things, religion, gender identity and arrest record. Similarly, that bill protects a greater range of information from disclosure, including not just one’s status as a member of a vulnerable community but also sensitive

identifying information, such as phone numbers, location information, email addresses, social media accounts and biometrics information. The current policy on information disclosure, Executive Order 41, falls short in both of these respects.

Similarly, Executive Order 41, which was issued by former Mayor Bloomberg in 2003, does not reflect this City's contemporary stance on urgent immigration issues. For the 1.5 million immigrant New Yorkers, who are particularly frightened in the current environment, the bills discussed today bring our City's laws into harmony with the principles embraced by this Council and this Mayor in our 2014 detainer laws. For instance, right now Executive Order 41 permits City agencies to release all sorts of information to Immigration and Customs Enforcement ("ICE"), such as work address and upcoming appointments with City agencies, for *any* noncitizen. It also expressly allows cooperation with ICE where a noncitizen is suspected of any illegal activity, no matter how minor—including offenses as minor as jaywalking or littering. Additionally, neither E.O. 41, nor any other law or formal policy, prevents NYPD from using City resources to engage in immigration enforcement operations at homes and workplaces across the City. This framework is out of date, and out of touch, with the progressive strides made by this Council and this Administration.

The current bills, by contrast, significantly limit information disclosures by all City agencies, including the NYPD. Perhaps most importantly, Intro 1568-2017 formally declines the federal government's invitation to subject the City's officers and employees to the direction of federal immigration authorities, and prohibits the use of City resources in pursuance of federal immigration enforcement. Together, these bills reiterate the City's commitment to immigrant New Yorkers, and reaffirm the principle that New York

City is a safer place when all of our residents can access local government without fear that it will be a gateway to deportation.

Finally, in speaking to the legal merits of the bills, it must be emphasized that the City is well within its sovereign legal authority to legislate on these matters. The Council should feel secure, despite an atmosphere of tension with the federal government, that the City is on solid legal footing to enact such progressive privacy protections.

First, these bills fit squarely within the City's Tenth Amendment authority to promulgate laws that provide for the health, safety, and welfare of its constituents. The Constitution recognizes that New York is in the best position to determine how to use its *own* resources, to regulate its *own* personnel, for the benefit of its *own* residents. Indeed, the federal courts have specifically suggested that this authority includes the power to enact a broad confidentiality policy, like the one proposed here, which applies broadly to protect the privacy information of community members.

Not only does the Tenth Amendment empower the City to enact such legislation; it also protects our local government from being co-opted by the federal government in ways threatened by the administration. Under the anti-commandeering doctrine, as articulated by the Supreme Court, the federal government cannot force the City Council to enact specific laws, or conscript our local officers to enforce or administer particular programs. For the same reason, the City is under no obligation to collect and disclose certain types of information about its residents and cannot be compelled to participate in federal immigration enforcement that undermines the safety and well-being of our community.

Finally, despite the saber rattling from the Trump Administration, nothing in these laws exposes New York City to any increased risk of losing federal funding. Just yesterday, a federal judge sitting in the Northern District of California issued a nationwide injunction against the executive order that had called for the de-funding of so-called sanctuary cities. Judge Orrick agreed with the cities of Santa Clara and San Francisco that the President lacks the Constitutional authority to strip cities of their federal funding simply by labeling them a sanctuary.

Moreover, nothing in this package of bills could be construed as a violation of federal statute or congressional funding condition. Should the federal government attempt to withhold any funds from New York City because of our decision not to become entangled in federal immigration enforcement activities, these laws will place the city on excellent footing to prevail in the litigation that would surely follow.

We appreciate the efforts of the Council to protect the privacy information of New Yorkers, and look forward, in the coming weeks, to collaborating with the Council to strengthen these bills further.



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Testimony of Hector Figueroa

President, 32BJ SEIU

Committee on Immigration

April 26 2017

Good morning Committee Chair Manchaca and Committee members and thank you for the opportunity to testify here today. My name is Hector Figueroa and I am President of 32BJ SEIU. On behalf of our members I am pleased to express support for this suite of legislation that will further protect immigrant New Yorkers and wish to provide comments that highlight the role of Int. 1558, 1565 and 1579-2017.

Our union proudly represents 163,000 property services workers, including over 85,000 here in New York City. Our members work to support their families in jobs that form the back bone of the city's property service industry - cleaners, janitors, superintendents, window cleaners, security officers and other building service workers.

Ensuring the lives and rights of immigrants are respected is deeply important to our union. Our members hail from 64 different countries and speak 28 different languages. Together we fight for a better deal on the job and justice for every member of our communities.

Every resident of New York City deserves to feel safe and free to interact with law enforcement without fear. Bill 1558 closes an important gap that exists in the city's policy regarding immigration detainer requests. In order to foster trust and cooperation between communities and law enforcement, the city currently restricts the circumstances in which the Department of Correction complies with federal detainer requests. It is common sense, and in the interest of effective law enforcement, to extent this policy to the Department of Probation to ensure consistency throughout the city's criminal justice system.

New York's schools are places where our members both work, and along with thousands of other immigrant families, send their children so they can better their lives and learn the laws and values that underpin our society. We welcome bill 1565 that would ensure

students and parents in New York schools are provided with bi-annual information regarding educational rights and DOE policies and procedures pertaining to interactions with non-local law enforcement and federal immigration authorities. This information will help immigrant families feel confident that their children can attend school and pursue their educational goals regardless of their immigration status.

Bill 1579 makes clear that immigrant rights are to be respected in all corners of our city by limiting the circumstances in which entry is granted to city property to personnel for the purposes of federal immigration enforcement. By protecting immigrants in city buildings, schools and all leased property, the city will make real its commitment to providing sanctuary and allowing immigrants to fully participate in civic life. This bill will also provide legal guidelines for security officers and other building service workers, including our members, who are charged with ensuring safety and well-being in city buildings and property.

On behalf of our members I commend the committee for considering all eight of the pro-immigrant bills heard here today and for the public stance many members of council have already taken in defense of New York's immigrant families. I urge to you to pass these bills into law to help ensure immigrants are able to live full lives in our city and contribute in ways that make all of us who we are.

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4/26/2017 CITY COUNCIL HEARING

TESTIMONY OF NEW YORK COUNTY DEFENDER SERVICES

My name is Meagan Hu of New York County Defender Services. We are grateful for the opportunity to be heard on these critical issues that concern this city's approach to and treatment of its vast immigrant community. As a public defender office, we serve this community extensively and see firsthand the need for substantial reform. Like many such offices, we long ago recognized the centrality of immigration law and procedure to our practice and formed a special immigration unit to assist and advise our clients and attorneys. I am an attorney in that unit, and I believe my recent experiences in that capacity may be instructive to today's debate.

A few weeks ago, one of our clients appeared in Manhattan Criminal Court for sentencing on a misdemeanor case. She was not expecting to be incarcerated; she was scheduled to receive a conditional discharge after having successfully completed counseling. Notwithstanding that, earlier that morning, ICE called the court to inform court personnel that they were coming to arrest our client and to request that the court refrain from calling her case until they arrived. After some discussion, the court officers consulted with the judge and agreed to call the case whenever ready, regardless of whether ICE was present. However, by the time the case was ready to be called, two ICE agents were already waiting in the vestibule outside the courtroom.

The lead attorney and I spoke with these ICE agents at various times. Neither agent would give his name. They would not show us any paperwork related to our client, including the arrest warrant they claimed to have. In an effort to lessen the traumatic impact an ICE arrest in court would have on our client, we disclosed to the agents our client's background as a survivor of rape and sexual assault with a history of suicide attempts. We explained that she was currently under the care of a psychiatrist, was taking medication for her mental health issues, and that she risked a psychotic break if she were arrested in court.

ICE remained unresponsive. They insisted instead on arresting our client right then and there to initiate removal proceedings against a woman who they allege is deportable by virtue of a prior drug possession conviction but who has never actually lived in her country of origin, having moved to the United States when she was approximately two months old. They were prepared to tear this woman apart from her entire support system of family and friends here in New York City and send her to a country where her brother was murdered by individuals now targeting her mother, herself deported a few years ago.

Back in the courtroom, we approached the bench when our client's case was called to explain the situation to the judge and to request that bail be set and the matter adjourned. This unusual request was made because, thanks in large part to the Detainer Discretion Law that the City Council passed in 2014, the Department of Correction has stronger protections for immigrants than our courts currently do. The case was put on hold for approximately half an hour while the judge considered our request in her chambers.

Meanwhile, the atmosphere in the courtroom was tense and fraught. The lead attorney and I huddled with our client, strategizing with each other and with those members of her family who were present. Our client was shaking and crying. The court officer mercifully let her use her cell phone in the courtroom to say goodbye to one of her brothers. We tried to calm her while also trying to explain what might happen to her. All the while, the courtroom was packed with other people waiting for their own cases to be called, all witnesses to the unfolding panic, confusion, and tears.

Ultimately, the judge concluded that she was unable to set bail and our client was sentenced. We readied ourselves and prepared our client to exit the courtroom. The moment we entered the vestibule, ICE agents began to apprehend our client. But before they actually arrested her, a court officer told me and the lead attorney to leave. We insisted on staying so that we could witness the arrest, but the court officer forced us out of the vestibule. In the ensuing chaos, we ended up back in the courtroom, leaning our heads against the door to try and hear what was happening. All I could hear through the door was our client's muffled crying. And as the arrest was taking place, the court officer allowed no one in or out of the courtroom. Our client was then taken to 26 Federal Plaza for processing.

This is an account of just one troubling episode, but it is emblematic of a practice occurring in courts throughout the city. It is a consummately misguided practice. It traumatizes the targets of these arrests, spreads fear among those who witness and hear second-hand accounts of them, and dissuades people from exercising their due process rights before an institution that is meant to be a neutral arbiter of the law.

In President Trump's Executive Order threatening to strip federal funding from Sanctuary Cities, he refers to the need to "ensure the public safety of the American people in communities across the United States." We agree that maintaining public safety is of paramount concern. But ICE's presence in criminal courtrooms does not serve this goal; it actually threatens public safety instead.

ICE's activity in our courts, of the type I witnessed, has the chilling effect of discouraging immigrants from showing up to court. Left unchecked, these arrests will result in crime victims choosing not to seek the protection of our criminal justice system. Witnesses will choose not to testify, and defendants will fail to appear for their court dates. ICE's burgeoning practice of arresting people in court with the assistance of court personnel irreparably undermines the system's duty to ensure the public safety of our communities while weakening respect for our fundamental constitutional rights. For this reason, we urge the City Council to take a strong position against this practice and in favor of everyone's right to attend a court proceeding safely, peacefully, and without fear of interference by ICE.

Meagan Hu
Immigration Unit
New York County Defender Services

NDS

HARLEM

TESTIMONY OF THE NEIGHBORHOOD DEFENDER SERVICE

before the

**NEW YORK CITY COUNCIL
COMMITTEE ON IMMIGRATION, COMMITTEE ON PUBLIC SAFETY, AND
COMMITTEE ON EDUCATION**

IN RELATION TO

**T2017-5872, T2017-5879, T2017-5868, T2017-5873, T2017-5869, T2017-5867, T2017-5874M
T2017-5870, T2017-5871**

by

**Stephanie López
Immigration Defense Practice - Supervising Attorney, CIVIL DEFENSE PRACTICE**

April 26, 2017

Testimony of Stephanie López

Introduction

I am Stephanie López, Supervising Attorney of the Immigration Defense Practice in the Civil Defense Practice at the Neighborhood Defender Service of Harlem (NDS). NDS is a community-based public defender office that provides high-quality legal and social services to residents of Northern Manhattan. NDS's Immigration Defense Practice represents noncitizens facing immigration consequences due to contacts with the criminal justice system and members of the Northern Manhattan community requiring immigration assistance.

Background

For over 26 years, NDS has been an innovator in improving the quality and depth of indigent representation. Consistent with this approach, NDS's Immigration Defense Practice represents noncitizens in removal proceedings and provides them with advice on the impact of an arrest on their immigration status. With the increased scrutiny on noncitizens, NDS is consistently counseling the community on the impacts, either real or threatened, of the new federal Executive Orders.

IMPACT OF CITY AGENCIES SHARING INFORMATION WITH IMMIGRATION CUSTOMS ENFORCEMENT (ICE)

NDS represents detained and non-detained noncitizens in removal proceedings in New York Immigration Court and provides advice to noncitizens through our unique community intake and collaborative representation. **Through our representation and conversations with clients and affected family members, it is clear that the current mechanism by which city agencies communicate and disclose information with ICE has a severe and lasting impact on New York City's most vulnerable immigrant communities.**

A Case Example

Earlier this year, NDS represented a noncitizen with a Desk Appearance Ticket (DAT). After going to Criminal Court voluntarily for his arraignment, bail was set. Once in DOC custody, an immigration detainer – the request from ICE to hold or obtain information regarding noncitizens because they are suspected of being deportable - was lodged against him. Under the current detainer law, DOC can only cooperate with ICE if a judicial warrant is provided and the noncitizen has been convicted of a violent or serious crime in the past five years. A judicial warrant is not just a hold or an ICE warrant, it is an Article III federal judge or magistrate order establishing that there is probable cause to take someone into custody. Typically, these are obtained for people who have re-entered into the country after being previously removed from the United States.

In this instance, after bail was paid and despite a judicial warrant never being provided, our client was transferred to ICE custody. DOC's unauthorized discretion led to an apparent violation of the detainer law that this Council crafted to protect our communities. This violation has serious repercussions on the communities we serve. Especially, when there are now bills being proposed that use the detainer law as a model to be implemented with other city agencies.

The chilling impact when carefully crafted legislation like the detainer law is being violated is not hard to envision. Many of our noncitizen clients in Northern Manhattan fear turning to city agencies when in need because they are worried that their information, after being fingerprinted, will be shared with federal immigration authorities. In some instances, our clients fear calling law enforcement, participating in the criminal court process, or fear obtaining any city benefit for fear of exposure.

Community Impact

Immigrants, their families and the greater community as a whole suffer in these situations. The sharing of information creates a deep distrust between members of the community and the agencies that exist to serve New Yorkers. The slippery slope of information sharing can lead to noncitizens not accessing stabilizing public benefits, being denied access to justice or even foregoing necessary medical treatment. **The chilling effect of engaging and participating in services because of the fear of removal from the United States** is not a theory, but the reality our communities must combat.

Moreover, **the sharing of information regarding a person's immigration status or place of birth can result in the rupture of a family unit.** Once placed in immigration proceedings, a noncitizen can be detained for several months before his or her immigration proceeding has ended. All the while, particularly when breadwinners are detained, families are left with few options to maintain stability, all the more endangered by city agencies that threaten to further destabilize these fragile units.

Conclusion

NDS applauds the Committee on Immigration, Committee on Public Safety and Committee on Education for recognizing that pervasive cooperation with ICE will have a disastrous effect on the New York Community. A call to immigration can have serious catastrophic effects on an entire family. Therefore, limiting the information collected by all city agencies is essential in protecting our immigrant community and staying true to our claim that New York City has been and will continue being a sanctuary city.

To that end, we support the Executive Order bill in that it limits the information shared and the information collected from city agencies. But we urge the Council to go further and direct city agencies to stop asking questions about place of birth and immigration status as ICE can rely on this information when deciding to place someone in removal proceedings. Additionally, we ask that the bill specify a limit on the duration of when information collected can be retained.

Our office supports the bills extending the protections that exist under the detainer law to other city agencies including the Department of Probation and recommend it also be extended to the New York Police Department. However, since our office has recently witnessed a violation of the detainer law with DOC, we are hopeful that any subsequent limitation on cooperation with ICE comes with a clear directive along with a training of employees of when information can and cannot be disclosed. We also ask the Council to consider that if its laws are violated leading to unlawful information sharing, that members of the community be allowed to seek a legal remedy for the unlawful disclosure.

We thank you for your time and are eager that you listen to our client's experiences and take to heart their legitimate fears. We are hopeful that through legislation, you can help quell those fears so that families aren't separated, people aren't uprooted, and the city of New York lives up to its promise of protection.



**BROOKLYN
DEFENDER
SERVICES**

TESTIMONY OF:

**Nyasa Hickey – Supervising Attorney, Immigration Practice
BROOKLYN DEFENDER SERVICES**

**Presented before
The New York City Council
Committee on Immigration, Committee on Public Safety
and Committee on Education
Joint Hearing on Immigration**

April 26, 2017

I. Introduction

My name is Nyasa Hickey. I am the supervising attorney of the Padilla Unit and Youth and Communities Project at Brooklyn Defender Services (BDS). I thank the City Council for this opportunity to testify about the nine bills under consideration today.

