

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON IMMIGRATION

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March 22, 2011
Start: 1:16 pm
Recess: 1:43 pm

HELD AT: Council Chambers
City Hall

B E F O R E:
DANIEL DROMM
Chairperson

COUNCIL MEMBERS:
Council Member Charles Barron
Council Member Mathieu Eugene
Council Member Ydanis A. Rodriguez
Council Member Jumaane D. Williams

A P P E A R A N C E S (CONTINUED)

Daniel Dromm
Opening Statement
Chairperson
Committee on Immigration

Helen Drook
Staff Attorney
New York Legal Assistance Group

Irena Matiychenko
Director of Immigration Protection Unit
New York Legal Assistance Group

Mathieu Eugene
Speaking on Haitian TPS Resolution
New York City Council Member

Ydanis Rodriguez
Speaking on Immigrant Pardon Panel Resolution
Speaking on Haitian TPS Resolution
New York City Council Member

Jumaane D. Williams
Speaking on Immigrant Pardon Panel Resolution
Speaking on Haitian TPS Resolution
New York City Council Member

Charles Barron
Speaking on Immigrant Pardon Panel Resolution
Speaking on Haitian TPS Resolution
New York City Council Member

Kevin Pinn
Committee Clerk
Committee on Immigration

[Gavel banging]

CHAIRPERSON DROMM: Okay. We're ready to start. Good afternoon. My name is Daniel Dromm and I'm the Chair of the New York City Council's Committee on Immigration. Before going any further I would like to introduce the other members of the Committee who are here with me today, Council Member Jumaane Williams and I know that some of the other Council Members are at the press conference regarding the proposed Resolutions and will be with us shortly.

Today we will vote on two important and timely Resolutions. Proposed Resolution number 548-A introduced by Council Member Ydanis Rodriguez calling on Governor Cuomo to create an Immigrant Pardon Panel similar to the one created by former Governor Paterson and Proposed Resolution number 648-A introduced by Council Member Mathieu Eugene calling on the Department of Homeland Security's Secretary Janet Napolitano to extend the Temporary Protected Status designation of Haiti and eligible Haitians which is currently set to expire on July 22nd, 2011.

I would like to encourage my

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2 colleagues on the Committee to vote in favor of
3 these Resolutions so that we can send a message to
4 Washington that something must be done to help the
5 immigrants of this great country.

6 At our last Committee on
7 Immigration hearing we heard testimony from
8 advocates, immigration legal practitioners and
9 members of the public in support of both
10 Resolutions. The testimonies we heard were
11 personal stories of immigrants who committed minor
12 offenses. These immigrants have served their time
13 and are fully rehabilitated, productive members of
14 society but remain deportable and therefore
15 benefit from a Pardon Panel.

16 We also heard about Haiti's slow
17 recovery from the January 2011 (sic) earthquake
18 and the inhumane living conditions that no Haitian
19 should be forced to endure. The Department of
20 Homeland Security should recognize what is
21 happening in Haiti and should halt all deportation
22 proceedings.

23 At this time I would like to thank
24 everyone for attending this afternoon's vote. And
25 I would like to go to our speakers who are here to

1
2 give some testimony, our witnesses, Helen Drook,
3 Esquire and Irma--

4 [Off mic]

5 CHAIRPERSON DROMM: Irena
6 Matiychenko. Sorry.

7 MS. IRENA MATIYCHENKO: Thank you.

8 CHAIRPERSON DROMM: Thank you for
9 coming in. And I'd like to say that we've been
10 joined by Council Member Ydanis Rodriguez and
11 we've been joined by Council Member Mathieu
12 Eugene.

13 [Witness getting settled]

14 MS. HELEN DROOK: Hi. My name is
15 Helen Drook and I'm a staff attorney with the New
16 York Legal Assistance Group. The earthquake that
17 struck Haiti on January 12th, 2010 was one of epic
18 proportion, particularly with regard to the
19 catastrophic damage that it caused. The
20 earthquake killed an estimated 250,000 people and
21 displaced 1.3 million people which is over 1/10 of
22 the population of Haiti. In response to the
23 devastation caused by the earthquake, on January
24 21st, 2010 the US Department of Homeland Security
25 designated Haiti for Temporary Protected Status,

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TPS.

Under Section 44(b)(1) of the Immigration and Nationality Act the Secretary of the Department of Homeland Security is authorized to designate a foreign state for TPS or parts of such state upon finding that the state is facing ongoing armed conflict of environmental disaster or extraordinary and temporary conditions. There are current six countries that are designed for TPS. Two of them, Sudan and Somalia, were given TPS due to ongoing armed conflicts. The other four, Nicaragua, Honduras, El Salvador and Haiti, were designated for TPS because of environmental disasters. All of those countries with the exception of Haiti received multiple extensions of TPS and remain TPS-designated countries to this date.

