

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON IMMIGRATION

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250 Broadway, 16th Fl.

B E F O R E:

DANIEL DROMM

Chairperson

COUNCIL MEMBERS:

Daniel Dromm

Mathieu Eugene

Jumaane D. Williams

A P P E A R A N C E S

Linda Mafta

Intern

Northern Manhattan Coalition for Immigrant Rights

On behalf of Cecelia Safont

Mark Maynard

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Michelle Fei

Co-director

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Diana Gaiton

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CHAIRPERSON DROMM: Good morning everybody. My name is Daniel Dromm and I'm the chair of the Immigration Committee for the New York City Council.

Just before we get started, I want to take a moment to thank Israel Rodriguez who has been our policy analyst and who is moving on to another position. We wish you well. I just want to say thank you for all the time and service that you've given to this committee and your advice as well. Thank you very much, Israel.

I do want to thank a representative from the governor's office who has joined us today as well. Thank you for being here with us.

Good afternoon, my name is Daniel Dromm and I'm the chair of the New York City Council Committee on Immigration. Before going any further, I would like to introduce the other members of the committee who are not here yet because we're in budget briefing and a very stressful time. A number of them will be joining us shortly as they get an opportunity to leave those budget hearings.

According to data, there were an

estimated 37.9 million immigrants living in the United States in 2008. New York State is home to approximately 4.2 million immigrant residents, making it home to the second largest immigrant population in the nation.

New York City, considered by many to be the gateway to all of the opportunities that the United States has to offer, is home to more than 3 million immigrants. Immigrant New Yorkers can be found everywhere doing jobs in a variety of sectors at all different levels.

The contributions of immigrants to New York's economy are significant, as indicated by a recent report issued by the State Comptroller's Office. As such, there is always reason to consider the challenges that immigrants face and the opportunities to be made available to immigrants.

For today, we are considering Governor Paterson's Immigrant Pardon Panel and its potential impact on immigrant New Yorkers facing deportation. Governor Paterson is using his office to help immigrant residents of this state by establishing the Immigrant Pardon Panel.

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2 Although ever New York governor has
3 had the authority to pardon immigrants who have
4 been convicted of a crime, Governor Paterson is
5 the first governor to establish a panel to assist
6 him in determining which New Yorkers deserve to be
7 pardoned.

8 Yesterday, the governor's office
9 held a statewide information session on this panel
10 in order to provide interested advocates and
11 service providers with information on the
12 governor's pardon power, the creation of the
13 pardon panel and the pardon application process.

14 Although that information session
15 was very helpful, today we would like to find out
16 what, if anything, the City Council and other
17 agencies can do to ensure the effectiveness of
18 this panel, and how this panel will help
19 immigrants living and working in New York City.

20 Until we pass a comprehensive
21 immigration reform bill at the federal level, we
22 have to continue to figure out how localities like
23 New York State and New York City can help
24 immigrants living and working and contributing to
25 the United States.

I would like to thank everyone for attending this afternoon's hearing. I think we will now call our witnesses. First will be Linda Mafta [phonetic], from the Northern Manhattan Coalition for Immigrant Rights, Mary Maynard from Families for Freedom, and Michelle Fei from Immigrant Defense Project.

[Pause]

CHAIRPERSON DROMM: Who would like to begin? Would you like to begin?

MARK MAYNARD: Sure. Good afternoon everyone. My name is Mark Maynard. I am a native of Guyana and a longtime legal permanent resident of the United States. I am speaking to you today in the hope that you and the powers that be could look into my case and find it in your hearts to forgive me for all of the harm and pain I caused to my victims and family as well, not to mention myself.

I was sentenced to 7 to 14 years for armed robbery. This is my only criminal conviction. I served seven years in a state prison. I spent two years in Immigration and Custom Enforcement facilities around the country.

I am currently out on state patrol and ICE has released me on supervision, which is not something given every day to everyone.

I say that to say this, my crime that I committed was a selfish act and I just want to take this time to apologize to my victims, family friends and most of all my victims. I take full responsibility for my crime.

I speak to you all today a changed man. I was a very impatient individual back then when I committed my crime. Back then I never had any real job skills that I felt would support the way I wanted to live. I also had terrible friends who I chose and used for acceptance of who I thought I was back then.