BDS is the largest legal services provider in Brooklyn, representing low-income New Yorkers who are arrested, charged with abuse or neglect of their children or face deportation in nearly 40,000 cases each year. Since 2009, BDS's immigration practice has counseled, advised or represented more than 7,500 immigrant clients. We have been a proud New York Immigrant Family Unity Project (NYIFUP) provider since the program's inception.

New York City, and in particular, the City Council, has been a leader in the protection of non-citizen residents. We strongly support the sentiment behind these bills. They recognize the enormous threat that immigrant communities face in an era of increased surveillance and enforcement. The City can and should do more to ensure that residents are not unnecessarily targeted for detention or deportation because of some action or failure to act by the City. These bills are an important step towards increasing the reach of Sanctuary City policies. We also articulate additional ways that the City can expand the proposed bills to demonstrate its commitment to being a Sanctuary City.

II. Bills

1. *Int. 1568 - City Resources Bill, introduced by Council Members Espinal, Johnson and the Speaker*

Brooklyn Defender Services supports this bill. The bill makes clear that city officers and employees shall not accept requests by federal law enforcement agencies to support or assist in operations primarily in furtherance of federal immigration enforcement and that no city resources shall be used for such efforts.

2. *City Property Bill, introduced by Council Members Menchaca, Johnson and the Speaker*

BDS supports this bill. The bill restricts immigration law enforcement's access without a judicial warrant to city property. The bill also requires the Mayor's Office of Immigrant Affairs to create signage to inform the public of their rights with respect to federal immigration enforcement.

3. *Int. 1569 - Disorderly behavior bill, introduced by Council Members Gibson, Lancman, and the Speaker*

BDS supports this bill. This bill creates a new disorderly conduct offense, which would be considered an infraction under federal law, unlike the New York Penal Law 240.20, disorderly conduct, which is sometimes treated as a criminal conviction under federal immigration law.

4. *DOE Undocumented Students Information Bill, introduced by Council Members Dromm, Menchaca, Ferreras-Copeland and the Speaker*

BDS supports this bill. The bill requires the Department of Education (DOE) to provide biannual notices to City students and their families in plain language about their rights to prevent the disclosure of certain information as well as other rights pertaining to public education regardless of immigration status, the right to refuse to speak to federal immigration authorities, and the right to apply for certain immigration benefits. In addition, the notices will state the DOE policy regarding interactions with federal immigration authorities and protocols for detention of a parent by federal immigration authorities.

5. *EO bill on Identifying Information, introduced by Council Members Williams, the Speaker (Council Member Mark-Viverito), Espinal and Ferreras-Copeland*

BDS supports this bill. The bill codifies and strengthens Executive Order 41 and aims to protect the disclosure of personal identifying information that could be used for purposes contrary to the City's interests.

Our main feedback is that the bill it is fairly detailed and may, as written, be difficult for agencies to interpret and follow. Without offering specific suggestions, we recommend editing the bill to be more simple and shorter, if possible, to facilitate compliance.

6. Identifying Information Division bill, introduced by the Speaker

BDS supports this bill. The bill creates an identifying information division within the City law department to ensure the city's data retention policies do not place immigrants at risk or hinder immigrants' access to City services. The identifying information division also centralizes the review of all disclosures of info to federal immigration authority, which imposes bureaucratic hurdles to such disclosure and ensures some level of uniform enforcement of rules.

7. MOIA Expansion Bill, introduced by Council Members Dromm, Rodriguez and the Speaker

BDS supports this bill, which would expand the powers and authority of the Mayor's Office of Immigrant Affairs.

8. Int. 1578 - MOIA Task Force Bill, introduced by introduced by Council Members Menchaca, Dromm, Williams and the Speaker

BDS supports this bill, which would create an interagency task force to review compliance with the new bills, the detainer law, and ongoing developments in state and federal law.

9. Int. 1558 - Probation and ICE bill, introduced by the Speaker and Council Member Ferreras-Copeland

BDS supports this bill. The bill applies the DOC detainer law to the Department of Probation, ensuring that the DOP's resources are allocated for appropriate purposes in accordance with the City's interests. However, BDS recommends expanding the scope of the reporting requirements in relation to concerns we will articulate in the subsequent section.

III. Recommended Additions to the Proposed Bills

- 1. Expand Identifying Information Division authority to include the Department of Correction (DOC), the New York Police Department (NYPD), and Department of Probation (DOP).*

As of April 2, 2017, ICE is utilizing a new immigration detainer form, Form I-247A (Immigration Detainer—Notice of Action). The previously used forms I-247D (Immigration Detainer—Request for Voluntary Action) and I-247N (Request for Voluntary Notification of Release of Suspected Priority Alien) and Form I-247X (Request for Voluntary Transfer) are no longer being issued. As a result, detainer requests and requests for notification are now encompassed on one form, whereas previously they were issued on two separate forms. In addition, according to Policy

Memo No. 10074.2 issued on March 24, 2017, the new form I-247A must be accompanied by a civil immigration warrant in the form of I-200 or I-205.

In the past couple of weeks two BDS clients have been arrested by ICE agents at Rikers Island and transferred to immigration custody. BDS believes that in both cases, DOC notified ICE about the individuals pending release pursuant to a request for notification and ICE arrested and detained the individuals directly at Rikers Island. BDS attorneys, appointed by the criminal court to represent these two individuals, were not informed by DOC about the request for notification of the person's release to ICE. Instead, upon our inquiry before each client's anticipated release date from DOC custody, we were informed that the individual was to be released pursuant to the DOC detainer law. Subsequently, BDS was not informed about the release of the individual to ICE custody directly from DOC custody.

In neither instance was BDS provided with a copy of the detainer or request for notification to determine whether or not it was lawful or accurate. Finally, we were not provided sufficient information about who within the Department makes the *ultimate* determination to release our clients to ICE, or notify ICE of pending release of our client and under what authority that determination is based. These two recent arrests appear to reflect a change in the Department's interpretation or implementation of the restrictions under the NYC DOC detainer law or, in the alternative, it reflects an increase in federal immigration enforcement and consequent interaction with DOC.

Accordingly, there is an urgent need for transparency about the DOC's internal detainer and request for notification compliance policy. Defense counsel's job is to hold the government to its constitutional and statutory obligations. We cannot fulfill our duties as defense counsel to help protect New Yorkers if we are not provided with the appropriate information.¹ Defense counsel and affected individuals in the City's custody must be informed in advance about the existence of a detainer or request for notification (the I-247A form), the alleged basis of that detainer and the City's determination about whether or not the detainer or request for notification will be fulfilled.

To ensure that all New Yorkers in the City's custody receive due process and sufficient legal advice before transfer to immigration custody, we request the City Council legislate the following:

- Defendants and defense counsel should be notified immediately if there is a detainer or a request for notification from ICE to NYPD, DOC or probation.

¹ A related problem is that judges and District Attorney's offices are no longer turning over the NCIC to defense attorneys in arraignment along with the defendant's RAP sheet. Until a few weeks ago, the NCIC, which listed any immigration holds or prior deportation orders, were turned over as a matter of course to defense counsel as a part of the RAP sheet. The recent withholding of this information, seemingly at the behest of the feds, severely limits defense counsel's ability to properly advocate for our clients at arraignment on matters of bail and whether or not to accept an immediate disposition in the case. We are working with OCA and other court stakeholders to challenge this new decision, but wanted to raise this to the Council as another very recent change in federal policy that is impacting City actors and harming immigrant New Yorkers and their communities.

- Defendants and their counsel must be provided with a copy of the detainer, request for notification and any accompanying information issued by federal law enforcement.
- The NYC departments of police, correction, and probation shall be subject to the advice, review, and disclosure requirements of the proposed “identifying information division” bill.
- The NYC departments of police, correction, and probation should publish on their website and share with the Council its policy for complying with detainers and requests for information from federal law enforcement. The policy should articulate the chain of command for the decision making process, including a final decision maker and point person for individuals and defense counsel to contact in the law department in the identifying information division.
- The reporting requirements for NYPD, DOC and DOP should include the reporting and notification to affected individuals requirements specified in the “identifying agency” bill. Similarly, the reporting requirements in the proposed probation bill should include reporting of requests for notification and transfer of individuals to ICE custody pursuant to a request for notification.
- Additionally, reporting requirements for DOC, NYPD, and DOP should be expanded to include requests for notification received, requests for notification fulfilled, and transfer to ICE custody from the City’s custody, regardless of whether or not an individual was held beyond the time he would otherwise be held pursuant to a detainer. Specifically, they should be required to report annually:
 - How many times NYPD called ICE or federal immigration enforcement to verify a NCIC hit for an individual in NYPD custody;
 - How many times ICE was called about a person in DOC custody to verify or request information;
 - How many times ICE picked up an individual within DOC custody—how many times an individual in DOC custody was released to ICE custody;
 - How many times NYPD called ICE to notify about an individual who falls within the “violent or serious felony conviction” definition under NYPD detainer law;
 - How many times DOC called ICE to notify about an individual who falls within the “violent or serious felony conviction” definition under DOC detainer law;
 - How many times DOC and NYPD received a I-247A form from federal authorities.

These amendments would go a long way to ensuring transparency and accountability for these agencies that deal with New Yorkers accused or convicted of crimes, a group highly vulnerable to immigration enforcement.

2. *Implement training and compliance enforcement mechanisms for the proposed and existing bills, including Local Law Administrative Code § 9-131 and § 14-154.*

To ensure that all City agencies and employees, including NYPD, DOC and probation, understand their obligations and requirements under existing and proposed legislation, we request that the City mandate training and create compliance mechanisms.

For example, in some instances it appears that NYPD is communicating information about defendants' whereabouts to immigration enforcement authorities when they call for verification of National Crime Information Center (NCIC) information. While some have attributed these instances to rogue NYPD officers, the resulting courthouse arrests strongly suggest that NYPD requires additional training on how to comply with the detainer law. Similarly, based on our conversations with various DOC staff, there is definite confusion among department staff about whether an ICE detainer (or warrant) will be honored, as well as confusion about the difference between an ICE administrative warrant, an ICE detainer, an ICE hold, and a federal judicial warrant. This confusion has resulted in difficulty in posting bail and other delays in our client's release from DOC custody.

In short, the need for training of the people who will be called on to implement these laws is acute. Experience shows that a lack of training can lead to ICE arrests, deportations and greater fear and uncertainty among immigrant communities: exactly the opposite result of what the proposed legislation seeks to achieve. The need for regular and consistent training is greatest for NYPD, DOC and DOP employees who regularly interface with federal authorities as a component of their day-to-day responsibilities. The City can achieve the stated goals of these bills, help to ameliorate harm to immigrant communities, and provide City employees who are dedicated to serving New York residents with the tools they need to carry out the letter and the spirit of the law, but only if we ensure proper training of employees on the frontline.

IV. Further actions towards ending Broken Windows policing

BDS wants to applaud the City for long-standing efforts to roll back broken windows policing and to lower arrest numbers. This policy shift likely saved countless people from unnecessary immigration enforcement and other devastating collateral consequences like criminal convictions, mass incarceration, homelessness, child welfare involvement and diminished employment opportunities.

As the Council already knows, NYPD's policy is 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.² 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 immediate risk of being found by ICE. Broken windows policing, or the criminalization

² Tatiana Schlossberg, *New York City Police to Be Equipped with Smartphones and Tablets*, N.Y. TIMES, Oct. 24, 2014, available at <https://www.nytimes.com/2014/10/24/nyregion/new-york-city-police-to-be-equipped-with-smartphones-and-tablets.html>.

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 possession of “gravity knives” (really work tools carried by laborers, often required by their union contracts, and purchased legally at major retailers like Home Depot). Many 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.

New York is safer than it has ever been, in part because of the City’s step away from the mass criminalization of communities of color in an effort to build trust between neighborhoods, residents and the city agencies that serve them. However, the Council must remain committed to continuing to roll back Broken Windows policing. We can further limit the flow of the arrest-to-deportation pipeline by continuing efforts to eliminate arrests for low-level behavior in the first instance so that a person’s fingerprints are never uploaded to the FBI database.

We call upon the Council to continue working with the Mayor’s office and the NYPD, with the goal of functionally eliminating arrests for quality of life crimes. We can improve the quality of our communities without fingerprinting people and stigmatizing them with a criminal record if they cannot afford to pay their subway fare or if they ride their bicycle on a sidewalk. An end to Broken Windows makes all of New York’s communities stronger, including immigrant communities.

V. Conclusion

The bills before the Council today are important steps to ensuring that New York City is a sanctuary for all of its residents, including non-citizens. We call on the Council to remain committed to protecting the rights of New Yorkers by ending Broken Windows policing, removing ICE from our courthouses, shelters and other city buildings, and providing immigrant communities with education, increased funding for legal counsel and support.

If you have any questions about my testimony, please feel free to contact me at nhickey@bds.org or 718-254-0700 ext. 230.

**Testimony submitted to the New York City Council
Committees on Immigration and Public Safety Consumer Affairs**

Wednesday, April 26, 2017, 11:00 a.m.



- Re: Int. No. _ : In relation to federal immigration enforcement.**
Int. No. _ : In relation to access to non-public areas of city property.
Int. No. _ : In relation to prohibiting disorderly behavior.
Int. No. _ : In relation to requiring the department of education to distribute information regarding educational rights and departmental policies related to interactions with non-local law enforcement and federal immigration authorities.
Int. No. _ : In relation to identifying information.
Int. No. _ : In relation to an identifying information division.
Int. No. _ : In relation to expanding the office of immigrant affairs.
Int. No. _ : In relation to an immigrant affairs task force.
Int. No. _ : In relation to persons not to be detained by the department of probation

My name is Terry Lawson. I am the Director of the Family and Immigration Unit of Bronx Legal Services, an office of Legal Services NYC. Legal Services NYC is the largest provider of free civil legal services in the country, with offices in all five boroughs serving over 90,000 New Yorkers annually. I also co-lead the Bronx Immigration Partnership, a network of over twenty organizations and agencies working together to create a coordinated safety net of legal and social services for Bronx residents. Thank you for this opportunity to testify regarding the legislation being discussed today.

Immigrants in the Bronx and throughout New York City are living in fear and uncertainty. The Executive Orders and the implementing memoranda issued by the Departments of Justice and Homeland Security highlight the many risks that all immigrants presently face. Not only are immigrants, both documented and undocumented, at risk of being placed in removal proceedings, they are also at risk of prosecution for federal immigration crimes. Let's be clear, these prosecutorial tactics are not being used against criminals, but they are being utilized against families fleeing danger and inescapable poverty. We applaud the City Council for proposing legislation that will protect the City's immigrant population.

City Council legislation that prohibits City agencies from partnering with the Department of Homeland Security (DHS) or using city resources to enforce federal immigration laws sends a strong message to our clients that New York City is committed to protecting them from detention and deportation. It is equally important that the City forbid Immigration and Customs Enforcement (ICE) from entering City property without a judicial warrant. Absent exigent circumstances or a warrant, ICE has no place on any city property or in any City agency. The City's immigrant population needs to be able to take their children to school, apply for public benefits, go to work and conduct their affairs without fear of being monitored or arrested by officers from ICE. Immigrants who are on probation should be able to comply with the terms of

their probation without fear of being turned over to the immigration authorities. Likewise, immigrants who are the victims of crimes must be able to seek police or court protection and ask for help in times of crisis.

In light of the recent ICE presence at courthouses and other public locations in the City, it is essential that each City agency ascertain what identifying information it may possess about immigrants that could be subject to federal investigations, and whether any of this information could be used against immigrants. The creation of an Identifying Information Division that safeguards the identifying information of NYC residents makes all of us safer. City officials should be ordered to stop collecting information related to an individual's place of birth and ensure that any existing information regarding an individual's current place of birth be protected from federal authorities. Legislation prohibiting city employees and contractors from releasing protected information strengthens the City's refusal to be enlisted in the federal government's campaign against immigrants.

Legal Services NYC applauds the proposal that the Department of Education (DOE) inform parents and students about its policies on immigrant enforcement actions at city schools. The Supreme Court has long held that all children, including undocumented children, are entitled to an education. Yet, the parents that we work with are afraid to take their children to school because they are afraid that they or their children may be apprehended by ICE and their families separated. It is crucial, therefore, that the DOE apprise immigrant families of their rights on school property. It is also important that the DOE monitor and provide the City and parents with reports of ICE requests for information about immigrant children and their parents.

