

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON IMMIGRATION

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March 15, 2017
Start: 10:11 a.m.
Recess: 3:30 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: CARLOS MENCHACA
Chairperson

COUNCIL MEMBERS: Mathieu Eugene
Daniel Dromm
Peter A. Koo
Rafael L. Espinal, Jr.

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

Peter Markowitz, Professor
Cardoza School of Law
Director, Immigration Justice Clinic

Cesar Vargas, Attorney
Staten Island

Wilmer, Honduras Immigrant

Hasan Shafiqullah, Deputy Attorney in Charge
Immigration Unit, Legal Aid Society

Camille Mackler
New York Immigration Coalition

Albert Cahn, Legal Director
Care New NYC Council on American-Islamic Relations

Crystal Moncada, Staff Attorney
Immigrant Protection Unit
New York Legal Assistance Group, NYLAG

Jo-Ann Yoo, Executive Director
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Amy Taylor, Legal Director
Make the Road New York

Connor Gleason, Supervising Immigration Attorney
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Rebecca Sosa, Member
NYC Bar Association Immigration & Nationality Law
Committee

Andrea Saenz, Supervising Attorney
Immigration Practice
Brooklyn Defender Services

Gale Brewer
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John Skinner, President and Political Director
Iron Workers Local 46

Terry Lawson, Director Family Immigration Unit
Bronx Legal Services, Bronx Immigration Partnership
Family Court Immigration Advisory Council

Rita Rodriguez Engberg, Staff Attorney
Immigrant Student Right Project
Advocates for Children of New York

Kim Sykes
New York Immigration Coalition

Eve Stotland, Director
Legal Services at the Door
ICare Coalition

Victoria Neilson
Immigrant Justice Court

Rachel Sabella, Director
Government Relations
Food Bank for New York City

Joel Berg, CEO
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Hillary Exter
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Lauren Quijano, Community Organizer
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Melissa Cartine
NYLAG Legal Health Division

Linley Agess, Legal Director
Workers Project
Urban Justice Center

Carmen Maria Ray

Shani Adess, Supervising Attorney
Safe Horizons

La Luca Onchoi, Director
Immigration Legal Services
Catholic Charities

Aaron Morris
Immigration Equality

Hasan Quinte(sp?)
Womankind f/k/a New York Asian Women's Center

Marc Valinoti, Action NYC Attorney
Northern Manhattan Improvement Corporation, NMIC

Jose Torres, Immigrant Construction Worker
Workers Justice Project Member

Lisia Wampa (sic)
Workers Justice Project

2 [sound check, pause]

3 CHAIRPERSON MENCHACA: [Speaking Spanish]

4 My name is Carlos Menchaca. I'm the Chair of the New
5 York City Council's Committee on Immigration. Before
6 going any further, I want to also let you know that
7 we've—we've been joined by the Speaker of the City
8 Council Melissa Mark-Viverito who will speak in a few
9 minutes, and then I will be announcing other members
10 of the committee as they come. Today's a big hearing
11 day so they'll be coming in and out of today's
12 hearing. Today the Committee on Immigration will
13 hear about the ways in which the recent executive
14 orders on immigration signed by this president has
15 impacted the safety of our local communities in New
16 York City. The committee would also hear—the
17 committee will also hear from New Yorkers, advocates,
18 lawyers and others about their suggestions on
19 additional ways in which this city, this great city
20 of New York can best address the situation on the
21 ground. Specifically, the hearing will hold panels
22 that will focus on general immigration enforcement,
23 safety, healthcare and education services across the
24 city. The recent Immigration Executive Orders call
25 for local enforcement entanglement with federal

2 immigration officers that undermine, underscore
3 undermine community policing efforts and public
4 safety. When local law enforcement officials
5 participate in federal immigration enforcement, they
6 and we all risk losing the local relationship and
7 trust they have worked hard to building with
8 immigrant communities that they serve. When this
9 trust is broken, immigrants become less likely to
10 offer information about crimes to law enforcement for
11 fear of immigration consequences. Assistance and
12 cooperation from immigrants communities is especially
13 important when the victim or witness of a crime is an
14 immigrant or has immigrant family members. To
15 protect public safety, to ensure equal enforcement of
16 a law and to allow local law and state officers to
17 do-to do their jobs, witnesses and victims in
18 immigrant communities must be encouraged to file
19 reports with the local authorities. This is how it
20 works. Local law enforcement of immigration law also
21 encourages and enables racial and ethnic profiling by
22 local police departments-local police department
23 officers that harbor hostility toward immigrant
24 communities. Local agencies engaging in racial
25 profiling leads to people perceived to be from other

2 countries or foreign born being treated differently.

3 The political reality of a Trump Administration means

4 that more New Yorkers will be targeted for

5 immigration detention. Testimony by advocates today

6 will focus on recent trends by ICE that have taken

7 place in public spaces and sensitive locations

8 throughout the country, which have had significantly

9 negative impacts on our city. We have seen ICE

10 spread fear in our communities by detaining

11 individuals walking into courthouses, press

12 conferences, peaceful protests and our places of

13 worship including our local churches. This is

14 unacceptable. Our committee and our Speaker Melissa

15 Mark-Viverito understand the grave harm that

16 deportation programs have caused our city, and we

17 will work on keeping families intact by preventing

18 racial profiling and violations of due process. This

19 Council, we are committed to ensure that our

20 immigrant communities stay protected. The testimony

21 today will help the committee and the Council

22 identify ways in which New York City will respect the

23 Constitutional rights of all New Yorkers regardless—

24 regardless of their immigration status. New York

25 City does not have the power to rewrite—re—rewrite

2 Federal Immigration Law, but we can choose to take a
3 stand, our city will once again lead the way in
4 protecting the constitutional rights of its residents
5 building trust with immigrant communities and making
6 us all safer and more productive in our communities.
7 [Speaking Spanish] Melissa Mark-Viverito, [Speaking
8 Spanish] Peter Koo, de Queens. [Speaking Spanish]
9 And now, I want to hand it over to the Speaker of the
10 City Council, a real firm and never wavering champion
11 for our immigrant communities, Melissa Mark-Viverito.

12 SPEAKER MARK-VIVERITO: Thank you
13 [coughs] Chair Menchaca and I want to thank you very
14 much for your strong voice and your leadership and
15 the work that has come out of this committee on
16 behalf of immigrant New Yorker. I want to thank
17 everyone that is here in this room, those of you that
18 are testify, those of you that serve our city and our
19 constituents. This is obviously an incredibly
20 difficult moment in our history as a country, and as
21 a city, and it is only through our unity that we are
22 going to be able to really figure out a way that we
23 can push back and be effective in our pushing back
24 against these unjust policies that are coming out of
25 the White House. Just to understand the importance

2 of this hearing, we are in the middle of budget right
3 now and our budget hearings, and it is very rare that
4 we do hearings other than our budget hearings. Right
5 now next door we have Housing and Buildings, which is
6 having its budget hearing with the Commissioner of
7 HPD. So it's very rare that we take time during this
8 moment to focus on other matters, but we know that
9 this is such a difficult time and tenuous time for us
10 a city, and for those that we represent that it was
11 important that we hold this hearing. So I want to
12 commend the Chair for that, and really explain the
13 purpose of that. [Speaking Spanish] So as the Chair
14 indicated, I'm City Council Speaker Melissa Mark-
15 Viverito, and today the Committee on Immigration will
16 explore the impact of President Trumps Executive
17 Orders and immigration enforcement policies on
18 immigrant New Yorkers, their families and our
19 communities. In only a few weeks since taking office,
20 the Trump Administration has shown us all that he is
21 intent on fulfilling his reckless campaign promise of
22 deporting as immigrants as he can regardless of the
23 damage it will cause, and the impact it will have on
24 the lives of millions of people. We have heard
25 horrifying stories such as ICE agents picking up a

2 father taking his children to school while his
3 daughter watched helpless and arresting a victim of
4 domestic violence at courthouse where she was seeking
5 an order of protection from her abuser. Nationally,
6 immigrants are feeling quite understandably that they
7 are under siege, and while New York City has been a
8 national leader, when it comes to supporting our
9 immigrant communities we are feeling the impact. I
10 know you have heard me say this before, but it bears
11 repeating here, detaining and supporting immigrants
12 who contribute positively to their communities, to
13 our communities and pose no threat to public safety,
14 does nothing for destabilized families, hurt our
15 economy and diminish the trust that this city has
16 fought hard to build with our immigrant communities.
17 So in the face of this unjust and senseless
18 onslaught, we must uphold our values, resist and
19 fight back. I know members of the immigrant
20 community and the families are afraid. I understand
21 that, and at this moment I want the immigrant
22 community to know that we recognize their fears and
23 that we are with them. Today, we will try to get a
24 clear picture of current enforce-enforcement
25 practices in the city and a better understand-and to

2 better understand its impact so we can address those
3 fears responsibly. We cannot live in a city in which
4 residents fear contact with law enforcement or the
5 simple moments of life that we take for granted by
6 dropping your kid off at school in the morning or
7 taking a loved one to a health clinic. It's simply
8 not who we are. So I will continue to fight with
9 everything I have to uphold the rule of law, keep New
10 Yorkers safe and help New Yorkers that are victimized
11 by these senseless policies. You know, one of the
12 things that I've said is—is also when we think about
13 the measures that we have taken in this city, these
14 are measures that are not just in place for the last
15 six months. These are measures that we put in place
16 over decades and the past five or six years. When we
17 talk about our executive orders that don't ask anyone
18 for their immigration status, when we talk about the
19 laws that limit the information that we share with
20 ICE, when we talk about the initiatives and which
21 we've invested money in, when we talk about the
22 Municipal ID Program, all of that has been in place
23 for well over five years. In the case of the
24 Municipal ID 2-1/2 years, and we are by far the
25 largest city in this country, by far the safest city

2 in this country, and by far economically the most
3 thriving and viable city. So there's something we're
4 doing right. We are showing and leading the way and
5 showing that when you embrace those that are here,
6 regardless of their status who are contributing
7 positive to our communities we are better for it.
8 So, this is a very frustrating time for me
9 personally, who I've made this issue one that I hold
10 dear in my heart, and one that I feel passionately
11 about. It's senseless and we will stand strong on
12 behalf of those that we represent in the city. We
13 are all one community, we are all one city, and we
14 will be a true sanctuary city when everybody plays
15 the role that they need to play. We all have a role
16 to play here. So I want to thank again Council
17 Member Menchaca the Chair of the committee. I want
18 to thank all of my colleagues in the Council who have
19 stood firm and strong with us as we defend and uphold
20 the policies we've put in place and look forward to
21 work. [Speaking Spanish] Thank you, Chair Menchaca

22 CHAIRPERSON MENCHACA: Thank you Speaker
23 Mark-Viverito for your again tireless defense of our
24 neighborhood and our communities, and our immigrant-
25 immigrant families, and I want to also let-mention

2 that we've been joined by Danny Dromm, Council Member
3 and previous Chair to the Immigration Committee that
4 has—the Speaker said we've been building on this for
5 such a long time, and Danny Dromm our—our Council
6 Member from Queens, the—the previous Immigration
7 Chair has been building this with us as well. So
8 with that, I'm going to be calling the first panel to
9 get us going, and I will remind everybody that we
10 have a process here. So if you haven't yet, go to
11 the sergeant-of-arms and fill out a testimonial slip,
12 and then we're going through a lot of people so we're
13 going to—we're going to keep this moving. And so the
14 firs we're going to have Cesar Vargas from DRM Action
15 Coalition. You can—if you can join us up here.
16 Peter Markowitz from Cardoza School of Law, Wilmer
17 Hernandez and Carlos Vargas and guest from Make the
18 Road New York. [background comments, pause] Peter,
19 why don't you kick us off.

20 PETER MARKOWITZ: I'm not sure that's on.
21 Is that better? Yep. My name is Peter Markowitz.
22 I'm a Professor at Cardoza School of Law where I
23 direct the Immigration Justice Clinic and first thank
24 you to Speaker Melissa Mark-Viverito, to Chairman
25 Menchaca and former Chairman Dromm and the committee

2 as whole for just outstanding steadfast and
3 consistent leadership on this issue that has
4 resonated not only throughout New York, but-but
5 across the country. Together with Mayor de Blasio,
6 the work of this Council deserves a tremendous amount
7 of credit for creating kind of the most effective
8 bundle of municipal immigration policies anywhere in
9 the country. [coughs] In trying to assess what's
10 coming, the new enforcement tactics that are coming,
11 it's really critical that we start by understanding
12 the way our current panoply of immigration policies
13 interact with enforcement schemes. Because
14 collectively New York's Detainer Law, our IDNY
15 Program, our New York Immigrant Family Unity Project,
16 the Public Defender system for immigrants and the
17 executive orders that protect, the limit information
18 collection and dissemination about immigration
19 status, make New York the most welcoming and safe
20 city in the nation, and these laws literally prevent
21 the deportation of thousands of New Yorkers every
22 year. In turn, when—as Chairman Menchaca alluded to
23 when we provide protection to immigrant communities
24 that translates into substantial public safety
25 benefits for all New Yorkers. As the Major City's

2 Chiefs Association has explained, the entanglement of
3 local police with federal immigration enforcement
4 results in and quoting, "increased crime against
5 immigrants and against the broader community" because
6 it creates "a class of silent victims and eliminates
7 the potential for assistance from immigrants in
8 solving crimes." This January, the first
9 comprehensive national study about the impact
10 sanctuary policies was release and it confirms that
11 assessment. The student demonstrated that, and they
12 controlled for relevant variables, "crime is
13 statistically significantly lower in sanctuary
14 counties as compared to non-sanctuary counties with
15 the most pronounced reductions in crime in large
16 metro areas like New York City." So our experience
17 is not unique but, in fact, is felt nationwide. So
18 as we look ahead and as we see our local policies
19 under cynical political-politically motivated attacks
20 from the Trump Administration, it's critical that we
21 start by recognizing that the policies are under
22 attack because they work. As Trump is trying to
23 destabilize immigrant communities, as he's trying to
24 sew terror and tear families apart, he takes aim at
25 our policies because they do the opposite. And thus,

2 the most important thing that we can do to protect
3 immigrant families in New York and create a safe city
4 for all is to reaffirm our steadfast commitment to
5 those core aspects of our municipal immigration
6 policy, and I know this committee and the leadership
7 is there. In the first few weeks of Trump
8 Administration, we've seen a dizzying array of new
9 draconian policy pronouncements on a broad range of
10 immigrant enforcement issues, and the contents are
11 too numerous to survey here, but there are three
12 critical themes that emerge that are important to
13 recognize. First, Trump intends to draft—as Chair
14 Menchaca alluded to, intends to draft local criminal
15 justice systems into federal immigration enforcement
16 in increasingly vicious ways: By rebooting the
17 discredited secure community program, reinvigorating
18 the dysfunction 287G program, and by taking aim at
19 sanctuary jurisdictions like ours. The objective is
20 clear, to expand his ability to terrorize immigrant
21 communities by co-opting local police. Second, Trump
22 intends to institutionalize a shotgun style dragnet
23 immigration enforcement regime designed to make very
24 immigrant feel under siege. Trump claims to have
25 instituted new priorities, but the priorities sweep

2 so broadly that the vast majority of the estimated 12
3 million removal documented and undocumented
4 immigrants are now "priorities" or put another way
5 there really are no priorities. Third, Trump aims to
6 coerce immigrants including those with the legal
7 right to remain in the United States into abandoning
8 their homes and their families by massively
9 increasing detention and dramatically decreasing due
10 process. The theory is if he can subject immigrants
11 to enough hardship and deprive them of enough hope,
12 he and the nativist-nativist forces that now control
13 our national immigration policy believe they can
14 begin their project of ethnically cleansing our
15 country of black and brown immigrants, and we're not
16 going to let it happen. Most of the new immigration
17 enforcement policies announced by Trump have yet to
18 take effect, and to be clear, just because they're
19 written on a piece of paper and he signs them doesn't
20 mean they will take effect. Right, as we've learned
21 from the Muslim ban, there are real limits to the
22 Constitution, the courts and the people can-can
23 place. But fear of Trump's new deportation forces is
24 already having a huge impact in New York City. I've
25 heard from New Yorkers who are afraid to leave their

2 homes or afraid to take the subway, New Yorkers who
3 have abandoned city services, are afraid to open
4 their door to NYPD, have fled soup kitchens fearing
5 ICE and have missed court appearances because of fear
6 of increased ICE activity in our courts. So what are
7 to do to—with this existential threat to our
8 communities? Two things, and I'm almost done. First
9 and foremost we need to reaffirm, as I said our
10 steadfast commitment to our existing immigration
11 policies, the Detainer Law, the IDNYC, the New York
12 Immigrant Family Unity Project, and our
13 confidentiality in terms of access to city services.
14 These are by far the best defense against Trump, and
15 we cannot be bullied into abandoning or weakening
16 these core protections one iota. Second, we need to
17 identify smart new ways to expand protections for
18 immigrants in New York. That means for example
19 ensuring that we write into law—and I know the
20 Speaker has already suggested much of this—write into
21 law that all city agencies including the NYPD will
22 respect the confidentiality of information about
23 immigrant New Yorkers. That DHS officers will not be
24 permitted in private areas of city property, that no
25 New York City resources can be used to support civil

2 immigration enforcement activities, and that the NYPD
3 will stop collecting place of birth information, a
4 practice that has the unintended consequence of
5 triggering enforcement actions for many New Yorkers.
6 With-with-when immigrants have been under attack,
7 this Council has risen to the occasion time and again
8 and we need you now more than ever. Thank you so
9 much.

10 CHAIRPERSON MENCHACA: Thank you so much
11 for that testimony and getting us started? Cesar.

12 CESAR VARGAS: Well, thank you so much
13 Council Member, Chairman, Madam Speaker and members
14 of the committee. My name is Cesar Vargas, and I am
15 an attorney on Staten Island that volunteers to
16 provide pro bono services to community organizations
17 like Comena (sp?), a day labor organization, and
18 essentially Staten Island is a very unique and it's a
19 very special place, but it is my home, and I
20 definitely thank you both and the committee and the
21 City Council for coming to Staten Island and making
22 sure that Staten Island does not feel like it's the
23 forgotten borough, and we really appreciate that.
24 Especially when it comes to immigration, it is a very
25 politically distinct borough compared to the other-

2 other four boroughs. Staten Island had a very unique
3 culture in the sense that it was—it was the borough
4 that supported Donald Trump by vast numbers compared
5 to the other presidential candidate but,
6 nevertheless, I think we have an opportunity on
7 Staten Island as we have seen with communities really
8 coming together to really work to—working to ensure
9 that the immigrant community has that support whether
10 they're white, black, brown, Asian, you name it,
11 people are coming together. Because at the end of the
12 day, one of the most important things that we need to
13 listen is when we're discussing immigration is the
14 actual personal stories. And for me it—it hits home
15 because I am also undocumented and protected under
16 the President Obama's the Pro-Action for Child
17 Arrivals Program, DACA. But for me even though I
18 have DACA, while there is a certain level of anxiety
19 that I have because as we have seen, it is—it could
20 be—it is no legal status. It does not pass as
21 citizenship, and we could be subject to any type of
22 detainment as we have seen in Washington and in Texas
23 and various other locations. But for me what is most
24 significant is that on—just a few weeks ago, I sat
25 with my mother, and I gave her a Know Your Rights

2 presentation. I let her know that she does not have
3 to open the door unless they have a warrant. I let
4 her know that do not sign anything. I let her know
5 that immediately contact her attorney, her son. But
6 I in that aspect when the—one of that experience has
7 shown me that in her voice there was a sense of
8 unwavering commitment to our family. It showed much
9 strength, but in her eyes I did see a hint of
10 apprehension, a hint of fear, and that fear is very
11 relevant and very real and tangible in our immigrant
12 community. Because now she has to call me every
13 single day when I go out to the store. When I go out
14 to any type of trips, I have to call her to make sure
15 that she's okay especially when she's alone, when she
16 walks out to the supermarket. That is a very real
17 consequence of this climate of fear that the Trump
18 Administration is creating. And for those three
19 points it really gets me discussing the—fleshing out
20 my testimony. Fortunately, her—her children are all
21 grown up and where no one is under 18, but we are
22 seeing that many immigrant families, especially
23 undocumented mothers and parents have citizen
24 children and they are concerned of what they're going
25 to do with their—with their loved one. Right now, we

2 are creating an informal network of as some people
3 call the above ground railroad where U.S. citizens
4 are coming together to say just in case something
5 happens, we are willing to take your children and
6 work with you just in case something happens. But,
7 as I mentioned, it is an informal process at this
8 point. What will happen to many of those children
9 who don't have that network? It's a foster care
10 system or the New York City Council or the New York
11 City government that may have a plan to deal with
12 many of the children who may see their loved ones
13 separated. At this—at this point we don't know. We
14 are helping with—helping executing power of attorney
15 forms with many of these families, but there is no
16 system in which we can help them uniformly. Second,
17 we are seeing that many of the sensitive areas like—
18 like the schools, churches and courthouses are no
19 longer being respected, and I'll—and in a few moments
20 we'll hear a story of one of our neighbors whose
21 husband was picked up in the courtroom. We're seeing
22 that that—that is undermining our Criminal Justice
23 System when someone who committed an infraction
24 whether it's a crime or whether it's misdemeanor or a
25 felony, you know, they're doing—they—they're doing

2 their efforts to ensure that they are paying the
3 tribute to the society, and people make mistakes and
4 everyone deserves justice. And when we're seeing
5 that the fact that ICE is going to our courtrooms is
6 undermining our access to justice and undermining
7 investigations, undermining the NYPD efforts to help
8 victims of any type of crimes, and—and we are—we're
9 thankful that the city—the City Council is
10 considering legislation to ensure that this does not
11 happen. My other point is security. Immigration
12 agents are enforcing a Criminal Justice System and a
13 broken immigration system that essentially I prone to
14 violating constitutional rights, and violating rights
15 in general. So, when an immigration agent violates
16 someone constitutional rights of an immigrant family,
17 who are the going to call? Who are they going to ask
18 for help? Is the NYPD the first line of defense for
19 these violations of—of people's rights or are they
20 going to be the first line of defense of Donald
21 Trump's deportation force? We're hoping that the
22 NYPD through the Mayor and the City Council can
23 ensure that the New York—the NYPD through the ranks
24 not just to the commissioner level, higher level,
25 understand the—the actual impact of how immigration

2 works, and how these policy initiatives are working
3 when it comes to patrolling our streets and in
4 neighborhoods, and I think that is very significant
5 because we want to make sure that everyone has an
6 opportunity to exercise their rights, and that no
7 federal agency is undermining. And I do believe that
8 the State and the City has constitutional and state
9 and federal as well as city power to challenge the
10 federal government when they are undermining the
11 rights of their-of its residents regardless of
12 whether they have citizenship or not. And finally,
13 on resources, we're seeing that many of this great
14 work is happening at the community level. Neighbors
15 are coming together to ensure that many of their
16 immigrant neighbors are feeling secure, but we want
17 to make sure that organ-small organizations like the
18 Day Labor Staten Centers are having the resources to
19 provide that legal resources to fight cases, and it's
20 not just DACA. It's not just those simple cases, but
21 ensures that ample resources are going to complicated
22 cases including with individuals with complex and
23 maybe serious criminal records, and I think that is
24 significant. One of the-one of the points in the
25 State of the City Address that Madam Speaker spoke is

2 to ensure that we create at least one—more than one
3 immigrant family resource center in each borough. I
4 can tell you this that on Staten Island we definitely
5 need that. We need that to be fully staffed with
6 ample resource to ensure that many of our community
7 members across the island, you know, much of this
8 support right now is happening no the North Shore,
9 Port Richmond, Stapleton, but when it comes to the
10 South Shore Annandale, it's—it's scarce, and many of
11 these resources many people have to go either all the
12 way to the North Shore, which is probably 40 minutes
13 in bus, almost an hour and a half to go the city or
14 to Brooklyn or any other center. (sic) So we are
15 hoping that that type of resource is really coming
16 together, and we are urging the City Council as well
17 as the Mayor to really back up much of these
18 initiative with actual concrete dollar and concrete
19 support. We're working together to ensure that we
20 are bringing communities together. In closing, we
21 want to make sure that all the five boroughs are
22 considered equally that Staten Island is considered
23 when it comes to any type of efforts. We are seeing
24 that this climate of fear is undermining our rights,
25 it's undermining our efforts to really bring people

2 together, and even though, even through the other
3 side is—is counting on us being divided, we have seen
4 that on Staten Island in a very conservative borough
5 that we are coming together based on our values, our
6 values of a nation that is welcoming and a nation
7 that is tolerant, and we're going to remind all our
8 elected officials, particularly President Donald
9 Trump that the presidency, that that White House does
10 not belong to him. It does not belong to the
11 Republican Party or any political party. It belongs
12 to the people and it belongs to everyone else. So
13 when we're talking about immigrant families, we're
14 not just talking about people from other countries.
15 We're talking about American families. We're talking
16 about New Yorkers, and we need to send that message.
17 So in closing I want to thank the City Council. I
18 want to the Chairman, Madam Speaker and the Council
19 Member for allowing us to speak, and allowing us to
20 hear our stories specifically from the people
21 directly affected. Thank you.

