

Northern Manhattan

COALITION FOR IMMIGRANT RIGHTS

Testimony to New York City Council Immigration Committee
June 16, 2010

Good Afternoon.

My name is Cecilia Safont. I am a US 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 am speaking today to voice Northern Manhattan Coalition for Immigrant Rights' strong support of Governor Paterson's pardon panel as an important step towards addressing the devastating effects of deportation.

I am 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 impacted 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 US 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 US since 1976 as a legal permanent resident. Despite having serious medical issues and caring for his US 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 US 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 US Citizen 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.

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Many of the individuals who have called us are legal permanent residents who have US 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.

FAMILIES FOR FREEDOM

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Statement of Mark Maynard Before the NY City Council Committee on Immigration June 16, 2010-1pm

My name is Mark Maynard and I am a native of Guyana and a long time Legal Permanent Resident of the United States. I am speaking to you all 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 the harm and pain I caused to my victims and family as well not to mention myself. I was sentenced to 7-14 years for armed robbery. This is my only criminal conviction. I served 7 years in state prison and I spent 2 years in Immigration and Customs Enforcement (ICE) facilities around the country. I am currently out on state parole and ICE has released me on supervision which is not something given every day and 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 and friends but 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 not having any father around and I very much resented that. Because my young mind was not fully understanding of life at that time I surround myself with anyone that showed that they were there for me.

I have learned and grown so much during my incarceration that this will never happen again because I now have the tools for my livelihood and the knowledge of who I am and of life in itself. During my incarceration in both state prison and ICE facilities I acquired several job skills that will be important for providing for me and family. While being in ICE jails I acquired three O.S.H.A (Occupational Safety & Health Agency) certificates. The opportunities that come with these certificates are only given in the United State of America. There are no O.S.H.A or union facilities out of the United States. Deporting me to Guyana will surely lead me to fail.

In addition, my mom Molly Overton is suffering with severe diabetes. She had surgery to take out a tumor at the back of her eyes, a tumor which now is causing her to lose her sight. She is deteriorating and there is no sign of her getting better. I'm all that my mother has left. My mom is an elderly woman who is retiring from her job. She is holding on trying to make it with her illness so she can get her full pension.

I am here today to tell you why getting a second chance is so important to me. A second chance would allow me to pay the other half of my debt to society by showing society that I am a rehabilitated man. I know I am one out of many asking for a pardon. I know that the circumstances of those who are asking for such relief is often unclear. I just want you all to know that you won't be disappointed in supporting a pardon for me and the thousands like me now seeking such relief.

I am currently fighting to stay in the United States of America. I migrated to this country at the age of 9 years old with my mother and brother, never once returning back to my country of birth. All I am and know is of the U.S. My entire family is also living in the United States. I know no one and have no one in my place of birth. It would be a shame to let all of my hard work in becoming a rehabilitated and changed man go to waste. I've also done research on Guyana and it is very bad in my country for deportees.

Sending me there would be like sending me to certain destitution. I must be able to turn something negative that I've done into something positive. In my heart I believe that God will make a way.

I could only imagine what goes into making a decision to give someone a pardon, but I can only pray that my pleadings will result in me being given a chance. I need the chance to prove the type of person I am. If granted the ability to be considered for a pardon, this decision will become a second chance not wasted. I am not a bad person and I was never a threat to society. I put myself in the wrong circle of people and made one stupid and terrible life changing mistake. I have been through a great deal of obstacles just to speak to you today. I am grateful for the chance to fight my case. There have been so many that applied for supervised release from immigration detention and were denied. I only say that to say this: State Parole and ICE saw that I'm rehabilitated and released me on State Parole and ICE supervision giving me a chance. I need 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. Also, I 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. Also, I have joined the fight for immigrant justice by becoming a member of Families for Freedom a network of families with loved one facing deportation. In my role as a member at Families, 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 Emanuel 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 have been able to stand in front of that 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 also had the opportunity be a voice for the immigrant community at a forum with Senator Menendez in New Jersey giving insight into the benefits of giving immigrants a second chance.

Finally, Governor Patterson's special clemency board for immigrants is very important to individuals like me and others who are looking for a second chance in life. It will be vital for immigrants who are rehabilitated and are looking to move on and be productive members of society. But with the criteria for who can even apply for a pardon being so limited there is slim hope for anyone to get this kind of chance. A lot of good people who made mistakes in their lives and are looking to turn that negative into a positive will be left out and forced to suffer. Broaden the criteria, Gov. Paterson and a lot of good people will benefit from it. Because we all make mistakes in life but the important thing is what we do after we make those mistakes.

I've only paid one half of my debt to society. Let me pay the other half of my debt to society by being in the place I call home and living as a law abiding, productive and changed man.



June 16, 2010

New York City Council-Immigration Committee
250 Broadway
New York, NY 10007-2594

Re: Oversight: A Review of Governor Paterson's Immigrant Pardon Panel and its
Potential Impact on Immigrant New Yorkers Facing Deportation

Dear Members of the Immigration Committee:

My name is Michelle Fei and I am Co-Director of the Immigrant Defense Project. Thank you for this opportunity to present comments about Governor Paterson's immigrant pardon panel. We believe this panel presents important opportunities for immigrant New Yorkers who are at risk of deportation. And we believe we must do everything possible to help this panel stop the exile of immigrants from their families and communities here in the United States.

As you know all too well, the 1996 immigration laws (AEDPA and IIRAIRA) dramatically increased ways in which immigrants – documented and undocumented – can get deported. Among other things, these laws took away immigration judges' discretion and reduced forms of relief in immigration court, expanded criminal grounds of deportation and broadened "aggravated felonies," changed the definitions of "conviction" and "sentence" so that these terms go beyond what the criminal justice system intended, made it harder to come back to the U.S. after deportation, and limited how the courts can review immigration judge decisions.

As a result, deportations have been dramatically increasing. In fact, more than 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 systems.

Immigration and Customs Enforcement thinks it can easily sweep these problems under the rug by simply labeling many of those that are deported "criminal aliens" – a term that is misleading, inaccurate, and offensive. But we should not so facilely 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, 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 ringer.

That's why we so strongly applaud Governor Paterson for establishing an immigrant pardon panel that recognizes that we must take steps to right the wrongs we have perpetrated against immigrants and their families and communities. We think this panel holds great promise for so many who have been devastated by the possibility of deportation. And we hope that the Immigration Committee will help ensure that pardons are granted as broadly as possible.

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

We think looking at these considerations make all the sense in the world. In fact, this inquiry had been considered the appropriate course of action in considering deportation for decades before the 1996 laws got rammed through Congress. And it's what immigration judges, among others, have bluntly said they wish they could still engage in, rather than having their hands tied.

But we also think Governor Paterson can and should go further. Many immigrants, for example, may have convictions that are more recent or more serious but nevertheless merit serious review. Although the immigration laws have been interpreted to mean that gun and controlled substances offenses cannot be pardoned, these are still cases that should be able to be presented to the panel should future opportunities arise to amend these laws. And while Governor Paterson seems to intend the pardon panel to serve lawful permanent residents only, there are many immigrants in other statuses who could still benefit tremendously from a pardon.

We hope City Council will help Governor Paterson push forward on the spirit of the pardon panel to maximize its potential and to help keep thousands upon thousands of New York families and communities united.

Sincerely,

Michelle T. Fei
Co-Director