We strongly support the creation of an Immigrant Affairs Task Force and the expansion of the Mayor's Office of Immigrant Affairs (MOIA). MOIA has been instrumental in working with dozens of legal and social services organizations serving the City's immigrant population. The ability for MOIA to expand its work and mandate in collaboration with an Immigrant Task Force will ensure partnerships between City agencies and thereby enhance the City's commitment to safeguard the rights of the its immigrant population.

While New York City is a leader in advocating for immigrant rights, it is important that state policies are as protective as the policies that we adopt here in the City. We encourage you and other members of the City Council to continue promoting for the rights of immigrants with state leaders in Albany.

Terry Lawson,
Director, Family and Immigration Unit, Bronx Legal Services (Legal Services NYC)

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Testimony of the New York Immigration Coalition

**Committee on Immigration, Committee on Public Safety and Committee on
Education**

**Hearing on Access to Non-Public Areas of City Property, Requiring DOE to
Distribute Information Regarding Educational Rights, etc.**

April 26, 2017 at 11 A.M.

Good afternoon, and thank you to the members of the Council for convening this hearing and in particular to Chairmans Menchaca and Dromm, and to Council Member Gibson for their continued leadership for immigrant communities.

My name is Adriana Lovera and I am the Education & Youth Leadership Manager at the New York Immigration Coalition. We are an umbrella policy and advocacy organization with over 140 members across New York State, and we aim to achieve a fairer and more just society that values the contributions of immigrants and extends opportunity to all. We fight to increase English language learners' (ELLs') and immigrant students' access to a quality education and to expand opportunity for their parents to be engaged.

The New York Immigration Coalition strongly supports the Council's important efforts to ensure that families receive critical information from the DOE. We salute Speaker Mark-Viverito for her leadership as well on these issues.

Requiring the DOE to Distribute Information Regarding Rights and Policies

It is strong policy for the DOE to bi-annually distribute the information required in the proposed bill to students and families. Given the extent of questions and concerns

circulating in the early part of this year, and the fact that new families are constantly coming into the system, and that ICE enforcement is unlikely to diminish, this is a very sensible approach. There are a few additional considerations:

- Given the importance of accessible information, we suggest specifying that translation and distribution to parents in their preferred language is required. It's important to note also that schools need to make available to students and parents these translated versions in the materials they keep on hand.
- We appreciate the requirement regarding the number of staff who received training and suggest that this reporting be categorized by role – principal, school safety officer, etc. – to provide families with a helpful picture of schools' preparedness.
- We also suggest that Family Welcome Centers, in addition to the locations already specified, have this information available so that parents can acquire details on these vital issues as soon as they come into the system.

Council rightly raises the issue of emergency contact information. This is another area where the DOE has shown real concern for families and is helpfully advising schools to revisit updating this information. We are pushing parents to do so as well. As a next step, the DOE should increase the number of emergency contacts parents or guardians can provide on "blue cards," which have emergency contact information. We've had productive conversations with the DOE on this topic and encourage all to push this through to implementation.

Educational records are another critical issue; the DOE should issue guidance on this topic as a complement to the steps they have taken to protect children and families. In

order to limit the presence of sensitive information within students' educational records in the first place, we strongly recommend that schools be advised to never photocopy or keep on file sensitive immigration information regarding a student or their family.

Advocates for Children of New York has excellent recommendations for how to comply with relevant requirements and still accomplish the aforementioned goal, and we very strongly support them. Furthermore, any information that teachers or other administrators acquire regarding a student's or family's status should not be included in notes or written records. Once these protocols are in place, schools and Family Welcome Centers should provide training to staff regarding these issues.

We look forward to continuing our work with the DOE and with Council to support immigrant students and families in our schools and we thank Council again for the opportunity to testify today.

TESTIMONY OF THE NEW YORK IMMIGRATION COALITION
Int. 1557, Int. 1558, Int. 1569, Int. 1568, Int. 1588

The New York Immigration Coalition (NYIC) is pleased to provide this testimony in support of Ints. 1558, 1569, 1568, and 1588 regarding protections offered by New York City to its immigrant residents.

We would like to first thank City Council Speaker Melissa Mark Viverito, as well as the sponsors and co-sponsors of these bills, for their unwavering commitment to the well-being of our immigrant communities. When faced with the constant attacks from the current White House administration, the Council's consistent and strong message that New York City will not give in are critical to ensuring that our community members feel safe in the City they have chosen to call home. Without these reassurances, immigrants will not feel safe enough to report crime or assist in its prosecutions, avail themselves of services, or contribute to our economy. The resulting impact on public safety and the growth of New York City will affect all New Yorkers, not just the one third who are foreign born.

This testimony will focus on five specific bills: Int. 1557, Int. 1558, Int. 1569, Int. 1568, and Int. 1588. My colleague, Adriana Lovera, will address Department of Education concerns in separate testimony.

Int. 1558

New York City has long been a leader in extending meaningful protections to its immigrant communities. One of the strongest protections offered by the city came in the form of the detainer bills of 2014 that have prevented thousands of New Yorkers from facing deportation for the conviction of minor offenses.

Since January, 2017, the NYIC has heard alarming reports of increased efforts by Immigration and Customs Enforcement – Enforcement and Removal Operations (ICE-ERO) to find ways to circumvent the detainer laws and arrest immigrant New Yorkers with criminal histories, no matter how minor. Anecdotally we have heard of ICE making arrests following immigrant check-ins at their probation offices, which has us concerned as to the level of collaboration between the Probation Office and ICE agents. Therefor we commend the intention of this bill to limit how the Probation Office can interact with ICE. We would also urge further conversations with the Board of Probations to ensure that those offices do not become proxy offices for ICE-ERO.

Int. 1569

In the new enforcement priorities listed by Homeland Security Secretary John Kelly any immigrant arrested for a crime, as defined by federal law, is a priority for enforcement. The City Council's decision to create a new category of violation to hold someone accountable for harmful actions

while not subjecting them to overreaching federal laws, such as immigration rules, is yet more evidence of New York City's forward thinking towards immigrants. This provision will ensure that unjust penalties are not added to convictions for minor crimes.

In this time of heightened fears amongst immigrant communities, when victims and witnesses to crimes are too afraid to come forward and report incidents or cooperate in prosecutions, it is essential that localities make law enforcement accessible to all those who live within their jurisdictions.

Int. 1568

We commend the New York City Council for taking an affirmative step in preventing the creation and implementation of 287(g) agreements and for recognizing that city employees do not have sufficient training or expertise to become immigration enforcement agents. The practical impact of this law will reverberate far beyond the individual New Yorkers who will not be referred to immigration enforcement. The powerful message it sends that local authorities will not take on the role of immigration agents will help ease the fears of many immigrants who might not otherwise avail themselves of critical city services.

Int. 1557 & Int. 1588

We thank the City Council for strengthening the protections of identifying information from federal government agencies that may wish to use it for immigration enforcement purposes in manners harmful to our communities. Within the constraints imposed by federal law, we would urge the City Council to consider not recording any immigration status information, including information about status that is acquired incidentally through city employees engaging in their everyday work. Because the City employs a large and diverse workforce, we would urge requirements that city agencies develop uniform protocols within each agencies that dictate information collection.

We also hope that the creation and implementation of the Identifying Information Division will be done in consultation with community groups to ensure that the process by which the City collects and shares data is as transparent as possible from the outset.

Conclusion

In conclusion, we commend the City Council for these important first steps and look forward to working with you to ensure that New York City remains the safest and strongest place for immigrants to be.



Sanctuary for Families

PO Box 1406
Wall Street Station
New York, NY 10268-1406
Tel. 212.349.6009 Fax 212.349.6810
www.sanctuaryforfamilies.org

**Testimony of Sanctuary for Families
Before the New York City Council,
Committee on Immigration (Chair, Council Member Carlos Menchaca)
Committee on Public Safety (Chair, Vanessa Gibson) and
Committee on Education (Chair, Daniel Dromm)
April 26, 2017**

Good morning. My name is Carmen Maria Rey. I am Deputy Director of the Immigration Intervention Project at Sanctuary for Families, the nation's largest immigration legal practice for survivors of domestic violence and trafficking. We are so grateful to Council Members Menchaca, Gibson, and Dromm and the Immigration, Public Safety, and Education Committees for the opportunity to testify today, and for your leadership in standing with and protecting all New Yorkers. We applaud you for your efforts to make our City safe, a place where everyone can live and thrive in peace, regardless of immigration status. No immigrant New Yorker facing poverty, oppression, and violence in their home country should fear detention or deportation; no child should fear being separated from a parent or caregiver; and indeed **no human being is illegal**.

We are heartened by the omnibus of bills proposed to ensure that New York City agencies are working together to protect immigrants. In these times of increased automation and data collection, New Yorkers deserve to have their sensitive personal information protected, and used only with the goal for which it was released. City agencies cross paths with thousands of immigrant New Yorkers each day, and are a true lifeline for many, providing desperately needed public education, medical care, police protection, and shelter. Accessing any of these public services is a basic human right and should not be an act of courage fraught with fear. Where fear rules, people retreat; crimes are not reported, illness and injury are not treated, and the next generation of Americans are not educated for a better tomorrow. All New Yorkers will be safer, healthier, better educated, and better trained for the jobs of the 21st century if they can be confident that it is safe to access City public services. The alternative is grim: a city gripped by fear, where immigrants are easily exploited and traffickers, abusers, and other criminals have full control over immigrants who feel there is nowhere safe to turn for help.

Today, our immigrant clients fear that accessing even the most basic city services puts them at risk of removal from the United States. They fear calling the police even when there is life-threatening violence in their homes. They may even be afraid to send their child to school or to attend parent-teacher conferences. We are One New York, and community paralysis and fear undermine our collective safety and well-being. We welcome this package of legislation for the crucially important provisions prohibiting City agencies and employees from sharing sensitive personal information. We need this package of laws to assure vulnerable communities that they will not be targeted as a result of contact with the City. **Protection of this information cannot be implied but must be stated loud and clear.** Thank you for making this a City Council priority.

We recommend that you also consider adding provisions to address violations of the confidentiality provisions. Who is monitoring compliance and enforcing transgressions? How is the safety of databases and computer systems at City agencies guaranteed? What can we tell our vulnerable clients about the City's true intent to not just stand by them but actively protect them? Clear provisions that create consequences for violating confidentiality provisions should help assuage these concerns. We fear that, without safeguards, the proposed legislation remains aspirational and won't relieve fear.

We welcome the creation of a Taskforce on Immigrant Affairs and an expansion of the Mayor's Office on Immigrant Affairs to implement, coordinate, and oversee compliance by City agencies of the confidentiality provisions, among other tasks. With some 50% of the New York City population comprised of the foreign-born, a robust and dynamic Taskforce will be valuable to ensure meaningful, effective collaboration across our City's agencies. The City can and should do more to provide immigrant New Yorkers with consultations about immigration benefits or referrals to quality legal services when they are interested in filing an application for which they are eligible. We cannot afford to overlook an immigrant child in foster care who is eligible for immigration status. No immigrant domestic violence survivor should leave a precinct without information about quality free legal services. No high school senior in a public high school in New York should graduate before having received an immigration consultation which can mean the difference between a life spent undocumented or one with immigration status.

Recently, one of our clients, an asylum-seeker who was tortured for years in her home country, spent the night sleeping in the subway with her children before coming to take refuge in our offices. She had been told by a shelter employee that the information she had shared with the City to secure a safe place to live for herself and her children—her name, her lack of immigration status, her prior history of trauma—had been released to immigration authorities, who would be coming to the shelter to detain her. That night, neither she nor the children slept or ate, and the next day, the children missed school. And although we tried to assure her that this wasn't true, there was no law we could point to in order to confirm to her that this would not happen in our City. With the passage of today's package of laws, this need never happen again.

In closing, we thank the City Council and all members present today for their steadfast commitment to protecting the rights of all immigrant New Yorkers. In doing so, you set a national example and make us proud. Your proposed legislation will make this great City safer for us all as they communicate that freedom, not fear, should reign.

Thank you.

Contact: Carmen Maria Rey, CRey@sffny.org; (212)349-6009 x312

Testimony of the Immigrant Children's Advocates Relief
Effort (ICARE) Coalition

on

Int. No. 1565-2017

Requiring the DOE to distribute information regarding educational rights and departmental policies related to interactions with non-local law enforcement and federal immigration authorities; and

Int. No. 1588-2017

In relation to access to non-public areas of city property.

Presented before:

The New York City Council

Committee on Immigration, Committee on Public Safety and Committee
on Education

Presented by:

Eve Stotland, Esq.

Director, Legal Services Center

The Door – A Center for Alternatives, Inc.

Hasan Shafiqullah
The Legal Aid Society

April 26, 2017

Dear Members of the Committees on Immigration, Public Safety Education:

This testimony was prepared by the legal services agencies that comprise the Immigrant Children's Advocate Relief Effort—the ICARE coalition. Our members include The Legal Aid Society, The Door, Catholic Charities, Central American Legal Assistance, Make the Road New York, The Safe Passage Project, and Kids in Need of Defense (KIND).

Today we are providing group testimony in support of Int. 1565, requiring the Department of Education to distribute information regarding the rights of immigrants in public schools, and Int. 1588, regarding access to non-public areas of city property. These changes to local law are important initiatives and will go a long way to ensuring that the vulnerable youth we serve have access to the education and city services that they need to thrive. We respectfully urge the Council to pass both initiatives.

ICARE represents children and families who have fled violence in Central America and are fighting deportation in New York's immigration court (see attached flyer on ICARE). Since 2014, ICARE has screened and represented thousands of newly-arrived immigrant children and their caregivers residing in 47 of the 51 City Council Districts (see attached chart). Our work gives us a unique, city-wide perspective on the struggles of newly-arrived immigrant children and youth.

In particular, ICARE is deeply concerned about the impact that the new federal policies are having on the children we represent. Just last week, one of our attorneys received a call from a guidance counselor at a Bronx high school about one of our young clients. The young woman, who I will call Jessica, was having a panic attack. The reason was clear. Her guardian, a beloved older brother, had been picked up in a workplace raid and had been deported in a matter of days. Fifteen-year-old Jessica is also in removal proceedings, and she was certain that she would be next.

In a sense, Jessica is lucky. She has an ICARE attorney who cares deeply about her and is likely to win her immigration case. Jessica also has a school and a guidance counselor who understand what she is going through and are there to help her. We need to make sure that every undocumented child in NYC has a lawyer and a school like Jessica's. Int. 1565 will help educate students like Jessica about her right to attend school and the safety of doing so. It will make sure that all DOE programs send a clear message to immigrant students and families that school is a safe place and a source of support.

Similarly, ICARE feels strongly that Int. 1570, in relation to access to non-public areas of city property, is vital for our clients' well-being. Many of our clients have witnessed or been victims of violence including beatings, rape, murders, and extortion. The fear that has taken over their families and communities under the new federal administration is exacerbating their existing struggles. A significant number are suffering from depression, anxiety, and post-traumatic stress disorder. Mental health and social services are essential for these vulnerable children and families to thrive in their new environment. However, many of these families go without these services because they fear that accessing services provided by the Department of Health, the Department of Social Services, or the Administration for Children's Services will lead to their

apprehension by immigration authorities. Int. 1570, which limits access by non-local law enforcement to non-public city property, will send a strong message to our vulnerable clients that it is safe for them to access vital city services.

Thank you for the opportunity to testify. We are tremendously grateful to have you as a partner as we work to enhance access to justice for immigrant children and families.