22 CHAIRPERSON MENCHACA: Thank you, Cesar
23 for that—for that testimony and we're with you.
24 Wilmer.

2 WILMER: Thank you. [coughs] Good
3 morning. Thank you for inviting me speak here today,
4 and thank you for listening to my comments from the
5 New York City Council on Immigrants Committee. My
6 name is Wilmer and I'm—I'm a guy from—is a native.
7 I'm a Native from Honduras that is on the North
8 Coast, Honduras. I fled Honduras when I was 15 years
9 because it was awful dangerous there especially for
10 kids like me. And there are many places in Central
11 America and not only Honduras and Salvador, Guatemala
12 and Central America that is no longer safe to be a
13 kid. Here in New York my dreams are possible because
14 of the New York City Council support for programs to
15 provide lawyers to kids like me. Because of New York
16 City Council's support of the immigrant children
17 advocated relief for, I was able to have a great
18 lawyer and social worker for the Legal Aid Society,
19 and they opened their arms to me like family. They
20 worked so hard on my case that a month and a half ago
21 I was guaranteed asylum here in the United States.
22 That's means—that means that I can pursue my dreams
23 of going to college and become an engineer or lawyer.
24 If I had no lawyer, I don't think that I would be as
25 hopeful and grateful in my future as I am today.

2 Even when a lawyer go into immigration court it was
3 scary. Even when my lawyer is telling my story about
4 how was my life before, how I came to the United
5 States, it was difficult. With all skills, a lawyer
6 like this, and support social worker like Susan, I
7 don't know what I would have done now. I'd be
8 grateful to work with them and the Legal Aid Society.
9 Under President Trump, things have gotten even
10 scarier. It's worse now I think. My lawyer told me
11 that I'm safe here in New York but I worry about
12 friends and family. Most of them don't have a lawyer
13 and they aren't going to court. Most of them are
14 terrified to return to their home countries, but also
15 about what may happen to them here now. I hope that
16 the New York City Council understands how available
17 programs that provide lawyers to kids are. I wish
18 that every child who comes to immigration court in
19 New York was able to have a lawyer so that they, too,
20 can be safe from the violence in their home
21 countries, and pursue their hopes and dreams like
22 I'm—I am hopeful now and this is my testimony. Thank
23 you.

24 CHAIRPERSON MENCHACA: Thank you so much
25 for your testimony, and I know you're not a stranger

2 to the City Council. You welcomed and introduced the
3 Speaker at her State of City. [laughter] So we
4 welcome you into the City Council. This is your
5 chamber. This is the people's chamber and can you
6 tell us what you want to do when you grow up.

7 WILMER: I would like to be an engineer
8 or a lawyer.

9 CHAIRPERSON MENCHACA: Engineer or
10 lawyer?

11 WILMER: Yeah, I like engineer so I was—I
12 shall and--

13 CHAIRPERSON MENCHACA: There's a couple
14 of folks in here that might help on the lawyer's
15 side.

16 WILMER: [laughs] Yeah. Yes, and I
17 like—about a lawyer I like because I would like to
18 help people one day like the Legal Aid Society
19 helping me today.

20 CHAIRPERSON MENCHACA: Well, I think you
21 can be a super hero as an engineer or a lawyer, and
22 know that you have every—every backing of the City
23 Council to make sure that that happens.

24 WILMER: Thank you so much.

2 CHAIRPERSON MENCHACA: Thank you for your
3 testimony for today.

4 WILMER: Thank you. [background comments]

5 LUCY: [Speaking Spanish]

6 TRANSLATOR: Good morning. My name is
7 Lucy. I am a member of Make the Road New York.
8 Thank you for allowing me to testify today and thank
9 you Council Member Menchaca and the members of the
10 Immigration Committee for taking the time to address
11 these important issues.

12 LUCY: [Speaking Spanish]

13 TRANSLATOR: I would like to tell you
14 about the pain so great that my daughter and I are
15 going through. My husband was arrested on February
16 3rd this year by ICE agents in the presence of my
17 daughter and I. My husband is still detained by
18 immigration. Since that day, we have not been able
19 to see him.

20 LUCY: [Speaking Spanish]

21 TRANSLATOR: This has been an anguish and
22 very difficult process. My husband is the protector
23 and the sole provider of our house. I had a home and
24 a family, but they-immigration system took it away
25 from us and broke it. The moment the separated my

2 husband from our side, now we live in fear because
3 now we are left alone. My husband and I had the—have
4 a lifetime together. We have know each other since
5 we were 12 years old.

6 LUCY: [Speaking Spanish]

7 TRANSLATOR: And from that moment we
8 began our life together. God gave us a blessing, our
9 daughter. For us our daughter is a blessing. This
10 separation has emotionally affected my daughter who
11 is 17 years old. His school performance shows the
12 impact of that trauma she faced. She feels
13 devastated because they took away her father. Her
14 father is a good hard working man with a big heart,
15 and we will continue to fight, and share our story so
16 my daughter and I will reunited with my husband, her
17 father.

18 LUCY: [Speaking Spanish]

19 TRANSLATOR: Even though we are heart
20 broken by this, we will keep fighting not just for
21 our family but for the many other families in our
22 community that are affected by this separation, this
23 issue. New York is our home and we are here to stay.
24 Thank you.

25 CHAIRPERSON MENCHACA: [Speaking Spanish]

2 LUCY: [Speaking Spanish]

3 TRANSLATOR: Thank you very much for
4 having me and allowing me to share my story, and the
5 pain that we are going through and the pain that many
6 other families are going through with the separation
7 of families. Thank you.

8 CHAIRPERSON MENCHACA: Thank you, and-
9 and-and I-I also said thank you for-for being here to
10 have the confidence and the-the confidence in us and
11 the City Council to come in and testify before us,
12 and hopefully folks that are at home listening to
13 this right now can also just feel that sense of
14 confidence in the future hearings that we're going to
15 have, that they come out and speak truth to power,
16 and so thank you for that. Before I ask my
17 questions, I-I want to give it over the Speaker of
18 the City Council Melissa Mark-Viverito for questions
19 and comments.

20 SPEAKER MARK-VIVERITO: Thank you, Mr.
21 Chair and thank you to those providing testimony.
22 [Speaking Spanish] You know, Peter, I just wanted to
23 go over two things. I mean you talked about the
24 things that we can't keep doing as a city, and
25 expanding protections et cetera, and one of the

2 things you mentioned and this came up recently in
3 another forum that I was sitting at, and I think it's
4 really important. It's about not gathering the place
5 of birth information, and I think that also speaks to
6 the importance of the Muni ID, right our Municipal ID
7 is critical because it does not ask. It does not
8 have that feature on it, right, which is important.
9 So this idea of one we have obviously been very
10 successful with the Muni ID. There's over a million
11 people in the city now that have access to the Muni
12 ID, but to further encourage more people to keep
13 signing onto the ID and that is why, you know, you
14 build that solidarity, and that sense of sanctuary
15 cities, everybody playing a role, but even if—this
16 issue may not be pertinent to you personally, but
17 you're standing in solidarity with the communities
18 that are impacted. So the importance of having that
19 and using that as your principal form of ID within
20 the New York City as a way of reinforcing that I
21 think is—is critical, but what another—what other
22 areas in the city do you see this being an issue?

23 PETER MARKOWITZ: Sure. Thank you for
24 that question. So the—the—I couldn't agree more that
25 that aspect of the Muni ID program is critical. The

2 place where, and this is I think an unintended
3 consequence of longstanding NYPD policy is that
4 routine booking question any time someone is arrest-
5 arrested is where were you born.

6 SPEAKER MARK-VIVERITO: Okay,

7 PETER MARKOWITZ: And what happens with
8 that information is as soon as somebody is
9 fingerprinted as people are routinely done or as
10 routinely happens, the fingerprints together with the
11 place of birth information travel not by any choice
12 of our own, but travel to the immigration
13 authorities, and the immigration authorities
14 routinely target what they call foreign no matches.

15 SPEAKER MARK-VIVERITO: [interposing]
16 Exactly.

17 PETER MARKOWITZ: So if they don't see
18 somebody in their database, but they-but the NYPD
19 lists them as foreign born, they now can become a
20 target for Immigration Enforcement and they do on
21 scale.

22 SPEAKER MARK-VIVERITO: Which was what
23 was happening at Rikers in particular, right--

24 CESAR VARGAS: [interposing] It was/
25

2 SPEAKER MARK-VIVERITO: --with the access
3 and information that ICE had to the people that were
4 being brought to Rikers?

5 PETER MARKOWITZ: Definitely, and because
6 Rikers largely doesn't hand people over any more, the
7 issue at Rikers has been addressed in great part.
8 The problem is it doesn't stop them from getting onto
9 Immigration's radar screen and from the types of
10 raids that have been described happening in our
11 community because this is the way that Immigration
12 learns about many undocumented New Yorkers and they
13 become targets of community raids. So it takes a
14 culture shift to say why do we really collect that
15 place of birth information? What is so critical
16 about it? Because if there isn't something that
17 really makes it absolutely essential, it is doing
18 great harm and we should think about getting rid of
19 that as an intake question.

20 SPEAKER MARK-VIVERITO: That's a great
21 point and I appreciate that, which speaks to what
22 Cesar was saying also a little bit. You know, we—I
23 was at another forum where I specifically said, you
24 know, we have to have our policies back up and
25 reinforce our rhetoric.

2 PETER MARKOWITZ: Yep.

3 SPEAKER MARK-VIVERITO: So we have a
4 Police Commissioner that has said, right, that has
5 issued a memorandum to the rank and file. We have to
6 look into what training is happening, right that's
7 the issue, but we do have a Police Commissioner that
8 has issued a memorandum to rank and file saying, you
9 know, we will not be extensions of, you know, or we
10 will not be used or our resources will not be used to
11 enforce federal immigration law, and to make sure
12 that everything—every other aspect of the policies
13 are feeding into that reality, right and that
14 rhetoric. So I think this is an issue that
15 definitely we can bring up, and to the extent what
16 training is being provided on the group to ensure
17 that that message that the Commissioner is saying
18 publicly is, in fact, being reinforced on the ground.
19 So I think that that's critical, and what you're
20 raising today has raised that for us, and that's why
21 these hearings are important because then we go back
22 with the information we have. So I appreciate that
23 feedback and, you know, I know that we have—I think
24 you said something that's very powerful, Peter, about
25 ethnic cleansing. I think in the last couple of

2 weeks we've seen very, very, very clearly what the
3 ultimate goal is of this administration and the
4 comments of Congressman King who is now apologetic,
5 and obviously what the intent is of a--of a ban and
6 others in the Administration. There clearly is a
7 sense of purging that we're implementing policies to
8 purge certain groups of people from this country, and
9 we have a fact adverse administration. Because if
10 not, if facts really did matter, what you've
11 indicated about what--how, in fact, and what the
12 reports are indicating about how sanctuary policies
13 actually make us safer city, would be validated, and
14 that's not happening. So it's a scary, very, very
15 scary time for us. So then the last question I have
16 is for Cesar particularly and even with Wilmer and
17 with Lucy, right, Lucy, and I'll ask it in Spanish,
18 too, but [Speaking Spanish] and what's the sense on
19 the ground of what the impact of the policy has been?
20 [Speaking Spanish] So maybe you want to speak to
21 that? [Speaking Spanish]

22 CESAR VARGAS: [Speaking Spanish] So,
23 the--so yes, the question definitely. We have seen a
24 big change in the community in Staten Island in
25 particular. We have seen the number question what

2 would happen to my children if I get deported?
3 That's not a very—that's not an easy conversation to
4 have or to tell someone. Just imagine the fear that
5 someone, the courage the fear that some—that it takes
6 to ask someone that. A lot of folks don't even send
7 their children to school, don't send their children
8 to the medical center. They don't even go to seek
9 medical care because they're afraid to have an
10 encounter with ICE. We definitely, definitely have
11 seen an increase. A lot of the community meetings
12 that we have at Make the Road we've definitely seen a
13 huge number and a huge spike.

14 TRANSLATOR: [Speaking Spanish]

15 SPEAKER MARK-VIVERITO: [Speaking
16 Spanish]

17 WILMER: [Speaking Spanish]

18 SPEAKER MARK-VIVERITO: [Speaking
19 Spanish]

20 WILMER: [Speaking Spanish]

21 SPEAKER MARK-VIVERITO: [Speaking
22 Spanish]

23 WILMER: [Speaking Spanish]

24 SPEAKER MARK-VIVERITO: Okay. [Speaking
25 Spanish]

2 CESAR VARGAS: And just a quick point--

3 SPEAKER MARK-VIVERITO: Yes

4 CESAR VARGAS: --in terms of the
5 implementation. I have had discussions with former
6 police officer. They included about how police
7 officers are--you know, when it comes in the mornings
8 they have the usual meetings with the commander or
9 the sergeant and many of these conversations on
10 immigration are not happening at the ground level
11 when they're--

12 SPEAKER MARK-VIVERITO: Right.

13 CESAR VARGAS: --getting out, you know,
14 do the patrol. So, you know, I think this is the--the
15 complication that many people have questions of how
16 many New York City immigration policies are being
17 implemented or on guidance. So I think that is a
18 concern that we're seeing both, you know, on Staten
19 Island with, you know, there's a large population of
20 police officers, former police officers who have
21 questions of how these policies are affecting on the
22 ground. So, I think that's a very important
23 conversation and--and I--and I think for me it's one of
24 the points that I really want to mention in terms of
25 the climate. You know, we are seeing this climate of

2 fear that's happening, but I also want to emphasize
3 that this aggressive deportation enforcements happen
4 also under our former administration.

5 SPEAKER MARK-VIVERITO: Of course.

6 CESAR VARGAS: And—and I think, you know,
7 obviously the media has also created a—a very urgent
8 that's not helping when it comes to families because
9 that's all they see on the news, you know. In
10 Spanish television it's all about that, about
11 deportation, rates and everything. So, you know, I
12 think it's also, you know, the importance of the
13 politicizing these conversations when it comes to
14 this enforcement because at the end of the day, you
15 know, we are, we're all New Yorkers and we want to
16 make sure that we are working together to ensure that
17 we are stopping the deportation of families. So I
18 think those neighborhood level discussions is so
19 critical for us to really hear about the mental
20 services needed, about the financial legal services
21 needs, and I think that is critical. Thank you.

22 SPEAKER MARK-VIVERITO: Alright, thank
23 you, Mr. Chair.

24 CHAIRPERSON MENCHACA: Thank you,
25 Speaker, and we've also been joined by a Council

2 Member from Manhattan Helen Rosenthal and I'm going
3 to hand it over to Council Member Dromm.

4 COUNCIL MEMBER DROMM: Well, thank you,
5 Chair Menchaca. You're very generous in allowing me
6 to ask questions before yourself. I appreciate that
7 very, very much, and just a--a little bit of a story
8 before I begin. Last April I went to visit PS 222 to
9 meet with the principal, which I do on a regular
10 basis, and when I go there, the principal told that
11 she had made an announcement in the morning news over
12 the loud speaker that Council Member Daniel Dromm was
13 going to come to visit the school, and all of a
14 student after making the announcement a little boy
15 ran into the principal's office and said Ms. Moreno,
16 Ms. Moreno, come to the class. There's a little girl
17 who's crying, a girl who's crying and Mr. Moreno went
18 up to the classroom and said, well, why are you
19 crying, and she said I don't want Donald Trump to
20 come to the school. [laughter] She heard my name,
21 Daniel Dromm as Donald Trump, but the reason I bring
22 it up is because we've talk about it in the hearing
23 today, and the impact of parents leaving their kids
24 or being separated from their kids, but what about
25 the fear that the president has instilled in the

2 hearts of children that they have to be in school to
3 think that they may not be able to go home to see
4 their parents, which I get emotional about, and it
5 was a terrible experience. I went up to the
6 classroom to see the girl and I don't know if she
7 believe that wasn't Donald Trump or not but, you
8 know, to see her crying like that was just heart
9 wrenching and so, you know, as Chair of the Education
10 Committee, I think that we have to really push, and
11 I'm going to work Council Member Menchaca and our
12 Speaker on what we're doing in public school system
13 as well to address the fears of the children. You
14 know, I don't if that child in particular was
15 documented or undocumented, but she fear that her
16 mother and father wouldn't be there when she went
17 home. And then I wanted to share another story.
18 Well, I saw in your testimony, Mr. Markowitz, as well
19 that you—and I don't think you said it, but it was in
20 your written testimony that the agents who populate
21 the lower ranks of the Department of Homeland
22 Security have a culture of hostility to both to both
23 immigrants and to the constitutional principles they
24 are supposed—that are supposed to constrain them.
25 And the Speaker and I were at 26 Federal Plaza last

2 week to attend a check-in with an advocate, which
3 many people in this room know, and we gathered in the
4 hallway to just discuss amongst ourselves what had
5 happened, and it wound up that this advocate was
6 given another date, and it was postponed, but in-
7 while we were standing there, security agents and
8 they have security agents, which are different than
9 the police officers in the building, came up and
10 asked us why we were there, and why we were standing
11 in the hallway, and they were fairly polite. But all
12 of a sudden an employee came screaming at us at the
13 top of his lungs say, Get out, get out. You're not
14 allowed here. Get out of the hallway. Get out. And
15 I said to him, who are you, and he refused to
16 identify himself. Now, here we are elected officials
17 of the City of New York, and they're treating us in
18 this fashion, and they have no accountability to
19 anybody except to themselves or their bosses, who I
20 don't even really think really care. But he
21 situation that we found in that room as well for
22 those people who were waiting a check-in, was also
23 very, very disturbing, and I've had the opportunity
24 to speak with the Speaker about this as well, and in
25 terms of trying to get them some help and legal

2 representation as well. But we saw families, a
3 grandmother with children, a parent with children
4 sitting and waiting and never really know, like when
5 they go through that door, are they going to return
6 back on the other side, or will they be deported or
7 put into detention right at that moment. And so,
8 immigrants all across the country are facing this
9 situation, and it's really, a really horrible
10 situation for them to—to face and I'm wondering if
11 anybody knows has there been any type of an increase
12 of people who are called for check-ins who actually
13 wind up finally going or actually being put into
14 detention centers or held for detention proceedings.

15 PETER MARKOWITZ: So I thank you for that
16 question, and I—I and think you both for being at
17 that event, and I was there as well, and we're very
18 happy that he's still with us. So, like so much of
19 what's happening, it's really hard to say yet. I
20 think there is extreme concern that ICE check-ins be
21 they for people who have old orders of removal or
22 people who are—have pending cases and are on some
23 kind of supervised release, are going to become an
24 increased tool that Immigration will use to, you
25 know, suck people into the black hole of immigration

2 detention. There is palpable fear—fear and I think
3 reasonable fear. We have heard certainly anecdotes
4 to that effect, and I know the Immigrant Defense
5 Project is monitoring that—that phenomenon. I don't
6 think we have enough information yet to say with
7 certainty that there's been a dramatic change in
8 policy although it may well be so. What we do know
9 is that the priorities have changed, right, and so
10 that people who may have been released because and
11 under supervision because they were not priorities
12 previously, may now be priorities and that is a real
13 reason why people are fearful of stepping into that
14 locked door and wondering if they're going to be able
15 to come out. So I think it's—it's reasonable fear.
16 There is definitely horrible anecdotes that we've
17 heard. It's really hard to say yet whether there's a
18 systemic change.

19 COUNCIL MEMBER DROMM: So I'm—I'm
20 wondering if there's a way also that we could provide
21 some type of assistance to those folks either through
22 a Know Your Rights or leaf routing (sic) before they
23 even walk in that door until we can come up with a—a
24 better solution because it was really heart wrenching
25 to watch that happen.

2 PETER MARKOWITZ: Yep, absolutely.

3 COUNCIL MEMBER DROMM: So I'd to talk
4 with advocates about that and to-to just-just to feel
5 how-how we can deal with that situation for me
6 anyway.

7 SPEAKER MARK-VIVERITO: [interposing] Can
8 I ask-can I just insert-

9 COUNCIL MEMBER DROMM: Sure.

10 SPEAKER MARK-VIVERITO: --because I think
11 and I know other advocates that are going to testify
12 on the other panels, but I just saw something that
13 Legal Aid actually is on the 12th Floor of 26 Federal
14 Plaza. So they provide some sort of legal assistance.
15 Is that accurate?

16 PETER MARKOWITZ: Yeah, so I know
17 they're-they're going to be

18 SPEAKER MARK-VIVERITO: [interposing]
19 They're going to come.

20 PETER MARKOWITZ: Yes, I know and they'll
21 say more about it, but they have for a long time run
22 a general kind of intake program to screen for people
23 who are in removal proceedings to screen for
24 representation, and I believe that's the program
25 that-that you're referring to and-and my

2 understanding is that continued. It's a critically
3 important--important resource in the community.

4 CESAR VARGAS: And I also just quick want
5 to add this point that Know Your Rights are
6 incredibly significant. At this point also we want
7 to be able to--you know, frankly I think we need to
8 lawyer up people, you know, in a--in a legal, just to
9 have legal--Legal Aids do incredible work in many
10 organizations, but, you know, just the fact that
11 there is not--not significant funding for--for many of
12 this great work that's happening, I think it's also a
13 critical component to understand that just the fact
14 that there is an attorney doesn't mean there's--
15 there's plenty of attorneys, and right now we are
16 seeing not just a climate of fear, but also a climate
17 of opportunity for notarials and-- attorneys
18 sometimes to defraud people. So I think that's also
19 where we're seeing people are, you know, paying \$250,
20 \$100 for just power of attorney letters. So I think
21 that's also significant to point out.

22 COUNCIL MEMBER DROMM: So one of the
23 issues that I'm somewhat familiar with is that I hear
24 sometimes when people are arrested and detained is
25 that families don't know what has happened to their

2 loved one. And, you know, the Vienna Convention
3 requires that there be notification, consulate
4 notification of the arrest or the detention of that
5 individual, but I don't know that the NYPD follows
6 that convention rule. Is there a way that we can
7 work with that, with the NYPD or anyone else who's
8 arrested under, you know, deportation proceedings?

9 CHAIRPERSON MENCHACA: And-- I think the
10 next panel might be better for--for that. I'd like
11 to, you know, hold.

12 COUNCIL MEMBER DROMM: [interposing]
13 Absolutely.

14 CHAIRPERSON MENCHACA: Yeah, I--I think the
15 next panel is going to be a lot more equipped to
16 answer that question. Are you okay with that, Peter?

17 PETER MARKOWITZ: Definitely.

18 CHAIRPERSON MENCHACA: Okay, let's hold
19 that and I hope the next panel--

20 COUNCIL MEMBER DROMM: And just one more
21 question--

22 CHAIRPERSON MENCHACA: [interposing]
23 Yeah, sure.

24 COUNCIL MEMBER DROMM: --if I may, and-
25 and this is something I've learned recently as well,

2 is that the tremendous impact that the Health—the
3 American or whatever Trump is calling his health
4 package is going to have on our Health and Hospitals
5 situation, and I think we need to consider that as
6 well because the only place that our undocumented
7 immigrant community can get healthcare unless they
8 pay, you know, which most don't have the money for is
9 through Health and Hospitals, and just the Medicaid
10 cuts alone are going to devastate our hospital
11 system, but I think we need to be aware of the impact
12 that that's going to have on our immigrant
13 communities as well. Thank you.

14 CHAIRPERSON MENCHACA: Thank you, Council
15 Member Dromm, and there will a panel number five on
16 that question as well. So I'm hoping the folks that
17 are going to be in that panel can—can bring that up
18 in their testimony. Thank you. We've been joined
19 Brooklyn Council Member Mathieu Eugene, and Peter Koo
20 is next on the questions, and we want to move this
21 through so we can get the next panel up. [pause]

22 COUNCIL MEMBER KOO: Thank you, Chair
23 Menchaca and our Speaker for advocating immigrant
24 rights. We all know recently there were—there were a
25 lot of at the immigrants in the immigrant

2 communities. So my question to the panel is how do
3 you—how do they avoid all these anxieties or—of the
4 immigrants by doing certain things like—like if you
5 have—if you are a Green Card holder suppose you drive
6 you need somebody. You know, you have a criminal
7 offense or no. Then when when—when you go to ICE so
8 people are afraid to drive or they are afraid to go
9 to go to work. Or, suppose a lot of immigrants work
10 as—I massage parlors, right, and you know when you
11 have committed an offense in massage, it's a felony.
12 You know, been doing it, it's nothing to—to—to most—
13 most people. You know, it's just a massage. Well, a
14 massage or whatever, but they will get you. They say
15 oh, this is a felony. So, it might be deportable
16 even though you have a Green Card status. So, how-
17 how do we do it there were situations like those?