Other countries such as Burundi, Liberia, designated due to armed conflict, also received multiple extensions for TPS before TPS designation was eventually revoked. These extensions were granted pursuant to Section 8 of United Code, USCS 1254(b)(3)(c) which states if the Attorney General does not determine that a

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2 foreign state no longer meets the conditions for
3 designation, the period of designation of the
4 foreign state is extended for an additional period
5 of six months or in the discretion of the Attorney
6 General, for a period of 12 or 18 months.

7 The present situation in Haiti as
8 you know more than one year after the earthquake
9 satisfies the conditions for TPS as the conditions
10 there showed no improvement. They actually appear
11 to have grown worse in certain respects. There
12 are currently an estimated 1.3 million homeless
13 residents in Haiti. These individuals have been
14 forced to live in tent encampments, in the
15 hazardous conditions with limited access to basic
16 necessities such as food and drinkable water.

17 According to a report by OXFAM
18 International, a major humanitarian organization,
19 this report is dated January 6th, 2011, only a very
20 few of the damaged houses have been repaired and
21 15% basic and temporary new housing that is
22 required has been built. As a result people have
23 not been able to move from the camps to more
24 permanent accommodations.

25 Gender-based violence remains a

1
2 widespread problem both inside and outside the
3 camps. There have been multiple reports of rape
4 throughout the camps in Haiti because there isn't
5 sufficient security that they're able to provide.
6 On November 28th, 2010 the country went to the
7 polls for the first time, for the first round of
8 presidential and legislative elections. The
9 announcement of preliminary results for the
10 presidential election on December 6th, 2010 led to
11 widespread civil unrest as allegations of fraud
12 were made against the ruling party's candidate.

13 The devastating earthquake and
14 subsequent crisis have exacerbated and amplified
15 most of the structural challenges that Haiti was
16 facing prior to January 12, 2010: weak
17 constitutional and administrative capacity, over-
18 centralization, economic vulnerability, extreme
19 socioeconomic disparities and chronic poverty,
20 environmental degradation, fragile and polarized
21 political system, insecurity and a weak rule of
22 law apparatus.

23 The January earthquake was followed
24 by outbreaks of cholera in October of 2010 which
25 quickly spread to other parts of the country.

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2 This was the first outbreak in Haiti in living
3 memory. Public health officials feared that the
4 outbreak of cholera in Haiti will be much worse
5 than initially predicted. The initial estimate of
6 400,000 infections could potentially double. The
7 World Health Organization has estimated that more
8 than 250,000 people contracted the disease and
9 more than 4,600 people have died as of March 10th
10 of this year.

11 Haiti is one of the poorest
12 countries in the region, wracked by decades of
13 political and social unrest and it is still trying
14 to recover from recent hurricanes and storms. It
15 is particularly ill-equipped to bear such
16 catastrophic events and recover in the foreseeable
17 future. The rebuilding of Haiti will take a long
18 time as well as national and international
19 efforts.

20 Designation of TPS for Haitians in
21 the United States not only will keep the people
22 from returning to the country where life
23 threatening conditions persist but also will help
24 provide economic support to those living in Haiti.
25 TPS allows qualified Haitian nationals to not only

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2 stay in the US but also to receive employment
3 authorization as part of benefits of TPS. Thus
4 TPS recipients employed in the United States are
5 able to financially support their relatives in
6 Haiti by sending them money and other stuff needed
7 for Haitians to survive.

8 We have witnessed through our work
9 with Haitians how TPS has enabled them to provide
10 necessary financial resources to help their family
11 members survive in Haiti. According to the
12 standards applied to other TPS countries, it would
13 be fundamentally unjust and unfair to revoke TPS
14 status from Haiti in light of the severe and
15 worsening conditions there. Thank you.

16 CHAIRPERSON DROMM: Thank you.

17 MS. MATIYCHENKO: Can I add a
18 little bit?

19 CHAIRPERSON DROMM: Mm-hmm.

20 MS. MATYICHENKO: Good afternoon.
21 My name is Irena Matiychenko, I'm the Director of
22 Immigration Protection Unit of New York Legal
23 Assistance Group. This is a not-for-profit legal
24 service. Thank you for inviting us here and thank
25 you for giving us the opportunity to present our

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2 arguments. Thank you to Mr. Eugene for his
3 initiative and we completely support it. And we
4 are very for extension of TPS and actually we know
5 about this problem, it's first hand knowledge
6 because from the very beginning after this tragedy
7 in Haiti, our office and our unit, Immigrant
8 Protection Unit, had discussion and our response
9 was to create a TPS project to assist Haitians who
10 need to apply for TPS here or to get other
11 immigration benefits.