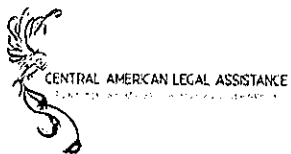
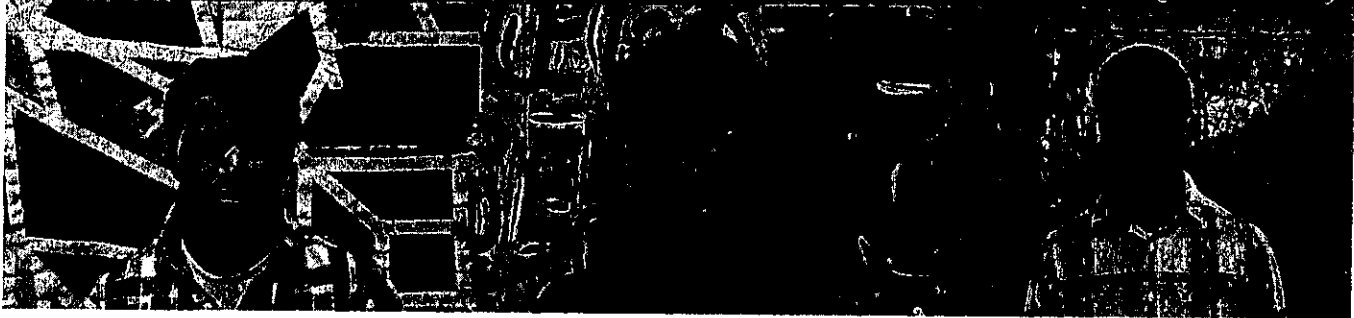
Immigrant Children Advocates Relief Effort (ICARE)

Cases Accepted for Representation
July 1, 2014 to December 31, 2016

Includes the following ICARE providers: Atlas DIY, CALA, CCCS,
KIND, LAS, MTRNY, Safe Passage, & The Door

Council Member	District	ICARE Clients
Margaret Chin	District 1	2
Corey Johnson	District 3	1
Helen Rosenthal	District 6	1
Mark Levine	District 7	8
Melissa Mark-Viverito	District 8	67
Inez E. Dickens	District 9	12
Ydani Rodriguez	District 10	20
Andrew Cohen	District 11	11
Andy King	District 12	7
James Vacca	District 13	12
Fernando Cabrera	District 14	38
Ritchie Torres	District 15	78
Vanessa Gibson	District 16	41
Rafael Salamanca	District 17	122
Annabel Palma	District 18	57
Paul Vallone	District 19	16
Peter Koo	District 20	51
Julissa Ferreras-Copeland	District 21	102
Costa Constantinides	District 22	8
Barry Grodenchik	District 23	7
Rory I. Lancman	District 24	50
Daniel Dromm	District 25	25
Jimmy Van Bramer	District 26	4
I. Daneek Miller	District 27	57
Ruben Willis	District 28	49
Karen Koslowitz	District 29	12
Elizabeth Crowley	District 30	13
Donovan Richards	District 31	49
Eric Ulrich	District 32	23
Stephen Levin	District 33	5
Antonio Reynoso	District 34	28
Laurie Cumbo	District 35	6
Robert Cornegy	District 36	10
Rafael Espinal	District 37	41
Carlos Menchaca	District 38	63
Brad Lander	District 39	26
Mathieu Eugene	District 40	29
Darlene Mealy	District 41	2
Inez Barron	District 42	2
Vincent Gentile	District 43	30
David Greenfield	District 44	21
Jumaane Williams	District 45	14
Alan Maisei	District 46	11
Mark Treyger	District 47	33
Chaim Deutsch	District 48	23
Deborah Rose	District 49	20
Joe Borelli	District 51	2
Grand Total		1309

Immigrant Children Advocates' Relief Efforts (ICARE)



What: ICARE provides direct legal representation; comprehensive advice; social, health, and mental health services; and advocacy to vulnerable New York City resident, unaccompanied minor children in removal proceedings. Services include: Legal screenings, follow-up investigation, representation in family and immigration court and before the asylum office, and referrals and assistance with critical social work and other related services.

Why: Children and families fleeing the violence and lawlessness in Central America are increasingly at-risk under the new federal government's immigration policies. The current administration has threatened to separate children and families who cross the border. Unaccompanied children who turn the age of 18 could be placed in adult detention centers far away from their families and communities. Lastly, newly arrived children relying on their undocumented family members are especially vulnerable if their only familial supports are detained and removed.

When: Cases take an average of two years.

Where: ICARE serves all five boroughs of New York City. ICARE attorneys and staff are a constant presence at the New York Immigration Court. Providers rotate staff at the Surge Docket regularly and in the last quarter accepted 107 new cases for representation.

Key Accomplishments

With the support of New York City Council Speaker Melissa Mark-Viverito and the rest of the Council, ICARE partners received \$1.5 million in the FY 2017 budget. Our accomplishments for children include:

- 1,028 cases
- 292 deportations prevented
- 67 children granted asylum
- 44 children granted lawful permanent residency through Special Immigrant Juvenile Status

For more information, please contact:

Maria Navarro (mnavarro@legal-aid.org) or Eve Stotland (estotland@door.org)

Immigrant Children Advocates' Relief Efforts (ICARE)

URGENT NEED TO INCREASE LEGAL DEFENSE FOR

IMMIGRANT CHILDREN AND FAMILIES:

New Executive Orders and Homeland Security directives put immigrant youth and families at heightened risk

Overview — \$4.8 Million to Serve 1,750 Children and Families on a Successful Community-Based Model

The ICARE Coalition respectfully requests \$4.8 million to represent 1,750 children and families fleeing violence in Central America in FY18. Currently, ICARE represents more than 1,000 children and families with \$1.5 million from the City Council plus additional support from the Robin Hood Foundation and New York Community Trust.

In Immigration Court, there are two populations of Central Americans in dire need of representation: "Unaccompanied Children" and "Adults with Children."

Unaccompanied Children are children who, when apprehended by immigration at the border, were on their own.

Adults with Children are mothers and children who, when apprehended by immigration, were travelling together.

Unaccompanied Immigrant Children— Closing the Service Gap—\$3.87 Million

In FY18, we predict that approximately 900 new children in New York immigration court will need a free attorney. These 900 children will be:

- In removal (deportation) proceedings;
- Living in the 5 boroughs; and
- Eligible for immigration relief.

Of the 900 new children who will need our help in FY18, ICARE and other non-profits will be able to serve about 300 with existing resources. That leaves a **service gap of 600 children**.

To meet the service gap for Unaccompanied Children, we respectfully request a total of **\$3.87 million to represent 1,525 children**.

Adults with Children—Decreasing the Service Gap--\$930,000

With a similar increase in the AWC population crossing our borders combined with the existing unmet need, our coalition proposes more than doubling the number of individuals for which we provide direct, zealous representation. An additional \$400,000 for attorneys, paralegals, and case managers will allow us to represent an additional 125 women and children fleeing violence in Central America and rapidly put them on a path towards eligibility for public benefits, legal work authorization, and permanent immigration status. **We will represent a total of 225 family members for \$930,000.**

Immigrant Children Advocates' Relief Efforts (ICARE)

Families and Unaccompanied Children: The Current Unmet Need for Counsel in Black and White⁽¹⁾

Unaccompanied Children (UC)⁽²⁾

Of the 10,210 cases currently pending in New York Immigration Court (26 Federal Plaza) 6,374 are represented by counsel. A total of **3,836 children remain unrepresented and 900 of those children are NYC residents.**⁽³⁾

Since 2014, **2,569 unaccompanied children** who did not have lawyers have had **deportation orders issued in their absence.**

Adults With Children (AWC)

Of the 11,421 cases currently pending in New York Immigration Court (26 Federal Plaza) 6,040 are represented by counsel. Still **5,381 adults arriving to the United States with children remain unrepresented.**

Since 2014, **561 adults with children** who did not have lawyers have had **deportation orders issued in their absence.**

A total of \$4.8 Million will allow ICARE to **represent every unaccompanied minor** who is without a lawyer, lives in one of the five boroughs, is in removal proceedings and has a meritorious case to remain in the U.S. It will also support more than double the number of similarly situated families receiving legal services proving once and for all that New York is a **sanctuary for vulnerable individuals seeking opportunities to better their lives.**

(1) All calculations are based on data collected and promulgated by the Transactional Records Access Clearinghouse, <http://trac.syr.edu/immigration/>. The most recent data available is current through February, 2017.

(2) During the first four months of FY 2017, 26,911 children were released to sponsors throughout the country. More than 2,500 (about one-tenth) were reunified in New York State, and more than 800 in New York City. Based on historical rates of representation, ICARE estimates that approximately 900 new children who reside in one of the five boroughs and have a meritorious claim for relief from removal will be unrepresented and in need of a free lawyer when first scheduled to appear in court in FY2018.

(3) Not all immigrants who are venued for 26 Federal Plaza are NYC residents. ICARE estimates that 900 unaccompanied children with immigration court hearings at 26 Federal Plaza are residents of NYC.

Testimony by New York Legal Assistance Group (NYLAG)

before the NYC Council Committees on Immigration, Education, and Public Safety regarding federal immigration enforcement

April 26, 2017

Chairs Menchaca, Dromm, and Gibson, Council Members, and staff, good morning and thank you for the opportunity to speak to the Immigration, Education, and Public Safety Committees regarding the amendments to administrative code in relation to federal immigration enforcement. My name is Helen Droom, and I am a Senior Staff Attorney in the Immigrant Protection Unit of the New York Legal Assistance Group (NYLAG). NYLAG is a nonprofit law office dedicated to providing free legal services in civil law matters to low-income New Yorkers. NYLAG serves immigrants, seniors, the homebound, families facing foreclosure, renters facing eviction, low-income consumers, those in need of government assistance, children in need of special education, domestic violence victims, persons with disabilities, patients with chronic illness or disease, low-wage workers, low-income members of the LGBTQ community, Holocaust survivors, veterans, as well as others in need of free legal services.

NYLAG is supportive of any legislative measures that limit the power of federal government enforcement tactics as they relate to New York City's immigrants. New York has always been a welcoming place for immigrants and refugees, and the proposed amendments demonstrate the City's commitment to remain a sanctuary for all New Yorkers, regardless of their immigration status, race, nationality and religious beliefs. In particular, I would like to comment today on T2017-5869 and T2017-5870, both of which work to prevent federal immigration officials from interfering with New York City immigrants. It is important to codify that local law enforcement is not required to comply with federal immigration enforcement, and to ensure that federal immigration enforcement officials are not allowed in City spaces that immigrants may need to access for services.

The proposed amendments are particularly timely and important in light of the new federal Administration's initiation of large-scale deportations of undocumented immigrants and the U.S. Attorney General's recent statement that refusal to assist the federal government in enforcing federal immigration law makes cities and states less safe, and puts them at risk of losing valuable federal dollars. While it is unlikely that the Administration will be able to act on its threat to withhold federal funds, it remains vital to assure all New Yorkers that the City stands with them and intends to fully protect their rights.

Increased immigration enforcement and policies meant to specifically target undocumented immigrants have resulted in incredible fear, hopelessness and uncertainty in immigrant communities throughout the country. While the previous Administration had a well-structured policy that clearly identified deportation priorities, such as those with criminal records and those presenting a threat to communities, the new Administration's policy is that everyone who is unlawfully in the United States is a priority for deportation. The new policy redefines criminal aliens so broadly that it applies to almost every undocumented person. In effect, there is no more prioritization.

As a practical matter, it means that that large-scale deportation of undocumented immigrants may affect people without any criminal record, who have been in the United States for many years, have family ties, U.S. citizen children, and have worked and paid taxes here. In order to be prioritized for deportation by ICE, these immigrants do not have to be convicted or formally charged with a crime. All undocumented immigrants who crossed the border illegally are considered priorities since they may be charged under 8 U.S. Code Section 1325 with a misdemeanor.

Of course, in order to fulfill ambitious goals of the new administration and report huge numbers of deportees, it is much easier to aim at all undocumented aliens, rather than criminal aliens, and other aliens identified by previous administration as legitimate enforcement priorities. The federal government's plan to use states, cities, and localities to enforce federal immigration law, to criminalize all those immigrants who entered illegally, or have an outstanding order of removal, to

deport all undocumented immigrants, would not only create chaos and destroy community trust and relationships, but would also impair the local enforcement agencies' ability to combat violent crimes and fulfill their direct duties, making our communities less safe. In addition, these mass deportations of non-criminal aliens would have severe economic and human costs. The City's refusal to participate in criminalization of unlawful aliens is wise, practical and noble.

The proposed amendments are in full accord with the Tenth Amendment's anti-commandeering doctrine that limits the federal government's ability to mandate particular action by states and localities, including in the area of federal immigration law enforcement and investigations. Under the U.S. Constitution, state and local governments have every right to refuse to help enforce federal law. In cases like *Printz v. United States (1997)* and *New York v. United States (1992)*, the Supreme Court has ruled that the Tenth Amendment forbids federal "commandeering" of state governments to help enforce federal law.

As the legal services provider of the Council's Key to the City events, NYLAG has firsthand knowledge about how the new administration's policy affects NYC immigrant community, and how it compromises public safety. At these large-scale clinics, we are seeing parents who are afraid to send their U.S. citizen children to school because they are afraid to be picked up by ICE. People are afraid to go to the hospital to receive much needed medical assistance, undocumented residents of New York City are afraid to report crimes and violations, and victims of domestic violence are not seeking vital remedies for fear of apprehension at a courthouse. We also see the long-term consequences of the new Administration's policy that directly affects not only undocumented immigrants, but their U.S. citizen children. The entire generation of children whose parents have a misfortune of being undocumented could lose their trust in the American values of human rights and equality when they see their family members being arrested just outside hospitals or schools. It is critical for New York City to use its authority to protect the spaces it owns, such as schools,

hospitals, and City agencies, particularly those offices where undocumented immigrants may be coming in and out to visit caseworkers or other City employees.

NYLAG strongly supports T2017-5869 and T2017-5870 because they will keep New York City's immigrants safer, and show the new Administration that New York will continue to protect its residents, regardless of immigration status. Precluding federal immigration enforcement from using local government to force compliance with unfair and draconian immigration policy is important for the City of New York.

Thank you for the opportunity to testify today. NYLAG looks forward to continuing its strong partnership with the New York City Council to ensure that immigrants throughout the five boroughs are treated with dignity and respect, and protected from the bigoted policies that have no place in our society.

Respectfully submitted,

New York Legal Assistance Group



STATEMENT FOR NYC COUNCIL'S COMMITTEE ON IMMIGRATION JOINTLY WITH THE
COMMITTEE ON PUBLIC SAFETY AND THE COMMITTEE ON EDUCATION
BY THE MINKWON CENTER FOR COMMUNITY ACTION
APRIL 26, 2017

The MinKwon Center for Community Action is a community-based organization advocating for and serving the needs of the Korean and Asian American communities residing in New York. We welcome this opportunity to provide input and concerns on the proposed legislations.

We support strongly Intro 1568-2017, a bill that prohibits city agencies from directly supporting immigration-related enforcement pursued by the US Department of Homeland Security.

We support strongly Intro 1579-2017, a bill that would prohibit NYC agencies from granting non-local law enforcement access to city properties, such as NYC public schools and other facilities leased or operated by the city, and believe that such prohibition will allow residents to feel safe, particularly when they are seeking education or necessary assistance from city agencies. However, we urge for further clarification and limitation on circumstances under which federal authorities may gain access without a judicial warrant. Additionally, we urge that the signs detailing a person's rights with respect to federal immigration enforcement be translated into more than six non-English languages as to reflect the diversity of the city and to ensure that as many residents will have access to the information.

We support Intro 1588-2017 with some comments. The language of the proposed bill may be too permissive and allow wide sharing of identifying information. The sharing of identifying information, including one's citizenship or immigration status, could dissuade residents from seeking needed assistance or applying for eligible benefits with contracting agencies. We would prefer that the final legislation set forth narrower parameters under which identifying information, including a person's immigration status, is disclosed to federal immigration authorities. This would be a stronger statement by New York City and its lawmakers in upholding their promise to the city's residents that it is indeed a sanctuary city.

For more information, contact James Hong, Co-Director, at 718-460-5600 x305 or james.hong@minkwon.org

The **MinKwon Center for Community Action** was established in 1984 to meet the needs and concerns of the Korean American community through immigrant rights and political empowerment. The MinKwon Center has emerged as a leading organization in building a sustained community for marginalized individuals, including recent immigrants, minorities, low-income residents, limited English proficient persons, elderly and youth.