But even though they were terrible friends, I do not and cannot blame them. I blame myself. I was a troubled kid, growing up and not having a father around. I very much resented that. Because my young mind was not fully understanding of life at that time, I surrounded myself with anyone that showed me they were there for me.

I have learned and grown so much

1
2 during my incarceration that this will never
3 happen again because I now have the tools for my
4 livelihood and the knowledge of who I am and of
5 life in itself.

6 During my incarceration, both in
7 state prison and ICE facilities, I acquired
8 several job skills that were important for
9 providing for me and my family. While being in
10 ICE jails, I acquired three OSHA certificates.
11 The opportunities that come with these
12 certificates are only given in the United States
13 of America. There are no OSHA facilities other
14 than the United States. Deporting me to Guyana
15 will surely lead me to fail.

16 In addition, my mom, Molly Overton
17 [phonetic], is suffering with severe diabetes.
18 She had surgery to take out a tumor at the back of
19 her eyes; a tumor which now is causing her to lose
20 her sight. She's deteriorating, and there is no
21 sign of her getting better. I'm all that my mom
22 has left. My mom is an elderly woman who is
23 retiring from her job. She's trying to make it
24 with her illness so she can get her full pension.

25 I am here today to tell you why

1
2 getting a second chance and it's so important to
3 me. A second chance would allow me to pay the
4 other half of my debt to society by showing
5 society that I am a rehabilitated man.

6 I know I am one of many asking for
7 a pardon. I know that the circumstances of those
8 who are asking for such a relief is often unclear.
9 I just want you all to know that you won't be
10 disappointed in supporting a pardon for me and a
11 thousand like me now seeking such relief.

12 I am currently fighting to stay in
13 the United States of America. I migrated to this
14 country at the age of 9-years-old with my mother
15 and brother, never once returning back to my
16 country of birth. All I am and have known is the
17 United States of America. My entire family is
18 also living in the United States. I know no one
19 and have no one in my place of birth. It would be
20 a shame to let all of my hard work, in becoming a
21 rehabilitated and changed man, go to waste.

22 I have also done research on Guyana
23 and it is very bad in my country for deportees.
24 Sending me there would be like sending me to
25 certain destitution. I must be able to turn

1
2 something negative that I've done into something
3 positive. In my heart I believe that God will
4 make a way.

5 I can only imagine what goes in to
6 making a decision to give someone a pardon, but I
7 can only pray that my pleadings will result in me
8 being given a chance. I need a chance to prove
9 the type of person I am.

10 If granted the ability to be
11 considered for a pardon, this decision will become
12 a second chance not wasted. I am not a bad
13 person. I was never a threat to society. I put
14 myself in the wrong circle of people and made one
15 stupid and terrible life-changing mistake. I have
16 been through a great deal of obstacles just to
17 speak to you today.

18 I am grateful for the chance to
19 fight my case. There have been so many that
20 applied for supervision release from immigration
21 detention and were denied. I only say that to say
22 this, state parole ICE saw that I am rehabilitated
23 and released me on state parole and ICE
24 supervision giving me a chance. I need
25 forgiveness and I plead to my victims to forgive

me as well.

Since my release on ICE supervision and state parole, I have been able to maintain a job, paying taxes. I also have been able to take some of the pressure off of my mom by paying some bills and by providing mental and physical support. Just these two supports alone are really bringing a change of confidence to my mom and I can see her health gradually getting better.

I also have joined the fight for immigrant justice by becoming a member of Families for Freedom, a network of families with loved ones facing deportation. In my role as a member, I have been trained to educate people in my community to know their rights about the immigration system.

I was able to inspire members at the Church of God by giving my testimony on why we all should have faith because without faith and prayer I wouldn't have been released from detention and would not be able to stand in front of the church that day. Following the service, people came up to me, thanking me for sharing my testimony because they were moved by it. I have

1
2 also had the opportunity to be a voice for the
3 immigrant community at the forum with Senator
4 Menendez in New Jersey, giving insight into the
5 benefits of giving immigrants a second chance.