12 And it was, frankly, it was not
13 very wise of a financial decision because we have
14 no funding. We still have no funding. But
15 offices here we managed to help more than 500
16 Haitians to apply for TPS, to get TPS status. So
17 we represented them in the removal proceedings, in
18 family applications, etcetera, etcetera. And as
19 of now, according to New York Immigration
20 Coalition we have more cases where we provide
21 direct representation to Haitians than any other
22 legal services. We know that it's absolutely
23 impossible to let people go back to Haiti now when
24 condition is so severe as my colleague just
25 presented.

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But they have personal, as you said, it would be witnesses on another issue but I can be a witness on one case as well because just recently we have the client was referred to us for assistance and it was Haitian family, mother and father living here as citizens. And they had two daughters in Haiti. One daughter, unfortunately, she was waiting for immigrant visa and she died three months before immigrant visa became available.

The other daughter who is suffering from Stage 3 breast cancer was waiting for her immigrant visa. And but it was extremely important to bring her here because the only facilities that provided treatment, radiation treatment in Haiti is destroyed. And it was the only--it literally is their only way to help her to survive. And our office managed to do it. We filed for humanitarian parole for her. We also managed to get consent from New York hospital to provide this treatment for a reduced cost.

And of course we have to acknowledge the great help we received from Senator Gillibrand's office. And this story was

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2 received a lot of media. It was Channel 1 story,
3 etcetera. But this is only one example of how
4 it's needed now to extend this TPS from Haitians.
5 Because--and it's so important to save people who
6 are here. And also this is a way to help people
7 who are still in Haiti.

8 And as Helen said and we
9 represented, as I said, more than 500 people. We
10 not only help them to get these benefits but we
11 also referred them to get employment and we were
12 successful in this. And we know how desperate
13 they are to send money to send financial and other
14 support to their families in Haiti. So thank you
15 again Mr. Eugene and Mr. Eugene has to know us
16 because we provided all cleanings in his office.
17 We were doing this pro bono as well as cleaning
18 Mr. Jumaane Williams' office. And we celebrated
19 Haitian Flag Day together. So. You have our all
20 support for this and if you need any further
21 assistance from us, just please rely on us, New
22 York Legal Assistance Group. We have all
23 humanitarian drive to help all those who are in
24 need. And I believe that Haiti now it needs to be
25 for TPS to be extended. Thank you.

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2 CHAIRPERSON DROMM: Thank you very
3 much. Thank you both for coming in and giving
4 your testimony. Before we take a vote, I'd like
5 to give both Council Member Ydanis Rodriguez and
6 Council Member Mathieu Eugene the opportunity to
7 make a statement. Mm-hmm.

8 COUNCIL MEMBER EUGENE: Thank you
9 very much Mr. Chair. Let me first and foremost
10 thank you for--let me thank you for your
11 leadership and for your support to this
12 Resolution. And also for the good job that you
13 have been doing to support the Haitian community.
14 And I wanted to take the opportunity also to thank
15 my colleagues, Ydanis Rodriguez, Jumaane Williams
16 and Charles Barron and all the City Council
17 Members at the City Council, you know, for
18 everything they have done to make this Resolution
19 possible.

20 And I remember in 2009, you know,
21 after the four tropical storms hit Haiti, we
22 passed a Resolution 1595 to ask the President to
23 grant TPS to Haiti and that was a success. And
24 the Haitian people they were granted TPS after the
25 earthquake. And as you all know the situation of

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2 Haiti is still critical. The situation of Haiti
3 is even not acceptable right now. Because it is
4 not acceptable to see after one year and two
5 months, you know, the people in Haiti are still
6 under the tents, in need of all basic necessities,
7 like water, food, access to medicine and to health
8 care. And to see the children cannot have the
9 opportunity to attend decent schools.

10 To see that the Haitian people,
11 they cannot have a decent, human life. This is
12 not acceptable. And there is no way that those
13 people can get back to Haiti, get a decent life.
14 This is a humanitarian necessity and I hope that
15 the President is going to pass the Executive Order
16 to renew the TPS. And exactly, it has been said,
17 what we are asking, we are just asking for
18 fairness, for the same treatment for Haitian
19 people.

