



Legislation Details (With Text)

**File #:** Res 1262-2012      **Version:** \*      **Name:** U.S. Department of Homeland Security to reverse its position that the Secure Communities program will be activated nationally by 2013.

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**Title:** Resolution calling upon the U.S. Department of Homeland Security to reverse its position that the Secure Communities program will be activated nationally by 2013, and to respect states like New York that have taken actions to rescind their participation in this program.

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Res. No. 1262

Resolution calling upon the U.S. Department of Homeland Security to reverse its position that the Secure Communities program will be activated nationally by 2013, and to respect states like New York that have taken actions to rescind their participation in this program.

By Council Members Mark Viverito, Chin, Dromm, Ferreras, Lander, Palma, Reyna, Rose, Vann, Williams and Rodriguez

Whereas, Secure Communities is one of the U.S. Immigration and Custom Enforcement (“ICE”) programs which, through an information sharing model, uses fingerprints to identify and ultimately deport certain undocumented immigrants; and

Whereas, The Secure Communities program was implemented in 2008, under the pretense to only removing the most dangerous, criminal, and undocumented immigrants and allowing states the option to withdraw from the program; and

Whereas, As of 2011, the Secure Communities program is active in approximately 1,048 jurisdictions in 39 states; and

Whereas, In May 2010, the New York State Division of Criminal Justice Services entered into a Memorandum of Agreement (“MOA”) with ICE to implement the Secure Communities program throughout New York State; and

Whereas, According to ICE’s data, since implementation of the Secure Communities program in New York, more often than not, immigrants apprehended by ICE, who have no criminal convictions were deported; and

Whereas, New York City is home to approximately three million immigrants, many of whom are undocumented, and may fall victim to this program; and

Whereas, The Secure Communities program has contributed to the 400,000 immigrants who were deported in both 2009 and 2010; and

Whereas, Advocates, elected officials, and the immigrant community oppose the Secure Communities program and question its practices and motives; and

Whereas, In December 2010, New York Police Department Commissioner Raymond Kelly stated that the Secure Communities program may compromise the relationship between the immigrant community and local enforcement agencies; and

Whereas, In response, on June 1, 2011, Governor Andrew Cuomo announced New York State’s termination of the MOA with ICE, thus, suspending the Secure Communities program and making New York only the second state in the nation to do so; and

Whereas, During the same period, ICE notified states that terminating the MOA would have no effect

on their operations and that they planned to activate the Secure Communities program nationally by 2013; and

Whereas, It is important to protect, promote, and strengthen the relationship between immigrant communities and local enforcement agencies; and

Whereas, A program that may deter immigrants from reporting crimes to local enforcement agencies will only jeopardize the public safety for all; and

Whereas, ICE should respect states like New York, who have rescinded their participation in the Secure Communities program; now, therefore be it

Resolved, That the Council of the City of New York calls upon the U.S. Department of Homeland Security to reverse its position that the Secure Communities program will be activated nationally by 2013, and to respect states like New York that have taken actions to rescind their participation in this program.

JSM  
LS# 3229  
3/21/12