6 Finally, Governor Paterson's
7 special clemency board for immigrants is very
8 important to individuals like me and others who
9 are looking for a second chance in life. It will
10 vital for immigrants who are rehabilitated and are
11 looking to move on and be productive members of
12 society.

13 But with the criteria of who can
14 apply for a pardon being so limited, there is slim
15 hope for anyone to get this kind of chance. A lot
16 of good people who made mistakes in their lives
17 are looking to turn that negative into a positive
18 will be left out and forced to suffer. Broaden
19 the criteria, Governor Paterson, and a lot of good
20 people will benefit from it.

21 We all make mistakes in life, but
22 the important thing is what we do after we make
23 those mistakes. I have only paid one half of my
24 debt to society. Let me pay the other half of my
25 debt to society by being in a place I call home

and living in it as a law abiding, productive and changed man. Thank you.

CHAIRPERSON DROMM: Thank you, Mr. Maynard, for your compelling and moving testimony.

LINDA MAFTA: Good afternoon everybody. My name is Linda Mafta. I'm an intern at the Northern Manhattan Coalition for Immigrant Rights this summer. I'll be reading the testimony of Cecelia Safont. Unfortunately, she couldn't be here today because she had a family emergency, so I'll be reading on her behalf.

Good afternoon, my name is Cecelia Safont. I'm a U.S. citizen who has lived in the country for 30 years. I have raised two children here, one of whom was a sergeant in the U.S. Army for many years. I have also worked as a holistic doctor for eight years.

I'm speaking today to voice Northern Manhattan Coalition for Immigrant Rights' strong support for Governor Paterson's pardon panel as an important step towards addressing the devastating effects of deportation.

I'm an active member of the Northern Manhattan Coalition for Immigrant Rights,

an organization that has been providing immigration related legal services for over 25 years. We are based in the largely Dominican community of Washington Heights, which has been disproportionately impact by the punitive and inflexible immigration laws passed by Congress in 1996.

These laws further expanded the list of crimes that triggered mandatory deportation for non-citizens and severely restricted the ability for the vast majority of immigrants to have a fair day in court to fight their deportation. As a result, we have seen the number of deportations grow rapidly. The U.S. has deported over 40,000 Dominicans since 1996.

Hundreds of legal permanent residents come to our office each year seeking guidance on whether they are in danger of being deported if they decide to naturalize, renew their green card or travel out of the country. Because of the combination of harsh immigration laws and the history of crime enforcement in our communities, we unfortunately need to advise them that a past criminal conviction on their record,

many of them minor and non-violent, would subject them to mandatory deportation proceedings.

Daily we hear stories such as that of Jose who has been living in the U.S. since 1976 as a legal permanent resident. Despite having serious medical issues and caring for his U.S. citizen mother, he has been under detention at Rikers for months while trying to fight his deportation order for misdemeanor drug possession offenses. And of Jorge, who had lived in the U.S. for 17 years as a legal permanent resident who got arrested after being in a fight and took a guilty plea with a one year sentence that triggered his deportation five years later, leaving behind his U.S. wife and children.

When the governor announced his pardon panel, we received a tremendous amount of phone calls from past and new clients requesting help in this process. Many of the individuals who have called us are legal permanent residents who have U.S. citizen spouses and children who contribute positively to their communities and who are 100% rehabilitated. A pardon would offer these individuals an opportunity that they would

not have otherwise to fight their deportation case and be able to stay with their families and their communities.

We are working at NMCIR to build momentum in Congress to change the laws that so severely restrict the ability of our community members to challenge deportation orders and the permanent exiles of so many of our loved ones. The fight for an immigration system that upholds due process rights, that gives immigrants a fair day in court and allows judges to judge is critical for our families and our communities.

We applaud the governor's leadership for immigrant rights and encourage initiatives that provide opportunities for New Yorkers to have a fair chance to stay united with their families as we continue to fight for just immigration reform. Thank you.

CHAIRPERSON DROMM: Thank you very much.

MICHELLE FEI: Thank you. I will read portions of my written testimony because I think both Mark and Linda have covered much more eloquently certain sections of my written

1
2 testimony.

3 My name is Michelle Fei and I am
4 the Co-director of the Immigrant Defense Project.
5 We specialize in criminal immigration issues. By
6 that what we mean are how a criminal conviction,
7 some kind of contact with the criminal justice
8 system can affect an immigrant's immigration
9 status and their ability to stay here in the
10 United States.