20 The other countries that have been
21 designated for TPS have been redesignated also
22 several times. And I think that Haitian people
23 deserve the same thing. And in America if we want
24 to respect the American ideal, American way of
25 life, we have to give to everyone the same

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2 opportunity. We have to give everyone who got
3 less where he come from, the same, you know,
4 access to the American dream.

5 Again, from the bottom of my heart,
6 to all of you, my colleagues and to also to Helen
7 Drook and Irena Matiychenko, I hope that I say it,
8 thank you for your help. Thank you for everything
9 that you have been doing. I know that people
10 from, you know, all the communities, from
11 different communities, leaders from all ethnic
12 backgrounds, organizations, wonderful organization
13 like yours, and you have been there with me, with
14 the Haitian community, you know, to provide
15 exactly relief to Haiti and to help Haitian people
16 go through the process of, you know, getting the
17 TPS.

18 And again thank you so much because
19 of your assistance, because of your help. And I
20 know that Haitian people are going to benefit one
21 more time, you know, from the TPS. And we hope
22 that every time that Haitian people need
23 assistance, you will be there for us. And then
24 again on behalf of my Haitian brothers and
25 sisters, thank you to all of you. Thank you.

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2 CHAIRPERSON DROMM: Thank you very
3 much. And I'd also like to announce that we've
4 been joined by Council Member Charles Barron from
5 Brooklyn. And now Council Member Ydanis
6 Rodriguez, if you'd like to say something.

7 COUNCIL MEMBER RODRIGUEZ: Thank
8 you. First of all I'd like to thank Council
9 Member Dromm for his leadership in this Committee.
10 And thanks for his leadership in the Council, as
11 an institution, we've been able to really be
12 active when it comes to immigration issues,
13 especially immigration reform. One of the
14 Resolutions that we're going to be voting tomorrow
15 is a Reso 518 that calls for the extension of the
16 Immigrant Pardon Panel.

17 As everyone knows last year at the
18 end of 2010 an average of 40 New Yorkers,
19 hardworking people benefit when Governor Paterson
20 was able to sustain a pattern for immigrants that
21 has been living in this City for decades.
22 Immigrants that have contributed big time when it
23 comes to paying the taxes, raising the family and
24 in contributing to the development of New York
25 City. Because they made a minor mistake, probably

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2 20 years ago, 15 years ago and some of them even
3 30 years ago, even after they pay for any mistake
4 there was a whole plan for them to be in
5 deportation.

6 So thanks for the Panel that was
7 created by Governor Paterson, those New Yorkers
8 were able to stay with their family and keep
9 contributing to the City. This is not the
10 solution to the issues that immigrants face in
11 this City, that all of us face, but in the case of
12 undocumented immigrants. We believe that a
13 solution is to do a real immigration reform. And
14 by no means by trying to get an extension of this
15 Panel we believe that this is a solution for
16 thousands of New Yorkers that they can be subject
17 to deportation but at least this will help that
18 number of hardworking people. So I believe that
19 this will help.

20 We call--in this Resolution we call
21 on Governor Andrew Cuomo, is to maintain the
22 Immigration Pardon Panel. And of course like, and
23 he also in solidarity of the Resolution, that my
24 colleague Eugene is also presenting to extend the
25 TPS because this is the right thing to do. The

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2 whole situation of Haiti is the responsibility of
3 many super power nations including the United
4 States.

5 And the least we can do is to tell
6 our brothers and sisters, you will have an
7 opportunity to stay here at the same time that we
8 push hard so that the UN and the UNICEF and the
9 Red Cross and the United States really invests
10 those millions of dollars that they raised do end
11 that natural disaster and that has not been
12 invested yet in Haiti. Thank you.

13 CHAIRPERSON DROMM: Okay thank you
14 very much. Anybody else, any comments? No. Okay
15 Council Member Williams.

16 COUNCIL MEMBER WILLIAMS: Thank you
17 Mr. Chair. Thank you for your leadership on these
18 issues and my two colleagues, Eugene and Ydanis.
19 I thank you for the testimony. Merci, gracias,
20 spasibo. We greatly appreciate it. Just a couple
21 of things that I actually said at the press
22 conference. I just--I can't--as I said I don't
23 understand--I said I was wondering if it was a
24 cold heart that the person that has that can send
25 people back to Haiti but then I realized you'd

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2 have to have no heart at all because even a cold
3 heart wouldn't do this.

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And I don't understand how you can send human beings back to a devastated country. And as I mentioned before I think it's doubly insulting because the policies and non-policies of the United States are the reason that Haiti is so devastated to begin with. So given that and now that you have devastated the country, allowed it to be devastated, you now instead of worrying about where the money is going and helping rebuild, you want to further devastate the island and further devastate Haitians who are currently here.