18 PETER MARKOWITZ: Sure. Sure. Well, I
19 think for Green Card holders who have kind of contact
20 with the Criminal Justice System in New York, we have
21 a fairly robust system in place that should give them
22 some comfort. The—every public defender office in
23 New York City delivers what are called Padilla
24 services for a Supreme Court case that—that stands
25 for the proposition that if you are not a citizen and

2 you're facing a criminal charge, you have
3 constitutional right to have advice about the
4 immigration consequences. And so what that means is
5 that any-any non-citizen who is picked up on a
6 criminal charge in New York should be asking to see
7 not only their criminal defense lawyer, but be asking
8 to see an immigration lawyer from their office to get
9 a consult to make sure that the disposition of their
10 case is sensitive to immigration consequences, and
11 protects them to the greatest extent possible, and
12 we're lucky in New York to have robust—the best
13 Padilla Services in the country and as long as we
14 continue to fund those, we'll continue to have that.
15 And then on the back end they should feel comforted
16 by our Detainer Law. Our Detainer Law means that but
17 for the most serious, serious situations and the
18 situations where ICE obtains a judicial warrant, New
19 York City will not be handing people over from our
20 Criminal Justice System into Immigration detention
21 and that—that has reduced deportations in New York by
22 3 to 4,000 annually. And so I think the first step
23 is public education about the kind of robust
24 protections we already have in place, and educating

2 folks enough to know to ask for the services that
3 they're entitled to.

4 COUNCIL MEMBER KOO: And my-my second is
5 like can ICE agents go to a restaurant of a place
6 where a lot of people-people work, can they go there
7 and inspect all their IDs or-or the workers? Do they
8 need a warrant or can they just go by themselves?

9 [background comments]

10 CESAR VARGAS: Well, I-I think that's as
11 Wilmer mentioned before, the fact is at this point
12 there-there is no priorities, and when it comes to
13 what we have seen as many cases, Immigration is
14 pretty much entering anywhere even though they may
15 not have the authority or the legal right to enter,
16 but at this point there is no accountability where
17 Immigration can do, and I think that is the main
18 concern that when Immigration agents are executing
19 whether it's a warrant or-or any type of enforcement
20 action, there is no accountability at the Department
21 of Homeland Security and, you know, from the advocacy
22 perspective as well, you know, we were usually at
23 least had a contact with DHS, at least a contact
24 with-with legal counsel at the Department of Homeland
25 Security, USCIS so even ICE are even, you know,

2 White House. We don't have that any more, and I
3 think that is the main concern that it's—ICE is
4 really enforcing a broken immigration system that
5 right now has no parameters and no accountability.

6 PETER MARKOWITZ: It really goes to
7 Councilman Dromm's point about the kind of hostility
8 to the Constitutional principles that we see. The
9 Constitution says they need a warrant or consent to
10 go into places that are not public spaces like this,
11 but—but the—but the remedies are lacking and so they
12 routinely violate those principles and we need to
13 think hard about how to hold them accountable.

14 CHAIRPERSON MENCHACA: Thank you, Council
15 Member Koo from Queens, and we're going to move to
16 the next panel and this [Speaking Spanish] Thank you
17 for having the Conference to come to come and give
18 testimony. We were blessed by this first panel that
19 set this whole conversation in motion from Peter
20 Markowitz's legal super hero house to a new merging
21 lawyer DACA recipient, a student that can really
22 speak to the ground on—on student issues, and then
23 also a family and the family perspective as well with
24 Lucy. So thank you all. You've really set this in

2 motion so I want to say thank you, and we're going to
3 bring the next panel.

4 PETER MARKOWITZ: Thank you.

5 CHAIRPERSON MENCHACA: And so I'm going
6 to call the names for the next panel. I want to—and
7 then I'm going to speak as you get up here for—for a
8 few minutes. So, Camille Mackler, please from the
9 New York Immigration Coalition, Albert Kahn for the
10 Council American-Islamic Relations, Jo-Ann Yoo;
11 Asian-American Federation, Crystal Moncada, New York
12 Legal Assistance Group, Hasan Shafiqullah's and
13 remind me if—or let me know if I got that wrong, the
14 Legal Aid Society, Amy Taylor from Make the Road New
15 York. If you can make your way to the desk—to the
16 table. I'm going to—I'm going to give a reminder to
17 everybody who will be testifying. We're going to
18 have a budget hearing next week, March 22nd, in this
19 room at 10:00 a.m., and so I want you to focus your
20 testimony on non-budget related items, and—and before
21 you can do that have confidence and know that I will
22 be fighting for and what was discussed in this first
23 panel, more money for lawyers. We need that.
24 Baselining for NYIFUP and other programs. We need
25 that. Social services making sure that we get more

2 social services around adult education bringing more
3 and connecting people to-to healthcare. These are
4 all things that we're going to discuss in a very
5 robust way, and-and so focus. We want to hear
6 suggestions about how we can think about both policy,
7 legal and-and legal reframing through laws are kind
8 of municipal powers to really address the issues
9 between ICE and our communities. And so before the
10 next panel goes up, usually, the first panel that we
11 have in the Immigration Committee has affected-
12 affected community members, which then right now we
13 would have had MOIA. MOIA is not testifying today.
14 So we just want to let you know that, and instead
15 they have submitted testimony that you have copies of
16 as well, and so if you need copies, the sergeant-of-
17 arms may be able to get that to them. Their staff is
18 here. Can we have the MOIA staff identify
19 themselves? Raise your hand. Thank you so much for
20 being here today for the entire-entire hearing that
21 we're going to have. I will read their conclusion
22 their final kind of conclusion paragraphs. This
23 testimony that you'll have access to presents a
24 number of actions that the Administration has taken a
25 response to a more enforcement-oriented environment

2 for immigrants, and a growing climate of fear. We
3 recognize there are also many challenges left to
4 face. In the face of this uncertainty, we will
5 continue to monitor ICE activity, and federal policy
6 changes to assess and measure their impact of New
7 Yorkers and to provide trusted and reliable
8 information to our colleagues and the communities we
9 work with, and to avail ourselves of every tool at
10 our disposal to protect all New Yorkers. This is a
11 city of immigrants. Indeed, around 60% of New
12 Yorkers are immigrants or children of immigrants, and
13 our city is richer and stronger because of this—of
14 this diversity not in spite of it, and we remain
15 fundamentally committed to serving the immigrant
16 communities that make the city so great. We look
17 forward to working with—continuing this conversation
18 with the Council in the coming weeks, and working
19 with Council and our agency partners and advocates to
20 do this important work. Again, if you wanted the
21 testimony from MOIA, let us know, and with that,
22 let's start with this panel. If we can start here on
23 the—on the left side here. Introduce yourself and—and
24 we're going to put you on the clock. So from here on
25 out, we're going to have members of the panel

2 testifying at three minutes. If we can get the
3 sergeant-of-arms to get that ready and then we're
4 going to have a-a two-minute Q&A from Council Members
5 as well. We got to get this conversation going. We
6 have eight panels to through. Thank you.

7 HASAN SHAFIQULLAH: Good morning. My
8 name Hasan Shafiqullah. I'm the Deputy Attorney in
9 Charge of the Immigration Unit at the Legal Aid
10 Society. Thank you for having us this morning. I'm
11 going to highlight just a couple different things--
12 ways in which the Trump Administration's policies are
13 impacting New York City residents. Some of the
14 issues I'll just briefly talk about because my
15 colleagues on later panels will discuss them. So one
16 is the increase in detention by ICE, which NYIFUP
17 will Panel will talk about, but I just want to
18 highlight the ending of the so-called Catch and
19 Release Policies is going to dramatically impact our
20 clients because they'll be detained on cases that
21 typically wouldn't have resulted in ICE detention.
22 We're getting fewer prosecutorial discussion grants
23 where the government agrees the case, and ways in
24 which city policies are playing out to the extent
25 that the New York City Police Department is issuing

2 criminal or citing people on criminal charges rather
3 than civil offenses for low-level things turnstile
4 jumping and things like that. It's been a huge
5 problem for our clients. The administration's
6 changes regarding unaccompanied minor children which
7 the ICare panel talk. It is impacting our clients as
8 well, but what I'm going to focus on here in-in my
9 remaining two minutes is-are two things. One is
10 access to government benefits the Executive Order on
11 Interior Enforcement has already said that if you
12 engage in-if there's allegations of fraud and
13 misrepresenting in receiving welfare benefits, that
14 can be grounds for removal even if they're unfounded,
15 and certainly the draft Executive Order on Government
16 Benefits will make it much, much harder for people to
17 receive benefits. More types of federal benefits
18 will subject somebody to what's called the Public
19 Charge Analysis, which can make them either
20 deportable or inadmissible for certain benefits, and
21 the government is going to-if that draft order is
22 signed, aggressively seek reimbursement from
23 financial sponsors. That's something that we haven't
24 seen happen locally in New York. Part of-partly
25 that's because of a settlement in a lawsuit that we

2 had brought called *Pellegrin v. Door*, and so the
3 aggressive reimbursements request by sponsors will
4 make it harder for people to get their Green Cards
5 based on family members because you won't find joint
6 sponsors willing to sign these documents. The second
7 point I want to highlight is access to medical care.
8 Right now getting Medicaid benefits doesn't subject
9 you to public charge unless it's long-term
10 institutional care, but under the draft executive
11 order, things like regular Medicaid, aid at the AIDS
12 Drug Assistance Program for HIV positive people.
13 These are things that could possibly subject someone
14 to public charge, and we're going to see people
15 afraid to go to hospital, afraid to seek medical
16 care, and it's going to have a terrible impact on
17 the health of our non-citizen New York City
18 neighbors. So and in my written testimony we
19 have six recommendations. Of course, the baseline,
20 baselining NYIFUP making low-level offenses not
21 fingerprintable and asking for civil fines rather
22 than criminal charges for low-level offenses. For
23 the city agencies including Department of Education,
24 Social Services not to grant access to ICE unless
25 it's a judicial warrant. The Public Education

2 Campaign around it being safe to get benefits to the
3 extent that it still is. To the extent that the City
4 cannot share information with ICE [bell] not through
5 the SAVE System.

6 CHAIRPERSON MENCHACA: Thank you and so
7 this is the two items: Access to Government Benefits
8 and Access to Medical Care and the rest of it is in
9 your testimony. Great. Thank you. We'll come back
10 with some questions. Camille.

11 CAMILLE MACKLER: Thank you. In honor of
12 our new Language Access Law, I was do this in English
13 and French, but since we're short on time, let's
14 stick to English. Thank you, Council Member Menchaca
15 and Council Member Dromm and Speaker Mark-Viverito
16 for this opportunity. As has already been noted, and
17 the two of you repeated over and over again today,
18 since January of 2017, our immigrant communities have
19 been living under a siege of terror, and in just
20 short, six short weeks, the new administration has
21 put out such harsh and reckless policies that they
22 have made our immigrants feel like they are living—
23 that there—there is a war being waged against them.
24 And this has translated into some very real and
25 substantial concerns for those of us who work with

2 those communities. Immigrants are now more reluctant
3 than ever to report crime or to participate in the
4 investigation or prosecution of crimes including
5 violent crimes against themselves and other community
6 members. This fear has been stoked by the—by the
7 possible collaboration between probation officers or
8 other law enforcement agencies and ICE, and also
9 because it has encouraged private citizens such as
10 landlords, employers, other community members to
11 report immigrants to ICE enforcement. There is also
12 the problem of confusing uniforms. The NYPD, of
13 course, but the Department of Homeland Services for
14 example walks around with jackets that have the
15 acronym DHS on the back, and are currently recruiting
16 DHS police on the subways. Even the MTA has
17 sometimes confused people and made people afraid of
18 getting on the subway to get to work in the morning.
19 Lawyers have been here today have begun reporting
20 that clients are afraid to come into their offices.
21 They're afraid of congregating in public spaces such
22 as why they have to wait in line outside, such as
23 consulates of even the USAS offices. Immigrants have
24 been afraid to go and seek healthcare. They're
25 afraid to go and get treatment for concerns because

2 of the moves of ICE in hospitals and other H&H
3 facilities. There have also been rumors of ICE going
4 to shelters such as homeless or domestic violence
5 shelters, and we know of several instances where
6 immigrants have not returned there at night out of
7 that fear. There are many concerns in schools, which
8 Council Member Dromm alluded to before, and which my
9 colleague Kim Sykes (sic) will address in—in a
10 moment. These fears have taken a real toll on
11 everyday life and many families are planning for the
12 worst case scenario, which is in turn having an
13 impact not only on the mental health of children and
14 of their parents and of their co-workers in
15 communities, but of the organizations that try to
16 take care of them. The mental health of both
17 immigrants and those who serve them are great strain
18 right now as resource that were already at capacity
19 take on an increasingly heavy load especially as we
20 engage in more and more rapid responses such as what
21 happened at JFK. And I just want to finish by saying
22 that when I looked JFK while we were trying to
23 provide assistance there we didn't meet terrorists,
24 we didn't meet people who harmed this country. We
25 met people who couldn't understand why their mother

2 who was wheelchair bound and diabetic couldn't get on
3 a flight. We met a young man who was waiting for his
4 father, a father who was trying so hard to mask the
5 fear of what was going on with his wife in front of
6 his three children who had welcome home balloons.
7 And I just want to call on the city to remain
8 faithful to the symbol of liberty that stands in our
9 harbor, and it is imperative that this city, a city
10 built by immigrants and made immeasurably stronger by
11 them take all actions necessary to remind them how
12 welcome and protected they are here. Thank you.

13 CHAIRPERSON MENCHACA: Thank you so much
14 for that—for that testimony and—and we'll come back
15 and talk a little bit about the uniforms in my Q&A.

16 ALBERT CAHN: Hello. My name is Albert
17 Cahn. I'm the Legal Director for Care New York the
18 Council on American-Islamic Relations. We're a
19 leading advocate group for Muslim-Americans here in
20 New York City and across the state, and the Muslim
21 community has been doubly targeted. You know, yes,
22 they've been targeted by the interior enforcement
23 changes that we've heard described by many speakers,
24 but we've also been the subject of a travel ban that
25 has targeted Muslim majority countries. The second

2 version of which goes into effect tomorrow. This is
3 a ban that targets people on the basis of their
4 nationality, nationality that has no link to
5 terrorism, no link to a public safety issue. It is
6 simply an attempt to fulfill President Trump's
7 promise of a Muslim ban. We are fighting this in
8 court, and we are hopeful that we can enjoin this
9 measure before it goes into effect. [coughing] But
10 it's-it's difficult to convey the fear that is
11 permeating the community right now because it's not
12 just Muslim immigrants who are being affected. Our
13 office is constantly being contacted by Muslim
14 citizens, U.S. citizens who fear traveling because
15 they think they will be targeted. Prior to these
16 measures going into effect, Muslim-Americans were
17 targeted by CBP for secondary searchers at a much
18 higher rate than the general public, but now we are
19 hearing horror stories of people being detained for
20 hours, people being choked at the border, people
21 being harassed and intimidated, and these are U.S.
22 citizens who can't come back to their own country
23 without facing this sort of harassment. And so while
24 the President of the United States lacks the power to
25 block United States citizens from returning to their

2 home, he lacks the power to enact that by law. He has
3 enacted it though fear, and so we're out there in the
4 community explaining to people that they have the
5 right to come back. We have been conducting Know Your
6 Rights trainings throughout the state, and primarily
7 in New York but also on Long Island and Upstate
8 trying to convey to people that what their rights are
9 at the border. But we see a continued practice of
10 abusing the discretion afforded to CBP agents to
11 conduct searches and to use it as a pretext to ask
12 people about their faith, about their political views
13 and about matters that are completely unrelated to
14 the scope of CBP's role at the border. We think it
15 is unacceptable, and we need to push back. There is
16 an incredible need for additional resources for these
17 sources of Know Your Rights trainings for individuals
18 to help those who are traveling because as was
19 earlier mentioned, we have encountered scams. People
20 who are using this opportunity to make a quick-make a
21 quick buck rather than serving the community. Also,
22 we see a continuing pattern where people are afraid
23 to come forward when they are the victims of crimes
24 even hate crimes, when they are the victims of scams
25 because they are afraid of the collateral

2 consequences of engaging in the Criminal Justice
3 System even when they have been robbed. This is
4 driving people into the shadows, and the city must
5 fight back. We are incredibly hopeful that the City
6 Council will lead the role in making sure that
7 although New York will always be a city of
8 immigrants, it's up to make sure that it is the city
9 where immigrants have equal justice and equal
10 standing.

11 CHAIRPERSON MENCHACA: Thank you for
12 that. Thank you for your testimony.

13 CRYSTAL MONCADA: Chair Menchaca, Council
14 Members and staff. Good morning and thank you for
15 the opportunity to speak to the Immigration
16 Committee. My names is Crystal Moncada, and I'm a
17 staff attorney with the Immigrant Protection Unit at
18 the New York Legal Assistance Group. Despite a
19 significant rise in the level of fear in the
20 immigrant community, we're pleased to report that
21 immigrants continue to attend our legal clinics in
22 large numbers including the Council's Trusted Key to
23 the City Clinic, which NYLAG runs on a monthly basis
24 with the New York Immigration Coalition. However,
25 we've seen a change in the atmosphere—atmosphere of

2 these clinics. While appointments are usually
3 focused on the type of relief, which clients are
4 eligible for, we have now seen a strong emphasis on
5 safety planning for U.S. citizen children where
6 parents are being deported. We think that the best
7 way for the city to calm the chilling effect of these
8 news reports and increased enforcement tactics, is by
9 having Council members reach out to their
10 constituents, provide up-to-date information that
11 are—that's culturally and linguistically appropriate.
12 NYLAG has already successfully partnered with several
13 Council members to provide information to their
14 immigrant constituents with Know Your Rights
15 presentation. We believe a concerted effort to
16 ensure these adequate Know Your Rights presentations
17 in consort with all council offices will allow
18 service providers to reach many more people. We've
19 also seen a substantial increase in the number of
20 NYLAG clients who are under orders of supervision and
21 whose cases are pending in Immigration Court, but are
22 afraid to go to their ICE—to ICE required check-ins
23 for fear of being placed in detention. These clients
24 could lose their chance to pursue their valid claims
25 for asylum due to these fears. Perhaps the most

2 distressing is immigrant survivors of domestic
3 violence who are reticent to report abuse. We have
4 seen several clients who are no longer wishing to
5 pursue an order of protection in Criminal Court out
6 of fear that they will be asked about their legal
7 status. Others who are able to—to apply for relief
8 based on being victims of violent crimes or do no
9 longer want to seek to apply for a new visa
10 application because they don't want to be exposed to
11 the government. If Immigrant victims of violent
12 crimes are afraid to speak out or cooperate with law
13 enforcement, we are keeping abusers from being
14 brought to justice. I want to thank Chair Menchaca
15 and the Committee for holding this hearing on the
16 important topic of ensuring that immigrants are able
17 to have access to justice and services in New York
18 City, and we look forward to continuing to work with
19 Council and the Mayor's Office. Thank you.

20 CHAIRPERSON MENCHACA: Thank you for your
21 testimony, and—and I'll come back and talk a little
22 or ask a little bit about that relationship Council
23 District offices, and I'll ask some questions later
24 about that.

2 JO-ANN YOO: Good morning. My name is
3 Jo-Ann Yoo. I'm the Executive Director of the Asian-
4 American Federation. One in five Asian-Asian
5 immigrants in New York City may be undocumented. I
6 think we're looking at the statistics—statistics of
7 American Community Survey that shows that 95% of
8 Asian children in New York City have at least one
9 immigrant parent. This compares to 60% of Hispanic
10 children and 39% of non-Hispanic white children. I
11 am here—I wanted to use those statistics to highlight
12 the most—that to stress that immigration is indeed
13 one of the most—is the most important issue in our
14 community these days and more than offering anything,
15 you know, expert advice—that's definitely all the
16 attorneys here, I want to share some of the fears
17 that is happening in our community. This is Monday
18 morning 70 organization water cooler top, which is
19 really disturbing. I—my list is, you know, most non-
20 profits are getting crushed from requests for
21 information. I think from the Social Services Report
22 we did last year see that Asian-American non-profits
23 are constantly underfunded social—in the social
24 services area. That has significant impact because
25 whether you work on immigration or integration

2 issues, right now everybody is in immigration. This
3 is a, you know, and everybody is hurting. There—
4 there isn't enough funding to go around because, and
5 we're not getting funded at all. The Federation
6 partners with COPO and the Chinese Progressive
7 Association, and we have an office in New—our New
8 York State Office of New Americans Opportunity
9 Center. All we're seeing is immigration cases. This
10 is not just 400 cases. This is folks wanting to sit
11 down with an attorney to talk about how to file, what
12 to file. Along with that, across the street there
13 are all folks who are taking advantage, the predatory
14 legal services providers. As my colleagues have
15 said, we're seeing more and more of these fraudulent
16 practices on the rise, and people are afraid to go
17 report these—the—the -being victims. One challenging
18 our community is around the travel ban obviously.
19 Our South Asian, Muslim, Arab community members have
20 been subjected to the NCO program. Our question is
21 how will NYPD build relationships? More than ever
22 they are victimized. They're targeted over and over
23 again, and they've been subjected to legal—to law
24 that has vilified them and has, you know, made them
25 our enemies and nothing has come of that. We're

2 worried about what happens when we're seeing the
3 effects of what happens when it's spills into the
4 community. We've had three or four shootings in our
5 community nationally. How do-how do we have better
6 police community relations? The question that we get
7 over and over again with parents is around what's
8 happening the schools. What hap-parents are asking
9 what happens when ICE shows up at schools? We've had
10 some guidelines and we've had some [bell] assurances,
11 but the things that we're getting we have children
12 whose parents who are undocumented who work out of
13 the state. What happens when those parents get
14 picked up and they don't come home to get their kids?
15 Do they become-do they go into the foster care
16 system? We're hearing of unprecedented hate crimes
17 and harassment happening, but nobody wants to and
18 report what's happening to them. The one question
19 that I get that is the most heartbreaking as an
20 advocate is when citizens and Green Card holders tell
21 me can you please assure me-can you please assure me
22 that I can't be deported? Are you sure I can't be
23 deported? And I said yes absolutely, but this is the
24 fear that we're having. It's not just on

2 undocumented immigrant communities. It's on all
3 immigrant communities. Thank you.

4 CHAIRPERSON MENCHACA: And Jo-Ann can you
5 repeat [coughing]—I couldn't find it in the testimony
6 but the percentage of Asian-American—well, Asian
7 families in the city that one undocumented or one
8 immigrant parent?

9 JO-ANN YOO: Sure, the Migration Policy
10 Institute estimates that about 20% of the City's
11 population. It's in the first paragraph. One in
12 five—eight immigrants are undocumented, Asian
13 immigrants are undocumented.

14 CHAIRPERSON MENCHACA: And one in five
15 may be an undocumented person in the city?

16 JO-ANN YOO: Yes, and that doesn't—and
17 for some reason NPI did not include Staten Island. So
18 that number might be higher.

19 CHAIRPERSON MENCHACA: Okay, got it.

20 JO-ANN YOO: That's a bone to pick with
21 NPI.

22 CHAIRPERSON MENCHACA: Yeah, that's a big
23 one. Thank you. Thanks for noting that.

24 AMY TAYLOR: Good morning. My name is
25 Amy Taylor, and I'm the Legal Director at Make the

2 Road New York. Thank you all for the opportunity to
3 testify today. As we are all aware, immigrant
4 communities are under attack. The fear felt by our
5 members and clients is palpable when they enter our
6 offices and ask whether it is safe to travel to go to
7 work, to drive, to show up at their court date, or
8 whether to get on the subway, and we're hearing
9 concerns about the safety of seeking medical care and
10 public benefits on a daily basis. New York City has
11 been a national leader, championing policies to stop
12 the separation of immigrant families by ending
13 collaboration with ICE through our detainer policies,
14 by providing counsel to detained immigrants facing
15 deportation through the NYIFUP program and through
16 Muni ID and other programs. It makes a huge
17 difference when we counsel families with a detained
18 loved one when we can assure them that they will be
19 given a high quality lawyer for free because New York
20 City has their back. We must continue to support
21 immigrant communities by strengthening all city
22 policies that protect immigrant families. This means
23 standing firm in the defense of our Detainer Laws in
24 the face of bullying from the federal government and
25 continuing to fund and expand universal

2 representation under the NYIFUP program. Another
3 area of concern for our members is the presence of
4 ICE in the city's courthouses. We hard—we hear
5 stories like that of Lucy today whose partner was
6 picked up after a court appearance on State Island.
7 Many of our clients and members are now scared to go
8 to Family Court as well as Criminal Court. ICE's
9 presence in our courts is terrible public policy and
10 creates a clear disincentive to show up to court
11 appearances. Communities of color have always feared
12 the police under the President's new enforcement
13 priorities. This fear reaches anyone who has had
14 even the most minor contact with the Criminal Justice
15 System. We do a lot of work to ensure crime victims
16 that it is in their best interest to report crimes to
17 the police, but we often cannot instill enough
18 confidence in our clients to convince them to do so.
19 New York City must continue to boldly proclaim that
20 immigrants who report crimes or who serve as
21 witnesses will be protected. Further more, we must
22 continue to pass the most protected policies to limit
23 information sharing with the federal government. The
24 city must pass the Right to Know Act immediately, and
25 end Broken Windows Policing, which by criminalizing

2 minor acts ensnares thousands of immigrants a year in
3 the Criminal Justice System. Until this pipeline to
4 deportation is ended, New York City's immigrants
5 including Green Card holders and refugees remain at
6 heightened risk. The hateful and xenophobic rhetoric
7 coming out of the White House have emboldened many
8 bad actors to use threats of ICE enforcement against
9 vulnerable immigrants in more ways than ever.