11 Thank you for the opportunity to
12 present comments about Governor Paterson's
13 Immigrant Pardon Panel. We believe this panel
14 presents important opportunities for immigrant New
15 Yorkers who are at risk of deportation and we
16 believe we must do everything possible to help
17 this panel stop the exile of immigrants from their
18 families and communities here in the United
19 States.

20 As you know all too well, the 1996
21 immigration laws dramatically increased ways in
22 which immigrants both document and undocumented
23 can get deported. As a result, deportations have
24 been dramatically increasing. In fact, more than
25 2.5 million immigrants have been deported since

1997. They are forced to return to countries where they often don't know the language, have no family ties, cannot find a job and fear for their lives. Meanwhile, their loved ones are often stripped of breadwinners and support system here in the United States.

Immigration and Customs Enforcement thinks it can easily sweep these problems under the rug by simply labeling many of those who are deported "criminal aliens," a term that is misleading, inaccurate and offensive. But we should not accept this ugly propaganda. As a country, state and city, we should recognize that immigrants, just like everyone else, are more than the sum of their mistakes. They form the backbone of our families, workplaces and communities.

They should not face deportation as a second and often surprise punishment after paying their dues through a criminal justice system that has already put them through the wringer.

That's why we so strongly applaud Governor Paterson for establishing an Immigrant Pardon Panel that recognizes that we must take

1
2 steps to right the wrongs we have perpetuated
3 against immigrants and their families and
4 communities. We think this panel holds great
5 promise for so many who have been devastated by
6 the possibility of deportation. And we hope that
7 the Immigration Committee will help ensure that
8 pardons are granted as broadly as possible.

9 As Governor Paterson has stated,
10 this pardon panel will examine cases of legal
11 immigrants who have shown rehabilitation and
12 positive contributions to society. They will
13 examine individual facts and circumstances and how
14 old or minor a conviction is.

15 We think looking at these
16 considerations make all the sense in the world.
17 In fact, this inquiry has been considered the
18 appropriate course of action in considering
19 deportation for decades before the 1996 laws got
20 rammed through Congress. It's what immigration
21 judges, among others, have bluntly stated they
22 wish they could still engage in, rather than
23 having their hands tied in the immigration
24 process.

25 But we also think Governor Paterson

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2 can and should go further. Many immigrants, for
3 example, may have convictions that are more recent
4 or more serious, but nevertheless merit serious
5 review. Although the immigration laws have been
6 interpreted to mean that gun and controlled
7 substance offenses cannot be pardoned, these are
8 still cases that should be able to be presented to
9 the panel should future opportunities arise to
10 amend these laws.

11 And while Governor Paterson seems
12 to intend the pardon panel to serve lawful
13 permanent residents only, there are many
14 immigrants in other statuses who could still
15 benefit tremendously from a pardon.

16 We hope the City Council will help
17 Governor Paterson push forward in the spirit of
18 the pardon panel to maximize its potential and to
19 help keep thousands upon thousands of New Yorker
20 families and communities united. Thank you.

21 CHAIRPERSON DROMM: Thank you very
22 much. Let me start by asking Ms. Fei a couple of
23 questions. Can you elaborate more fully on what
24 you mean by the panel should consider
25 opportunities for people who do not have permanent

resident status who may be undocumented and tell me some of the difficulties that occur there.

MICHELLE FEI: Many undocumented immigrants actually do have the ability to legalize either now or may sometime in the future and this is setting aside what immigration reform or comprehensive immigration reform might come down the pike.

But if they have a conviction they're often barred completely from legalizing. And a pardon can be huge for these immigrants because it can allow them to erase that pardon and show that they've actually been somebody who merits a grant of lawful permanent resident status, a green card. They can actually become contributing members of society instead of people who feel like they have to continue to fly under the radar.

CHAIRPERSON DROMM: So undocumented people then would be barred from even applying for permanent resident status. Those who have it are barred from going further to citizenship or they can be deported just based on the conviction. Even though they have permanent resident status,

1 still have a possibility of facing deportation.