It just makes absolutely no sense and I firmly believe that if these human beings didn't speak Creole and their skin wasn't kissed by the sun the way it is, we wouldn't be having this discussion. And it's just--I can't understand what kind of human being would send a human being back to the place that has been so devastated. So I'm happy to support this Resolution and happy to support my Council Member Rodriguez' resolution as well.

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I'm a first generation Brooklynite. My parents are from the beautiful island of Grenada. And this country has a habit of using and misusing people. And they want to gain the benefits of the immigrants that are here, from the taxes and the skill set they bring, but they don't want to give them the rights and privileges that I believe they should deserve. And I think New York State should be a beacon in that regard because New York City and New York State definitely benefit from immigrants in a way that some other states don't.

And I believe that the United States as a whole benefits from them. But we should be a beacon in trying to make sure that the process for all immigrants are a bit smoother and their lives are a bit smoother 'cause they make our lives smoother. Thank you.

CHAIRPERSON DROMM: Thank you and Council Member Barron.

COUNCIL MEMBER BARRON: You know I thin it's incredible that we're even having this question, that it should even have to come forth in a Resolution. I am personally and on behalf of

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2 the African people that were born in America as
3 you would call them, African Americans, we say
4 we're African people born in America, we have a
5 debt of gratitude to Haiti being the first
6 insurrection, slave insurrection or enslaved
7 Africans insurrected to free themselves in the
8 Western Hemisphere which led to our fight for
9 liberation on the plantations of America. You
10 know this country's incredible.

11 Haiti suffered a natural disaster
12 with the earthquake but the human disaster of
13 French and American imperialism and colonialism is
14 a worse disaster. And yet instead of talking
15 about what we should be talking about today,
16 reparations for Haiti, America owes Haiti, France
17 owes Haiti. As a matter of fact Haiti has to pay
18 France reparations after they ripped off Haiti and
19 America supported Papa Doc and Baby Doc Duvalier.
20 America kidnapped a legitimate, duly,
21 democratically elected president in Aristide. And
22 I'm glad he's back.

23 America did all of this and now
24 we're sitting here talking about Temporary
25 Protective Status. I mean that is a drop in the

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2 bucket. That ain't even a drop. This shouldn't
3 even be an issue. It's embarrassing to me that
4 it's even an issue. When the larger issue is pay
5 your reparations to Haiti. Pay--France, pay your
6 reparations to Haiti.

7 The rest of the world can stay out
8 of it if just France and America paid what they
9 were supposed to pay, Haiti wouldn't be in the
10 predicament it's in today. So I am honored to be
11 able to vote for this Resolution, to both
12 Resolutions. But to have this as an issue is
13 incredible in the 21st Century. What kind of
14 conscience could people have and let's not forget
15 the Louisiana Purchase. If it wasn't for Haiti
16 fighting Napoleon and beating him, America
17 wouldn't even have the State of Louisiana and some
18 of its other territory for us--

19 COUNCIL MEMBER WILLIAMS:

20 [Interposing] Doubling the size.

21 COUNCIL MEMBER BARRON: --for

22 doubling the size, right, of the country at that
23 time. So, you know, it's just incredible the
24 things that we have to debate that shouldn't even
25 be debatable. Shame on you America. And I vote

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yes for this Resolution.

CHAIRPERSON DROMM: Okay. Thank you and we'll call the Clerk to call the vote, ask the Clerk to call the vote.

MR. KEVIN PINN: Kevin Pinn, Committee Clerk, roll call on the Committee on Immigration, Resolutions 548-A and 648-A. Council Member Dromm.

CHAIRPERSON DROMM: Aye.

MR. PINN: Barron.

COUNCIL MEMBER BARRON: Aye.

MR. PINN: Eugene.

COUNCIL MEMBER EUGENE: I vote aye.

MR. PINN: Rodriguez.

COUNCIL MEMBER RODRIGUEZ: Aye.

MR. PINN: Williams.

COUNCIL MEMBER WILLIAMS: This is a ground ball, Obama needs to pick it up and throw it home, I vote aye.

MR. PINN: By a vote of 5 in the affirmative, 0 in the negative and no abstentions, all items have been adopted. Members, please sign the Committee Reports.

CHAIRPERSON DROMM: Okay. Thank

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you very much and with that this meeting is

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adjourned.

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[Gavel banging]

C E R T I F I C A T E

I, Laura L. Springate 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.

A handwritten signature in cursive script that reads "Laura L. Springate". The signature is written in black ink on a light-colored background.

Signature _____Laura L. Springate_____

Date _____April 2, 2011_____