10 Employers are threatening workers who might report
11 abuses or discrimination, landlords are using threats
12 of ICE as a direct form of tenant harassment, and
13 hate crimes against LGBTQ immigrant communities
14 continue to instill fear across the communities we
15 serve. The city must ensure [bell] that the NYPD is
16 working harder than ever to build trust in immigrant
17 communities. It must monitor of the provision of
18 language access services carefully across city
19 agencies, especially at local police precincts where
20 immigrants can report crimes. The city should also
21 make sure that the New York City Human Rights Law,
22 one of the strongest civil rights laws in the country
23 is enforced to the fullest extent possible to address
24 racial discrimination and harassment in the workplace
25 and housing and places of public accommodation.

2 CHAIRPERSON MENCHACA: Thank you. Thank
3 you, Amy, and I have—I have a few set of questions,
4 and I want to start if off, then I'm going to hand it
5 over to my committee members as well. I want sure
6 we'll share some of this time. Remember, we have
7 eight total panels today. So I want to make sure we
8 get through some of this quickly, and actually what
9 I'll do is I'll start from the beginning and the end
10 really kind of bringing together the NYPD work that
11 we've—we've all kind of been doing together. One,
12 just kind of a flat our statement we need to end
13 Broken Windows Policing in the city of New York
14 period, and that's going to take some time and real
15 conversation about what that means, and part of that
16 is the Right to Know Act, and wo we're—we're all very
17 excited to get that going, and—and finally addressed.
18 The—the question I have on the NYPD piece is really
19 is really a question about where—where do these
20 things live in terms of policy for the NYPD to engage
21 with our communities? Is this a patrol guide change
22 as well? You know, we're—we're talking laws, the
23 Right to Know Act and we're talking about engagement
24 with and this is kind Peter Markowitz's point
25 earlier. So I won't—I won't ask the whole panel

2 about how we actually changed the way that—that they
3 take information down. In my experience in my time
4 in government we've done LGBT work, and some of the
5 places where we've actually changed the Patrol Guide
6 this is the Bible for the—the PD to take—to do their
7 job, right? They go underground and they take
8 gender, they take a whole bunch of stuff, and—and so
9 is this where we need to focus on? And this is—this
10 is part of this hearing is really digging deep about
11 what we're actually changing, what we're asking
12 about, and what—what we need to do.

13 ALBERT CAHN: I'll take a stab at one
14 piece of that. So as an example with turnstile
15 jumping, if I--

16 CHAIRPERSON MENCHACA: [interposing] Was
17 going to jump over what?

18 ALBERT CAHN: Turnstile jumping. So I'm
19 entering the subway or—or on a bus without paying my
20 fare, that's a theft of services charge. The police
21 under the Administrative Code have the choice. They
22 can charge that as a criminal offense, or just as a
23 civil—a civil matter that they just fine me for. If
24 I had a Green Card and I have two of those offenses,
25 I can be deported for it. It's a really low level

2 offense. It's going to have tremendous immigration
3 consequences. So letting them or directing to the
4 extent possible, the police to say if you have the
5 choice as they do with fare evasion, charge it as a
6 civil offense and not criminal.

7 CHAIRPERSON MENCHACA: Thank you. Amy, I
8 don't know if you have any pieces or anybody else
9 wants to take it.

10 AMY TAYLOR: No, I mean I'll just on the
11 language access piece and your question about the
12 Patrol Guide [coughs] in my experience even when the
13 changes are made to statute and the Patrol Guide
14 procedures, there's a lot of work still to be done to
15 get those changes to trickle down to cops on the
16 ground. So we are still accompanying any members
17 that we have who want to make police report at our
18 local precincts in Queens because we cannot assure
19 them that they'll be provided with an interpreter
20 when they show up at the precinct, and that's routine
21 violations that ongoing, and so it really prevents
22 crime victims from coming forward and reporting
23 crimes.

24 CHAIRPERSON MENCHACA: Got you.

2 ALBERT CAHN: I-I wanted to add that in
3 the Muslim community we've seen a pattern of hate
4 crimes not being properly categorized and designated
5 when the victim is Muslim, and there have been
6 several locations when an individual has gone-
7 reported a crime, reported the elements of a hate
8 crime and it simply has been falling through the
9 cracks. And so one thing that we think needs to be
10 addressed through the Patrol Guide through NYPD
11 policies is the number of gate keepers and the amount
12 of discretion involved in designating a hate crime
13 because it takes usually levels of review, sometimes
14 four before it's--

15 CHAIRPERSON MENCHACA: [interposing] Can
16 you review that really quick for us?

17 ALBERT CAHN: So generally, the
18 responding officer would does-would say this meets
19 the criteria of hate crime. That would go up to a
20 sergeant, a lieutenant. Then the CEO of the precinct
21 has to sign off on the designation, and then it's
22 referred to the Hate Crimes Task Force, which has the
23 final say. We've had incredible cooperation from the
24 Hate Crimes Task Force, but we have found issues at
25 the precinct level with crimes that clearly meet the

2 stats—the criteria, but still are not being
3 designated properly.

4 CHAIRPERSON MENCHACA: Can I ask a little
5 bit about the NCOs, the Neighborhood Coordination
6 Officers. Have you seen a change in—in say that
7 point that you just made about local precincts? Is
8 there a division—is there a change in culture with
9 NCOs that are able to respond to hate crimes better
10 with what I think we're all asking for to bump it up
11 without—without refusing to versus the non-NCOs?
12 Have you—have you tested that?

13 ALBERT CAHN: So, some of the more
14 blatant incidents pre-dated that roll out. I don't
15 think that, you know, it would really impact the area
16 where we have the most concern, which is the first
17 point of contact, whether it's the responding officer
18 on the street or the—the person taking the complaint
19 at the precinct. That is where we seem to see
20 persistently the most issues with people not properly
21 designating a crime as a hate crime.

22 CHAIRPERSON MENCHACA: And I would open
23 up that to the—to the group if there are changes in
24 the way that the NCOs are addressing these—these hate
25

2 crime kind-kind of interactions on ground, whether or
3 not NCOs are kind of pushing that better than not?

4 CAMILLE MACKLER: Council Member, if I
5 may. Your question also reminded me of a
6 conversation we had with NYPD a couple of years ago
7 in the context of a tiny (sic) task force, which was
8 more about getting immigrants to report an entire
9 fraud, immigration services fraud, but we had asked
10 them if they would be willing to put the new-New York
11 State New American Hotline number in precincts just
12 on posters so that we could direct immigrants who
13 have questions, and that includes about fraud, but
14 the-the hotline, which is run out of the Catholic
15 Charities, you know, has the access to over 200
16 languages and is a little bit more immigrant
17 friendly, and it can connect them to a wide variety
18 of resources and a lot of information and so maybe
19 restarting those conversations.

20 CHAIRPERSON MENCHACA: Thank you and we
21 can-we can actually go back and review. I know we're
22 present, and so let's figure out how-how we can take
23 some of that and-and follow up with them specifically
24 especially from that-the work of that task force,
25 which predates all of these executive orders. That

2 is more relevant than--than ever. I want to take a
3 pause here from my Q&A and hand it over to Council
4 Member Dromm.

5 COUNCIL MEMBER DROMM: Thank you, Chair
6 Menchaca. I just really kind of wanted to ask again
7 about the Vienna Convention Consulate access and see
8 if anybody has any knowledge of how that is being
9 dealt with or if it is being, you know, done at all.

10 ALBERT CAHN: We have had meetings with
11 the Mexican Consulate and a couple of others where we
12 asked about that point and, you know, they reported
13 that the Vienna Convention was being complied with.
14 I can't speak for all the, you know, the many
15 consulates in this city, but Mexican information--

16 COUNCIL MEMBER DROMM: [interposing] You
17 said they were being notified.

18 ALBERT CAHN: Yes.

19 COUNCIL MEMBER DROMM: Okay. Do you know
20 anything else about the other? Okay. Alright thank
21 you.

22 CHAIRPERSON MENCHACA: Thank you, Council
23 Member Dromm. I'll resume with some of the questions
24 on NYPD. So Camille, you mentioned uniforms. Is
25 there a proposal from the advocacy or--organizations

2 the New York Immigration Coalition on how to address
3 this issue where there is a real effort from ICE to-
4 to be deceitful in-in very plain language, but also,
5 look, we have-we have some relationship with NYPD
6 that we're engaging on a daily basis through laws and
7 whatever. So we have a little bit more-more
8 opportunity to talk to the commissioner. What would
9 you like to see from NYPD to really address this
10 issue of-of well deceitful action from like ICE, but
11 a more proactive NYPD response?

12 CAMILLE MACKLER: Amy-so Amy, maybe you
13 remember than me in a meeting that we had asking NYPD
14 to connect with ICE and not having ICE use police as
15 an identify call, which I realize is an uphill battle
16 but I think would, you know, even just a gesture
17 would-would be meaningful and then-

18 CHAIRPERSON MENCHACA: [interposing] You
19 said that, right? Let me just underscore. Let me
20 pause. So we-we're asking NYPD to talk to ICE and
21 say hey, stop-stop this--

22 CAMILLE MACKLER: [interposing] Yeah.

23 CHAIRPERSON MENCHACA: --and then list
24 the things that are going to be a request for change
25 in-in operations on the ground?

2 CAMILLE MACKLER: Right, and that's been—
3 we've seen that happen in California having, you
4 know, local enforcement sort of speak out and —and
5 also address the—the actual harm to public safety
6 that with these kinds of tactics do, and then, you
7 know, I had mentioned, you know, because I think
8 another one has been a big concern Department of
9 Homeland Services, which I think when a lot of the
10 rumors that we tracked down actually tracked back to—
11 the Department of Homeland Services—to Homeland
12 Services. I'm sorry. I just have it to say. (sic)
13 And, but, you know, having people walk around with
14 jackets that say DHS Police on them in a time of
15 heightened fear is—is really not helpful. So, and I
16 think a lot of this is also on community education,
17 of course, letting people know, and so maybe at some
18 point we just need examples of all of the different
19 uniforms that exist out there so that we can educate
20 communities as to what they look like, and—and
21 educating communities that, you know, ICE doesn't use
22 marked vehicles. ICE sometimes uses police jackets
23 but not always. But I think starting with NYPD again
24 I don't know if Amy has any more thoughts on that,
25 but starting with NYPD and having them proactively

2 reach out to ICE and make public statements that they
3 don't want to be confused with ICE because of the
4 harm it does to their ability to operate.

5 AMY TAYLOR: But I think also NYPD also
6 be proactive with the community groups as well and-
7 and holding, you know, com-com-community information
8 sessions just to let folks know that yes you are-if
9 you're a victim you need to go report the crime and
10 we're not going to cooperate. I think there's been
11 some information in the beginning and the
12 commissioner has been great to say we're not going to
13 cooperate, but what does that really mean? I think
14 it, you know, it seems very individual-based on
15 individual officers. So, you know, not just working
16 with ICE but also working with the community groups
17 that are the leaders on the grand who can provide the
18 most information and being-being proactive about
19 providing-providing information and making those
20 connections with the residents.

21 CHAIRPERSON MENCHACA: Are there any
22 further suggestions because I-I get the suggestion in
23 general? Are there specific suggestions on where
24 you'd like to see NYPD engaging with community?

2 CAMILLE MACKLER: So I would make another
3 suggestion, but different than that, and that would
4 start from that. (sic)

5 CHAIRPERSON MENCHACA: So, we get—we get
6 the point about NYPD information community. We'd
7 like to—you're—we're all on the ground. I mean I
8 have own suggestions, but I want to hear from all of
9 you about what and where can NYPD interact
10 positively, productively with communities, especially
11 immigrant communities. Where does—where does that
12 space happen? Are there very specific suggestions
13 about what that—what that looks like?

14 ALBERT CAHN: It's a very specific narrow
15 suggestion in the U Visa certification context where
16 if somebody is a victim of a violent crime the law
17 enforcement can certify them and the New York Police
18 Department certifies. If it was a robbery and it was
19 a violent, it's been an uphill battle at times to get
20 them to certify that as a felonious assault, which is
21 a qualifying crime not just as a robbery, which is
22 not a qualifying crime. So to the extent that they
23 can be encouraged to certify as felonious assault
24 where those facts bear that out. [background
25 comments] So one thing I wanted to add from a

2 community engagement perspective for—for the Muslim
3 community it's very difficult because, you know, as
4 the Office—Office of the Inspector General found last
5 year, 95% of the Intelligence Division's
6 investigations were into the Muslim community, and
7 one thing that would be helpful from the City
8 Council's perspective would be the post-staff in
9 providing additional transparency about the sort of
10 surveillance technologies being used by the
11 Intelligence Division because we know that those are
12 predominantly targeted at the Muslim community.

13 CAMILLE MACKLER: I just want to say I
14 think also engaging the DAs on this, the Brooklyn DAs
15 that have been pretty good on these issues, and has
16 taken steps I think there in right direction, but
17 engaging overall the DAs in—inasmuch as they work
18 with NYPD and they have oversight over how things get
19 charged and, you know, plea deals and all of that.
20 That may be another avenue to have that conversation.

21 CHAIRPERSON MENCHACA: Thank you for
22 that. Amy.

23 AMY TAYLOR: And just to add to my point
24 before, I think the NYPD has still a long way to go
25 in providing culturally accessible, linguistically

2 accessible and non-discriminatory services to the
3 general public. So maybe some kind of monitoring and
4 oversight of local precincts, which are really the
5 front lines where immigrants are coming forward to
6 report crimes, and to get police reports that can be
7 incredibly vital to their immigration case, right.
8 So, some real oversight to the services that are
9 provided on the front line.

10 CHAIRPERSON MENCHACA: Thank you for that
11 on oversight, and I will be taking some of these
12 notes over to Council Member Gibson as well as we
13 work together. This is the part one of a larger-
14 longer conversation that we're going to have. That's
15 why we're having it in the middle of a budget month
16 of hearings because this is that important. So thank
17 you for that. Camille, you mentioned something about
18 shelters and ICE going into homeless shelters. Can
19 you just give us some examples as-as definitive as
20 possible about what borough, what communities that
21 this is happening. We want to get a good sense about
22 what-what is actually happening.

23 CAMILLE MACKLER: So the number that I
24 heard I believe was in the Bronx. It was a homeless
25 shelter, and there have just been rumors circulating

2 that ICE was in there. I know some of my colleagues
3 are going to address that more specifically in their
4 testimony. So I might just defer to them.

5 CHAIRPERSON MENCHACA: Thank you for
6 that, and then on—really to Amy's other point about
7 oversight, there are multiple ways we're going to
8 provide oversight over our agencies. One is we hit
9 them in the head with the law and say you've got to
10 do something differently. We're going to negotiate
11 that Right to Know, et cetera, and there are other
12 softer ways that are more about relationship
13 building. I'm just thinking about a council member.
14 Many of you talked about especially NYLAG and Ms.
15 Moncada talked a lot about the district offices being
16 an opportunity and also just kind of the mobile labs
17 and the mobile vans that NYLAG brings, the key to the
18 city, these other kind of other ways that we can
19 bring both services, but also relationship building
20 with some of our local precincts. How—how important
21 is it for district offices to do this work, and look
22 I can only hear it from you because I want to take
23 this back, and there are no more council members here
24 with me. I want to take it back to our conversations
25 with the council members and say how important it is

2 that they not only own this conversation in their
3 district offices with all of you, but continue to—to
4 bring these safe havens of opportunity for people to
5 engage government—continue to engage government and
6 turn the tide of fear. So I'm thing that the DO's the
7 district offices are a good place. Can somebody, one
8 of you kind of just dig that point from perspective
9 so then I can take it back to our council members,
10 and also folks that are listening to us at home I
11 want you all to ask your council member to go deeper
12 in that relationship building to bring more lawyers
13 into—into offices, and that—that's a better, that's a
14 people's government, right? And—and so that's—that's
15 what I want more of, but I want to hear from one of
16 you today about how actually important that is. That
17 changes the game.

18 CRYSTAL MONCADA: Well, the key to the
19 city and the Know Your Rights presentation have been
20 crucial for NYLAG because it gives us the opportunity
21 to actually go inside the immigrant communities and
22 be able to meet people who have never in their lives
23 met an—met an immigration attorney before. None of
24 them have actually—a lot of them—generally the one
25 that we run into have never met an attorney or had

2 their case evaluated to see if they qualify [coughing
3 for any immigration relief, but the main thing that
4 we're noticing is that when we are in their community
5 they feel safe. They feel comfortable and at least to
6 be able to ask us these questions, and not fear that
7 ICE will come in and just go ahead and pick them up.
8 They feel that a lot of the main issues that we've
9 been running into now is the idea that they want to
10 do safety planning. A lot of these parents are
11 undocumented and fear that their children will be
12 left behind without anybody to care for them. A lot
13 of them just want us to help them draft a power of
14 attorney so that they can appoint a family or friend
15 to take care of their child, and the opportunity for
16 us to go in there and be able to provide those
17 services are crucial. Since it's so easy and
18 convenient for them, we most of the time go to local
19 schools in their community and it's a lot more
20 convenient on a weekend for them to come and meet
21 with us in comparison to them having to come into
22 Manhattan, and our offices only work—open on
23 weekdays. So it's definitely very convenient for
24 them, and we encourage for you guys to continue

2 working with us to coordinate Know Your Rights
3 presentations and clinics.

4 CHAIRPERSON MENCHACA: Than you for that,
5 and-and let me just say that I think we're kind of
6 creating the--kind of model for the district offices,
7 and I have to say as Council Member, as a Council
8 Member, everyone has a different model, and for
9 whatever reason it gets designed around the--the--the
10 needs and wants of the Council Member. You all can
11 help to redefine that for us, and-and I'm hoping that
12 you all get together to kind of build a model
13 district office relationship with all of you, and
14 with the community. And it would be great to just
15 bring that pressure point. I'm going to do that
16 myself as the Chair of the Immigration Committee and
17 working with the Speaker hopefully and everybody, but
18 we're going to need this from the ground up as well.
19 It's how urgent this is, and-and the kind of
20 turnover--turnaround and change in culture of the
21 district offices. They're going to have to--have to
22 happen quickly. Camille.

23 CAMILLE MACKLER: And to that point that
24 you made actually, [coughs] legal service providers
25 around the state have come together to create a

2 collaborative. I think we're about 55 members,
3 organizational members at this point of legal
4 providers across the state including most of them
5 here in the city, and we are working to figure out
6 how to pool resources, share expertise and get the
7 word out to the community, and I think—I-I agree with
8 Crystal that district offices are—are a really
9 critical access point for immigrants because you're
10 in the community. It usually has staff that speak
11 the languages of your community. You understand that
12 culture a lot better, and so we'd love to work with
13 you with this collaborative of the groups. It's—it's
14 really we're building an army of women (sic), and
15 it's pretty impressive in my experience at least, and
16 we'd love to work with you to figure out how we can—
17 that translates into educating staff, and then also
18 getting information out to community members.

19 CHAIRPERSON MENCHACA: Thank you for
20 that, and this will be my—my final point, and then we
21 can—we can head over to the next panel, but the—I'm—
22 I'm hoping everybody contacts—contacts their local
23 council member and asks them what are you doing to
24 help our immigrant communities, and how can we help
25 you make that happen, and I think if people hear

2 about that we're going to—we're going to see a shift
3 in making sure that we—that you have all access to—to
4 our district offices as places of-of sanctuary and
5 haven, and relation, and that's when we start
6 rebuilding our connection, and I—and to Jo-Ann's
7 point as well, there are communities out there like
8 the Asian-America—the Asian-American communities and
9 Asian communities intercity that are so into very
10 particular kind of blind spots and shadows that we
11 need to really focus on every community, and every
12 community brings a very particular kind of need, and—
13 and disconnect—disconnected relationship with city
14 agencies. And then also just the high factor of-of
15 our mixed status families. So thank you for brining
16 that up here, too. We need to do that for all our—
17 all our immigrant communities. Thank you.

18 JO-ANN YOO: Right, it's like—well Asian-
19 Americans are, you know, they don't just reside in
20 the enclaves as sort of the narrative, the pop—the
21 popular narrative goes. We are over 12% of the
22 population in 26 Council Districts. So, you know,
23 we're pretty spread out, and I know that, you know,
24 it will take a—it takes tremendous leadership to
25 encourage our colleagues to be able to reach out and

2 all of us have the expertise to offer those services,
3 and we hope that you'll see us as a resource.

4 CHAIRPERSON MENCHACA: Well, we're going
5 to hold each other accountable, and that means
6 Council to Council Member and organizations and the
7 community members to the Council as well. So thank
8 you.

9 JO-ANN YOO: Thank you.

10 CHAIRPERSON MENCHACA: We're coming up to
11 the next panel. The third panel consists of the
12 following people: Gale Brewer, our Manhattan Borough
13 President if she's here. She's on her way. We'll
14 get her—we'll get a seat for her. Thank you. Andrea
15 Saenz, the Brooklyn Defender Services; Sarah Gimas--
16 [background comments]—Gilma—Gilmer?

17 SARAH GILMAN: Gilman.

18 CHAIRPERSON MENCHACA: Sorry.

19 SARAH GILMAN: [off mic] It's my
20 handwriting.

21 CHAIRPERSON MENCHACA: It's your
22 handwriting. Okay. There you go. I'll—I'll take
23 that. The Legal Aid Society. Connor Gleason, the
24 Bronx Defenders and Rebecca Sosa, the Immigration and
25 Nationality Law Committee. [background comments] And

2 you can all make it up. This is I believe Public
3 Defense Week. Is that right?

4 SARAH GILMAN: Yes, happy Public Defense
5 Week.

6 CHAIRPERSON MENCHACA: Happy Public
7 Defense Week. That is—it's—it's like happy-happy
8 Public Defense Week year actually in New York City.

9 SARAH GILMAN: Yes.

10 CHAIRPERSON MENCHACA: We need to
11 celebrate the superheroes of our—of our community
12 everyday. So if we can start—we'll start on our left
13 there as well.

14 SARAH GILMAN: [off mic] I'm sorry, can I
15 be first? There's a special request that I speak
16 first. It's actually being recorded by one of these.
17 (sic)

18 CHAIRPERSON MENCHACA: Yes, you can.
19 [laughter] Go for it.

20 SARAH GILMAN: [off mic] So I will, I
21 will. Thank you to my colleagues for letting me go
22 first. Is this on. Can you hear me?

23 SERGEANT-AT-ARMS: A red light.

24 SARAH GILMAN: Okay, there we go.

2 SERGEANT-AT-ARMS: And then bring it
3 closer to you.

4 SARAH GILMAN: There we go. So good
5 afternoon. Thank you for the opportunity to testify
6 today before the City Council. My name is Sarah
7 Gilman. I'm a supervising attorney with the Legal
8 Aid Society. I am a supervisor in our NYIFUP
9 program. I'm speaking today on behalf of the Legal
10 Aid Society, Brooklyn Defender Services and the Bronx
11 Defenders who—the organizations together have been
12 serving as the providers of NYIFUP for the last
13 fiscal years. Today, I want to focus on three areas
14 and what has been happening on the ground since the
15 newest administration has come into office. The
16 first area is the increased use of detention. Prior
17 to this administration, there was a policy called
18 Catch and Release. So that means that many people who
19 were apprehended by immigration were released pending
20 the adjudication of their immigration case. Under
21 this new administration the policy of Catch and
22 Release, as we understand it, has ended and,
23 therefore, we anticipate and we have already seen an
24 increase in the use of detention. And unfortunately,
25 what that means is that here in New York City the

2 detained docket that is already very full is going to
3 continue to grow and, therefore, necessitates even
4 more at this time that NYIFUP is in place and enable
5 to ensure that individuals who are apprehended by
6 Immigration are provided with due process under the
7 law. The second thing I want to touch on is that,
8 and this was touched on by a previous panel, this
9 administration, the narrative that they created and I
10 think it was created quite clearly in the first
11 executive orders is that everybody is a priority, but
12 they believe that immigration laws and that the—
13 unfortunately their view of the immigrant community
14 is that many people should be targeted. The
15 executive orders, the public statements that of its
16 administration, the license given to immigration and
17 Customs enforcement officers as we have seen really
18 sends a very strong message that everybody is going
19 to be a target. What does this mean? This means
20 that we're left with very undefined and vague terms
21 as to who would be subject to detention and removal
22 under the Trump Administration, and again this also
23 dictates for the NYIFUP program to be there to
24 protect individuals who are subjected to removal
25 proceedings and who are detained and also to send

2 assurances to the community that their loved ones,
3 their neighbors, their co-workers, people who are a
4 vital—a vital, you know, a vital part of the
5 community are protected and given a lawyer if they
6 are unfortunately detained by immigration. The third
7 result that we've seen an increase in use—increased
8 use of detention is that it's really in the other
9 panels that talked about this as well, it's really
10 had such a devastating impact on the communities.
11 It's created a lot of panic and fear. Other
12 panelists have spoken about the fact that, you know,
13 parents are making these very difficult decisions
14 about what are they going to do with their children.
15 Why do they send them school? Why do they take them
16 to the doctor? And NYIFUP is an incredible program
17 that can really provide assurances to our community.
18 Before NYIFUP if someone was detained by immigration,
19 you know, the Legal Aid Society would also—often get
20 called to say where is my family member? What is
21 happening to my family member? And we would say,
22 we'll do—we'll do your best, you know, we'll do our
23 best to try to find your family member and try
24 represent you family member. Now, what we can say is
25 your family member will have a lawyer, and they will

2 have their rights protected through the immigration
3 process.