2 MICHELLE FEI: I think that's a
3 fantastic point. Right now, lawful permanent
4 residents are oftentimes not aware that applying
5 for citizenship can actually get them deported.
6

7 There are also some lawful
8 permanent residents who very much want to become
9 citizens of the United States and show their
10 loyalty and patriotism but cannot because they're
11 aware of the fact that they can get deported if
12 they choose to put themselves through that system.

13 So I think the pardons not only
14 help people not get deported as lawful permanent
15 residents but provide for them a path to become
16 United States citizens as well.

17 CHAIRPERSON DROMM: Then obviously
18 they would become more productive residents of the
19 country if they had that.

20 MICHELLE FEI: That's right, and
21 they would have the ability to vote and to shape
22 what the country should be.

23 CHAIRPERSON DROMM: Do you believe
24 there's any room for city government to work with
25 the governor's office on this issue? We're

1
2 limited some ways in terms of what we can do on
3 state and/or federal issues because we're a city
4 agency. I'm just curious to hear from you what
5 ways we as members of this committee would be able
6 to work more effectively with the governor's
7 office.

8 MICHELLE FEI: I think we're all
9 here today because we have complete faith that you
10 can help shape what happens at the New York State
11 government level. I think that's a range of
12 possibilities to be explored and I would be more
13 than happy to talk about those possibilities
14 further. But at a minimum, one thing that comes
15 to mind is passing a resolution to say that the
16 City Council strongly believes in Governor
17 Paterson's pardon panel and the promise that it
18 holds. And to try to push Paterson on what kinds
19 of immigrants and what kinds of convictions can
20 actually get deported.

21 Because here in New York City what
22 we have are lots of immigrants, both green card
23 holders and undocumented people who are affected.
24 From the numbers that you gave at the beginning of
25 this hearing, it's more than clear that the bulk

1
2 of the immigrants that we're talking about in New
3 York State are from New York City and we should be
4 using that to our advantage I think.

5 CHAIRPERSON DROMM: How has the
6 word of this pardon program gotten out and what
7 can be done to broaden the knowledge of applying
8 for these pardons?

9 MICHELLE FEI: I will Mark and
10 Linda speak also, but I think that there has been
11 a decent amount of press coverage. So I'm pleased
12 about that. So that word is getting around. At
13 the Immigrant Defense Project, we do run a hotline
14 that criminal defense attorneys, immigrants,
15 immigrant advocates and immigrant loved ones call
16 us on. We've had so many requests for more
17 information about the pardon panel and the process
18 and what kinds of pardons the panel would be
19 willing to hear.

20 I do think we need a lot more
21 information about what the procedures are for
22 obtaining a pardon. Governor Paterson has issued
23 some guidelines but it seems like there is still a
24 lot of information that's lacking and I think we
25 do need a lot more. I think it would be great if

1
2 we were able to get word out about specific steps
3 that people can take in order to put forward an
4 application for a pardon.

5 CHAIRPERSON DROMM: Is there any
6 city agency or state agency that's doing that at
7 this time?

8 MICHELLE FEI: At the time it seems
9 like there is not, which is why we're really
10 hoping there are ways in which the City Council
11 can step in. We are trying to speak with Governor
12 Paterson's office to try to work out some of these
13 details, and also to try to put together a cadre
14 of attorneys who are willing to help put forward
15 these applications for pardons. So we are in the
16 beginning stages of planning for these trainings
17 in order to help pro bono attorneys understand
18 what the process entails and also to spread word
19 among other advocates and immigrants about what
20 they can do on their own.

21 CHAIRPERSON DROMM: I'm curious to
22 know also, and maybe any of the people on the
23 panel can answer this. I would imagine that a lot
24 of these crimes that were committed happened when
25 people were young and made silly mistakes. The

1
2 impact of the lives of the families, and maybe Mr.
3 Maynard as well, if you were to be deported, what
4 would be the impact?

5 MARK MAYNARD: In my case, complete
6 struggle for my mom because she's sick. She has
7 tumors. And there's hardship. It's just hardship
8 on me and hardship on her.