Testimony by Gay Men's Health Crisis, Inc. (GMHC)

**before the NYC Council Committees on Immigration, Education, and Public Safety
regarding:**

**Int. No. 1557, A Local Law to amend the New York city charter and the
administrative code of the city of New York, in relation to an identifying
information division; and**

**Int. No. 1588, A Local Law to amend the administrative code of the city of New
York, in relation to identifying information.**

April 26, 2017

**Chairs, Council Members, and staff, good morning and thank you for the
opportunity to speak about the importance of safeguarding the privacy of New Yorkers
and to testify in support of Intros 1557 and 1558. My name is Kamilla Sjodin and I am the
Managing Director of legal services at GMHC. GMHC is a nonprofit social and legal
services organization and the world's first and leading provider of HIV/AIDS prevention,
care and advocacy. GMHC's mission is to end the AIDS epidemic and uplift the lives of all
affected, including those who may be high risk for infection but do not test positive.
Among the many services we provide, we include testing, mental health counseling, meals
programs, support groups, housing, and legal representation. GMHC believes that to end
the AIDS epidemic, we need comprehensive solutions that promote education, increase
awareness, improve care, reduce stigma, elevate policy and build strong, supportive**



END AIDS. LIVE LIFE.

communities. We help seniors, members of the LGBTQIA communities, survivors of domestic violence, women, men, low-income individuals, and youth.

As a free social and legal services provider assisting people living with HIV/AIDS, GMHC sees the importance of privacy protections and the impact of breaches of privacy and confidentiality almost on a daily basis. Our clients still face stigma based on being HIV positive, their gender expression or sexual orientation, their immigration status, mental health diagnosis, or past drug and/or alcohol abuse. One of the pillars of being able to keep our clients safely in care and, therefore, to be able to stop the spread of HIV and end the AIDS epidemic is by protecting our client's privacy and confidentiality so as to promote environments where clients feel safe to engage in proper care.

I would like to point out that to be eligible for our services clients must be of low-income and many of our clients are members of one or several minority groups. In order to be eligible for free services with our organization, other nonprofits, and most government entities, clients must provide almost all their personal, identifying information, including their very personal medical statuses. Therefore, when accessing agency services these groups are more likely to have their privacy impinged or violated. As such, and as a matter of public health policy, we applaud the Council's efforts to promote the privacy of New Yorkers in these two bills. As an HIV service provider we are subject to separate laws that require us to obtain clients' permission before disclosing their information, for



END AIDS. LIVE LIFE.

example, for billing purposes to our funders, many of whom are government entities. I

believe we would be able to help more people to feel comfortable engaging in prevention services if their privacy were guaranteed by information receiving agencies.

As such, we commend the Council and these Committees for working on this matter and support your efforts to protect the privacy of individuals as a matter of public policy.

We would welcome the opportunity to further discuss these matters and the specifics of the bills with the Committees.

Thank you for the opportunity to testify today.

Respectfully submitted,

Kamilla Sjodin, Managing Director, Legal Services



NYCLU

NEW YORK CIVIL LIBERTIES UNION

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The New York Civil Liberties Union (NYCLU) respectfully submits the following testimony regarding the package of bills now before the Committee on Immigration. The NYCLU supports the efforts of the City Council in acting to protect the rights of immigrant residents and safeguard the privacy of all New Yorkers, and looks forward to working with the council to refine and improve on the proposed legislation.

Our written testimony focuses on five of the bills before the Committee: Intro. 1569, Intro. 1558, Intro. 1568, Intro. 1588, and Intro. 1557.

I. Introduction.

The NYCLU, an affiliate of the American Civil Liberties Union (ACLU), is a not-for-profit, non-partisan organization with eight offices throughout New York State and more than 200,000 members and supporters. The NYCLU's mission is to promote and protect the fundamental rights, principles, and values embodied in the Bill of Rights of the U.S. Constitution and the New York Constitution.

We are pleased that the City Council is taking new steps to protect the rights of immigrants in New York City. Immigrant New Yorkers are vital members of our communities. It is critically important at this point in time that the city does all it can to make sure they are safe.

The current presidential administration has left no doubts that it is taking the most aggressive and inflexible approach to enforcing the nation's immigration laws. It is an approach that places thousands of immigrant New Yorkers at increased risk of separation from their families and communities and removal from what is, for many, the only home they have ever known.

In this climate, a city like New York has the opportunity to lead the way in providing robust protections for its immigrant residents. The city must act not only to further disentangle local authorities from federal immigration enforcement, as this legislative package seeks to do, but to end broken-windows policing strategies that can be a pipeline to deportation for immigrant New Yorkers. Broken windows strategies do not make our city safer, but they do create severe collateral consequences for immigrant and native-born New Yorkers who are almost exclusively black and brown. We strongly recommend that the Council pass the Right to Know Act, which

would begin to address the massive power imbalance in police encounters, and ensure people are equipped to protect their own rights.¹

The city can further protect the rights of immigrants, and all its residents, by limiting the kinds of personal information it collects about New Yorkers, and adopting strong, sensible standards and procedures for how it manages the personal information it does collect.

The introduction of these bills represents an important new step towards advancing these goals, and the NYCLU looks forward to working with the City Council to make appropriate revisions and ensure the passage of a legislative package that safeguards the rights of all New Yorkers.

II. Intro. 1569: Prohibiting disorderly behavior.

The Council's bill establishing a new administrative violation for disorderly behavior is a small but meaningful step towards a more sensible approach to policing and criminal justice. The proposed law would impose less-severe maximum penalties for certain types of conduct – including the option of a civil penalty – than are currently found in the state Penal Law.² We offer qualified support for this bill.

Convictions, even for misdemeanors and low-level offenses, can have significant collateral consequences for immigrants. Intro. 1569 would limit those consequences for disorderly behavior violations by creating a maximum criminal penalty of five days' imprisonment, below the threshold of what is classified as a misdemeanor under federal law.³ It also creates a civil penalty option for police and prosecutors that would further limit the harmful effects of coming into contact with law enforcement.

Though the NYCLU does not endorse the creation of new criminal penalties, we recognize that the violation created by Intro. 1569 may offer some defendants the opportunity, during plea-bargaining, to avail themselves of less severe penalties than are available under the current law. This is in line with a recent announcement by acting Brooklyn District Attorney Eric Gonzalez that his office would be training prosecutors on how to make plea offers and sentencing recommendations that avoid disproportionate collateral consequences for non-citizen defendants.⁴ We nonetheless ask that the City Council amend the legislation so that it does not include a "criminal negligence" standard. This would bring the bill in line with the definition of

¹ See Intro. 0541-2014; Intro. 0182-2014.

² N.Y. Penal Law § 240.20.

³ See 18 U.S.C. § 3359(a)(9).

⁴ See Kings County District Attorney, "Acting Brooklyn District Attorney Eric Gonzalez Announces New Policy Regarding Handling of Cases Against Non-Citizen Defendants," April 24, 2017, <http://www.brooklynnda.org/2017/04/24/acting-brooklyn-district-attorney-eric-gonzalez-announces-new-policy-regarding-handling-of-cases-against-non-citizen-defendants/>.

disorderly conduct already in the Penal Code and ensure that the bill is not a step backward from the status quo.

The NYCLU also urges the City Council to go a step further by amending the administrative code to add the newly created disorderly behavior offense to the list of low-level offenses laid out in the Criminal Justice Reform Act (CJRA), signed into law last summer.⁵ This would ensure that the NYPD is required to draft publicly available guidance on when to use criminal or civil enforcement for disorderly conduct, and make clear that it is the City Council's legislative preference that criminal enforcement of the newly created violation be used only in limited circumstances. In the case of civil penalties, this would also allow the Office of Administrative Trials and Hearings (OATH) to offer community service in lieu of a fine or dismiss the violation when appropriate in the interest of justice.

III. Intro. 1558: Persons not to be detained by the Department of Probation.

The City Council took important steps in 2014 to limit the entanglement of local law enforcement with federal immigration enforcement, including by prohibiting the Department of Correction (DOC) from honoring civil immigration detainers except in limited circumstances.⁶ Intro. 1558 builds on that progress by extending the same requirements to the Department of Probation (DOP). We support this bill.

Detainer requests are requests made by U.S. Immigration and Customs Enforcement (ICE) for local law enforcement agencies to hold a detained person for up to 48 hours after a person would otherwise be released. Detainers may be issued without a judicial determination of probable cause, and it is the position of the NYCLU that prolonged detention based solely on a warrantless ICE detainer request is an unconstitutional seizure under the Fourth Amendment.

Under the administrative code, the DOC is prohibited from honoring an ICE detainer unless it is accompanied by a judicial warrant and the individual has been convicted of a violent or serious crime or is a possible match in a terrorist screening database.⁷ Extending that requirement to the DOP would fill an important gap in the current law and further limit the unconstitutional application of civil immigration detainers.

IV. Intro. 1568: Federal immigration enforcement.

The NYCLU firmly believes that it is the job of the federal government, not local law enforcement, to enforce federal immigration laws. Indeed, the Major Cities Chiefs Association,⁸

⁵ See 2016 N.Y.C. Local Law No. 71, 2016 N.Y.C. Local Law 73.

⁶ See N.Y.C. Admin. Code § 9-131.

⁷ *Id.*

⁸ See Major Cities Chiefs Association, "Immigration Policy" (2013), available at https://www.majorcitieschiefs.com/pdf/news/2013__immigration_policy.pdf.

the Presidential Task Force on 21st Century Policing,⁹ the New York State Sheriffs' Association,¹⁰ the New York State Police,¹¹ and the New York State Attorney General¹² have all adopted positions or policies opposing the entanglement of local law enforcement in federal immigration enforcement on the grounds that it harms public safety.

Intro. 1568 reflects this principle by prohibiting city agencies from subjecting their employees to the supervision and direction of the U.S. Department of Homeland Security or otherwise using city resources to assist in federal immigration enforcement. Making sure that local agencies do not become arms of federal immigration enforcement is a step towards fostering greater trust between local law enforcement and the communities they serve. We support this bill.

V. Intro. 1588 and Intro. 1557: Identifying information bills.

Intro. 1588, together with Intro. 1557, propose ambitious reforms for how New York City collects, retains, and protects individuals' sensitive information. The bills significantly expand on the privacy policies and procedures contained in Executive Order No. 41, signed by former Mayor Michael Bloomberg in 2003.

The NYCLU certainly appreciates the importance of making sure that all New Yorkers are protected from unwarranted intrusions into their personal privacy. We believe, however, that the best way for the city to protect people's privacy is to limit as much as possible the amount of personal information it collects and retains, in addition to providing robust oversight of the handling of such information. We fully support the intent of these bills to limit when city employees may ask about and retain a person's immigration or citizenship status, and to limit the ability of city employees to share personal information other than immigration or citizenship status with federal immigration authorities.

Yet it is also vital that any new legislation in this area preserves the public's right to know how their government operates. As drafted, Intro. 1588 and Intro. 1557 may have unintended effects on legitimate and lawful requests for information.

The proposed bill would create a new level of bureaucracy within the city's Law Department – the Identifying Information Division (IID) – that would be charged with reviewing nearly all information requests that contain identifying information, as defined by the new law. Currently,

⁹ See President's Task Force on 21st Century Policing, "Final Report of the President's Task Force on 21st Century Policing" (May 2015) at 18 (Action Item 1.9.1), available at https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

¹⁰ On file with the NYCLU.

¹¹ See State Police Executive Memo #14-48, issued December 30, 2014. The State Park Police has adopted a substantially equivalent policy.

¹² See Office of the Attorney General, "Guidance Concerning Local Authority Participation in Immigration Enforcement And Model Sanctuary Provisions" (Jan. 2017), available at https://ag.ny.gov/sites/default/files/guidance_and_supplement_final3.12.17.pdf.

such disclosure decisions are made by agency employees, who must seek the advice of the agency general counsel in questionable cases. It is not clear that this new structure will better protect personal privacy, but it has the potential to interfere with legitimate attempts to obtain information that should be accessible to the public.

The NYCLU firmly believes that a protecting New Yorkers' personal privacy does not require sacrificing government transparency. We would welcome the chance to work with city lawmakers to revise these proposed bills so that they appropriately protect New Yorkers' personal information while preserving the public's access to government records and other information.

VI. Conclusion.

The package of legislation before the City Council represents an ambitious effort to protect the city's immigrant communities, and the privacy of all New Yorkers. The NYCLU supports the City Council's goal of strengthening protections for immigrants in New York City during this chapter of our nation's history. We are pleased that the City Council has taken these steps, and we look forward to a continuing dialogue on how to refine and improve these bills going forward.



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Council on American-Islamic Relations

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STATEMENT OF
ALBERT FOX CAHN, ESQ.
LEGAL DIRECTOR
COUNCIL ON AMERICAN-ISLAMIC RELATIONS, NEW YORK, INC.

BEFORE THE
COMMITTEE ON IMMIGRATION;
COMMITTEE ON PUBLIC SAFETY; AND
COMMITTEE ON EDUCATION
NEW YORK CITY COUNCIL

FOR A HEARING CONCERNING,
IDENTIFYING INFORMATION AND T2017-5872 and T2017-5871

PRESENTED
April 26, 2017

Good morning, my name is Albert Fox Cahn, and I'm the Legal Director for the New York Chapter of the Council on American-Islamic Relations ("CAIR-NY"). CAIR-NY is a leading civil rights advocacy organization for the Muslim community here in New York State. Our organization works with at-risk communities that have witnessed a surge in harassment, discrimination, and hate crimes since President Trump's rise to prominence. According to CAIR's recently-released 2017 Civil Rights Report, anti-Muslim hate crimes increased dramatically in the last two years, rising more than 500% since 2014. In our work to fight these heart-breaking crimes, it's essential that victims know that they will not risk deportation for reporting their attacks. All too often, members of marginalized communities are unwilling to report crimes to police, fearing that interactions with law enforcement will invite scrutiny of the victim's status and potentially even deportation.

For nearly 15 years, Executive Orders 34 and 41 have made clear that New Yorkers cannot be interrogated about their immigrant status when trying to report a crime or access city services. These protections are vital in not only protecting the rights of immigrant communities, but in helping all New Yorkers. We all are safer when police can investigate attacks on immigrant victims. At this moment, when the Federal Department of Justice is trying to stop immigrant communities from accessing the courts, our city must do everything in our power to make sure that no New Yorker suffers in silence, scared to report their attacker to authorities. We must also ensure that city programs such as ID NYC can't be used by federal authorities to target the very New Yorkers they're designed to help.

CAIR-NY is grateful that the City Council is working to strengthen the protections afforded by existing executive orders, making sure that no future Mayor can reverse these crucial policies, and ensuring that all agencies consistently follow the law. As we build on the foundation presented by drafts of bills 5871 and 5872, we must address gaps in the proposed legislation, which largely exempt the NYPD. While there are certainly times when the NYPD would have a bonified interest in sharing information with other law enforcement agencies, we must ensure that those extraordinary exceptions do not become the rule. Specifically, if the City Council creates a centralize authority to guarantee proper handling of private information, that authority must have oversight over all agencies, including the NYPD.

Additionally, the privacy protections contemplated here today would be greatly enhanced by the passage of other NYPD reform measures that have been contemplated by this Council. Crucially, the Public Oversight of Surveillance Technology ("POST") Act, would eliminate a major loophole that has allowed the NYPD to deploy new surveillance technologies without any oversight of what technologies are purchased and how they are used. These novel surveillance technologies present a potent threat to privacy, raising many of the same issues contemplated in bills 5871 and 5872. Given the long history of unlawful and unconstitutional surveillance of Muslim New Yorkers, we cannot simply let the NYPD police itself on privacy.

We at CAIR-NY look forward to partnering with Council Members and other civil rights groups in the coming weeks and months to ensure that bills 5871 and 5872 are as strong as possible. Together, I know that we can make New York a true sanctuary for all who call it home.



Commitment to Improve
the Quality of Life

FOR THE RECORD

Wednesday April 26, 2017

To: New York City Council Committee on Immigration
From: India Home, Inc.
Re: Immigrant Older Adults, Int. 1566-2017 & 1578-2017

India Home is 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.


I am here today to support Introductions 1566-2017 and 1578-2017 which expand the scope and work of the Mayor's Office of Immigrant Affairs and their ability to work with other entities.

Immigrants comprise of almost 50% of New York City's older adults. Many immigrants, including those we serve, required targeted outreach and extra attention due to their unique needs. Many immigrants do not have income support such as Social Security, experience barriers accessing city agencies and services due to their limited English proficiency, cannot navigate the city's transportation and healthcare systems as a result of their unfamiliarity with American systems, and have dietary restrictions that make attending a senior center or a hospital stay difficult for them.

The Mayor's Office of Immigrant Affairs (MOIA) needs to do more to work with the Department for the Aging to ensure that immigrant older adults have the necessary and enhanced outreach programs. These outreach efforts would bring in vulnerable older adults into the aging services infrastructure. Many immigrant older adults do not and cannot access SNAP benefits, city services, and community activities. As such, explicit and intentional interagency coordination and communication is greatly needed.