4 The second area I want to talk about is
5 really to NYIFUP is what is the result of this
6 increased attention, and what is happening on the
7 ground? What's happened on the ground unfortunately
8 is that the increased attention has resulted in an
9 additional docket being added by the court at Barrett
10 Street. So that's a detained immigration docket. It
11 used to be that each of our organizations would go
12 and intake and people twice a month or sometimes
13 three times a month. They are now adding an
14 additional judge. There is now three judges rather
15 than two, and an additional docket. This has a
16 devastating impact on the community, and also us as
17 providers because in addition to having to go an
18 intake an addition day, we also have our attorneys
19 who are responsible for representing people before
20 court and, you know, the detention centers or the
21 jails that Immigration has chosen to use are not
22 easily accessible for New York City. One of the
23 jails that they use is Orange County Jail. That's
24 approximately 70 miles one way from where we sit
25 today. That is a very difficult ask for members

2 especially, and also for attorneys on the NYIFUP
3 docket, who in addition to representing their
4 clients, who in addition to trying to console the
5 family members are also going to have to travel even
6 more often to a jail that's very far from New York
7 City. The third area that I wanted to talk about is

8 The third area that I wanted to talk
9 about is the importance of NYIFUP in the community.
10 Again, I think we've heard a lot of testimony here
11 today about what is happening in communities. It is—
12 it's difficult to state in more in words what it's
13 like to get a fam—a phone call from a family member
14 who says my loved one has been detained. What do I
15 do? Where is that person? Where can we go for help?
16 Thankfully, [bell] due to the great work of the City
17 Council we are now able to say we understand that you
18 are upset. We understand that you're worried and
19 that you're scared, but we want to give you an
20 assurance that your loved one will have an attorney
21 to represent them before the Immigration Court. And
22 I think that that can at least create a sense of
23 assurance for the community that their family would
24 not—will not be as we—we say in detention
25 unfortunately lost in the detention system. Before

2 NYIFUP many people were lost in the detention system
3 because many family members were not afford to pay
4 for an attorney. That no longer exists and that is
5 because of NYIFUP, and so I think that it has
6 provided a great deal of comfort and assurance to the
7 extent that it can when a family is devastated by
8 this system at least they will have a lawyer on their
9 side, a lawyer who will ensure that due process is
10 employed in their case and that they will have the
11 opportunity to represent themselves in a system that
12 now with NYIFUP it at least creates at a minimum a
13 level playing field--

14 CHAIRPERSON MENCHACA: [interposing]
15 Thank you.

16 SARAH GILMAN: --where the government
17 doesn't always have an attorney. Thank you.

18 CHAIRPERSON MENCHACA: Thank you and I
19 want--I want to remind everybody, and we can do a
20 whole--a show of hands. How many people want NYIFUP
21 to not only continue, but be baselined and expanded?
22 Awesome. It's almost everybody in there. I think
23 even the reporters are going to raise their hand.
24 [laughter] So, I--I want us to focus on new ideas.
25 You know that that NYIFUP needs to get expanded. I'm

2 going to fight on the 22nd. So I just want to really
3 focus your testimony for three minutes, and tell—give
4 us some ideas that we haven't heard up until this
5 point about how we can really address some of that
6 relationship and tension we're seeing between ICE and
7 our community. Who's next? [background comments]
8 Thank you

9 CONNOR GLEASON: Good day, Chairman
10 Menchaca. Thank you for the opportunity to testify
11 about the frightening consequence of the Trump
12 Administration's enforcement priorities on our
13 communities' access to justice and services. My name
14 is Connor Gleason. I submit this testimony on behalf
15 of the Bronx Defenders where I am a Supervising
16 Immigration Attorney. The Bronx Defenders provides
17 innovative holistic and plan centered criminal
18 defense, family defense, civil legal services, social
19 work support and advocacy to low-income individuals
20 in the Bronx and New York City. Our staff of nearly
21 300 advocates represents approximately 30,000
22 individual annually and reach thousands more through
23 outreach programs and community, legal--

24 CHAIRPERSON MENCHACA: Connor, can I stop
25 you here. I know you're reading the—the testimony

2 and I have it. Is there—is there a place where we
3 can—we can go with the suggestions about what—what
4 we're—we're thinking about that you can kind of go
5 through the suggestions--

6 CONNOR GLEASON: Of course, Chairman. I
7 was first going to, if you don't mind, reference the—
8 what we're seeing in the courthouses specifically. I
9 think the—the freeze and the fear that we are seeing
10 from our community members is best highlighted by a
11 couple of examples. If you don't mind, I can provide
12 them. They have not been mentioned yet this—this
13 morning. Thank you. So the first one I will
14 reference is what's happening in our court—in our
15 criminal courthouses. Our undocumented non-citizens
16 are paralyzed by fear to return to criminal court,
17 and they confront—they confront the charges against
18 them, and they're faced with an impossible decision.
19 That decision being whether to fight their case and
20 while fighting that case they are a priority. The
21 mere fact of having an open case makes them a
22 priority or plead guilty to an offense that they may
23 not be willing otherwise to plead guilty to merely—
24 merely to avoid ICE contact in the courthouse and,
25 therefore, become a priority as well for having a

2 criminal conviction on their record. It is more
3 likely now than ever that ICE will be in our
4 courthouses because they are emboldened by the Trump
5 Administration's priorities to seek out undocumented
6 non-citizen-non-citizens merely charged with
7 offenses. Other New Yorkers we have seen area also
8 afraid of attending court because they are
9 discouraged. So we're talking about family members,
10 witnesses and victims of crimes as well from-fearful
11 of attending court proceed-proceedings. This fear is
12 not simple conjecture. What we're seeing is that
13 it's not uncommon for ICE to approach the well in
14 Criminal Court and request the court officer to see
15 someone's court file, and we've also seen ICE
16 officers work with court officers to see whether a
17 case was called and, if not, to ask to be notified
18 when it is called. They're asking whether the
19 attorney of record has checked in on a case.
20 Sometimes court officers are asking ICE officers-
21 excuse me-sometimes court officers are even complying
22 with the ICE officer's request to hold off calling a
23 case until the end of the day's docket in order to
24 locate and individual towards the end of the day.
25 Court officers have also been known to close down

2 parts of the courthouse in order to facilitate an ICE
3 arrest. In terms of family court, I'd like to
4 mention a couple of instances where this is very
5 important for Family Court as well. First in the
6 context of a parent confronted with allegations of
7 abuse and neglect of their child. I want to
8 emphasize here that the parent as of this point has
9 not been found guilty—found guilty of any wrongdoing.
10 These are mere allegations. During this process,
11 sometimes a child is removed from the home where the
12 allegations are investigated. In these
13 circumstances, the [bell] first step—I apologize and
14 I'll go quickly. The first step is for a parent to
15 be reunited with their child is to have visits with
16 that child. In order for those visits to occur, ACS
17 needs to have a background check on every member
18 who's in the family. Individuals are now extremely
19 terrified to be forthcoming and to allow that
20 background check to occur and, therefore, children
21 are less likely to be reunited with their parents.
22 Another instance where this is occurring is in the
23 example of kinship guardianship additions. This
24 happens when a child is removed whose parents are
25 accused of abuse and neglect, and this child will

2 remain with a family member instead of going into the
3 foster care system where the parent could test the
4 allegations. The benefits, of course, of keeping a
5 child within the family are obvious, but in order to
6 achieve this, every member of the proposed guardian's
7 household needs to submit fingerprints to the New
8 York State Office of Children and Family Services.
9 Again, doing so is no longer an available option for
10 undocumented and non-citizens fearful of the Trump
11 Regime. What this results in is more children being
12 raised without their parents, and without family
13 members in foster care. So as a proud constituents
14 of New York City, a sanctuary city, the Bronx
15 Defenders implores you to help make the city and to
16 continue to be a sanctuary for all members of our
17 community. Thank you very much.

18 CHAIRPERSON MENCHACA: Thank--than you for
19 that testimony. [pause] You know, so we were just
20 talking about the fingerprinting piece that you--that
21 you provided in your testimony and whether or not
22 anybody has been kind of like what we're talking
23 about with low-level misdemeanors and in the police
24 precinct. Have--have those fingerprints caused any

2 immigration flags for families that you've been
3 working with?

4 CONNOR GLEASON: In terms of the-the
5 Bronx and the Family Defense practice, and the
6 advocates with whom I work, I have not-we have not
7 heard of that yet, but the direct consequence of
8 people not having their children back in their homes
9 because they're fearful to start this stop has
10 occurred on a number of occasions.

11 CHAIRPERSON MENCHACA: Got it. We're
12 going to come back in Q&A and just dig deeper on
13 this, and-and let me just say this is-this is a-this
14 is a very important panel here to really understand
15 the kind of impacts that we're-we want to know where
16 ICE is and so I think you've kind of given us the
17 Family Court, Criminal Court. So we want to hear
18 from all of the rest of panelists. Where-where our
19 servicing ICE come in and-and they're being-how-how
20 they're infiltrating the courts and really designing
21 a whole new cooperation effort with our court system.
22 So we want to-we want to get the texture of this as
23 well.

24 REBECCA SOSA: My name is Rebecca Sosa.
25 I'm a member of the Immigration and Nationality Law

2 Committee of the New York City Bar Association. The
3 committee comments the City council for holding this
4 hearing today to examine how to protect access to
5 justice and service for New Yorkers. Our comments
6 are really circulating on the Speaker Mark-Viverito's
7 State of Address—State of City Address, and limiting
8 cooperation with federal immigration officials in
9 apprehending individuals who pose no public safety.
10 And the six points are really based on our expertise
11 and experience counseling our clients. I'll take two
12 at a time that are related. First the Committee
13 supports the City Council's call for legislation to
14 protect local law enforcement from acting as federal
15 immigration officers. On the similar points we—we
16 commend the City Council for proposing legislation
17 specifically to limit access by immigration
18 enforcement to certain areas of city property when
19 they do not a judicial warrant, and we draw the
20 Council's attention to their own legislation, of
21 course, on detainer laws as a potential framework to
22 accomplish these such as only allow access when there
23 is, in fact, a judicial warrant and conviction of the
24 specified criminal activity, and which does not
25 include suspicions of civil immigration violation. I

2 think we have heard from everyone today that all New
3 Yorkers need to be able to access court with fear the
4 repercussions. Specifically we talked a lot today
5 about how can we hold ICE and CBP accountable, and
6 really we can do this by just returning to our basic
7 constitutional protection. Of course, remember that
8 warrant was entry, search, seizures and arrests by
9 federal immigration enforcement violate the Fourth
10 Amendment and the New York Constitution. These
11 firmly entrenched protections extend to all New
12 Yorkers including undocumented immigrants as of the
13 right to due process. So on the city level, a
14 failure to require federal law enforcement to conform
15 its actions to the bounds of the law would also expos
16 the city to legal liability. Therefore, the
17 committee also supports the City Council's
18 recommendation to post Know Your Rights information
19 in multiple languages around public accessible areas
20 of all city property. And I think that another thing
21 today is that Know Your Rights is exactly the kind
22 of direction that we need—the community needs to know
23 about their rights in order to exercise them, and not
24 everyone will have access to an attorney. So Know
25 Your Rights is a great second round of defense

2 against ICE and CBP encroachment on our
3 constitutional rights, and our country's values. On
4 the third point the city—we—we supported advancing
5 common sense Criminal Justice reform as a key part of
6 protecting our immigrant communities. Some of those
7 suggestions have already been mentioned today, but we
8 support legislation empowering local law enforcement,
9 prosecutors and judges with an expanded range of
10 alternative tools to address low-level and non-
11 violent offenses basically to decriminalize offenses
12 that are not violent and do not harm our society, and
13 this an essential when considered in the federal
14 immigration context or any context with the Criminal
15 Justice System no matter how long ago or how minor it
16 makes that individual now a priority for deportation.
17 Fourth the Committee commends the City Council's
18 commitment to keep personal information such as
19 immigration status confidential by establishing data
20 privacy standards [bell] and protocol. Just to
21 remind—remind everyone that this also needs to extend
22 to employee—employee contractors of the city as well.
23 We support the Department of--Department of Education
24 refusing ICE access to school property without a
25 warrant and similar measures to block access to

2 students and their records and, you know, as-as
3 great-another, you know, the best too again against
4 holding ICE and CBP-BP accountable, is immigration
5 attorneys and having an army of lawyers, and as great
6 of job that we are doing and we thank the City
7 Council for their leadership in this, as we speak
8 today New York City Immigration Court right 30% of
9 children of are still unrepresented and facing
10 proceedings alone without an attorney. That's 7,000
11 children appearing in New York court that don't have
12 an immigration attorney. So we still have a lot of
13 work to do, and I thank you for the opportunity to
14 speak here today.

15 CHAIRPERSON MENCHACA: Thank you. We're
16 going to follow up on-on your testimony as well.

17 ANDREA SAENZ: Thank you. My name is
18 Andrea Saenz. I'm a supervising attorney in the
19 Immigration Practice of Brooklyn Defender Services.
20 I want to focus my remarks on one main issue, which
21 is how the President's Executive Order changing
22 interior enforcement priorities has ended our-our
23 ability to advise a client, and has made Broken
24 Windows Policing Reform more critical than ever, and
25 I'm going to mention some of the ones we think are

2 the most critical. So the executive orders offends
3 the prior-enforcements priorities for undocumented
4 people and people with legal status alike. As of the
5 new order anyone with criminal history or an open
6 charge is a priority as well as anyone who has
7 committed acts that constitute a chargeable offense.
8 One in four of BDS' criminal defense clients is not a
9 U.S. citizen. Under the President's new enforcement
10 priorities, they're all now priorities of deportation
11 by virtue of having been arrested. This sews fear
12 and confusion to—for our clients and unbelievable
13 challenges for defense counsel trying to meet our
14 constitutional obligation to advise someone if
15 there's any disposition of a case that will not cause
16 devastating immigration consequences. How can our
17 clients trust us if we can't accurately advise them.
18 Even clients who don't have something to fear really
19 are calling us asking if they had something to fear:
20 judges, prosecutors, court. Mandate service
21 providers are confused about how to handle cases
22 involving non-citizens. So we're rest—our best, but
23 merely defending immigrants in the criminal court is
24 harder and takes more time and more care than it did
25 before. Furthermore, on Broken Windows issues, I

2 won't belabor the point about what they are and why
3 it's important except to say that I'm glad that we're
4 having the opportunity to focus on the-the link
5 between fingerprinting, which happens very early in
6 the process, and people being put on ICE's radar even
7 without a resulting conviction. And I think, you
8 know, in-in the era of facts being increasingly
9 important, we all want to say that all of our
10 immigration practices have represented people in
11 deportation proceedings who are there, who are being
12 charged as deportable or being accused of being too
13 dangerous to be released on bond because their rap
14 sheet has arrest for marijuana possession and for
15 turnstile jumping, for selling counterfeit handbags,
16 for possession of valued knives. (sic) That is-that
17 is happening, and while the city's Detainer Law is a
18 national model that we'll always thank the Council
19 for, we urge you to continue to work to reduce
20 unnecessary arrests through monitoring and
21 implementation of the Criminal Justice Reform Act,
22 through clearing old warrants, through warrant
23 amnesties by encouraging use of diversion programs,
24 and the smart use of ACDs by urging the governor to
25 use his pardon and clemency power and other similar

2 measures that—that fight the over-criminalization of
3 communities of color and immigrants and draw a line
4 from their door to ICE. So thank you for listening
5 today.

6 CHAIRPERSON MENCHACA: Thank you, Andrea,
7 and thank you to this panel. We have some questions
8 and follow up before we get to the next panel. I
9 just want to give a shout out to the Speaker and—and
10 really working with the Speaker on the Criminal
11 Justice Reform Act, and a lot of that came from all
12 of you, and we're moving forward on that. She's
13 also—we're also working with the DAs to make sure
14 that we work with the DAs to start eliminating some
15 of those records, and kind of reviewing that. We're
16 getting some positive response there from the DAs,
17 and this is going to be all helpful in changing the
18 climate. So the next—the—the next questions we—we
19 want to get again back to the texture. We want to
20 get to the texture of what's actually happened on the
21 ground, and is ICE and ICE agents are they in uniform
22 when you're experiencing them in the courts or are
23 they in plain clothes? What do they look like?

24 CONNOR GLEASON: In—in the Bronx we've
25 seen them in plain clothes.

2 CHAIRPERSON MENCHACA: Plain clothes.
3 Has anyone seen—has anyone seen ICE kind of full
4 regalia for—for specifically in the courts, and I'm
5 now asking--

6 REBECCA SOSA: [interposing] In the
7 courts now. When people—they go to people, they
8 often are wearing, you know, the jackets and all that
9 stuff.

10 CHAIRPERSON MENCHACA: So reports are
11 coming back from our—from our neighborhood residents
12 that at the door they have the bulletproof—proof
13 vests with—with ICE jackets, and—

14 REBECCA SOSA: It says Police of ICE.
15 (sic)

16 ANDREA SAENZ: [interposing] It actually
17 says, yeah, Police.

18 CHAIRPERSON MENCHACA: Police, okay and
19 so back to the courts. So they're plain clothes, and
20 that's con—confirmed from everybody who's—who's seen
21 them?

22 ANDREA SAENZ: That's my understanding.

23 CONNOR GLEASON: Yes.

24 CHAIRPERSON MENCHACA: Okay. Next, are
25 the arrests that are happening are they happening

2 inside the courtrooms or the hallways, or are they
3 happening outside in the parking lots? Give us a
4 sense about what that--what that looks like.

5 ANDREA SAENZ: Again, it's hard to know
6 exactly because you're not there everyday. The
7 stories that I have heard, and frankly they were
8 happening previously, too, but I think people are
9 paying a lot more attention now as that ICE officers
10 would often kind of follow the person out. So they
11 would sometimes make the arrest literally like just
12 outside the courthouse or on the block or else in the
13 public hallways of the courthouse.

14 COUNCIL MEMBER MENDEZ: Anybody else want
15 to--

16 REBECCA SOSA: I mean we--we had a client
17 at the Legal Aid Society and I know he appeared in
18 the Manhattan Criminal Court and I believe--we believe
19 that the ICE officers were probably sitting in the
20 courtroom because the minute he walked outside the
21 courtroom doors, he was arrested in he hallway and
22 based upon what we've been told, they were not in
23 uniform. They were as Andrea and Connor have already
24 testified in plain clothes.

2 CHAIRPERSON MENCHACA: Thank you for that
3 as well. So they are happening even in the hallways
4 some of them.

5 REBECCA SOSA: That's what we understand.

6 CHAIRPERSON MENCHACA: And this is
7 Criminal Court or Family?

8 REBECCA SOSA: This is in Criminal Court.

9 CHAIRPERSON MENCHACA: Criminal Court.
10 Okay, thank you. And are—are in those cases can you
11 give us a sense about in those cases whether or not
12 they were arrested with people that were convicted.
13 Essentially, when they kind of went through the
14 process, the Criminal Court process and were
15 convicted, or prior to an actual conviction? Can you
16 give us a sense about that texture?

17 REBECCA SOSA: The stories I've heard
18 have people before they had charges--

19 CHAIRPERSON MENCHACA: [interposing]
20 Before.

21 ANDREA SAENZ: So some of my clients
22 after they took a plea to a misdemeanor ICE then
23 arrested them outside their home. So they—they
24 seemed to know that that case had been resolved. But
25 the stories that we heard are people who had open

2 cases. We-BDS has had a client who was arrested
3 outside Mental Health Court while he had a open
4 charge, and so now the clients are in ICE, you know,
5 detention or they're in open proceedings and were not
6 able to resolve an open charge, which is causing
7 additional problems for the immigration case because
8 now you've got two cases that are stuck that depend
9 on each other.

10 REBECCA SOSA: Yeah, per our experience
11 the client I just referred to who was arrested out in
12 the hallway had an open case. He was appearing as he
13 was required to do in criminal court. We also had a
14 client frankly who had a-an open case in a Manhattan
15 Mental Health Court, and we do not know how ICE got
16 his information, but they actually went to his
17 residence, which is a residence specifically
18 designated for individuals who have mental health
19 issues and concurrent med-medical issues, and they
20 were allowed into that facility despite the fact
21 there is a security checkpoint. I guess they flashed
22 their badge, and then that individual, as Andrea was
23 explaining, again had an open criminal case in
24 Manhattan Mental Health Court while he was in
25 Immigration Detention.

2 CHAIRPERSON MENCHACA: Got it and so I-I
3 kind of want to get a sense of all the--this is really
4 tough to listen to, by the way, but this is--this is--
5 this is happening, and we kind of want to understand
6 from the committee's perspective what are all of the
7 courts where you're seeing ICE, and so now we've
8 heard a lot of Criminal Court activity, Mental Health
9 Court activity. What about Family Court and some of
10 the other courts as well? Can you--can you give us
11 like a rundown of all the courts where you've seen
12 that ICE activity?

13 CONNOR GLEASON: We--in the Bronx, we have
14 not actually seen ICE at Family Court. However, as I
15 was referencing before, just the a way for--that the
16 Family Court works, and the system to reunite
17 families and the family's ability to access that
18 justice is being extremely limited due to the fear.
19 People are unable to get their children back in their
20 homes to follow the process, which that can usually
21 happen because of the looming fear of ICE being
22 involved in their lives.

23 CHAIRPERSON MENCHACA: So I just want to--
24 I just want to confirm what you said. That you're
25 not seeing ICE at Family Court, but you are seeing a

2 reduction in the appearance of our immigrant New
3 Yorkers to Family Court? So the—the impact there is
4 less. It's more about fear and less about—about
5 actual arrests that are—have been happening at Family
6 Court. Is that right.

7 CONNOR GLEASON: Yes, but to—to clarify,
8 not necessarily is there a reduction in appearances
9 of individuals. However, a reduction of families'
10 ability to work within the system that's provided to
11 them to get their children back. So that system
12 provided to them is submit yourself to a background
13 check, provide your fingerprints and that—that is the
14 pathway that has been established to get children
15 back with their families, and that process has been
16 extremely limited due to fear.

17 CHAIRPERSON MENCHACA: Thank you for
18 reiterating that, and that—that part and that side of
19 the Family Court piece.

20 ANDREA SAENZ: Yeah, I would just add—

21 CHAIRPERSON MENCHACA: [interposing]
22 Anybody else?

23 ANDREA SAENZ: --I'm—I'm definitely happy
24 to go back to the office and make sure that we have
25 the most accurate information for you so I make sure

2 then ask what other course anyone has heard about.
3 As you can imagine, sometimes like a rumor goes
4 around and you don't know if it was ICE there, and
5 that still prevented people from going there that
6 day, but besides the--the specialized criminal courts
7 and the regular criminal court that's what I'm aware
8 of. Certainly we've heard, you know, people having
9 ICE pickups after a contacts Probation. So I think
10 that's a different issue, both within the city, and
11 outside the city and, you know, I just want to
12 reiterate that the easiest way for ICE to get people
13 is through contact with the Immigration system itself
14 right? And so that's, you know, whatever we do on
15 the Criminal Court side, which I think there is a lot
16 that we can do, you know, ICE is in the hallway 26
17 Federal Plaza. And so that's one reason why we're
18 all up here talking about the legal services as well
19 because I've also had clients in non-detained
20 criminal proceedings at Federal Plaza be arrested by,
21 you know, plain clothes ICE officers in the hallway.
22 So that's not a city court, but it's something that
23 continues to affect the community.

24 REBECCA SOSA: I have some additional
25 comments on the Family Court part of that. I

2 represent a lot of unaccompanied minors through the
3 American Immigration Lawyers Association as well.

4 Basically in Family Court, I think there's really

5 three things gong on. Number one, an unaccompanied

6 minor who is going to Family Court for permanency to

7 seek out a guardian or a custodian in their case,

8 which is a prerequisite for them to then later go to

9 Immigration and seek special immigrant juvenile

10 status. They can't get adults to help them with that

11 process. Very difficult to ask for a child to be

12 asking an undocumented person, and I'll just pause to

13 say there's no requirement in Family Court that the

14 guardian has any legal status at all, but to ask an

15 adult who is undocumented who may or may not be

16 family, it may just be an aunt or even a family

17 friend to come into Family Court and again give

18 fingerprints is exceeding difficult to begin with.