9 CHAIRPERSON DROMM: Are you
10 currently supporting her?

11 MARK MAYNARD: Yes. We're
12 supporting each other.

13 CHAIRPERSON DROMM: Does she give
14 you a lot of emotional support?

15 MARK MAYNARD: Definitely. I give
16 her and she gives me.

17 CHAIRPERSON DROMM: I think you
18 said in your testimony that if you were going to
19 go back to Guyana that you don't know anybody
20 there?

21 MARK MAYNARD: No one. All of my
22 immediate family is in the United States.

23 CHAIRPERSON DROMM: So you would be
24 left without a support system there?

25 MARK MAYNARD: Most definitely.

CHAIRPERSON DROMM: Very interesting. Do you know if there has been any outreach to any of the advocate groups or to any legal practitioners, community-based organizations on this governor's panel and what could be done to get people an application to submit?

MICHELLE FEI: There has been some outreach. I think part of the issue is that we're not clear still on exactly what the procedures are so it's hard to get as much word out to the community without being able to tell them what specific steps they can take.

But as I had mentioned previously, there is work being done to try to put together trainings on what are the immigration consequences of having a criminal disposition in order to help pro bono attorneys understand why it is that there are so many immigrants who are basically living their lives in limbo because they don't know whether or not they'll be deported or not.

And there's also work among certain law firms in order to try to coordinate these pro bono attorneys and to provide them with trainings and to start putting together some kind of review

process to help the governor assess these pardon applications.

CHAIRPERSON DROMM: Ms. Mafta, I know that you spoke about a couple of cases.

LINDA MAFTA: We have first names Jose and Jorge here.

CHAIRPERSON DROMM: That's right, Jose and Jorge, who have seem to have been arrested for rather minor incidents. How does this pardon affect them? Is the governor talking primarily about people who have committed felonies or misdemeanors or what?

LINDA MAFTA: My understanding is that it's primarily people who have in their past committed misdemeanor crimes or violations that they later on, like Michelle said, are surprised by when they come to petition to become citizens to naturalize and then are faced with these misdemeanors that they committed much earlier on in their lives.

The question that you also directed towards Mr. Maynard, I mean just to answer on a more personal level, I'm the child of two immigrants. If it happened that one of my parents

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2 when they were here earlier and they younger
3 committed a misdemeanor violation and only to find
4 out now with families and lives here that they had
5 to then face the consequences of them much later
6 on down the line, you can imagine how devastating
7 the effect would be for a person, especially if
8 they're the sole breadwinners for their families
9 or if they provide the livelihood for their
10 families.

11 CHAIRPERSON DROMM: That leads me
12 to ask also, how important is the judge's ability
13 to have discretion in these cases in terms of
14 deciding who gets a pardon and who does not, who
15 moves forward with citizenship, et cetera?

16 LINDA MAFTA: Well the judge's
17 discretion in these cases is understandable very
18 important because if the judge can't take into
19 account his or her own understandings of the
20 unique situations, it removes a great deal of
21 discretion from them, which could otherwise allow
22 a certain degree of compassion or perhaps just
23 understanding of the situation that otherwise
24 would be neglected to be taken into account.

25 So my personal opinion is that it's

1
2 incredibly important that the judicial discretion
3 be reintroduced into these proceedings just
4 because otherwise people are just at the general
5 mercy of the law which sometimes doesn't take into
6 account very important parts of their cases.

7 CHAIRPERSON DROMM: Does anybody
8 have any information in terms of how it worked
9 prior to 1996 versus how these cases were handled
10 after 1996?

11 MICHELLE FEI: Before 1996,
12 immigration judges actually had a lot more leeway
13 in order to consider whether or not somebody
14 actually merited deportation. They were able to
15 weigh what we call positive factors against
16 negative factors in ways that actually helped
17 immigrants be able to stay here in the country
18 because immigrants were able to show, for example,
19 that they had been living here for a long time.
20 That their family members were here; that they
21 were contributing members to society. All things
22 I think clearly are what Governor Paterson's
23 pardon panel will aim to do and what's needed
24 because the 1996 laws greatly stripped away
25 judges' abilities to do that.

I also want to make a note that there's been a lot of talk recently about comprehensive immigration reform. And I think that sometimes advocates will rely on talk of this CIR in order to alleviate some of these deportations that we're facing.

