

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON IMMIGRATION

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February 26, 2013

Start: 1:01 p.m.

Recess: 1:12 p.m.

HELD AT: Council Chambers  
City Hall

B E F O R E:  
DANIEL DROMM  
Chairperson

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

CHAIRPERSON DROMM: Good afternoon.

My name is Daniel Dromm, and I'm chair of the New York City Council's Committee on Immigration.

Before going any farther I'd like to introduce the other members of the Committee here with me. To

my right we have Council Member Charles Barron,

Council Member Ydanis Rodriguez, Council Member

Mathieu Eugene, Council Member Melissa Mark-

Viverito, it's very unusual for me to say Council

Member Barron is to my right, but we will grant

him that today. Today the Committee on

Immigration will vote on two important and timely

bills that will build upon our prior efforts to

limit the cooperation between immigration and

customs enforcement commonly referred to ICE, and

local law enforcement. Today we will vote on

proposed Intro number 982-A introduced by Speaker

Quinn, a local law to amend to administrative code

of the city of New York in relation to persons not

to be detained by the NYPD and proposed Intro

number 989-A introduced by Council Member Mark-

Viverito, a local law to amend the administrative

code of the city of New York in relations to

persons not to be detained by the Department of

1  
2 Correction. Both bills build upon the work that  
3 the Council has done in adopting Local Law 62 of  
4 2011 to limit the cooperation between the city and  
5 ICE. Under these bills the NYPD and the  
6 Department of Correction would generally be  
7 prohibited from honoring detainers in the form of  
8 holding an individual beyond the time when he or  
9 she would otherwise be released from NYPD while  
10 corrections custody and for notifying Ice of such  
11 individual's release. Both the NYPD and the  
12 Department of Correction will continue to honor  
13 detainers in a significant number of cases. The  
14 categories for which detainers would not be  
15 honored are expanded from those in Local Law 62 in  
16 recognition of a variety of considerations  
17 including the types of charges that undocumented  
18 immigrants generally receive and the frequency of  
19 some of these charges. The goal of the bills is  
20 to ensure that both the NYPD and the Department of  
21 Corrections' cooperation with ICE will be solely  
22 for the detention and removal of criminals. If  
23 enacted, these bills will protect New Yorkers from  
24 being deported who pose no risk to public safety  
25 and hopefully create a positive effect on

1  
2 community policing. The Committee on immigration  
3 held a hearing in January where we heard testimony  
4 in support of both bills when the Honorable Robert  
5 M. Morgenthau, representatives from the Bloomberg  
6 Administration, including the New York City Police  
7 Department, the Department of Correction,  
8 advocates, immigration legal practitioners, and  
9 immigrant New Yorkers affected by harsh federal  
10 immigration practices. As the Chair of the  
11 Committee on immigration and as a as a Council  
12 Member that represents one of the largest  
13 immigrant communities in the city, today's vote is  
14 of importance to me, and I would like to thank  
15 everyone for their hard work. I would like to  
16 encourage my colleagues on the Committee on  
17 Immigration to vote in favor of both of these  
18 bills so that we can protect immigrant families  
19 and communities, and with that, I would like to  
20 give Council Member Mark-Viverito, the lead  
21 sponsor of proposed Introduction number 989-A the  
22 opportunity to speak.

23 COUNCIL MEMBER MARK-VIVERITO:

24 Thank you, Mr. Chair, and I really would like to  
25 thank you for your incredible leadership, not only

1 on chairing this committee, but obviously on  
2 advocating so strongly on behalf of all immigrant  
3 New Yorkers. Today marks another proud day for  
4 the City Council as we reaffirm our commitment to  
5 supporting and embracing our city's vibrant  
6 immigrant communities. The pieces of legislation  
7 before us today will expand upon the work we did  
8 to limit the reach of federal immigration  
9 enforcement in our city jails in 2011. With the  
10 forced roll out of the so called Secure  
11 Communities Program over the objection of so many  
12 of us including our governor, immigrants can now  
13 be funneled into our deportation system directly  
14 from central booking. Under S-Com the  
15 fingerprints of arrestees that are ordinarily  
16 shared with the FBI will now also be transferred  
17 to ICE, which can the NYPD to hold individuals for  
18 deportation. The two bills that Speaker Quinn,  
19 Chair Dromm and I have sponsored expand upon the  
20 landmark protections we have previously put in  
21 place for immigrants in our city jails to the  
22 police department, which would no longer be able  
23 to hold immigrants on a detained if they meet  
24 certain specific criteria outlined in the  
25

1  
2 legislation. They also broaden the protections of  
3 immigrants under both NYPD and Department of  
4 Corrections custody to ensure that immigrant youth  
5 and immigrants with minor or very old misdemeanors  
6 as well as misdemeanors related to their  
7 immigration status are covered under the bill.

8 These pieces of legislation do not tell the  
9 federal government what to do. We are still in  
10 the Secure Communities Program as much as we might  
11 not like to be in it, but we are clear that we  
12 will not use our personnel or our resources as a  
13 city to hold immigrants that pose no danger to our  
14 city. These bills actually align our city's  
15 policy on immigration detainers with what  
16 President Obama had stated publically regarding  
17 the need to exercise prosecutorial discretion and  
18 not deport low level offenders and people with  
19 strong ties to the United States. Unfortunately  
20 prosecutorial discretion has been widely regarded  
21 as a failed policy, but we in the city of New York  
22 are committed to protecting our immigrant  
23 communities that do so much to contribute to the  
24 life of our city. We will codify this rhetoric  
25 into action with the two bills before us. I

1  
2 believe strongly that we will have a comprehensive  
3 immigration reform bill this year. The momentum  
4 continues to grow and our president is clearer  
5 than ever on the need for this legislation to  
6 pass, but in the meantime we must continue to take  
7 steps to protect our city's immigrant community.