19 There has been point two is there has been some

20 really effective advocacy with the Family Court

21 judges, and I think there are some people here who

22 may be able to add to this in more detail to ask the

23 Family Courts to have new policy in certain cases to

24 use other tools that the Family Court has to make

25 sure that the child is in a safe environment that do

2 not require fingerprinting. Actually, under the law
3 fingerprinting is not required for most guardianship
4 and custody cases. It's more there's a different
5 kind of proceeding in which it is required, and I
6 think that judges often conflate the--the different
7 kinds of guardianship. So there is a lot of room for
8 advocacy there.

9 CHAIRPERSON MENCHACA: So now we got to
10 teach our judges how the system works.

11 REBECCA SOSA: Yes, and I can recommend
12 some advocates on--on that issue to--to speak with you
13 further about that, and speak with our judges. So
14 the good news is that the courts now have issued
15 policies that is leaving it up to the individual
16 judges to exercise their discretion if fingerprints
17 are actually needed in individual cases. Of course,
18 the kids and the families who are seeing assistance
19 in Family Court will need a lawyer in order to be
20 able to advocate for these ideas to begin with. And
21 number two, the hostility that we've seen against
22 immigrant communities is also present unfortunately
23 in some of our Family Courts by the judges
24 themselves. So that hostility towards constitutional
25 rights--

2 CHAIRPERSON MENCHACA: [interposing]

3 Wait. Break that down a little bit more. What about
4 the judges themselves?

5 REBECCA SOSA: Some judges are hostile to
6 immigrant children coming into Family Court for what
7 they perceive as a I think an abuse of the system
8 when, in fact, the kids very much still need
9 permanency and the protection of an adult through the
10 avenue through our New York Family Courts, but for
11 their own purposes as well because it's a
12 prerequisite—a prerequisite under Federal Immigration
13 Law to seek special immigrant juvenile status.

14 CHAIRPERSON MENCHACA: Are they breaking
15 the law in that—in that?

16 REBECCA SOSA: I think it's an attitude
17 more that an—an attitude and—and increasing the back-
18 the delays. For example, the parents when a child
19 seeks guardianship, and their biological parents need
20 to be notified as the proceedings, and they have
21 rights to appear if they want, that's—that's great.
22 That's due process for the parents, but sometimes
23 it's very difficult for example if a parent is—has
24 not been in contact with the child for their entire
25 lives or is, in fact, deceased but there's no birth,

2 there's no death certificate or the father--often the
3 father is not on the birth certificate. These are
4 obstacles that it seems that some judges are using to
5 place as obstacles before concluding Family Court
6 proceedings for immigrant children.

7 CHAIRPERSON MENCHACA: Are these
8 documented across the board whenever there's attitude
9 issues with judges? Is that something that we can
10 measure?

11 REBECCA SOSA: It it's worth a--

12 CHAIRPERSON MENCHACA: [interposing] Can
13 we being measuring?

14 REBECCA SOSA: I think we can ask
15 advocates, but I think, of course, it's very
16 difficult to ask the person who has the decision
17 making power in their case to raise any issues that
18 their attitude might be impacting either you child
19 client negatively. I think that's a delicate
20 conversation to have--

21 CHAIRPERSON MENCHACA: [interposing]
22 Okay.

23 REBECCA SOSA: --but I do think that
24 advocates can create essentially lists as long as
25 those lists are handled confidentially, a problem

2 that they've had with specific Family Court judges
3 across New York City and beyond.

4 CHAIRPERSON MENCHACA: Got it. There's a
5 whole—I feel we could have a whole hearing on judges
6 right now [laughter] and we will, and we will. So
7 get ready for that, start noting that, but I want to
8 ask a little bit about the kind of level of staff
9 both kind of court staff that are interacting with
10 ICE, who they—who they are. So are ICE going to a
11 particular group of staffers that are sharing this
12 information? That's the texture I want as well.
13 With—and also what judges—do judges know if they're
14 interacting with ICE? Is that a knowledgeable thing,
15 or are they just kind of giving information to the—to
16 the system and-- So I want to kind of get a sense
17 about that under—that knowledge or understanding of—
18 of what the judges are actually doing. Do they know
19 that they are giving—and then the third question is
20 not related at all to the first two, but with all the
21 courts Mental Health, Family Court, Probation,
22 Housing, are all these judges, judges that are
23 appointed and I—I don't know myself but some—can I
24 ask you are these appointed judges, or are they
25 judges that are elected? Because I know we—we have

2 this bizarre thing in New York State where we elect
3 our judges. So are they elected judges or are they--
4 are they appointed judges? If anybody knows.

5 [background comments]

6 CONNOR GLEASON: I unfortunately cannot
7 answer the final question you have.

8 CHAIRPERSON MENCHACA: Okay.

9 CONNOR GLEASON: I don't which--

10 CHAIRPERSON MENCHACA: The first two.

11 CONNOR GLEASON: The first two. In terms
12 of the second, and the stories that we hear, we're
13 not--I am not present every time that we--and our
14 office has been advised or we've been involved in
15 knowing the ICE officer in the court. So I can't
16 speak to each judge's knowledge of whether they knew
17 that the ICE officer is there, but where we're seeing
18 the most collaboration between individuals in the
19 courthouses and ICE is with the court officers
20 themselves and so that was--

21 CHAIRPERSON MENCHACA: [interposing]
22 Court officers?

23 CONNOR GLEASON: Yes.

24 CHAIRPERSON MENCHACA: So these aren't
25 judges necessarily. You're seeing a--you want to

2 present anyway the collaboration between court
3 officers, and tell me more about these officers.

4 CONNOR GLEASON: So, they're—they're the
5 officers who are standing in very stately, one could
6 say, in front—in the well of the court and they kind
7 of block people from entering up towards the judge
8 and they control the—kind of the movement of how the
9 court proceedings occur. They call the cases, people
10 sign in with them, and they're very similar perhaps
11 to the sergeant-at-arms here today. And so when an
12 ICE officer will show up into these courthouses, they
13 knowing that the court officers are the ones kind of
14 running the ship, making sure the ship moves slowing—
15 moves—moves in throughout the day, they go to them.
16 And so they're asking may I see the court file.
17 Please call this case—course later. Has it been
18 signed up? Have you see this person's lawyer?
19 Because often times they will ask to see the court
20 file itself in order to—to compare a photograph that
21 they have potentially of our client with perhaps a
22 more updated photograph of the—the Criminal Court
23 case file. So it's this collaboration providing them
24 opportunity to access our clients in the courthouses
25 in a more expeditious way.

2 ANDREA SAENZ: I think just to give a
3 picture to it, I mean this room is larger than most
4 courtrooms at 100 Center Street in Criminal Court,
5 but it's not that much larger, and so there's
6 basically an aud—there's an audience area. There's
7 a—a railing that you can't go past, and so the court
8 officer would be Connor. The Immigration Enforcement
9 Officer will come up and talk to Connor and they have
10 the file. As Connor said, they're sort of the gate
11 keeping while the judge is all the way up on the
12 bench, and so not necessarily aware of everything
13 that's going on in the courtroom, and because there
14 are many seats in the courtroom, one could imagine
15 that ICE who is there in plain clothes, would not
16 necessarily be noticed. I can say in the case I
17 mentioned about Manhattan Mental Health Court, when I
18 went to court with my client after he was released
19 from detention, the judge in that court was quite
20 disturbed what—about what had happened, and he took
21 great care to make sure that the case was—progressed
22 in a way that was beneficial to my client while he
23 was detained, and he was concerned about how this
24 client had been detained during the time he was—he

2 was complying with all of the requirements of—that
3 this judge has set in his particular case.

4 CHAIRPERSON MENCHACA: Got it. So
5 there's a real connection between awareness. So if
6 we increase awareness with the judges we might
7 actually see some culture change within the courts,
8 and they could actually create a—now, now, I'm just
9 very curious about the—the kind of—the mechanics of
10 a—of a court, the court itself, the actual physical
11 space and the stuff that happens between those four
12 walls, and—and so we—we kind of want to know on—on
13 that vain whether not even the lawyers and the
14 defenders know that this is happening, and how are
15 you—how are you one—and I think Connor, you kind of
16 spoke to that. You're—you're seeing this stuff
17 happen, and you think that might be it especially
18 when you see them walk behind someone without a
19 conviction and go and arrest them. But is there—back
20 to suggestions. We want to focus on suggestions. Is
21 there something that you want to see in the court
22 where maybe ICE would have to be required to, or the
23 judge says is there anybody here from the federal
24 government? Raise your hand, and these are the kind
25 of suggestions that we want to hear from you.

2 CONNOR GLEASON: I-I think from-from our-
3 from my understanding is that the court officers are
4 actually state employees. So the ability-the ability
5 for this council to actually require to do certain
6 things, my understanding would be potentially
7 limited, but at least a discussion with that agency
8 and perhaps making it clear to them that this is
9 unacceptable happening our court houses, and we're
10 hoping that you as the state agency can take a step
11 forward and reducing the collaboration. We know that
12 the state has held itself out to be a sanctuary state
13 in many respects, and for these state employees to be
14 behaving in this manner in our courts, I think
15 certainly goes against that public statement of being
16 sanctuary state. So perhaps just a dialogue between
17 this council and them in order to encourage them to
18 stop this collaboration would be one first step.

19 CHAIRPERSON MENCHACA: Good, and-and on
20 that note we have some other panels. Let's-let's
21 pause here unless someone has a burning light on-

22 ANDREA SAENZ: Yeah, yeah, very quickly I
23 just wanted to make sure on the nature of
24 collaboration to mention that there's also a
25 collaboration in some cases between ICE and the DA's

2 Office itself, and that that's probably worth having
3 future conversations with the DA's officers about
4 what—what are their aims there or what—what are their
5 goals in terms of especially on appeals or post-
6 conviction release where ICE will actually
7 communicate with DA's office sort of hoping that the
8 DA will not negotiate with us or that they will
9 dismiss an appeal. So I think that there is some
10 opportunity for dialogue as well especially since you
11 had mentioned that some DA's offices are willing to
12 talk about warrant amnesties. This is something we
13 could talk about as well.

14 CHAIRPERSON MENCHACA: Thanks on the DA's
15 piece. Is there anything else that we haven't
16 mentioned yet about what's happening in the courts
17 between ICE and the community.

18 ANDREA SAENZ: Did you mention it? Did
19 you mention anything?

20 CHAIRPERSON MENCHACA: That was not
21 mentioned.

22 REBECCA SOSA: Okay, if I could just add.
23 I have heard one case of someone who was the guardian
24 for an unaccompanied child who did the fingerprinting
25 and then he was subsequently arrested by ICE. I

2 don't have the details. It's not my case. I-I can
3 get that information if that would be helpful.

4 CHAIRPERSON MENCHACA: Got it, and--so
5 this is a fingerprinting never--that led to an arrest
6 by ICE--

7 REBECCA SOSA: That's right.

8 CHAIRPERSON MENCHACA: --from a--from a
9 court ordered fingerprinting or so--

10 REBECCA SOSA: Yes, the guardianship.

11 CHAIRPERSON MENCHACA: The guardianship.

12 REBECCA SOSA: The guardianship or I
13 don't know if it's guardianship. Probably
14 guardianship and not custody, but the guardianship
15 the person was fingerprinted and then ICE used the
16 information to confirm that that was the person that
17 they were going after and they did, in fact, arrest
18 him--arrest that person.

19 ANDREA SAENZ: And this is in Connor's
20 written testimony but where he brought up that we're
21 not given access to the NCIC information for defense
22 counsel, which is going to cause or create a problem.

23 CHAIRPERSON MENCHACA: What is that NCA--

24 ANDREA SAENZ: So the National Crime
25 Information Center. It's basically the FBI rap

2 sheet, and it contains out of state criminal
3 contacts, and it can show a prior deportation of an
4 immigration warrant, and I don't know entirely what's
5 going on. This is a very recent development, but
6 there's been a change and it's affecting the ability
7 of defense counsel to get that information, and I
8 think that we all need to look into it.

9 CONNOR GLEASON: The potential there we-
10 we could ask the-the district attorneys to provide it
11 to us. I think it's being said that only the court
12 and the ADA and the district attorneys are allowed
13 access to that now, and the results of that is
14 obviously catastrophic. Defense counsel is blind,
15 our clients are blind to what arguments that the
16 prosecutors may be making to the judges and the
17 judges are making decisions based on information we
18 don't have. And so be able to get that information
19 from them regardless of the potential that's directed
20 from NCIC would be a good conversation to have with
21 those officers.

22 CHAIRPERSON MENCHACA: This just seems so
23 critical in the work that you do. Without that,
24 you're-you're halfway there and-and we need to be
25 providing 100% service to our-to our New Yorkers. The

2 last—the last question, and then we're going to bring
3 up the Borough President. We're going to have
4 another—we're going to have a special panel for you
5 Borough President. The—the question I have is how—
6 how much actual constitutional protection do we over
7 this kind of data that right now is kind of free
8 flowing without much concern for some—some folks and
9 so some people like the officers might be thinking
10 they're doing the right thing by doing this. What
11 kind of legal protections do we have at the
12 municipal, state and federal level and the
13 Constitution itself to protect this kind of data and
14 information that right now I'm seeing so carelessly
15 maneuvered through the walls of a—of a court, of a
16 court? Is there anything?

17 CONNOR GLEASON: I cannot think of
18 anything.

19 CHAIRPERSON MENCHACA: Okay, how about
20 that's homework [laughter] and let's get back—

21 ANDREA SAENZ: Can we get Peter as a
22 student on this?

23 CHAIRPERSON MENCHACA: What was that?
24 We're going to get Peter on this. Is Peter in the

2 room? No, he's listing from afar. He's probably at
3 lunch right. Let's—let's work on that.

4 REBECCA SOSA: Yeah.

5 CHAIRPERSON MENCHACA: I want to
6 understand the intricacies of the legal barriers to
7 this information sharing, and back to the larger kind
8 of conversation about relationships, I think the
9 awareness is going to bring—bring a lot more
10 relationship with our courts through our judges,
11 through our officers. I wonder if these folks are
12 unionized. I mean we're going—we got to figure out
13 how—how to step—step in and this is—this is not good.
14 This is why and just bring awareness, and change the
15 system itself from that—from that point of view.
16 Thank you.

17 REBECCA SOSA: Thank you very much.

18 CHAIRPERSON MENCHACA: This was an
19 incredible panel, and I want to thank each and every
20 one of you and your organizations for the work. Now,
21 we're going to create a special panel here for our—
22 our Borough President and a—a past Council Member, a
23 force of nature, and actually I'm going to bring John
24 Skinner up as well. If you can come up as well,
25 you'll be part of this special panel.

2 FEMALE SPEAKER: I will.

3 CHAIRPERSON MENCHACA: Yep, and this is a
4 Local 46 that John Skinner will be representing from
5 the Iron Workers, and Borough President, the floor is
6 yours.

7 GALE BREWER: Thank you very much. I
8 will summarize what we put together. I am Gale
9 Brewer. I am the Manhattan Borough President. I want
10 to thank you Chair Menchaca and certainly the
11 Speaker. I'm going to—we all know that in the last
12 four months in particular, it's a been a very
13 challenging time, and this previous panel made it
14 really clear. So over the past four months in my
15 office we have made a concerted effort to act as both
16 the convener and facilitator to address
17 discrimination and immigration related concerns. In
18 partnership with the Public Advocate, we have held
19 for bystander intervention trainings with haul it
20 back (sic) so that faith leaders, community board
21 members and our staff know how to immediately respond
22 if they witness biased interactions, and I think many
23 of us have been to forums. They're really well
24 attended, and so most of my testimony is what we need
25 to do, also the issues of the judges needing more

2 information, core officers needing more information,
3 everyone needs it. Second, we've all been part I'm
4 sure of a protest observer training with the New York
5 Civil Liberties so that everyday citizens can act as
6 defenders of the First Amendment. We've done that a
7 couple of times. Third, we did an immigration
8 teaching with CUNY School of Law, the Immigration
9 Justice Corps and Catholic Charities on the latest
10 immigration related executive orders. How to prepare
11 for ICE raids, defenses against deportation and how
12 to prevent immigration fraud. More than 90 staff
13 members from elected officials, officers and
14 community boards attended this teaching. It was a
15 huge turnout. So you know that more needs to get-be
16 done. We need to ensure that New York City's over
17 4.5 million immigrants, 570,000 undocumented
18 residents know they are welcome in our city, which is
19 what you believe, Mr. Chair. And again, I want to
20 commend you for all that you have done. So I also
21 just wanted to just talk about the schools because
22 that again is a prevention that is absolutely
23 necessary. I don't think I need to explain to anyone
24 why. So the Department of Education must take even
25 more immediate action to ensure immigrant students'

2 emotional and physical safety in the schools. We
3 know what has happened since Election Day. So first,
4 it is essential that we rest in socio-emotional
5 supports for our students. We've talked about this
6 for years. Certainly the Mayor has allocated and DOE
7 have allocated mental health consultants, but they
8 are consultants and not permanent social workers in
9 the schools trained on the issues that you have
10 brought here today. Many of them have, you know,
11 8,000 students as one of their—as a consultant. So
12 we need to have social workers in the school
13 particularly now and particularly in the schools for
14 the challenges that you've outline today. Second, is
15 very important to note. While bystander intervention
16 trainings will help address discriminatory speech and
17 actions as they are happening, our priorities to be
18 to address the root causes of hat. To do that, you
19 have to invest in culturally responsive education.
20 This effort must be twofold. First, DOE should
21 expand the critically conscious education—educator
22 series and train teachers, parent coordinators,
23 principals, everyone in the school including parents
24 on systemic racism. WE have to ensure that the
25 curricula used in classrooms reflects the social,

2 cultural and ethnic backgrounds of students. This is
3 nothing new that we are requesting this, but it is
4 needed more than ever. An issue that is focused on
5 bystander interventions, systemic racism, and
6 culturally responsive pedagogy will help students who
7 are emotionally safe in our schools. They have to
8 feel physically safe, too. On January 30th, the
9 Chancellor of DOE sent a letter to parents and
10 guidance to school principals on what to do if ICE
11 agents show up at the school. But over the last few
12 weeks, we and our office have received calls from
13 principals to say that the DOE's guidance is
14 insufficient. Principals have been told to let ICE
15 into the school, and to act as the facilitator
16 between ICE and the DOE's Legal Department. Putting
17 school principals in this position is irresponsible
18 in our opinion. In order for principals to be
19 effective leaders, they must inspire trust and
20 confidence and tasking principals with letting ICE
21 into school buildings erodes trust. So I urge the
22 DOE to bar ICE agents from school. They should be
23 sent directly to the Senior Field Council, which
24 would be the Legal Department. DOE should also help
25 schools create protocols around supporting students

2 whose parents have been deported. These are hard
3 times as we know, and we have to work together. I
4 also want to talk about the impact on law
5 enforcement. I'll be very quick. Starting on
6 February ICE engaged in a week of enforcement
7 arresting over 40 people across our city. This
8 prompted hysteria, as we know, and false reports of
9 ICE checkpoints and raids quickly spread. The ICE
10 raids have led to increased fear of local law
11 enforcement, as we know. The Commissioner has been
12 clear that the New York City Police Department will
13 not cooperate and collaborate with ICE and
14 deportations. However, if arrested, perpetrators are
15 fingerprinted and these prints, as you heard earlier
16 are entered into the data base with the FBI and that
17 leaves other kinds of problems, as we know. We want
18 to thank the Council for passing the package of
19 bills, which would allow NYPD to give out civil
20 summonses for low-level offenses like public drinking
21 and littering. Instead of charging perpetrators with
22 misdemeanors, this leaves a choice of civil summonses
23 versus misdemeanor at the officer's discretion, and
24 to day, the department has not issued any
25 corresponding guidelines. We know that under Trump's

2 immigration guidelines, an undocumented immigrant is
3 now a priority for deportation, and we know about all
4 the problems that ensue. So to have police be
5 effective and enhance public safety, trust is key.
6 We trust our institutions and their commitment to
7 keeping all of us safe. So we need to follow the
8 guidelines that I just outlined above. Thank you for
9 the opportunity to testify. I look forward to
10 working with you, and certainly that earlier panel
11 was very enlightening, and thank you for having this
12 hearing. And what I'm trying to emphasize in our
13 office is, and I hope others will follow is we have
14 to do a whole lot more education so that the
15 situation is something that people understand what
16 their constitutional rights are, and that people are
17 held accountable in public office if they are not
18 following the law. Thank you very much.

19 CHAIRPERSON MENCHACA: Thank you Borough
20 President, and Borough President Brewer, I have some
21 questions before we—we had over to John, and just in
22 case you have to leave, but—but what I do want to say
23 is that trust is—is key for public safety and for the
24 economic vitality that the immigrant communities
25 bring in their schools, and so thank you for kind of

2 really shaping this. I know you're at the-at the
3 ground-on the ground on this. We talk all the time
4 when we're at both your press conferences or rallies
5 or in the hall of-of City Hall, and so we're always-
6 we're always connected. So I just want to say thank
7 you-

8 GALE BREWER: [interposing] Sure

9 CHAIRPERSON MENCHACA: --and let
10 everybody know that-that we have a real line of-of
11 communication. Because you've been a council member
12 and now a borough president, we-one of our earlier-
13 earlier panels talked a lot about the importance of a
14 district office on the ground offering services. So
15 I know that you've been, it's 12 years, right, 12
16 years as a council member, and then a-now Borough
17 President, can you just tell us a little bit-I think
18 we understand the importance of-of that kind of
19 texture with our-our district offices need to start
20 responding to the days and times that we see
21 ourselves in, but what can you do, what can you give
22 us as your work that you will do with us in making
23 sure that all the borough presidents, for example,
24 are on board. Can you galvanize the rest of the
25 borough presidents so they're doing what you're

2 doing, and—and call because I know you have a—a
3 strong and stern voice. Call the council members and
4 say what are you doing and how can we bring
5 accountability from—from a—from a colleague
6 perspective?

7 GALE BREWER: Well, I appreciate that and
8 we have the first borough president to have a
9 district office. They're on 125th Street. We have a
10 walk-in district office. People are coming with some
11 of the concerns that I listed here. So we have that
12 unlike I think like any other borough president.
13 Second, I want to thank, actually your friend who's
14 hear, policy staff because we just did exactly what
15 you suggest. They had 90 people. I must have though
16 10 were going to show up. Ninety staff members from
17 elected officials from the city came to our office
18 with the Public Advocate to talk about all the
19 issues that I listed: Legality, bystander, et
20 cetera. I was—we couldn't even get in the door. So
21 we need to do more of those because you can't stop
22 the education, but I think that's sort of what you're
23 stating. I must admit I could not believe that 90
24 people showed up. So that's an example I think of

2 what we need to do, and you have to keep doing it and
3 doing it and doing it.

4 CHAIRPERSON MENCHACA: Well, thank you
5 for that, and that's going to require money, and so
6 I'm hoping you can send the testimony to our
7 committee next week on the 22nd when have a 10:00
8 a.m. here on the budget and how this entire building
9 from every--this is just not just a MOIA conversation.
10 Every single budget needs to be--asked the question
11 how are you helping our immigrant communities.

12 GALE BREWER: Exactly.

13 CHAIRPERSON MENCHACA: So thank.

14 GALE BREWER: What kind of training are
15 you doing, not just theoretical--

16 CHAIRPERSON MENCHACA: [interposing]
17 Yeah, definitely.

18 GALE BREWER: --but actual training
19 dates, times and places.

20 CHAIRPERSON MENCHACA: Thank you. Thank
21 you Borough President Brewer, and now I'm--I'm handing
22 it over to John Skinner from the Local 46.

23 JOHN SKINNER: Good morning Mr. Chairman
24 Menchaca. Thank you for having us here. I would
25 like to thank the Committee Chair yourself and

2 Speaker Viverito for holding this hearing. My name
3 is John Skinner. I'm the President and Political
4 Director of Iron Workers Local 46. Unfortunately,
5 the feedback we are hearing is that ICE is targeting
6 more than was stated to the community when they cam
7 out with these directives from the federal
8 government. We discovered that they are also
9 arresting people who are Green Cardholders who may
10 have a pending case, but have been found guilty of no
11 crime. This is something we were told that would not
12 happen, and is totally unacceptable. People who are
13 in our country to find a better life should not have
14 to live in fear and should not see their families
15 ripped apart. As it relates to our industry, we see
16 these workers exploited on unprecedented levels
17 everyday. These workers are afraid to speak up
18 already, and these actions by ICE only make sure that
19 even less of them will come forward to hold their
20 criminal employers accountable. I never thought I
21 would be living in America and New York especially
22 where people were hiding in their homes in fear. We
23 must protect these people with New York values and
24 strength. We do not live in a military dictatorship.
25 We live in a democracy, and we will not allow that to

2 change no matter who is the White House. I would
3 like t thank the City—I would like to thank City
4 Council and all New Yorkers who I know will always
5 stand up to defend the most vulnerable and stand up
6 to what is right. All of this has to stop. Thank
7 you.