I just want to note that when we're talking about CIR, the kinds of proposals that have been put forward by people like Senator Schumer and Senator Menendez in their last iteration of their blueprint will actually do very, very little to help immigrants in this situation.

I think when we look at the blueprint that Schumer put forth, it's overwhelmingly about increased enforcement and very little if not close to nothing about how immigrants can get legalized or reducing deportation.

So I feel that no matter what happens with immigration reform, which will likely be worse for immigrants than it is now, even though I think it's hard for many of us to imagine how much worse it could get, we need to keep our

1
2 eye on the prize. We shouldn't let the promise of
3 this pardon panel fall and rely on any talk of
4 immigration reform to help save immigrants who are
5 facing deportation.

6 CHAIRPERSON DROMM: I just want to
7 acknowledge that we've been joined by Council
8 Member Mathieu Eugene. Thank you. What was the
9 motive for changing the law in 1996? Was it
10 xenophobia? What was the idea behind that?

11 LINDA MAFTA: Actually, counter
12 intuitively, from my understanding is that the
13 1995 Oklahoma City bombings by Timothy McVey were
14 what sparked the kind of hysterical fear that
15 precipitated the passing of these laws.

16 CHAIRPERSON DROMM: But Timothy
17 McVey was an American citizen.

18 LINDA MAFTA: Ironically enough,
19 yes. It was just a generalized fear that these
20 people can penetrate our borders and wreak this
21 terrorist havoc all over our country. That's what
22 I understand. I'm sure I'm being a little
23 simplistic but I think that was the general
24 motivation behind it.

25 CHAIRPERSON DROMM: I think you're

1
2 right, and I think I just wanted to make that
3 point as well that he was an American citizen.
4 That's where I think the genesis of these laws,
5 the change in the law actually came was around
6 that issue. Have your organizations themselves
7 tried to get this information out of people that
8 come into contact with your organizations about
9 the pardon process?

10 LINDA MAFTA: In my brief time
11 working with my organization, what I've
12 experienced is a number of clients who come in
13 having knowledge somehow of these proceedings
14 before many of the members of the actual staff do.
15 So a lot of people have definitely come in asking
16 about whether they or their families members can
17 qualify for these pardons before, like Michelle
18 was mentioning that there are no clear proceedings
19 for it. But certainly the Northern Manhattan
20 Coalition for Immigrant Rights is dealing with a
21 number of deportation cases and the governor's
22 pardon would be very relevant.

23 MICHELLE FEI: At the Immigrant
24 Defense Project, as I had mentioned earlier, we do
25 run a hotline and we do log every single case that

comes in through our hotline. We have about 1,500 people calling us per year. As I had mentioned earlier, in the past month or so, many of them are asking about the pardon panel process. So we've been talking to them about what kinds of documents they can begin to collect already even without further information about what the exact procedures are. But that, for example, they would want to show favorable factors, have letters written by family members, religious institutions, other friends and show rehabilitation.

We're also waiting for more information in order to be able to pass that down to the immigrants who have called us. And not only the immigrants and love ones that have called us, but also the broader community as well. To that end, we've been working with a lot of other community-based organizations, including Northern Manhattan in order to push forward this issue. We're poised, as soon as we get more information about it, to send out publicly more details about what immigrants can do.

In the meantime, what we view our job as is providing that information that there is

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2 this pardon panel that's been established and that
3 there may be hope. So we're keeping our fingers
4 cross that we can actually see this through.

5 CHAIRPERSON DROMM: Thank you. I
6 just want to mention that we've been joined by
7 Council Member Jumaane Williams from Brooklyn. I
8 am also a big supporter of second chances, and I
9 just want to say thank you in particular to Mr.
10 Maynard for coming and showing the courage to come
11 in today and to speak with us. It's a true
12 example, and I hate the word rehabilitated, but of
13 the progress you've made in terms of your own
14 life.

15 I know for myself and I think I can
16 speak for Council Member Jumaane Williams, both of
17 us had second chances in life and we recognize
18 that and applaud you on that. Thank you.

19 MARK MAYNARD: Thank you.

20 CHAIRPERSON DROMM: Thank you. Ms.
21 Fei, I also want to point out to you that we're
22 going to reach out to you and try to find out some
23 ways that we can further work with the governor's
24 office on these issues as well. I'd like to now
25 call up Kenya Garcia [phonetic] and Diana Gaitan

[phonetic].