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Dr. Kiran Dave President	Dr. Amit Sood Treasurer
Dr. Bhuvana Dorai Vice President	Dr. Masood Mirza
Ms. Kamla Motihar Secretary	Dr. Gnanendra Sinha
	Ms. Jaya Bahadkar



This partnership between MOIA and DFTA should also give rise to increased data collection so we can quantify the needs of our seniors. We need better and more accurate data on how immigrant older adults access or face barriers accessing city services, social services, legal services, housing, and adult education. We have anecdotal evidence of the need and indeed we will conduct a needs assessment of South Asian older adults across the city this summer. However, we need more sophisticated data sources and data sets that only an entity like MOIA can compile and deliver.

This data needs to be disaggregated to reflect the diverse needs of immigrant communities, such as Asian communities. We have many different languages, cultures, ethnicities, and religions. We need data along all these variables.

We request MOIA to pay specific and extra attention to immigrant older adults in their new mandate going forward. Of these, we need even more added attention to homebound immigrant older adults who because of their physical or cognitive limitations are even more isolated and vulnerable. In fact, we are testifying at the Committee on Aging today on the need for Halal home-delivered meals as a specific way to reach out to these older adults.

The need is greater than ever before. Our communities are feeling unsafe, unsettled, and unmoored. We need a reinvestment of immigrant services and particularly for immigrant older adults.

Thank you so much for your time and cooperation.

Sincerely,
Lakshman Kalasapudi
Deputy Director



Make the Road New York Testimony
New York City Council Hearing on “Sanctuary” Legislation
April 24, 2017

Presented by Natalia Aristizabal Betancur, Co-Director of Organizing

Good afternoon. My name is Natalia Aristizabal Betancur and I am the Co-Director of Organizing at Make the Road New York. Thank you to Speaker Mark-Viverito and Council Chairs Menchaca, Dromm, Gibson for providing this opportunity to testify on the importance of protecting immigrant communities on the local level in the face of heightened federal enforcement. Our testimony will focus on the importance of strong city laws, not just policies, that protect New York City’s most vulnerable residents’ confidential information and create greater access to city services.

Make the Road New York is the largest grassroots immigrant organization in New York City working to build the power of Latino and working-class communities to achieve dignity and justice through organizing, policy innovation, transformative education, and survival services. With a membership of over 20,000 low-income individuals and 20 years of history in the outer boroughs, we tackle the critical issues facing our community including workers’ rights, tenants’ rights, language access, LGBTQ justice, health care access, youth development, and immigrant civil rights. Our vibrant community reaches from Jackson Heights, Queens to Bushwick, Brooklyn, to Port Richmond, Staten Island, and our community centers draw upwards of 15,000 people annually for adult literacy classes, legal and support services, and thousands more for community education.

As we are all aware, immigrant communities are under attack. Yet the fear that sensitive

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information may be disclosed discourages not just immigrants, but many of the city's most vulnerable residents from accessing vital city services. The rise in hateful rhetoric towards women, the LGBTQIA community, our Muslim brothers and sisters, as well as Latino and other immigrant communities, regardless of immigration status, has caused great distrust between residents and city officials. Our members and clients are increasingly afraid to report crimes, clear warrants, pay tickets, seek medical attention, apply for public benefits, take their children to school, and even to go to work. Like the case of Manuel, a member from Brooklyn, who got picked up outside of court when he was there to attend a hearing. It's also like the story of Maria, whose landlord threatens to evict her by threatening to call ICE. Maria isn't sure who would help her and she is afraid to fight for her rights as a tenant because of her fear of deportation. Or 17 year old Perla, whose door was almost knocked down by ICE. For Perla, seeing ICE agents at the door was terrifying, and its unclear how much the NYPD is part of the same problem. The most commonly asked question by our members is whether it is still safe for them to continue to apply for food stamps for their U.S born children, which allows them to be fed and to not go to school hungry. Some community members are afraid ICE will show up at a welfare center or that using public benefits could put them at risk of deportation. Some people are choosing to go hungry instead of take that risk.

This distrust can only be overcome by clear laws, evidencing the city's commitment to protecting residents' safe access to city services. It is a disservice to all of us when immigrant community members lose their trust in city agencies. Whether it is fear of reporting domestic violence to the police, children fearing ICE at their door, community members not wanting to pay fines and tickets and then actually getting a warrant out on their names because they didn't

trust that a court was a safe space for them. Or, the most low-income families refusing support for their everyday needs. We need stronger laws to assure vulnerable communities that the City has their back.

The city council's proposed codification of Executive Order 41 is an important first step in assuring city residents that their sensitive information, be it sexual orientation, gender identity, religion, nationality, immigration status, victimization, arrest history, social media account information and more, is protected. While the administration's current policies regarding disclosure of such information is laudable, without more, we cannot confidently tell our members and clients that their information is safe. Codification of Executive Order 41 will allay those fears and the fears that future administrations may not value such limitations on disclosure of sensitive information. What New York City needs now is not just sound practice, but sound law. We fully support the council's intention here and look forward to working with them on strengthening and refining the bill . The bill needs to be realistic in terms of implementation, but at the same time must include safeguards to ensure compliance.

Immigrant community members are fearful of the police. They are fearful that broken windows policing could lead to their entanglement with the criminal justice system, putting them at high risk for deportation. The proposed package of legislation will help ensure that important city resources, including city officials' time, are used solely for the effective administration of our city government and not a dollar is spent furthering federal immigration enforcement. This is an important first step to build trust between local law enforcement and New York City's immigrant communities. We looks forward to working with the City Council to strengthen and expand such protections.

Finally, Make the Road New York applauds the city council's proposal to create an alternative to New York State's disorderly conduct violation. The council's proposed alternative

will avoid disproportionate immigration-related consequences and should be implemented in a robust way.

Once again, thank you to the Speaker and the City Council for holding this important hearing and listening to the concerns of our community members.

QUEENS LAW ASSOCIATES
TESTIMONY OF LORI ZENO

4/26/17

TESTIMONY OF LORI ZENO

MY NAME IS LORI ZENO, AND I AM THE CO-FOUNDER AND DEPUTY DIRECTOR OF QUEENS LAW ASSOCIATES (QLA), ONE OF TWO PUBLIC DEFENDER ORGANIZATIONS IN QUEENS COUNTY, THE MOST ETHNICALLY DIVERSE COUNTY IN THE UNITED STATES.

OUR MAYOR HAS DECLARED NYC TO BE A SANCTUARY CITY.

OUR NYPD COMMISSIONER SAYS THEIR POLICY IS THEY DO NOT MAKE ANY INQUIRY OF A PERSONS IMMIGRATION STATUS.

OUR CHIEF JUDGE AND OFFICE OF COURT ADMINISTRATION ASSURES THAT THE COURT IS NEUTRAL WHEN IT COMES TO THESE ISSUES.

WELL, IF YOU, MEMBERS OF CITY COUNCIL, WERE TO VISIT ANY OF THE NYC COURTHOUSES TODAY, YOU WOULD SEE UNDERCOVER FEDERAL ICE AGENTS TROLLING THE HALLWAYS, ARRESTING PEOPLE BOTH INSIDE AND OUT OF THE COURTROOMS. AND WHAT IS WORSE.....THESE FEDERAL AGENTS, ENJOY THE FULL COOPERATION OF OUR COURTS AND THEIR STAFF.

IN FACT, THE COOPERATION, OR COLLUSION, SOME MIGHT SAY, STARTS FROM THE MINUTE OUR CLIENTS STEP FOOT IN THE BUILDING, WHILE THEY AWAIT THEIR ARRAIGNMENT IN CENTRAL BOOKING.

THERE, AN EMPLOYEE OF NYPD SITS AND WAITS FOR THE NCIC REPORT TO COME THROUGH, THAT IS GENERATED NOT BASED ON ANYONE'S FINGERPRINTS, BUT BASED ON A NAME AND DOB CHECK, ACCOUNTING FOR IT'S 75% INACCURACY RATE, TO SEE IF THERE ARE OUTSTANDING WARRANTS OR IMMIGRATION ISSUES THAT "MAY" APPLY TO OUR CLIENT. IF IT DOES, THAT NYPD EMPLOYEE PICKS UP THE PHONE AND CALLS ICE. AND THAT IS WHERE THE COLLUSION BEGINS.

FIRST, THE CASE IS PUT ON HOLD, WHILE NYPD WAITS FOR INSTRUCTIONS FROM ICE. THIS COULD (AND HAS) TAKEN MANY HOURS. IF ICE DECIDES THEY ARE GOING TO COME TO THE COURTHOUSE TO "PICK THE PERSON UP", THEN THE ARRAIGNMENT IS HELD UP EVEN LONGER, WAITING FOR THEM TO ARRIVE. AS SOON AS THEY ARRIVE,

THE DISTRICT ATTORNEY IS TOLD

THE COURT IS TOLD

THE COURT OFFICERS AND CLERKS ARE TOLD

DEFENSE COUNCIL IS NOT.

ONCE THEY ALL HAVE THEIR "PLAN IN PLACE", OUR CLIENT IS FINALLY BROUGHT BEFORE THE ARRAIGNMENT JUDGE.

THE DA USUALLY STATES FOR THE RECORD THAT ICE IS IN COURT, TO TAKE THE "DEFENDANT" INTO CUSTODY. AND, FOR THE FIRST TIME, DEFENSE COUNSEL FINDS OUT WHAT HAS BEEN GOING ON.

THE DA CONSENTS TO THE RELEASE OF THE CLIENT, NYPD UNCUFFS THE CLIENT, ONLY FOR THEM TO BE CUFFED AGAIN BY ICE, AND OUR CLIENT IS WHISKED AWAY.

ALL OF THIS IS DONE WITHOUT A SHOWING OF PROBABLE CAUSE, WITHOUT A WARRANT AND IN FLAGRANT DISREGARD OF OUR LAWS UNDER THE US CONSTITUTION. THESE ARE NOT THE ONLY LAWS THAT ARE BEING BROKEN! OUR COURTS ARE ALLOWING ICE TO COME IN AND ARREST PEOPLE CHARGED (NOT CONVICTED) WITH CRIMES THAT ARE NOT EVEN ON THE LIST OF DEPORTABLE OFFENSES, WITHOUT EXPLANATION AND AGAIN WITHOUT A WARRANT.

IF LAW ENFORCEMENT FROM A DIFFERENT STATE, OR EVEN AN NYPD OFFICER TRIED TO COME INTO OUR COURTS AND ARREST SOMEONE WITHOUT PROBABLE CAUSE OR WITHOUT A WARRANT, THEY WOULD NOT BE ALLOWED TO DO IT. SO WHY CAN ICE DO IT?

WHY? BECAUSE NOONE IS HOLDING ANYONE ACCOUNTABLE!!! AND WHEN WE ASK WHY IS THIS HAPPENING IN OUR SACTUARY CITY, WE ARE TOLD "NOT TO WORRY", BECAUSE IT IS NOT AFFECTING THAT MANY PEOPLE, AND BESIDES, THE PEOPLE THAT ARE BEING DEPORTED, DESERVE IT!!

WELL, I WANT TO TELL YOU ABOUT 1 OF OUR CLIENTS, FACING DEPORTATION AND PERMANENT SEPARATION FROM HIS U.S. CITIZEN WIFE AND CHILDREN AS A RESULT OF OUR COURTS REFUSAL TO ESTABLISH A CITY-WIDE POLICY THAT PROTECTS IMMIGRANT COMMUNITIES.

I WILL CALL HIM MR. FUENTES. MR. FUENTES, A MEXICAN CITIZEN, CAME TO THIS COUNTRY IN 1995, WHEN HE WAS 15 YEARS OLD. HE IS NOW 37. HIS WIFE IS A U.S. CITIZEN, AND HE HAS SIX U.S. CITIZEN CHILDREN, AGES 14, 10, 9, 8, 5 AND 2. HE WAS APPREHENDED BY ICE IN QUEENS CRIMINAL COURT ON DECEMBER 20, 2016, AFTER HE RESOLVED HIS MISDEMEANOR ASSAULT CASE WITH A DISORDERLY CONDUCT VIOLATION. HE IS CURRENTLY INCARCERATED AT AN IMMIGRATION DETENTION FACILITY IN NEW JERSEY, BECAUSE HE IS FIGHTING HIS DEPORTATION AND CANNOT AFFORD BAIL. HE IS THE PRIMARY PROVIDER FOR ALL OF HIS U.S. CITIZEN CHILDREN. IF HE IS DEPORTED TO MEXICO, HE WILL NO LONGER BE ABLE TO SUPPORT HIS SIX CHILDREN, AND HIS CHILDREN WILL BE PERMANENTLY SEPARATED FROM THEIR FATHER. THIS IS AN INJUSTICE, AND ONE THAT IS HAPPENING IN THE VERY PLACE THAT IS SUPPOSED TO ADMINISTER JUSTICE!

THE TRUTH IS, IF YOU ARE AN IMMIGRANT.....NYC COURTS ARE NOT SAFE.

OUR COURTS AND LOCAL LAW ENFORCEMENT SHOULD STAY OUT OF DEPORTATION. DON'T ALLOW ICE TO SIEZE OUR STATE LEGAL RESOURCES TO MAKE IMMIGRANTS DISAPPEAR WITHOUT A JUDGE OR DUE PROCESS. WHEN OUR SYSTEM OF JUSTICE IS ENTANGLED WITH ICE, COMMUNITY CONFIDENCE IS UNDERMINED AND EVEN VICTIMS AND WITNESSES OF CRIMES ARE AT RISK. THE SOCIAL COST TO HELPING ICE CARRY OUT MASS DEPORTATION, BREAKING UP FAMILIES AND COMMUNITIES, IS ONE THAT IS TOO HIGH.

THANK YOU FOR YOUR TIME

TESTIMONY ON BEHALF OF LOCAL ⁴⁶~~64~~ IN SUPPORT OF
INTRO 1579, 1558 and 1565

Hello everyone. My name is Priscilla Acuna. I work with the organizing department of Local 46 and I'm testifying on behalf of John Skinner, President of Local 46. We are a construction trades union of Metallic Lathers and Reinforcing Ironworkers and we would like to voice our support for Intro 1579, 1558, and 1565.

We are a union that cares about the health and well-being of all New York City construction workers, regardless of whether they are union or nonunion. Immigration issues are a key part of this. Through our work organizing nonunion workers, we understand that some of the most vulnerable workers of the city are undocumented immigrants. These are folks who are unable to report abusive conditions on job because they are afraid of being reported to immigration authorities by retaliating employers, we will not stand for a status quo where the most marginalized workers of this city have even more to fear on the job.

But beyond our concern for worker well-being in general, this issue also hits close to home for Local 46. One of our own members was unfairly targeted by ICE in recent weeks. This is an individual who has a green card and has not been found guilty of any criminal wrongdoing, but was nonetheless detained by ICE at his workplace. This caused unnecessary distress and suffering to this worker and his family.

We support these bills because we believe that all people deserve to live peaceful, healthy lives with as little interference from ICE as possible, and that

TESTIMONY ON BEHALF OF LOCAL 64 IN SUPPORT OF

INTRO 1579, 1558 and 1565

everyone should know their rights. Anything less will create a climate of fear in workplaces and communities. Protect individual and community well-being.

Respectfully,

John Skinner

President/Political Director Local 46

**New York City Council
Committee on Immigration
Committee on Public Safety
Committee on Education
Joint Hearing Regarding Proposed Amendments to Local Law
Regarding Federal Immigration Enforcement**

**Testimony of The Bronx Defenders by
Jennifer Friedman, Managing Director of the Immigration Practice
April 26, 2017**

Good day, Chairman Menchaca and members of the Immigration Committee, The Committee on Public Safety, and the Committee on Education. Thank you for the opportunity to testify about the package of bills currently before these committees. I submit this testimony on behalf of The Bronx Defenders.

The Bronx Defenders provides innovative, holistic, and client-centered criminal defense, family defense, immigration defense, civil legal services, social work support, and advocacy to low-income individuals in the Bronx and New York City. Our staff of nearly 300 advocates represent approximately 30,000 individuals annually and reaches thousands more through outreach programs and community legal education. In the Bronx and beyond, The Bronx Defenders promotes justice in low-income communities by keeping families and communities together. We defend New Yorkers in every forum in New York City.