8 I want to thank Speaker Quinn and Chair Dromm once  
9 again as well as the Bloomberg Administration for  
10 continuing to support measures like this and also  
11 be a voice for immigration reform nationally. I  
12 would also like to specially thank Make the Road  
13 New York and the Cardozo Law School who continue  
14 to provide such immense support in helping us to  
15 formulate these important pieces of legislation.  
16 Obviously the legislative staff, Rob Newman, Alex  
17 Pastilnik [phonetic], Julene Beckford, and  
18 Jennifer Montalvo. Thank you, Mr. Chair. I am  
19 proud to stand here with you and I look forward to  
20 the City Council favorly [phonetic] on behalf of  
21 these bills.

22 CHAIRPERSON DROMM: Thank you very  
23 much, and now we would like to have a few words  
24 from Council Member Ydanis Rodriguez.

25 COUNCIL MEMBER RODRIGUEZ: Thank

1  
2 you, my colleagues and Chair, for holding this  
3 hearing especially our colleague Speaker Christine  
4 Quinn and Melissa Mark-Viverito for taking the  
5 lead on those two important introductions 982-A  
6 and 989-A. I definitely agree with my colleague  
7 that we hope that we would see a comprehensive  
8 immigration reform very soon hoping this year, but  
9 there is no doubt that ICE continue having strong  
10 presence in Riker's Island and we have to be sure  
11 that we reduce the chances of people that they  
12 have paid for their crimes to be deported as also  
13 people that they cannot afford to have a good  
14 lawyer also to be deported. All you have done is  
15 dividing many families in our city, so we believe  
16 these are two important introductions. We hope  
17 you know after we voted here all of our colleagues  
18 will vote in favor, but more importantly I would  
19 also like to emphasize that these - - on the need  
20 we have to have a comprehensive immigration reform  
21 in our nation. Thank you.

22 CHAIRPERSON DROMM: Okay. Thank  
23 you very much, and I'd like to give Council Member  
24 Mathieu Eugene an opportunity to say a few words.

25 COUNCIL MEMBER EUGENE: Thank you



1  
2 very much, Mr. Chair, and I want to take to the  
3 opportunity to commend and congratulate also the  
4 Speaker and Council Member Mark-Viverito and  
5 yourself, Chairman Dromm and also the  
6 administration, and all my colleagues who support  
7 those two legislation and to 982-A and also 989-A.  
8 I think this is the right thing to do because we  
9 all know the immigrants they are not criminals.  
10 They are not criminals because they are  
11 immigrants. They are hardworking people, family  
12 people, people who have contributed so much to the  
13 fabric of this city and also this nation, and I  
14 think that we have to make sure United States and  
15 the city continue to be a city suitable to  
16 immigrants - - immigrant because we cannot deny  
17 also the opportunities and the rights to those  
18 immigrants who come today, and those of us who  
19 came before them will receive and we enjoy the  
20 privileges of this great country--they also are  
21 going to have the right to enjoy the same  
22 privilege. I believe that by doing that, by  
23 introducing and passing those two legislations is  
24 a very important thing, and as my colleague said,  
25 we cannot continue to divide families because we

1  
2 are traumatizing children and we are a city where  
3 in this city we believe in family values. In this  
4 nation, we believe in family values. We are  
5 talking every single day about family values.  
6 This is the opportunity to demonstrate that we  
7 mean what we say, and we do care about family  
8 values to prevent this country to deport fathers,  
9 mothers and children. I think these are two  
10 wonderful legislations, and I'm so proud to  
11 support them. Again, congratulations, and to all  
12 the sponsors and also my colleagues. Thank you.

13 CHAIRPERSON DROMM: With that, I'd  
14 like to ask the clerk to call the vote.

15 COMMITTEE CLERK: William Martin,  
16 committee clerk. Roll call vote Committee on  
17 Immigration Introductions 982-A and 989-A.  
18 Council Member Dromm?

19 CHAIRPERSON DROMM: I vote aye.

20 COMMITTEE CLERK: Barron?

21 COUNCIL MEMBER BARRON: Aye on  
22 both.

23 COMMITTEE CLERK: Eugene?

24 COUNCIL MEMBER EUGENE: Aye.

25 COMMITTEE CLERK: Rodriguez?

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2 COUNCIL MEMBER RODRIGUEZ: Aye.

2

3 COMMITTEE CLERK: Williams?

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4 COUNCIL MEMBER WILLIAMS:

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5 Congratulations to Melissa Mark-Viverito and Danny

5

6 Dromm, the chair, and also these things in

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7 combination with the failed policy to stop,

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8 question and frisk puts immigrant communities in

8

9 particular danger. I vote aye proudly.

9

10 COMMITTEE CLERK: By a vote of five

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11 in the affirmative, zero in the negative and no

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12 abstentions, items are adopted. Members, please

12

13 sign the Committee Report.

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14 CHAIRPERSON DROMM: This meeting is

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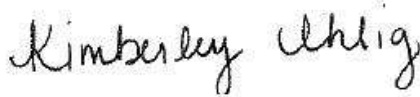
15 adjourned. Thank you.

15

C E R T I F I C A T E

I, Kimberley Uhlig 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

Handwritten signature of Kimberley Uhlig in cursive script, written over a horizontal line.

Date 3/4/13

Handwritten date 3/4/13, written over a horizontal line.