[Pause]

CHAIRPERSON DROMM: Welcome and thank you very much for coming today to share your testimony, and I guess we'll begin right over here.

DIANA GAITAN: My name is Diana Gaitan. I'm a U.S. citizen. I simply came to show my support in regards to this new reform that affects many, many individuals and many families. I personally have a dear friend of mine who is going through this now. He was convicted of a crime in '98. He has worked for Local Union 3. He's a union member. He's a homeowner. He's a family guy. He's a great friend. He has shown in every way that he rehabilitated his life. Again, I hate to use that word.

Now that this new pardon has come along, I think it's a great opportunity because 11 years after his life has been back to normal and he's been a contributor to the economy and society, they took him and they're holding him as if he were a criminal. He's already paid his time for whatever offenses he did way back when.

I think this is a great opportunity not only for him but for everyone else who are going through the same circumstances. Many people are being affected by him. Everyone is showing their support. I think that the criteria should be not as narrow as the 1996 laws because that's going to limit a lot of cases.

His particular case should be reviewed on merit, on testimonies. He has many people who are willing to vouch for him, including his local, his employment, family, friends and everyone else who is affected by this. Again, I just want to show my support. I hope that the laws do change to give individuals who deserve the second opportunity the chance that they deserve.

CHAIRPERSON DROMM: Thank you.

KENYA GARCIA: Hi, my name is Kenya Garcia. I'm also a U.S. citizen. I'm also here to support and to find out more information about the immigration panel and the pardon panel created by Governor Paterson. I'm affected by this because my brother has a situation, basically what she described. She pretty much covered the reason why I'm here.

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2 In consulting with several lawyers,
3 they don't really know enough about this. They
4 don't know how to go about it and in some cases we
5 were even discouraged from attempting to do this
6 because the law is the law and it cannot be broken
7 and this is basically the situation and that's the
8 end of it. So in order for me to find more
9 information for my family, for my bother's family,
10 he has two kids, a job, a home and right now we're
11 kind of in limbo as to what we can do to assist
12 him. So we saw this as a window or we saw some
13 hope in this and I'm here to support this.

14 CHAIRPERSON DROMM: Thank you. I'm
15 also a big believer in government having a role in
16 people's lives and having an important role in
17 people's lives. But from the testimony that both
18 of you have given, it seems that government is
19 working in the opposite direction in terms of
20 these cases. I just wanted to ask, where was your
21 friend deported to?

22 DIANA GAITAN: He hasn't been
23 deported yet. It will be the Dominican Republican
24 where, again, he has no family. His whole
25 immediate family is here, his wife, his kids. So

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2 that would be where they will send him, a place
3 where he hasn't been for many, many years and he
4 has no contacts.

5 CHAIRPERSON DROMM: And where is he
6 being held now?

7 DIANA GAITAN: He keeps constantly
8 being transferred from location to location. I
9 believe he's in Louisiana right now.

10 CHAIRPERSON DROMM: And your whole
11 family is here in New York?

12 DIANA GAITAN: It's our friend, but
13 his whole family is here, yes.

14 CHAIRPERSON DROMM: A friend, I'm
15 sorry.

16 DIANA GAITAN: He has a large
17 amount of friends.

18 CHAIRPERSON DROMM: I would imagine
19 that his immediate support group then has a lot of
20 difficulty keeping in touch with him if he's
21 moving around?

22 DIANA GAITAN: Yes. They're making
23 it very difficult for the families or friends to
24 get any kind of communication with him or support
25 for him or anything for that matter.


CHAIRPERSON DROMM: I just, again, want to say that government should be in the business of assisting our families and people who are here. Thank you very much for your testimony, both of you.

DIANA GAITAN: Thank you.

CHAIRPERSON DROMM: We're going to explore this issue a little further down the road as well. I do want to thank all of the advocates and people who gave testimony today. Thank you for coming in. We look forward to discussing this a little bit further as we move down the road. Thank you everybody.

C E R T I F I C A T E

I, Donna Hintze certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature  _____

Date July 6, 2010 _____