8 CHAIRPERSON MENCHACA: Thank you, thank
9 you, John and bringing the voice of the Iron Workers
10 Local 46 and—and just the entire—really opening up a
11 whole new opportunity about ICE and the interactions,
12 and you were talking to us a little bit about con-
13 con—or I should say confirming what we've all been
14 kind of seeing the courts as well that ICE is
15 engaging in worksites. And so is there a way that we
16 can work together to measure this. Part of the last
17 panel was really thinking about how and who interacts
18 with who. Can you give us the texture about what
19 you're hearing on the ground as far as who—who—do ICE
20 agents have a relationship, and actual relationship
21 to certain folks like maybe the foreman? Can you
22 break that down, and figure out what is happening?

23 JOHN SKINNER: No, we have stories of-of
24 them showing on a job site, just coming on the job
25 site arresting workers on the job. These are people

2 who are out at the day working and trying to provide
3 for their family with no warning. Not even directing
4 the supervisors on the job site of why they're
5 arresting the individual, or what's going on. Just
6 stand back and get out go the way kind of thing. So,
7 it-it, you know, these actions are more like a
8 military dictatorship, and that's why I put it in my-
9 in my testimony. You know, we live in America with
10 due process and, you know, if someone has a pending
11 case and they're not found guilty of a crime, they
12 shouldn't be going to work every day trying to do the
13 right thing, perhaps guilty of no crime or perhaps
14 made a mistake and looking to make amends and make it
15 right, you know, which could happen to any of us if
16 we all grew up where we grew up depending on the
17 circumstances, right. So then they're taken off the
18 job. I mean because this happens to people in the
19 construction industry, our-our leadership is a little
20 different when it comes to these type of issues, but
21 in any other job in certain other jobs, you would
22 lose your occupation. You would lose your job if
23 this happened to you. It would be the end of you
24 earning a living for your family. Thankfully, you
25 know, in our industry it-it doesn't usually happen

2 that way. Most times rather than not, an employee
3 would not lose their job under such circumstances,
4 but not telling us where they're taking the person,
5 where we can go get them help. All these kinds of
6 things we heard from the testimony from some of the
7 other penal before, which was really terrifying, and—
8 and not the America that I grew up with—with our
9 constitutional rights, our constitutional rights are
10 being abused, and we all need to step up and say this
11 cannot happen here. I understand the federal
12 government's need to placate some people, but not at
13 the expense of all people. My grandparents came from
14 Ireland, one generation ago. We were all immigrants.
15 All immigrants work in the construction industry.
16 This will devastate the industry, and devastate the
17 workforce whether it be union or non-union because
18 there are immigrants on both sides of that, and they
19 should be—have legal representation and in my opinion
20 union representation on all these jobs. So take—
21 we're taking away people's rights. That's what's
22 going on right now. It's horrifying that is going on
23 in America, and I'm thankful that we live in New
24 York, and that we have people like yourself and—and
25 people like the Borough President who always seems to

2 be on the right side of every issue, that will stand
3 up for the most vulnerable and, you know, it's-it's-
4 I've had quite a learning experience in the past few
5 weeks since-since November on immigration that I
6 didn't know a lot about before because it didn't
7 touch me directly as a-as a union president, but it
8 certainly is quite an education and I-some of the
9 things-what I've learned about labor abuses since I
10 took this job, you almost wish you wouldn't have-have
11 to know about, and it's the same of the Immigration
12 issues, and the abuses of people who are treated as
13 second class citizens and people who don't have human
14 rights, and that's not acceptable.

15 CHAIRPERSON MENCHACA: Thank you, thank
16 you, John, and-and for-for your testimony. I'm
17 hoping we can keep working together to measure some
18 of this as well just like the other panelists that
19 are kind of the legal defense front so that we can
20 understand the-the kind of changes over time, what's
21 happening with ICE, interactions who they're
22 interacting with. And so, if you can-if you can
23 start prepping the-the kind of larger building
24 trades, and we can work together on this to start-the
25 more information we have the better we're going to be

2 able to respond with policy laws and budget and
3 that's—that's going to be critical. So it would be
4 great to work with you on kind of capturing that. I
5 will also just reiterate what we always—what we know
6 is true in the constitutional rights and due process.
7 This gives every New Yorker whether they are
8 documented or undocumented the power to organize, and
9 that's another—another thing that won't happen unless
10 there's trust that the environment that is required
11 for a—a team of—of workers to organize requires so
12 much and trust is one of them. And so just thank you
13 for the—for being here, and in—in part by later, but
14 also just being an American and a New Yorker like you
15 are. So thank you—thank you to both—both of you for
16 coming in today. The next panel we have Teresa Woods
17 from Kind Kids in Need of Defense. We're going to
18 have Victoria Nielson from Immigrant Justice Corps,
19 Rita Rodriguez Engberg from the Advocates for
20 Children of New York. Kim Sykes New York Immigration
21 Coalition, Beth Crouse, Legal Aid Society, Eve
22 Stotland, from ICare. [background comments, beeping,
23 pause] And this is going to be an education and
24 unaccompanied minor's focused panel. If you are
25 testifying today, and you haven't filled out a form,

2 make sure you see the sergeant-of-arms. We need—we
3 need your forms. And Terry Lawson as well, Legal
4 Services New York City and Bronx Legal Services.

5 [background comments. pause] And Terry, can we have
6 you go first?

7 TERRY LAWSON: Thank you.

8 CHAIRPERSON MENCHACA: And kick us—kick
9 us off. Thank you.

10 TERRY LAWSON: Hello, my name is Terry
11 Lawson. I am the Director of the Family Immigration
12 Unit at Bronx Legal Services. I also help to collate
13 the Bronx Immigration Partnership, which is a
14 coordinated safety net of legal and social services
15 in the Bronx. I also sit on the Advisory Council on
16 Immigration Issues in Family Court, but run by OCA.
17 So I have written testimony, which I'm going to try
18 to depart from today because it's—I wan to get to
19 some of your questions that you asked earlier. So a
20 couple of things I wanted that were raised that I
21 wanted to address. One thing that I wanted to make
22 sure that the Council understood is that the Family
23 Courts and the Criminal Court at least in the Bronx
24 and a in a lot of the boroughs they share the same
25 space. So, they are in the Bronx the Family Court

2 and the Criminal Court have a shared building and
3 then there's another Criminal Court next to the
4 Family Court. So what we're hearing is that there
5 are ICE agents around—standing around outside and
6 they are in plain clothes. So, people are feeling
7 fearful when they see those arrests happening whether
8 they're going to Family Court or Criminal Court. I
9 just wanted to make sure that was known. You heard
10 people talk about the need for safety planning and
11 family, emergency family preparedness. I cannot
12 emphasize enough how many calls we're getting on a
13 daily basis from families asking us to fill parental
14 designation forms, asking us to fill out power of
15 attorney forms, asking us to help them write wills,
16 help them get their assets in order. That—there is—
17 we do not have any funding for that work, and I know
18 that this is not a funding conversation, but there—
19 there is a crushing need to organize family law
20 lawyers and immigration lawyers to work together to
21 address this need, and estate planning and all of
22 that to work together to address this need. And just
23 having notarized materials, although it's very
24 helpful, it doesn't get at sitting down with a family
25 member and talking through what's going to happen.

2 Who is going to take their special needs child to
3 their doctor appointment if you get detained? So
4 that--those are the kinds of conversations that we
5 hope we can really get into with our elected
6 officials. The other thing I wanted to mention, you
7 had asked about what could be done, what could NYPD
8 do, and you talked about whether NYPD could do Know
9 Your Rights training or-- The thing about NYPD is
10 we--I run a lot of Know Your Rights presentations in
11 the Bronx through the Bronx Immigration Partnership.
12 We don't invite NYPD because our community members
13 are afraid to show up if they see NYPD there. So it
14 is a difficult relationship to balance. We have to
15 have--be engaging with community members who feel that
16 they can trust us because I don't work for the
17 government, but if I say I work for legal services,
18 that doesn't--someone who I'm meeting in the community
19 may not know that that is not a government entity.
20 So I am already dealing with trust issues at the
21 outset, and then to bring NYPD in can be difficult.
22 [bell] I just want to say really quickly, though, an
23 idea that I had sitting here was we were talking
24 earlier about what--how children are traumatized by
25 these experiences. I'm a daughter of a Baltimore

2 City Police Officer who had the police come to my
3 school when I was a child, and maybe there might be
4 some conversations to be had with the NYPD about
5 going into schools and talking with children about
6 how they are not ICE. And because there are a lot of
7 U.S. citizen children, there's less of a risk. Not-
8 not a real risk, but a less of a risk that the-the
9 NYPD coming into talk to children could be-could be
10 perceived as leading to an enforcement an ICE
11 enforcement action. So if children are able to get
12 that message that these are the police and these-
13 these are the things that the New York City Police
14 does [bell] and if they were to send a clear message
15 that we do not detain or deport people, that might
16 make a difference in terms of messaging. So I know
17 my time is over, but I just wanted to share those
18 thoughts.

19 CHAIRPERSON MENCHACA: Thank you, Terry.
20 Thank you for that, [bell] and can you just go next.
21 [pause]

22 RITA RODRIGUEZ ENGBERG: Hi. Good
23 afternoon. My name is Rita Rodriguez Engberg, and
24 I'm a staff attorney in the Immigrant Student Right
25 Project at Advocates for Children of New York.

2 Advocates for Children works to promote access to the
3 best education New York can provide for all students
4 including students from low-income backgrounds,
5 students who are learning English, students with
6 disabilities, and students of color. In the course
7 of our work with immigrant families, we're seeing how
8 the new immigration enforcement—enforcement tactics
9 are interfering with children's education. Parents
10 now worry about immigration and customs enforcement
11 coming to schools, and what will happen if they stand
12 up for their children's needs. In one case, the
13 parent who has been ordered removed called us for
14 advice on whether she should seek special education
15 services for her disabled son because of her
16 immigration status. As you may know, the New York
17 city DOE and the Mayor's Office of Immigrant Affairs
18 issued a letter to families on January 30th outlining
19 very generally the city's plans for addressing
20 federal immigration authorities' request for access
21 to school buildings and students records. The letter
22 we think was an important first step, but now it's
23 essential to flesh out these policies in greater
24 detail so that schools know what to do, and also so
25 that parents and families are protected. The DOE had

2 indicated they're working on follow-up guidance that
3 will outline the process for evaluating ICE requests
4 to access school buildings, and in order to address
5 the concerns of immigrant families, we're
6 recommending follow-up including certain items that
7 I'm going to outline now. I'll just note that some
8 of this guidance that we're suggesting is in line
9 with other policies around other districts in the
10 country. The first is:

11 1. Advance notice should be required
12 before ICE can set foot on school grounds in order to
13 ensure that the DOE can maintain a safe environment
14 for all students and to minimize learning
15 disruptions.

16 2. Should ICE show up at a school
17 unannounced, they should be required to wait away
18 from school grounds.

19 3. ICE requests must be handled by
20 superintendents and not principals in conjunction
21 with Council, and trusting this responsibility to
22 superintendents will help keep agents off of school
23 grounds, and it will promote greater consistency
24 across the system, and also reduce the impacts of any
25 potential biases that principals may have. In

2 reviewing ICE requests, access should only be granted
3 if ICE has a judicial warrant. I know other folks
4 have talked about this as well.

5 Although the DOE doesn't ask families to
6 disclose their immigration status, when students
7 enroll in New York City schools, families have to
8 provide proof of identity, age and residency. In our
9 experience, often times families rely on immigration
10 documents for this, and copies of these documents
11 then become part of the student's permanent file. In
12 order to avoid the collection and storage of this
13 sensitive immigration information, we urge the DOE to
14 instruct Family Welcome Center and school staff to
15 refrain from photocopying immigration related
16 documents at the time of enrollment and registration.
17 Finally, the DOE needs to quickly take steps to
18 address the very likely situation of parents being
19 picked up by ICE inside schools during the school
20 day. At a minimum, the DOE must ensure that families
21 are given an opportunity to update their emergency
22 contact information, which is recorded in what's
23 called the Blue Card. We also suggest that the DOE
24 expand the number of emergency contacts that may be
25 listed on the Blue Card in case that multiple

2 families are detained. And finally, the DOE must
3 come up with a protocol to address situations where
4 parents are detained [bell] and no one on the Blue
5 Card can be reached to pick up a student. Thank you.

6 CHAIRPERSON MENCHACA: Thank you, Ms.
7 Rodriguez Engberg. I have a—I have actually a media
8 follow-up question on the DOE and the disclosure of
9 information back and forth. Can you tell us a little
10 bit about (1) would an IDNYC offer a—a kind of
11 required proof of identity in school rather than
12 other documents that might—might reveal a kind of
13 foreign born status?

14 RITA RODRIGUEZ ENGBERG: In our
15 experience the New York City ID is mostly just
16 helpful to get inside of school buildings and any DOE
17 affiliated building. At the time of registration
18 parents and students especially unaccompanied minors
19 are asked for a lot more information than that. You
20 know, anything from—from a lease to sometimes, you
21 know, just any old government issued ID is not going
22 to suffice to prove residency, to prove that a
23 student especially an unaccompanied minor has a
24 guardian, and so often times we see student showing
25 their documents from the Office of Refugee

2 Resettlement, which is a pre-delegate(sic) document
3 and those are photocopied and taken--

4 CHAIRPERSON MENCHACA: [interposing] And
5 those are the documents that are being asked by
6 school today?

7 RITA RODRIGUEZ ENGBERG: By the Family
8 Welcome Centers.

9 CHAIRPERSON MENCHACA: By the Family
10 Welcome

11 RITA RODRIGUEZ ENGBERG: Which is where
12 students go to enroll. That's their first contact
13 usually with the Department of Education.

14 CHAIRPERSON MENCHACA: And tell me what
15 are these rules and regulations? Are these--are these
16 designed by the Department of Education?

17 RITA RODRIGUEZ ENGBERG: No, this is not
18 in the Chancellor's regulations.

19 CHAIRPERSON MENCHACA: They're not.

20 RITA RODRIGUEZ ENGBERG: The Chancellor's
21 regulations gives several options for approving age
22 at any--and residency, but--

23 CHAIRPERSON MENCHACA: And what are
24 those? Can you remind us?

2 RITA RODRIGUEZ ENGBERG: It-it-the-it's a
3 pretty long list. I mean for-for age you can-and
4 identity you can use a birth certificate, passport,
5 and the problem is that for students who are
6 unaccompanied, unaccompanied minors, they often times
7 don't have any of that, and even if they came here to
8 become reunited with a-with a parent, they just often
9 times don't have that information. And so on that
10 document from the Office of Refugee Resettlement,
11 there is all of that information. And so, it is a-an
12 all encompassing document. It's just that it does
13 them show that the student is-is undocumented.

14 CHAIRPERSON MENCHACA: Okay. So this is-
15 this is another area that I'm going to be very
16 interested in understanding in a big way how-how-how
17 culture meets, regulations meets a new way that can-
18 that can kind of be designed moving forward, and most
19 recently the-the IDNYC Program, and thanks to the
20 Mayor and MOIA and others, recreated their
21 requirements for document retention, and then no
22 longer required retaining any documents. Instead,
23 have a process where there are people at the front
24 line who were once in the back end now reviewing
25 things in person. And so this is something that

2 maybe we can—we can bring back to the Chancellor and
3 others to say, well there's—there's a new way that
4 we're going to—we're going to confirm identify and
5 residency, and with a—with a real eye to not—not—put
6 families in danger.

7 RITA RODRIGUEZ ENGBERG: And one of the
8 things that we suggest along those lines is, you know,
9 staff can look at the documents, and then maybe
10 instead of photocopying it and putting it in a
11 student's file, they can fill out a separate form
12 that says we verified the student's or the family's
13 address and verified--

14 CHAIRPERSON MENCHACA: [interposing] So
15 that happens today?

16 RITA RODRIGUEZ ENGBERG: No, this is our
17 suggestion.

18 CHAIRPERSON MENCHACA: Suggestion. I
19 love it. [laughter] I love the suggestion. Okay
20 great. Thank you. Thanks for walking me through—
21 through that and—and again I—I want to become more—
22 more knowledgeable about this piece to work with
23 Council Member Dromm, Chair of the Education
24 Committee as well. Next.

2 KIM SYKES: Good morning. I'm Kim Sykes
3 from the New York Immigration Coalition. I want to
4 piggyback on a lot of what Rita said, and thank you
5 so much for holding this hearing today, and to the
6 Speaker for her--

7 CHAIRPERSON MENCHACA: [interposing]
8 Thank you.

9 KIM SYKES: --leadership. Rita mentioned
10 the upcoming additional guidance, what's coming out
11 and we think that's really important, and I want to
12 strongly encourage Council Members to speak out on
13 this issue to check in with the DOE and with city
14 leadership. Because we really need to make sure that
15 this is the right guidance, and I want to give a
16 special thanks to Council Member Dromm for already
17 doing that. In terms of making it the right
18 guidance, we support and worked really closely with
19 Advocates for Children to develop those
20 recommendations. First and foremost, we have to keep
21 ICE out of schools and away from schools while we
22 verify whether ICE even has met the criteria to be in
23 the school in the first place. We can't do that
24 after they've already gotten into the school, and we
25 need a process that is not easy or convenient for ICE

2 so that families feel safe. Because if families
3 don't feel that schools are a safe place, they're not
4 going to send their children to school or they're
5 going to question whether that is a responsible
6 decision for them to make. And for those key
7 reasons, we have strongly recommended that ICE not be
8 granted access to schools without advanced prior
9 written notice, and from Super—the Superintendent and
10 the Senior Field Counsel, and I want to just heartily
11 concur with the Borough President on her remarks. It
12 is actually essential as a sanctuary city that we do
13 not put principals in charge of letting ICE into
14 schools even into the halls to check ICE's paperwork.
15 Giving principal's this terrible responsibility,
16 which we have also heard is something they really do
17 not want would just send a message to every immigrant
18 parent that they should not trust their principal.
19 They should not raise any questions with their
20 child's principal about that child's education. It
21 just creates terrible dynamics for the principal and
22 for the community members. And we also can't ICE
23 lingering around inside the school without really
24 destroying the learning environment in a way that I
25 feel would be just nearly impossible to overcome. A

2 few other key points that need to be involved in this
3 protocol. There needs to be a process for notifying
4 students and parents when ICE is interested in a
5 particular student well before any approval goes to a
6 principal to allow ICE access to that student or
7 release any information. And there also, of course,
8 need to be training for all relevant school staff to
9 make sure they understand what the protocol is to
10 protect students and families so that no mistakes are
11 made, and finally, in order for families to feel safe
12 this protocol and the criteria ICE needs to meet need
13 to be publicly available so that families can
14 understand, and I also just want to underscore that
15 it's ally important the DOE take steps to address
16 what happens if a child's guardian and emergency
17 contact can't come to pick up that child, yes we need
18 to add more lines to that Blue Card to optimize the
19 chance that somebody who the parent is comfortable
20 with can come and get the child. But we also need to
21 encourage schools not to call ACS before they have
22 exhausted the emergency contact list and/or any other
23 information or instructions provided by the parent or
24 guardian. And I total agree that social-emotional
25 support is a vital part of this as well. [bell]

2 CHAIRPERSON MENCHACA: Thank you for
3 that, and can I ask one question about that Blue
4 Card. Is this something--this is part of the
5 Chancellor's regulations as well is the creation.
6 It's another document where there's information there
7 per child with contact.

8 KIM SYKES: It already exists

9 CHAIRPERSON MENCHACA: And--and that
10 requirement, remind me what that requirement is?
11 One--one contact or it has multiple contacts that you
12 can put?

13 KIM SYKES: The Blue Card already has--
14 it's like a standard format already has a number of
15 contacts on it, but we think given the severity of
16 the consequences, it is really imperative that we add
17 more to that that to optimize the chances that some
18 youth is going to be there because what we worry
19 about is that if there is an ICE enforcement action
20 happening that impacts the parent, it could very well
21 impact additional community members who are in that
22 tight circle, and so we want to just give the parent
23 more options to try to--

24 CHAIRPERSON MENCHACA: And at what point
25 do the--do that--what point does that card get filled

2 out by parents? Is it the beginning of the year?

3 Are there—are there like regulations about when that
4 cared comes back to parents for a re—like a revision?

5 KIM SYKES: I'll have to get back to you
6 on whether there's a regulations on that. I do know
7 that the—the DOE has talked about asking schools to
8 re-visit their next of kin protocols, and we do think
9 that that makes sense but, you know, we do agree with
10 the additional steps that Rita recommended, and
11 adding these additional lines, and just, you know,
12 going beyond, you know, taking a look at the card
13 again.

14 CHAIRPERSON MENCHACA: Got it and we want
15 to support you in that and—and really given an
16 opportunity, an opportunity for the DOE to just take—
17 take a—take on leadership in this, and make it—make
18 it happen now rather than—than later and actually
19 more often maybe on a monthly basis. Any new
20 additions, you can—so we'll work—we'll work with
21 Council Member Dromm on that as well. Thank you.
22 Next. [pause]

23 Certainly. Good afternoon, Chairman.
24 Thank you so much. My name is Eve Stotland. I'm the
25 Director of Legal Services at the Door. But I'm here

2 today to testify about the ICare Coalition, and to
3 answer your questions on behalf of the ICare
4 Coalition. We are a coalition of legal services
5 providers who represent unaccompanied children and
6 families with children who are in removal proceedings
7 in New York City's Immigration Court. Our members
8 are Central American Legal Assistants, Catholic
9 Charities, the Door, Kind, Make the Road New York,
10 and the Safe Passage Project, and some of my
11 colleagues are up here with me so that they can help
12 me answer any questions you might have. You are very
13 familiar with our work. You were one of our first
14 supporters. So I'm going to tell stories about how
15 the enforcement, the changes in federal enforcement
16 climate is impacting ICare's clients. So despite
17 ICare's tremendous success, and despite the fact that
18 the new Administration has only been in place for a
19 matter of weeks, we are already seeing harm to our-
20 our young clients. Just last week and ICare attorney
21 got a call from a school guidance counselor. The
22 guidance counselor was calling about one of our young
23 clients, a 15-year-old who I'll call Jessica, and was
24 in school in the Bronx, and the attorney was a little
25 confused because it seemed like the young person was

2 in the room with the guidance counselor, but wasn't
3 being put on the phone, and the reason that the
4 guidance counselor didn't put the young person on the
5 phone was because the young person was having a panic
6 attack. And the young person was having a panic
7 attack because just a few days earlier her guardian
8 the person who cared for her since she had arrived in
9 New York, her older brother had been very quickly
10 detained and deported under expedited removable
11 proceedings. And not only was that very harmful to
12 the young person, but she herself is in removable
13 proceedings, and she was sure that she was going to
14 be next. It was just a matter of days or minutes.
15 So she was having a panic attack at school. So in a
16 sense Jessica is lucky, and that's because she has an
17 attorney who is going to fight like crazy for her to
18 remain in the United States and, in fact, she's
19 probably going to win. She also has a school that
20 cares about her where she feels safe and a guidance
21 counselor who understands where she's coming from
22 who understood that what she needed in that moment
23 was to connect with her attorney who could say what
24 happened to your brother, your caregiver was
25 terrible, but that's not going to happen to you. You

2 have an attorney. I'm going to be with you at court
3 next time, and we're going win this. I got this,
4 right. [bell] So, our request at ICare is that every
5 undocumented young person, every undocumented student
6 in New York City should have an attorney and a school
7 and a guidance counselor like Jessica. Thank you.

