



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

SCOTT M. STRINGER
BOROUGH PRESIDENT

**Testimony of Manhattan Borough President Scott M. Stringer
Before the New York City Council Committee on Immigration**

*Regarding Pre-considered Resolution Int. 656-A, a law to amend the administrative code
of the City of New York, in relation to persons not to be detained*

November 2, 2011

I thank the Committee on Immigration, and the Committee Chairs, Council Members Dromm and Crowley, for the opportunity to testify today on the proposed Local Law to amend the Administrative Code of the City of New York, in relation to persons not to be detained.

I am heartened to learn that the Mayor and City Council have agreed to pass this legislation to finally end one of New York's most anti-immigrant policies. I congratulate all of the immigrant rights advocates and leaders of our city for their hard work and success in making this happen. I especially commend Make the Road New York, New Sanctuary Coalition, Northern Manhattan Coalition for Immigrant Rights, Professor Nancy Morawetz, the NYU School of Law Immigrant Rights Clinic, Professor Peter Markowitz and the Cardozo Immigrant Justice Clinic for their remarkable leadership in turning around an enormously harmful policy that has been at odds with New York's positive immigrant tradition. This is indeed a testament to the power of organizing communities on the most critical issues that deeply affect us.

This bill is necessary because despite the fact that no federal, state or city law requires what the Department of Corrections (DOC) has done to participate in the enforcement activities of U.S. Immigration and Customs Enforcement (ICE), the DOC voluntarily cooperates with ICE to annually transfer 3,000 to 4,000 New Yorkers into inhumane immigration detention conditions and eventually deportation. In June 2010, I addressed my concerns in a letter to the Mayor asking that the City adopt a policy clearly separating ICE operations from Rikers Island. Although reforms were made to better inform inmates of their rights related to ICE, these reforms were not enough to address the lack of accountability or transparency in ICE's detention and deportation system. In November 2010, I urged the Committee on Immigration to recommend that the City establish a policy to end these overreaching enforcement practices that upend the fabric of our communities. Furthermore, in April 2011, I published a New York Times Op-Ed with Andrew Friedman of Make the Road New York urging the Mayor to end this policy on Rikers. I am now pleased to support the proposed Local Law presently before the Committee which will protect certain individuals from discharge to ICE from City jails.

Under the existing practice, thousands of New Yorkers have been transferred by the DOC into ICE custody. The current level of cooperation between the DOC and ICE appears to facilitate the deportation of as many immigrants as possible, without regard to whether these individuals have criminal records or pose a threat to public safety. Indeed, in both 2009 and 2010, nearly half of the individuals at Rikers to whom ICE issued detainers had no criminal convictions.

Under the proposed Local Law the DOC will not be permitted to use its resources to continue to detain an individual solely on the basis of a civil immigration detainer, or to notify federal immigration authorities of that individual's release, when the individual has no prior convictions, is not a defendant in a pending criminal case, is not subject to any outstanding warrants, is not identified as a confirmed match in the terrorist screening database, and has not previously been subject to a final order of removal by immigration authorities.

New York is a city built by immigrants. 40% of our residents are foreign born, of which approximately half are noncitizens. This leaves approximately 20% or 1.6 million of the city's population potentially vulnerable to DOC's facilitation of ICE operations. Longtime immigrant residents who have contributed to our city should not be separated from their families, subjected to inhumane detention conditions and sent to countries where they may be at risk of persecution when they pose no safety threat to our community.

Continuing this practice of DOC's collaboration with ICE would only create a sense of fear and distrust of law enforcement and police among immigrant communities, and would cause these communities to be hesitant to call upon the police for assistance, as they will associate law enforcement with deportation.

Further, this collaboration between DOC and ICE is a wasteful expenditure of the City's resources in a time when it is imperative that we eliminate unnecessary costs for the City, particularly those which do not provide any benefit to our residents.

Ultimately, our local police are not to be in the business of immigration enforcement. I am pleased that with the proposed Local Law this destructive collaboration between DOC and ICE will end and look forward to keep working with you on advancing immigrant rights in our city.

Thank you.