As defenders of the most vulnerable communities in New York, we have witnessed a dramatic shift over the past several months. This shift is comprised in part of our clients' increased fear of interacting with any with government agency or system, including specifically the court system—a fear that threatens to undermine the stability of our justice system. Criminal defense clients routinely report reluctance to attend their court dates based on fear of ICE agents

showing up to detain them. This fear and insecurity has bled into the other forums in which we are present, including parents who are afraid to show up in Family Court to exercise and defend their parental rights. Just a few detentions by ICE in our courthouses have been more than enough to spread panic in the undocumented and deportable population of New Yorkers, and to interfere with their willingness to enter our courthouses -- not just those appearing as defendants in criminal proceedings, but witnesses and victims as well as supportive family members. New Yorkers should not have to choose between protecting their constitutional rights and being deported. Yet this is the reality today.

However, this pervasive fear is not merely the result of the federal government's increased enforcement behaviors. Our New York City courts' cultures have also shifted as a result of the rhetoric from Washington. In addition to ICE's presence in the courts, we have seen an increase in the leveraging of the threat of deportation from our New York judges and district attorneys. Over the past several months, we have noted an increase in criminal judges making inquiries into our clients' immigration status and asking for people to state on the record whether or not they are citizens. In addition, in some cases district attorneys have initiated contact with ICE officials or conducted their own "investigations" into our clients' immigration status and deportability. In one case, an assistant district attorney argued in a bail application that unless our client could prove that she is in the country legally, the judge should set bail. This argument was apparently prompted by nothing more than our client's language and physical appearance. Notably, in that case our client had no prior arrests and was before the court on a misdemeanor charge resulting from a dispute in her place of employment. In other words, this could have been just about anyone.

If we are truly a Sanctuary City, New York must do more. If we sit by as our neighbors are made fearful and detained with the willful blindness, or even collaboration, of City actors, we

make a mockery of the concept of sanctuary. The Bronx Defenders strongly supports the need to take decisive, swift action to protect our communities and non-citizen New York residents. We commend the Council's effort to adopt legislation that will enhance these protections. While the package of bills under consideration today evidence political courage at a crucial moment, and a desire to reassure all our communities that they are full-fledged New Yorkers, we welcome the opportunity for continued conversation about ways to make these proposals even more effective. This Council can seize this moment to send an even stronger message to our City and enact stronger protections for our communities.

We must send message to New York's immigrant communities that they can appear in court without fear of deportation. Fear of exposure to ICE greatly inhibits noncitizens' willingness to engage with services, including their willingness to attend court, resolve a Desk Appearance Ticket, respond to an erroneous jury summons, or even get fingerprinted for a Family Court matter. Specifically, the City Council should pass a resolution calling for ICE to halt all arrests in all courthouses and to categorize courthouses as a "sensitive location" analogous to houses of worship where immigration enforcement actions should not occur. We urge the Council to call on Chief Judge DiFiore to follow the lead of her counterparts in California and New Jersey in calling for ICE not to enter courthouses and to take steps towards ending ICE's practice of detaining noncitizens in New York courthouses. This practice is clearly on the upswing: over the past three months, we have seen more detentions and attempted detentions than during the previous two years combined, and every week brings new reports of ICE sightings in the courts. To be clear: the problem with ICE in our courthouses is not *just* about the person who is detained and subsequently deported, although this absolutely *is* a problem. When ICE shows up in court,

without a warrant, enlists the assistance of Court Officers, and detains a New Yorker who is there in compliance with the law, exercising their right to defend themselves against, for example, the criminal charges pending against them, the impact of the arrest is far wider than just on the detained individual. The specter of these arrests is chilling to the entire community. At The Bronx Defenders, our deportable clients without exception have expressed new concern and fear about attending their court dates, and more than ever have chosen not to come to court as a result. But ICE in the courthouses inhibits access to all courts, not just the criminal courthouses.

We must send message to New York's immigrant communities that we will protect their information. The bills before us take important steps towards protecting noncitizens' sensitive information.

It is essential, however, that the Council go farther.

First, the Council must take steps to halt the direct collaboration by City agencies with ICE, in particular the New York Police Department's practice of routinely initiating and participating in direct interaction with ICE officials during the arrest and arraignment process. Currently, NYPD considers it "standard operating procedure" to call federal immigration officials every time there is an NCIC (National Criminal Information Center) "hit" indicating potential interest by ICE in detaining an individual. This Council must stop this. To be clear: ICE does not issue law enforcement warrants. If federal law enforcement plans to bring federal charges on immigration-related charges such as illegal reentry, federal prosecutors will issue a warrant for that federal prosecution. There is *never* any reason to call ICE to ask whether they want to issue a warrant, because they have no legal authority to issue one. This is the *very opposite* of "sanctuary city": it is members of our municipal government going out of their way to put people into ICE's hands.

Second, the problem of communication between NYPD and ICE is not solved by protecting “identifying information.” ICE *has* the information they need from the moment of arrest, when an individual’s fingerprints are transmitted through the NCIC database. However, the call from NYPD does far more than merely identifying a New Yorker; it calls ICE’s attention to their arrest and location without releasing any other relevant or “sensitive” information. In this case, the call alone is the mechanism by which ICE’s attention is invited and an enforcement action potentially triggered.

Third, calling ICE when there is an NCIC hit to discuss a detainer is unnecessary. If ICE is going to issue a detainer, the detainer can be received, and the proper procedures can be followed as to whether or not the detainer should be honored, without any additional information from ICE or direct communication with ICE.

In addition, the Council should make clear to Probation that they, too, are responsible for protecting client confidences.

We must take steps to help protect New Yorkers from getting unnecessarily swept up in the deportation machinery as a result of minor convictions. The Bronx Defenders applauds the creation of a new, non-criminal violation Disorderly Behavior, which will protect some non-citizens from immigration consequences that stem even from New York Penal Law Violations including Disorderly Conduct. This will help ensure that one of our most vulnerable populations, undocumented youth brought to the country as children, maintain their eligibility for Deferred Action for Childhood Arrivals (DACA) and other immigration benefits. Disorderly Behavior, with a maximum sentence of five days, would not qualify as a federal misdemeanor, which would also protect those who have or are seeking Temporary Protected Status (TPS) from disqualification;

while we currently have a policy in place of not treating New York violations a “misdemeanors” for TPS, that policy memo could be rescinded at any time.

Notably, the benefits of a Disorderly Behavior disposition are entirely dependent on district attorneys’ offices willingness to offer it as an alternative disposition. We urge this Council to call on the district attorneys’ offices across the City to rely heavily on this new disposition as an alternative to Disorderly Conduct and to employ as an alternative disposition wherever it would make a difference in someone’s eligibility for immigration status.

But we must do more. We could bring about far more dramatic, widespread reform and help keep more New Yorkers in the community and with their families if we eliminate the broken windows policing policies that continue to sweep so many New Yorkers up in the criminal justice system and subject them to deportation.

As such, this Council should call on the District Attorney’s offices across the City to follow in the footsteps of the Brooklyn District Attorney’s office in instituting a formal policy that aims to prevent collateral consequences of convictions by offering immigration-safe alternatives. While we firmly believe that it is more appropriate for an immigration attorney to consult exclusively on the defense side, where they can engage in privileged consultations with a client, rather than at the DA’s office, we applaud the Brooklyn DA’s stated willingness to consider immigration consequences when brought to their attention. This Council should call upon the other prosecutors’ offices across the City to enter into policies that explicitly contemplate working together with the defense team to arrive at a disposition that mitigates immigration consequences—including considering pleas to alternative statutes and consideration of the impact of certain sentences on noncitizens.

We must not only pass strong laws that protect noncitizen New Yorkers, but also ensure that these laws are followed and enforced, and that transparent accountability mechanisms are in place to prove to the Council and all New Yorkers that these protections are working. The protections for New Yorkers embodied in the proposed legislation will only serve their purposes if we can ensure that they will be enforced. To secure that enforcement and to signal that the City takes its commitment to privacy seriously, we must put in place mechanisms for enforcement that will hold agencies accountable if the laws are violated. We call on Council to put such mechanisms in place per the proposed amendments.

Thank you for this opportunity to testify and for your work on behalf of immigrant New Yorkers. We at The Bronx Defenders look forward to continuing to work together with the Immigration Committee and the entire Council to strengthen and improve protections for all New Yorkers.



**IMMIGRANT
DEFENSE
PROJECT**

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www.ImmigrantDefenseProject.org

New York City Council Committee on Immigration
April 26, 2017 Hearings on Int. No. 1557-2017, 1558-2017, 1568-2017, 1588-2017
Testimony of Ryan Muennich, Staff Attorney

Thank you to the Committee and Speaker for the opportunity to speak on this proposed legislation. My name is Ryan Muennich and I am a staff attorney with the Immigrant Defense Project, which works to protect and expand the rights of those caught at the intersection of the criminal justice system and the immigration system. IDP seeks to minimize the harsh and disproportionate immigration consequences of contact with the criminal legal system by working to transform unjust deportation laws and policies, and educating and advising immigrants, their criminal defenders, and other advocates.

IDP has supported the City Council's prior legislation limiting the damage that ICE enforcement wreaks on New York communities. Through our criminal-immigration helpline, IDP has fielded thousands of inquiries over the years from concerned New Yorkers, both directly impacted individuals and their family members. We are constantly confronted with the unnecessary and heedless cruelty caused by ripping New Yorkers out of their communities and away from their families, through an indiscriminate deportation dragnet.

IDP supports this proposed legislation in spirit, which seeks to protect vulnerable groups and effectively allocate limited City resources. Any proposed legislation should clarify that Section 8-1204 applies equally to the New York Police Department and probation. Further, the following areas of concern should be addressed through legislation.

First, the New York Police Department (NYPD) uses information contained in the National Crime Information Center (NCIC) database related to civil immigration violations. The NYPD uses the database to check whether individuals in their custody have outstanding warrants. The Department of Homeland Security uses the same database to enter civil violations of immigration law, including so-called administrative "warrants" that are issued by the agency. Although the NYPD released a policy memorandum in December 2014 (SER#12592188) stating that individuals should not honor such warrants, it needlessly requires the individual to be brought to the precinct "for further investigation." The Committee should consider adding language stating that the NYPD "shall not arrest or detain individuals based on civil immigration violations appearing in the NCIC database."

Second, there have been reports that both the NYPD and probation expend resources on civil enforcement through notifications to ICE. Earlier this month, the New York Daily News reported that two separate cases where the NYPD contacted ICE, and ICE appeared at the criminal court to arrest these people. A spokesman for the Mayor conceded that "NYPD notifies and confirms with all inquiring and arresting agencies the status of an arrestee who may be the subject of a warrant." New York Daily News, "NYPD alerts feds to Criminal Court appearances of immigrants facing deportation despite 'sanctuary' vow" (Apr 2, 2017), <http://www.nydailynews.com/new-york/nypd-alerts-feds-court-appearances-immigrants-article-1.3016935> (last visited Apr 26, 2017). This notification brings the individual to ICE's attention, and could start the deportation process. In addition to prohibiting the NYPD from responding to immigration inquiries with identifying information, the bills should also (i) actively prohibit individual members of the NYPD or probation from reaching out to ICE, and (ii) explicitly require Department of Investigation to investigate violations of this law.

We also request that the City add a reporting requirement to 9-131(f) and 14-154(f) to include "the number of persons transferred to the custody of federal immigration authorities pursuant to notification based on a civil immigration detainers."

Thank you for your important work on these issues. We hope that the Committee will consider taking further action to protect our immigrant communities.

Int 1565-2017
New York City Council Committee on Education, Committee on Public Safety &
Committee on Immigration Joint Hearing

April 26, 2017

Walter Logan
Young Women's Advisory Council Member, Young Women's Initiative
Girls for Gender Equity

Good Morning. My name is Walter Logan and I identify as transmasculine gender non binary. I am 16 years old and I am Jamaican American.

Today, I represent the Young Women's Advisory Council at Girls for Gender Equity. We are part of the Young Women's Initiative (YWI) that was launched by Speaker Melissa Mark-Viverito and the New York City Council to identify the gaps in services for young women ages 12-24, with a focus on cis and trans women of color. YWI brings together leaders and organizers who work with teens and young adults and advocates for them in all aspects of our society, with the goal of crafting policy recommendations that address racial, gender and other disparities. This is being done with young women at the center of the conversation as active and consistent participants in discussions.

As an anti-violence and education organization, Girls for Gender Equity is committed to providing students with valuable information surrounding immigrant rights. Through our programming and advocacy, we are committed to the physical, psychological, social, and economic development of girls and women. Through education, organizing and physical fitness, GGE encourages communities to remove barriers and create opportunities for girls and women to live self-determined lives.

As the child of an immigrant, I understand that this city would not be this rich and full without our immigrant population. As the child of a documented immigrant, I understand that I am privileged in so many ways, through rights and opportunities that others do not have. I support Intro-1565 to make sure that students and families receive information on student

and parental educational rights and DOE policies on immigration, because we should not continue to let our fellow New Yorkers hide in the shadows. The fact that so many people have had to settle without these resources is quite upsetting and I am confident that we can change that.

The majority of immigrants right now, or at least the ones with a target on their back are undocumented people of color. The issues of immigration continue to plague people who experience marginalization and oppression on an institutional/systemic level and in day-to-day interactions with fellow NYers. In the recent months, there has been an increased fear and threat of deportation, leaving many families worried. Though this is an issue overall, we must continue to keep in mind the added struggles of trans and gender non-conforming youth in this sometimes terrifying situation. Trans and Gender-Nonconforming (TGNC) students already deal with hate due to their identity. This coupled with the fear of their residential status will hold them back and create significant barriers for them to not push for higher education because they don't believe that they can.

Intro 1565 can also benefit TGNC NYers because it provides TGNC youth with the chance to be educated in different obstacles that they may encounter. Intro 1565 because it provides TGNC people with much needed resources to help them remain in a city, that I believe is trying to continue efforts to support them. By having this in place, it can also allow for added protections for the TGNC community in the future.

I thank the New York City Council for working with the Young Women's Advisory Council, and we respectfully request the passing of **Int 1565-2017**.



**Testimony of Immigrant Justice Corps on
Various Bills Which Will Allow Immigrants to Access Vital New York City Services
April 26, 2017**

Immigrant Justice Corps (IJC) thanks the New York City Council for the opportunity to submit testimony on a variety of bills which aim to keep New Yorkers safer while also ensuring that immigrants feel secure in accessing services to which they are entitled. We applaud the City Council for its leadership in keeping New York a vital, diverse city which welcomes immigrants from all over the world and seeks to ensure that they can continue to participate as full members of the New York Community.

New York City has correctly taken the position that the role of local government is not to enforce federal immigration laws. We support the City's efforts to codify protections for immigrants and to ensure that City workers, both in law enforcement and in other fields, can focus their time and effort on the jobs they were hired to do, and not have their work diverted to federal law enforcement.

Immigrant Justice Corps (IJC) is the country's first and only fellowship program dedicated to meeting the need for high-quality legal assistance for immigrants seeking a path to lawful status, citizenship and fighting deportation. IJC's goal is to use legal assistance to lift immigrant families out of poverty – helping them access secure jobs, quality health care and life-changing educational opportunities. Inspired by the Katzmann Study Group on Immigrant Representation, IJC brings together the country's most talented law school and college graduates, connects them to New York City's best legal and community institutions, leverages the latest technologies, and fosters a culture of creative thinking that produces new strategies to reduce the justice gap for immigrant families, ensuring that immigration status is no longer a barrier to social and economic opportunity. Now in our third year, IJC has trained and placed over 100 Justice Fellows (law graduates) and Community Fellows (college graduates) in support of our mission to increase both the quantity and quality of immigration legal services. All of our fellows are lawyers, law school graduates, Board of Immigration Appeals accredited representatives, or in the process of becoming accredited representatives.

T2017-5871, a bill which defines Identifying Information and T2017-5872, a bill which would establish an Identifying Information Division within the New York City Law Department.

Immigrant Justice Corps submits this testimony in support of the passage of T2017-5871, a bill which defines Identifying Information and T2017-5872, a bill which would establish an Identifying Information Division within the New York City Law Department.

Immigrant Justice Corps fellows are in contact with immigrants throughout the five boroughs of New York City every day, and they are consistently hearing that immigrants are scared. The rhetoric of the new federal administration has made it clear that all immigrants who are in the United States without authorization are potential targets for enforcement action.

New York City has long been a leader in providing life-saving services for all of its residents – from ground-breaking municipal identification cards, to housing services, to support services in schools and libraries. For all New Yorkers to feel safe in sharing confidential information with City agencies and contractors, it is imperative that New York City clearly define “identifying information” and staff a division with the Law Department to handle requests for such information.

We applaud the broad definition of “Identifying Information” which includes:

sexual orientation, gender identity, status as a victim of domestic violence, status as a crime witness or victim, receipt of public assistance, information related to citizenship or immigration status, all information contained in an individual’s income tax records, biometrics such as fingerprints and photographs, languages spoken, religion, nationality, country of origin, place of birth, arrest record or criminal conviction, employer information, home and work addresses, phone number, email address, information concerning social media accounts, date and/or time of release from the custody of the department of correction or the police department, any scheduled court appearances, or any scheduled appointments with any employee, contractor, or subcontractor.

In an environment of increasing fear and rhetoric that targets many of the most vulnerable New Yorkers, we support New York’s pro-active move in limiting access to information which could potentially be used against New York residents and in establishing a division of the Law Department to ensure that the new law is appropriately administered.

We do have some concerns that with such a broad definition of “identifying information,” and with the requirement that all requests for such information be funneled through the Law Department, that individuals who need such information for themselves or who seek to release such information for services they are seeking may face long delays. We therefore believe the Council should ensure that the protections it seeks to enact would not apply to individuals requesting their own records that contain such identifying information.

T2017-5879, a bill that would limit the Department of Probation from honoring civil immigration detainers under the same restrictions that apply to the Department of Correction.

Immigrant Justice Corps submits this testimony in support of the passage of T2017-5879, a bill that would limit the Department of Probation from honoring civil immigration detainers under the same restrictions that apply to the Department of Correction.

Immigrant Justice Corps supports New York City’s policy of not detaining immigrants on detainers unless they are legally required to do so. New York City has long recognized that the

most effective way for the New York Police Department to carry out its job is to build trust with all New York residents, including immigrants. Furthermore, New York City has rightly chosen to not spend New York City tax dollars to hold non-citizens in detention when it is not required to do so by law.

New York City has long protected the rights of immigrants and recognized the invaluable role they play in making our City a vibrant, multi-cultural world capital. This legislation takes the important step of extending protections under existing City law applied to the Department of Corrections and extending the application of the law to the Department of Probation. This bill intelligently implements the City policy of encouraging all New Yorkers to comply with criminal laws and obligations without fear of immigration enforcement. It is in the interest of all New Yorkers that individuals who are on probation comply with the terms of their probation, including checking in as required by law. Protecting non-citizens from Immigration Customs and Enforcement (ICE) detainers in this context will allow New Yorkers who are on probation to comply with all aspects of their probation and finish out their criminal sentence without fear of being detained by ICE. This bill will therefore conserve valuable resources for New York as individuals are less likely to fail to comply with the terms of their probation, potentially requiring re-arrest and detention by New York City.

T2017-5869, a bill that would prohibit City agencies from partnering with the U.S. Department of Homeland Security to enforce federal immigration law.

Immigrant Justice Corps submits this testimony in support of the passage of T2017-5869, a bill that would prohibit City agencies from partnering with the U.S. Department of Homeland Security to enforce federal immigration law.

The new federal administration has made it clear that it wants to require local law enforcement officers to enforce federal immigration law. Studies have shown that “sanctuary cities” are safer than those which intertwine local policing with immigration enforcement.¹ It is important for local police to gain the trust of immigrant communities so that they feel safe in reporting crimes and serving as witnesses in criminal investigations. If local police are deputized to carry out immigration enforcement, crime, including violent crime, actually increases because there is no trust between affected communities and the police.

IJC fellows see these rules play out in their interactions with immigrants every day. For example, earlier this week, one of our fellows who is located in Staten Island, had a meeting with a client who was terrified to call the police concerning a child in her home who was being physically harmed by another family member. Our fellow was able to assure his client that there would be no immigration repercussions as a result of calling 911. Being able to provide this type of assurance makes all New Yorkers safer, and, in this case, may prevent a child from being harmed in the future.

¹ "The Effects of Sanctuary Policies on Crime and the Economy," by Tom Wong, Center for American Progress, (January 26, 2017) available at <https://www.americanprogress.org/issues/immigration/reports/2017/01/26/297366/the-effects-of-sanctuary-policies-on-crime-and-the-economy/>

IJC applauds the City of New York for standing up for immigrants and for holding on to its practice of intelligent policing which makes all New Yorkers – citizens and non-citizens alike – safer. By enacting this law, the City Council will send an important message to all New Yorkers, and all Americans who believe in the value that immigrants bring to the United States, that immigrants are welcome here.

In addition to the documented issues of reduced trust and increased crime that results from local police enforcement of immigration laws, another insurmountable problem with this required enforcement is that federal immigration law is extremely complicated. Even experienced immigration attorneys often must have multiple meetings with clients and file Freedom of Information Act requests to access full client files, in order to fully ascertain the immigration status of an individual. Some individuals have acquired U.S. citizenship at birth through their parents and are unaware of this fact and lack proper documents to prove their status. Others may have lawful permanent residence or other long-term status in the United States but may have expired identification cards, or may have lost proof of their status. It is unreasonable to expect local police to understand the complex nuances of immigration law. Furthermore, if local police arrest and detain citizens or non-citizens who are authorized to be in the United States, they open themselves up to lawsuits for unlawful detention.

Immigration law in the United States is federal, not state or local. It is bad policy to require local law enforcement to be involved in enforcing federal immigration law. It is essential to the safety of all New Yorkers, that every resident and visitor to the City feels that the New York Police Department is there to protect them, to be an ally, not an enemy. This bill is an important step in the direction of providing that protection.

T2017-5870, a bill that would limit City agencies from granting non-local law enforcement access to non-public areas of City property.

Immigrant Justice Corps submits this testimony in support of the passage of T2017-5870, a bill that would limit City agencies from granting non-local law enforcement access to non-public areas of City property.

This bill would provide non-citizens with some sense of security that when they access public services on City property, they will not be in danger of being arrested by Immigration and Customs Enforcement (ICE) agents. Our fellows who meet with non-citizens every day in all five boroughs of the City have reported that immigrants are living in an unprecedented state of fear. Parents are afraid to drop their children at school; families are afraid to attend medical appointments; parents are afraid to visit social services offices. High profile press cases of non-citizens being arrested by ICE, including one parent in California, who was arrested while bringing his daughter to school,² have led to fear and confusion.

² "Immigrant arrested by ICE after dropping daughter off at school, sending shockwaves through neighborhood," LA Times, March 3, 2017, available at <http://www.latimes.com/local/lanow/la-me-immigration-school-20170303-story.html>

This bill would clarify for all employees in City buildings what their rights and obligations are. Too often, ICE gains access to private property by misleading those in charge, by claiming to be “police,” or by showing an administrative warrant which does not give them legal authority to enter without permission. ICE agents use misrepresentations and ruses to gain “permission” to enter and thereby arrest non-citizens who thought they were in a protected space.

T2017-5870 clearly lays out the parameters of a “judicial warrant,” so that employees on site in City-owned buildings will understand that they are only required to honor a warrant that is “based on probable cause and issued by a judge appointed pursuant to article III of the United States constitution or a federal magistrate judge.” Thus City employees and those who work on City property will understand that an ICE administrative warrant is not sufficient to allow ICE agents access on City property.

Equally importantly, the bill will require City buildings to post signs for non-citizens that spell out their rights in interactions with respect to immigration enforcement. Many non-citizens are not aware of their rights under the U.S. Constitution, including the right to remain silent, the right to due process, and the right to equal protection. These signs can help immigrants who pass through City property to understand that they are not required to open their own doors to ICE agents without a warrant and that they do not need to provide information about their immigration status to ICE.

The bill could provide further protections to ensure that City employees do not share information that they gained through their employment with the federal government. But we applaud the City’s efforts to make non-citizens and City employees aware of important rights that non-citizens have in immigration enforcement actions and send an important message to all members of the New York community that immigrants are an integral part of New York City and that they are welcome to access City services without fear.

Please contact Jojo Annobil, Executive Director, Immigrant Justice Corps at jannobil@justicecorps.org or at 646.690.0481

THE COUNCIL
THE CITY OF NEW YORK

35

Appearance Card

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

Date: 4/26/17

(PLEASE PRINT)

Name: David Cohen

Address: 25 W 18 Street, Bk, N.Y.

I represent: SEIU 32BJ

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

34

Appearance Card

I intend to appear and speak on Int. No. 1579 Res. No. _____
 in favor in opposition

Date: 26 Apr, 2017

(PLEASE PRINT)

Name: Priscilla Argon

Address: 526 W 161st St, Apt 23

I represent: Local 46 - Metallic Lathers & Reinforcing

Address: 1322 3rd Ave. Ironworkers

THE COUNCIL
THE CITY OF NEW YORK

33

Appearance Card

I intend to appear and speak on Int. No. 15705 Res. No. _____
 in favor in opposition

Date: 4/19/17

(PLEASE PRINT)

Name: Pentelopoulos - Engberg

Address: 301 E 45th St NYC NY

I represent: Metropolitan Firefighters Local 151

Address: 151 W 30th St NYC NY

THE COUNCIL
THE CITY OF NEW YORK

1321

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/26

(PLEASE PRINT)

Name: Maite Junco

Address: Senior Advisor to the Chancellor

I represent: DOE

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

4/26
[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/26

(PLEASE PRINT)

Name: Howard Thedman

Address: General Counsel

I represent: DOE

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

30

Appearance Card

[]

I intend to appear and speak on Int. No. 1565 Res. No. _____

in favor in opposition

Date: 4/26/17

(PLEASE PRINT)

Name: Rita Rodriguez-Engberg

Address: 301 E 45th St NYC NY

I represent: Advocates for Children of NY

Address: 151 W 30th St NYC NY

THE COUNCIL
THE CITY OF NEW YORK

29

Appearance Card

[]

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

Date: 4/26/17

(PLEASE PRINT)

Name: Howard Sun

Address: _____

I represent: Asian American Federation

Address: 120 Wall St. 9th Fl, New York, NY 10005

THE COUNCIL
THE CITY OF NEW YORK

28

Appearance Card

[]

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

Date: 4/26/2017

(PLEASE PRINT)

Name: Chelsea Johnson

Address: 1077 Coney Island Ave

I represent: Council of Peoples Organization

Address: 1077 Coney Island 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: Lakshman Kalasapudi

Address: _____

I represent: India Home Inc

Address: 65-55 260th Place Glenside NY 10024

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

**THE COUNCIL
THE CITY OF NEW YORK**

26

Appearance Card

[]

I intend to appear and speak on Int. No. 1588⁺ Res. No. _____

in favor in opposition

Date: 4/26/17

(PLEASE PRINT)

Name: Ruthie Epstein

Address: 330 Lewis Ave 3B 11221

I represent: New York Civil Liberties Union

Address: 125 Broad St 10004

**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: 4/26/17

(PLEASE PRINT)

Name: Stephanie Lopez

Address: _____

I represent: Neighborhood Defender Services of Harlem

Address: 317 Lenox Ave 10th Fl, NY, NY 10017

**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: SARIKA SAXENA

Address: _____

I represent: NEW YORK LAWYERS FOR PUBLIC

Address: INTEREST (NYLPI)

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1568 Res. No. 2017

in favor in opposition

Date: 4/26/17

(PLEASE PRINT)

Name: Meagan Hu

Address: 24 Saint Mark's Ave, Brooklyn, NY 11217

I represent: New York County Defender Services

Address: 225 Broadway, Ste. 1100, NY NY 10007

Please complete **THE COUNCIL** Sergeant-at-Arms
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4-26-2017

(PLEASE PRINT)

Name: HASAN SHAFIQULLAH

Address: 199 WATER ST. 3rd FL NY NY 10038

I represent: THE LEGAL AID SOCIETY

Address: 199 WATER ST. 3rd FL. NY NY 10038
(WITH WARD OLIVER)

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: 4-26-2017

(PLEASE PRINT)

Name: WARD OLIVER

Address: 199 WATER ST 3rd FL, NY NY 10038

I represent: THE LEGAL AID SOCIETY

Address: 199 WATER ST. 3rd FL. NY NY 10038
(WITH HASAN SHAFIQULLAH)

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: 4/26/16

(PLEASE PRINT)

Name: Albert Chan

Address: 46-01 20th Avenue

I represent: Council on American Islamic Relations, NY

Address: 11

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. Privacy Res. No. _____

in favor in opposition

Date: 4/26/17

(PLEASE PRINT)

Name: Kamilla Sjeedin

Address: 446 W 33rd St NY NY 10001

I represent: GMHC

Address: same as above

**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: 4/26/2017

(PLEASE PRINT)

Name: NYLAG - Helen Dook Esq.

Address: 7 Hanover Square, 18th Floor, NY NY 10004

I represent: NYLAG

Address: 7 Hanover Square, 18th Floor, NY NY 10004

**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: Natalia Aristizabal

Address: 92-10 Roosevelt Ave

I represent: Mate the Road NY

Address: _____

Please complete **THE COUNCIL** Sergeant-at-Arms
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: Carmen Maria Rey

Address: _____

I represent: Sanctuary for Families

Address: 50 Wall St. 8th Fl. NY NY

Please complete **THE COUNCIL** Sergeant-at-Arms
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/26/2017

(PLEASE PRINT)

Name: Jacqueline Pearce, Cardozo Law School

Address: 55 Fifth Ave, 11th Floor, New York NY

I represent: Cardozo Law School, Immigration

Address: Justice Clinic

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: _____

(PLEASE PRINT)

Name: LORI ZENO
Address: 118-21 QUEENS BLVD. FOREST HILLS
I represent: QUEENS LAW ASSOCIATES
Address: same (defenders)

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1557-17 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Ryan Muenich
Address: 40 W. 39th St #15 New York NY 10018
I represent: Immigrant Defense Project
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

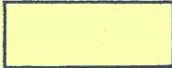
Date: _____

(PLEASE PRINT)

Name: Terry Lawson
Address: 40 NORTH ST
I represent: LEGAL SERVICES NYC
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. all Res. No. _____

in favor in opposition

Date: 4/26/17

(PLEASE PRINT)

Name: Nyasa Hickey Brooklyn Defender

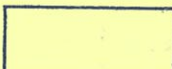
Address: Services

I represent: Brooklyn Defender Services

Address: 177 Livingston St, Brooklyn 11201

**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: Jennifer Friedman, The Bronx Defenders

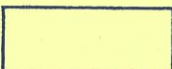
Address: _____

I represent: The Bronx Defenders

Address: 360 E. 161st St, Bronx NY

**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: Eve Stettin

Address: The Door 121 Ave of the Americas

I represent: ICARE

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: Deputy Commissioner Lawrence Byrne

Address: 1 Police Plaza

I represent: NYPD

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: Assistant Chief Gary Strebel

Address: 1 Police Plaza

I represent: NYPD

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1565 Res. No. _____
 in favor in opposition

Date: 4/26

(PLEASE PRINT)

Name: SARIKA KUMAR

Address: 2 HEATHOR LN, JERICHO NY 11753

I represent: GIRLS FOR GENDER EQUITY

Address: 30 3RD AVE, BROOKLYN NY 11217

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: _____

(PLEASE PRINT)

Name: Chies. Policanso

Address: 125 Barclay Street NY 10007

I represent: Director of Strategic Planning,

Address: DC37

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 21-973

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Adriana Lovera

Address: 211 W. 80th St. Apt 5A New York, NY

I represent: New York Immigration Coalition

Address: 121 W. 33rd St Suite 610, NY, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1566, 1578 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Dmitri Daniel Glinski

Address: RCCMB, P.O. Box 120, NY NY 10033

I represent: Russian-Speaking Community Council

Address: same as above of Manhattan & the Bronx

**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: 4/26/2017

(PLEASE PRINT)

Name: Nisha Agarwal

Address: 253 Broadway 14th Fl.

I represent: NYC MOIA

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: 4/26

(PLEASE PRINT)

Name: Elisa Gahng

Address: 253 Broadway 14th Fl.

I represent: NYC MOIA

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: 4/26/17

(PLEASE PRINT)

Name: Timothy Farrell

Address: _____

I represent: Dept of Corrections

Address: _____

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: _____

(PLEASE PRINT)

Name: Howard Friedman

Address: 52 Chambers

I represent: DOE

Address: _____

◆ 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: _____

(PLEASE PRINT)

Name: MAITE JUNCO

Address: 52 Chambers St

I represent: DOE

Address: _____

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