8 CHAIRPERSON MENCHACA: Thank you for
9 that. [pause]

10 VICTORIA NEILSON: Hi. I'm Victoria
11 Neilson. I'm from Immigrant Justice Court. I keep
12 deferring because I'm not specifically speaking about
13 children. So I didn't want to break up the flow.
14 We—we are legal fellowship program, the only one in
15 the country. We have over 70 fellows with over 30
16 organizations of legal service providers throughout
17 the city and beyond. So I think we have a good sense
18 of sort of what's—what's going on. We've heard a lot
19 of people testify already about, you know, fear in
20 the community. One of the main things we do is
21 trainings. I was one of the trainers at the Public
22 Advocates meeting last week, which we heard about
23 from--from Gale Brewer, and I think one of the things
24 that Andrea Saenz spoke about before, which is so
25 true is that what's—what's hardest for us in the

2 legal community right now even doing Know Your Rights
3 is that we want to reassure our clients, and we—we
4 can't. Like we can't say okay here's the Know Your
5 Rights training. Oh, don't worry. You're not a
6 priority so you're going to be okay. So I think
7 that—that fear is real because everybody is a
8 priority. So basically, all we can say to people is
9 you do have constitutional rights, but the problem
10 is, you know, even as we are saying to people to—to
11 people we meet at Know Your Rights trainings or
12 clients or non-clients, you know, the community at
13 large, you know, you have the right to remain silent.
14 The reality is—if—if someone is pounding on your
15 door, and saying police and you don't have a lawyer,
16 how is it that you're going to remain silent or even
17 worse, one of the things that I think Peter Markowitz
18 might have touched on it in one of the executive
19 orders that we're all feeling when it becomes
20 implemented is the increased use of expedited
21 removal, which means that people who are—who are
22 taken into custody by ICE have a—will have an
23 affirmative obligation to show to ICE that they've
24 been in the United States for tow years to even get
25 in front of a judge. So ICE can say to someone like

2 oh, you, you know, let's see your papers, and if the
3 person says I'm remaining silent, it's not clear how
4 that's going to—to play out because with the
5 expansion of expedited removal, which up to this
6 point has only been used at the border only for
7 people who have entered within 14 days or within 100
8 miles of the border, the new memos, the executive
9 orders and the Kelly Implementation Memo say anyone
10 who has been here for less than two years could be
11 subject to this process where an ICE official decides
12 whether they've been here for two years, and if so,
13 whether they get accreditable fear (sic) interviews.
14 So if an ICE official makes the wrong decision,
15 someone could get sent out of here without any
16 rights. So to me kind of the only thing as lawyers
17 we can do to reassure people is literally have every
18 person who could face an interaction with Immigration
19 have a lawyer's card. Because unless they can—if
20 they want to exercise their right to remain silent,
21 the only way they can really do that is to say, I'm
22 not talking to you. Here's my lawyer. Call them.
23 So I know this week isn't about funding lawyers, but
24 I just think it's important to understand that the
25 situation that we're in now is so different from—from

2 where we've been before. The one other sort of
3 practical thing I would say is like so my wife is now
4 a school teacher, used to be in the District
5 Attorneys and she explained to me that like when she
6 heard about what happened in police training, sort of
7 day one that [bell] NYPD told, you know, if you have
8 a house, if you want to keep your house, you file-
9 follow our guidelines, and-and you don't, you know,
10 abuse the law. I think it's pretty clear ICE doesn't
11 get that lecture on the first day that-that are in
12 training, and I think it's going to be really
13 incumbent on all of us in the legal community and-
14 and, you know, I'm, JC is part of the collaborative
15 Camille was talking about where we're trying to come
16 together to work together. I think one thing we need
17 to figure out is how we can bring creative lawsuits
18 to hold ICE accountable when they're not following
19 the law, and I think that our collaborative would
20 welcome working with the city to figure out ways that
21 the city can-can be involved in that kind of
22 litigation. Thank you.

23 CHAIRPERSON MENCHACA: And we'd love to
24 be part of that work especially the creative-the
25 creative lawsuits and-and kind of thank you for-for

2 really—for really talking a lot about the—not the
3 confusion but the—the intricacy of—of the rights that
4 we're ask—asking people to learn about. It's—it's
5 not easy, and even when you're at door when—when an
6 ICE agent might not have a warrant, and—and there's
7 a—there's a person with a gun on the other end of the
8 door, what—what kind of power do you want to
9 demonstrate. That—that's what's happening right now
10 in our—in our—and I don't want to go off too much but
11 it just reminded me of all the conversations we're
12 having in Sunset Park where—where Sunset Park
13 neighbors are opening up their homes for their
14 neighbors, mostly parents that are inviting other
15 parents who—who they know aren't coming to these
16 sessions at all for fear not just of today, but for—
17 for fear since their kids were in school, they don't
18 come to PTA meetings. Those are the ones that are
19 getting focused on for Know Your Rights to move from
20 not understanding your rights to understanding your
21 rights and then practicing your rights, that's—that's
22 a—that's an evolution of—of courage and heart and—
23 and—and so anyway, there are some other ideas that—
24 that we received from folks like Theater of the
25 Oppressed where—where you bring a theatrical

2 component to it for the sake of practice where people
3 can kind of engage each other and practice the word
4 and saying it out loud and—and actually demonstrating
5 it. That—that's—that's what we're talking about
6 here, how do you get people to that point where the
7 they can—they can in these moments react out of
8 muscle memory rather than on—on a sheet where someone
9 told you, you have the right to remain silent. You
10 know what means? And really bringing the whole new
11 level—level of engagement. So thank you for—for
12 connecting us to that as well. Can we—can we make
13 two spaces available for our—our last two. Is
14 anybody else testifying? Is that is? Is that the
15 whole--? That's like the whole panel?

16 EVE STOTLAND: Well, we—we are pleased to
17 answer any questions that you have from earlier.

18 CHAIRPERSON MENCHACA: Yeah, we have some
19 questions. I just wanted to make sure if there's
20 anybody else.

21 EVE STOTLAND: The panel will answer
22 those as—ICare will answer those as a group.

23 COUNCIL MEMBER MENDEZ: Got it. Thank
24 you. So, I think where—where I want to start on the
25 children piece is really—I think there are some solid

2 ideas. I don't want to reiterate because I want to
3 get to the other panels, but I do want to say that
4 some of the—some of the work that—that Council Member
5 Dromm spoke about, and that you all kind of
6 highlighted with—within the kind of school framework.
7 Some—some of this is going to get figured out in the
8 Chancellor's regulations. Some of this is going to
9 be possibly the municipal government role, budget,
10 policy, laws. Some of it is state as well. So we're
11 going to—I want to work with you to figure out where—
12 where we can carve out a city process and then how do
13 we bring advocacy to our state level and making sure
14 that the state—the state meets us half way. Back to
15 the police in schools, that's a—it's a really
16 interesting model because I think that's where some
17 education and awareness can happen on both sides
18 bringing officers into our schools for relationship
19 building. And that's always, you—you ask one person,
20 you're going to get one answer. If you ask another
21 person you're going to get another answer and—and I
22 get. But I—I kind of want to hear from all of you or
23 one of you about what that might look like in a
24 positive way to really create curriculum for an
25 officer to enter, and I'm specifically thinking about

2 the NCOs, and then I—I don't know if anybody is
3 familiar with the NCOs, the new pilot project.
4 Actually, raise their hands--raise your hands if you
5 are familiar with the NCO program out of the NYPD.
6 Real, for real. Okay. How about here. How many of
7 you are familiar with the NCO program, the
8 Neighborhood Coordination Officers? One. Okay. Wow.
9 We got some work to do here. For a lot of different
10 reasons this is one of the things that the NYPD is
11 working on, and I'm not going to go through it, but
12 let's get smart about that. We'll put something--
13 something together. We're not defending the program.
14 What we're looking at is the impacts of the program
15 in our communities, and these are essentially new
16 officers that are coming with the new grid. The
17 precinct gets redrawn in four different quadrants and
18 there's new special officers that were just--just
19 trained that were--recently graduated from--from the
20 academy, but they offer a more in-depth focus on
21 block by block, and so they're doing more walking
22 and--and it's in Sunset Parks and it's been here for
23 almost a year now. And so we're working with them to
24 build relationships with street vendors and day
25 laborers and others that--that--that have had historic

2 issues with police and—and offer a new face and a new
3 conversation and a new relationship. Schools
4 shouldn't be outside of that, and I think we should
5 think about what that looks like, and how everyone
6 can feel comfortable in designing a kind of step and
7 a—and a kind of—a kind of a thoughtful step into the
8 schools so that we—we accomplish role—we accomplish
9 some objectives here. So can anyone offer some
10 commentary about what that might look like already
11 know that—that we need more people in the room to
12 talk about that, but if you have any suggestions
13 about what that might look like. Officers in schools
14 to talk about their roles and responsibilities in our
15 communities to keep them safe.

16 EVE STOTLAND: I'm going to give you a
17 slightly non-responsive answer.

18 VICTORIA NEILSON: [laughs] Okay.

19 EVE STOTLAND: I think or—or perhaps it
20 is responsive. I think first the—the schools with
21 really high immigrant or minority populations need to
22 have advocates and attorneys in the schools. That is
23 before—

24 CHAIRPERSON MENCHACA: [interposing] I
25 think we've heard that and we noted that as well.

2 EVE STOTLAND: -before young people
3 really—at least our experience at the Door is that
4 before young people really feel comfortable to speak
5 freely to law enforcement, they need to feel safe.
6 We would like to thank that just them being at the
7 Door, which also has a schools and a youth center, is
8 enough for them to feel safe, but it's not is what we
9 found. First, they need really Know Your Rights
10 training that the step practice they need to know
11 that if they are arrested by ICE somebody has their
12 back. They know if they're arrested for a theft of
13 services for jumping the turnstile or trying to use
14 their school metro card on a non-school day, that
15 somebody has their back. Once they feel somebody has
16 their back, then I think they're really ready to have
17 that conversation with law enforcement.

18 CHAIRPERSON MENCHACA: Thank you for
19 that. Now, we've kind of developed a kind of step-
20 by-step process. We're kind of building a new—a new
21 layer by layer awareness plan to get students ready
22 for an engagement with police officers. They're
23 carrying their own relationship that they've acquired
24 in the community both by negative impacts through
25 Broken Windows policy and other—other kind of stop

2 and frisk situations, which we're trying to get
3 through with Know Your Rights and really kind of
4 change the game there, but okay, I-I hear you on
5 that. So can we--can we--can we work offline on just
6 thinking about that with our school principals and
7 superintendents, which actually reminds me of another
8 thing. You all recommended superintendents as the
9 place where engagement with ICE might be more--more
10 effective so that we remove the principal from that
11 relationship, could we offer another route not even
12 an superintendent because super--I'm just thinking
13 about the superintendents in our District 15 and 20.
14 They're so critical on the ground. Their face--their
15 face as well. Removing it completely from anyone
16 that interacts with the parents, and actually putting
17 it somewhere else completely, and help us understand
18 where that somewhere else is, and we can keep working
19 on it. If you have some ideas to day, we'll take
20 them.

21 KIM SYKES: [off mic] I think I do. [on
22 mic] Thank you, Rita. I think another potential
23 option could be the Borough Field Support Director.
24 In our minds the most--the--the critical piece here is
25 to remove ICE from inside the school, from nearby the

2 school and just have them go somewhere else while
3 their paperwork is checked, and so I think we, you
4 know, logically came to the superintendent knowing,
5 you know, that's somebody that the school
6 communicates with regularly, and thought they could
7 link up with the Senior Field Counsel, but I think
8 the Borough Field Support Director is another
9 potential option there, and I would just add what
10 we're--what we're asking for in terms of advance
11 notice and having ICE go to the superintendent or
12 someone else who isn't right in the immediate area is
13 nothing radical at all. What--what we're asking
14 really is for New York City, the sanctuary city, New
15 York City to not be at the back of the pack on this,
16 and I think that's a really important thing to under
17 score. [bell] There are many other districts who
18 require advance notice. Almost--you know, districts
19 across the country including L.A., San Francisco
20 require a superintendent review. So this is nothing,
21 you know, earth shaking here.

22 CHAIRPERSON MENCHACA: Thank you for that
23 and that--and that will be the end of this panel, and--
24 and I'll just say this that I think it's just the--
25 it's--it's not only the right move, it's--it's the kind

2 of move and relationship we—we want to have with—with
3 ICE. Removed completely, not entangling them with
4 any enforcement or even our school infrastructure
5 that we're trying to keep in the midst of so much
6 fear that—that people are feeling right now. So I—we
7 get you, and let's keep working on what that looks
8 like with other people in the room that need to be
9 there. Stakeholders like principals and
10 superintendents to figure out the—the right location
11 to place this kind of new entryway into the city
12 itself, which we're going to try to prevent
13 100%[laughs] as much as we can, constitutionally.
14 Thank you.

15 KIM SYKES: Thank you.

16 CHAIRPERSON MENCHACA: Our next panel
17 let's get you up here to the—to the desks and chairs.
18 Rachel Sabella from the Food Bank for New York City;
19 Joel Berg from Hunger Free America; Hillary Exter-
20 Exter from—from Leap HRA, Urban Justice Center;
21 Lauren Guihano—Gihano (sp?) from the New York
22 Lawyers' Republic Interest, and Melissa Cartine from
23 NYLAG, and we are—this panel is a—now we're moving
24 the focus on a kind of general welfare and food
25 security as a question for us when we think about ICE

2 in the community and health. I just want to say
3 thank you to our staff, Diana Porta, Legal Counsel to
4 the Committee and everyone that's worked on this from
5 the Task Force, the Immigration Task Force and I
6 think Arianna (sic) from my staff as well, my-my
7 Deputy Chief of Staff for Policy and Budget has don a
8 lot of work to get us-get us here today. Thank you,
9 and if we can start on this side, please.

10 RACHEL SABELLA: Sure. Good afternoon
11 Chairman Menchaca, and my name is Rachel Sabella and
12 I'm the Director of Government Relations at Food Bank
13 for New York City. You have my formal testimony. I
14 am going to try to summarize as much as I can, but
15 the two big things I want to talk about today are how
16 immigration status relates to anti-hunger policies
17 and programs, and what we are able to discern at this
18 point about the impact of the federal government's
19 changing stance on immigration enforcement policies
20 and tactics. In terms of the Safety Net Programs the
21 mains we'll talk about today is the Supplemental
22 Nutrition Assistance Program, SNAP. SNAP is our
23 late-nation's first line of defense against hunger.
24 It's a means tested programs that provides households
25 who meet the eligibility criteria, a monthly food

2 budget that enables them to purchase the food they
3 need at a variety of retailers. In order to apply
4 for SNAP, adult immigrants who meet the program's
5 other requirements including documentation of income
6 and household size, must have been legal, permanent
7 residents for at least five years. This residency
8 requirement does not apply to children under the age
9 of 18. While this enables ineligible low-income
10 immigrant adults to apply on behalf of their eligible
11 children, this concept of mixed eligibility within a
12 single household has in practice created confusion
13 with an immigrant population, and resulted in under
14 participation of eligible immigrant households. Most
15 importantly, participation in SNAP is not considered
16 a public charge. This is participation will not
17 impact consideration of an immigrant citizenship
18 application in the way that receipt of cash
19 assistance would. Even so, research has found that
20 many legal permanent residents have opted not to
21 apply for fear that enrollment would comprise a
22 pending or future citizenship application.

23 Child Nutrition Program: Immigrant
24 status is not required as an eligibility criteria for
25

2 federal child nutrition programs. School lunch,
3 school breakfast and WIC are some examples.

4 Emergency Food: A network of close to
5 1,000 food pantries and soup kitchens and other
6 community organizations provide food for free to
7 those who need it. Government resources supply a
8 substantial portion of the food. For the federal
9 government it's TEFAP. For the city government, it's
10 EFAP. Non-discrimination with respect to race,
11 religion and immigration status as a condition of
12 receipt and distribution of these resources. In
13 order to receive it, a person need is the only
14 criterion that matters. The current state of hunger
15 isn't certainty. That is especially for immigrants
16 facing hunger, many of who are currently facing
17 something even stronger, fear. The anecdotal
18 information that we have received in recent weeks
19 demonstrates the substantial harm fear can do even
20 where formal policy changes have not yet happened.
21 We have heard from some food pantries and soup
22 kitchens that they've reported seeing fewer people in
23 line. They're attributing it to fear. People are
24 afraid to seek out help. Anything that drives people
25 into the shadows increases hardships. If immigrants

2 are choosing out of fear not to seek out the food
3 assistance and other services their families need to
4 survive, this will increase hunger in our city and
5 country. We continue to work with our agencies, and
6 look forward to working with you and the entire
7 Council on this.

8 CHAIRPERSON MENCHACA: Thank you for all
9 the work you do already, and this added layer of-of
10 confusion is something that we want to work together
11 with, and I'll have some questions after the panel is
12 done. Thank you.

13 JOEL BERG: Thank you, Mr. Chair. I'm
14 Joel Berg, CEO of Hunger Free America. I can't help
15 but not the irony I'm testifying front of, a
16 sculpture of a man and in front of a painting of a
17 man both who made themselves filthy rich by bringing
18 people into this country against their will, and as a
19 son of a woman who came into this country at two
20 months old and my family would have been wiped out
21 had they not been allowed into America. I remind
22 every American to have a longer memory than this
23 week. We have seen devastating impacts both of the
24 executive order the President has signed and one that
25 has been leaked. You know, one of the underreported

2 indications of one of the ones he signed was that it
3 would make it illegal for people to help undocumented
4 immigrants. It was not explained whether it was a
5 civil offense or a criminal offense. It was not
6 elaborated on, but if you read that literally, you
7 know, the government could bust in ac Catholic
8 Charities soup kitchen and arrest a priest or a nun
9 for feeding a family that happens to be undocumented.
10 I think that's an unconstitutional violations of the—
11 the First Amendment both the free association clause
12 and—and the—the protection of religion but I would
13 say that one thing we do concretely is ask Congress
14 to pass a bill that would actually protect people who
15 are servicing people who may or may not be
16 undocumented. Second, as my colleague just described
17 this weak memorandum that would change the definition
18 of public charge, and would say that if you're
19 temporarily down on your luck and you temporarily
20 need help from a government program that the not only
21 could you not become a citizen, but you could be
22 deported is unfathomable. The greatest irony is
23 right wing racists who are so anti-immigrant now.
24 They say oh, these folks, these people, they always
25 say these people don't want to assimilate. Well, the

2 very things they are pushing are going to make it
3 more difficult for immigrants to assimilate. We know
4 that recent immigrants are more likely to be likely
5 to be hungry, more likely to be low-income, more
6 likely to have, you know, be below that median family
7 income, but documented naturalized citizens actually
8 have lower poverty rates, lower hunger rates, and
9 higher incomes than the nation as a whole. So they're
10 cutting off their nose to spite their face, but
11 racism often does that. Logic is not involved. To
12 be very specific about it, we have two cases where
13 people contacted our office. One was giving up \$357
14 a month in SNAP benefits even though the whole
15 household was legally here under current immigration
16 law because they were so afraid of these new laws or
17 new policies, another family was giving up \$5,000
18 worth of SNAP, WIC and other benefits, health
19 benefits because they were deadly scared about what
20 it would mean for their family. I'm afraid the irony
21 is that they desperately want to become U.S.
22 citizens, and very, very poor hungry families are
23 giving up thousands of dollars of temporary help just
24 because they want their share of the American dream.
25 If we are to honor both my parents and every other

2 immigrant in this country voluntary and involuntary,
3 unless you were born in Olduvai Gorge between Kenya
4 and Tanzania, you're an immigrant here, we ought to
5 oppose these policies. Thank you.

6 CHAIRPERSON MENCHACA: Thank you for that
7 testimony. Oh, can you make sure that the red light
8 is on?

9 HILLARY EXTER: Okay.

10 CHAIRPERSON MENCHACA: There we go.
11 Thank you.

12 HILLARY EXTER: My name is Hillary Exter
13 and I am the Anti-Harassment and Tenant Protection
14 Coordinator at the Urban Justice Center, and I'm
15 submitting my testimony today on behalf of the LEAP
16 Coalition, which is a partnership of legal services
17 providers and in particular on behalf of providers of
18 an anti-displace, anti-harassment grants that funded
19 by the City's HRA. My testimony today is going to
20 particularly focus on the impact of tenants and in
21 particular immigrants and their neighborhoods of the
22 new Federal Administration's draconian immigration
23 policies, and to offer suggestions for actions that
24 could be taken by New York City officials and
25 agencies to better protect immigrant tenants. The

2 testimony, of course, is informed by the work of our
3 legal services providers who are providing services
4 to low-income tenants in all five boroughs. The
5 services include anti-harassment tenant protection
6 work to protect to protect tenants against harassment
7 and displace. It includes eviction defense,
8 affirmative litigation to obtain repairs, challenges
9 to illegal rent overcharges, actions to combat-combat
10 discrimination in housing. We are working with in
11 addition to the legal services providers with
12 community based organizations, tenants associations
13 and tenants themselves and I really want to share
14 with some of the fears and-and some of the
15 implications as a result of very alarming trends
16 since-since November. Some of these include a
17 substantial reduction in attendance at tenant-at
18 building wide actions. So we're talking about
19 tenants who would be working together to
20 affirmatively enforce their right to repairs, tenants
21 are not showing up to meetings in buildings at this
22 point, and that's resulting in a really rapid
23 decrease in tenants affirmatively enforcing decent
24 housing conditions. It's-it's going to be placing
25 their own health, their wellbeing in-in danger of

2 themselves, their families, and—and their neighbors.
3 We see a—a reduction in tenants coming to rallies,
4 and to other community actions. So this is really
5 detrimentally affecting basic participation in
6 democratic institutions in the city. We see failure
7 of tenants who are facing eviction to apply
8 government relief in terms of one-shot deals or other
9 kinds of subsidies to keep them in place. This is
10 going to directly result in their eviction from—from
11 their housing. Similarly, we see tenants who are
12 avoiding even applying for charitable organizations
13 who would be available t--sources of funding who
14 would be to—to help fund arrears. We are—and so the
15 reason are—are really what everyone has talked about
16 that people are afraid of brining themselves to the
17 attention in any way to of government authority.
18 [bell] People are being—are afraid of threats by
19 landlords to call ICE. They're afraid to go to
20 Housing Court, although we have not heard of
21 particular actions by ICE agent in Housing Court.
22 Certainly things like they're appearing in—in other
23 courts like Criminal Court is really—is—is resulting
24 in—in tremendous fear. What we need to see is public
25 campaigns by city agencies like the New York City

2 Department of Housing, Preservation and Development,
3 he Commission on Human Rights and the Mayor's Office
4 regarding the rights of tenants to protections
5 including the right to organize, to enforce all their
6 rights regardless of their immigration status and-and
7 to really step up the enforcement of illegal
8 discrimination against tenants due to their status.
9 So these are some of—we also really want to encourage
10 the city to make clear that all of the legal services
11 that are currently being made available by the city
12 are available to tenants regardless of their
13 immigration status. So this would be something
14 that's really clear to everybody, and so really thank
15 for the leadership that you're taking we look forward
16 to working with you on some of these initiatives.

17 CHAIRPERSON MENCHACA: Thank you. Is
18 anybody else testifying on housing by any chance?
19 Okay, I—okay, I'm going to come back and ask you some
20 questions, but I just have one—one question about
21 whether it's illegal for a landlord or anyone to
22 threaten something around the question around
23 immigration status and—someone calling--

24 HILLARY EXTER: [interposing] Well, I
25 just think it's—it is a form of harassment.

2 CHAIRPERSON MENCHACA: It's a form of.

3 HILLARY EXTER: I—I think it is.

4 CHAIRPERSON MENCHACA: So can you—can you
5 walk us through any—anything that you—you used in a
6 court case or—or the kind of strategy around a court
7 case to actually bring it?

8 HILLARY EXTER: [interposing] I think
9 potentially—I think potentially, you know, working on
10 complaints with the New York City Commission on Human
11 Rights, you know, would be—would be something that
12 could be appropriate certainly in Housing Court to
13 Raise as a defense that actions are taken in
14 retaliation for tenants taking affirmative steps
15 around repairs, you know, would be actions
16 particularly.

17 CHAIRPERSON MENCHACA: Thank you for that
18 and I just want to note to everybody at home that's
19 listening, we have a whole bunch of tenant protection
20 laws, 12 I think in total, and we may have a couple
21 more on their way that are really designed to protect
22 our tenants from a whole bunch levels of harassment.
23 And so, I just want to say thank you, and—and
24 everybody who's working on this.

25 HILLARY EXTER: Thank you.

2 CHAIRPERSON MENCHACA: Next. [background
3 noise, pause]

4 LAUREN QUIJANO: Hello. My name is Lauren
5 Quijano. I am the Community Organizer for the Health
6 Justice Program at the New York Lawyers for Public
7 Interest. On behalf of NYLPI, I thank Council Member
8 Menchaca, Chair of the Committee on Immigration for
9 conducting this hearing and also thank you to those
10 sitting here who are listening. We have submitted
11 our written testimony, and I will summarize the key
12 parts of our testimony for you today. Through our
13 Health Justice work at the intersection of immigrant
14 and health justice, we have witnessed first hand the
15 negative impact on the ability of marginalized
16 communities to access services including vital
17 healthcare that have been a direct result of the
18 immigration policies coming out of Washington. My
19 testimony will cover stories and patterns from our
20 clients, community partners and medical providers
21 with whom work. These groups share the routine fears
22 of immigrant New Yorkers in accessing basic
23 healthcare, government services and even being seen
24 in public. They are not getting the message that
25 their city supports them and, therefore, our leaders

2 must do more. Through the Immigrant Health
3 Initiative this Council funds our own Document Care
4 (sic) program that connects documents to the
5 uninsured New Yorkers to life saving health
6 insurance. However, recently we have received many
7 calls from fearful clients worried about continuing
8 with life saving care. During our last consultation,
9 for example, one of our clients asked whether it
10 would be safe for him to continue going to his
11 dialysis appointments, which he had been going to for
12 five years. He asked us, "Will ICE just pick me up
13 at dialysis? Can I still go?" We assured him to go,
14 and told him that ICE considers hospitals sensitive
15 locations, and that they will not enter, but he did
16 seem comforted by ICE is supposed to do especially in
17 this political climate. I was unable to point to
18 anything public besides the Mayor's Sanctuary
19 statement, which has not been followed by any
20 concrete action of coordinated effort among city
21 agencies unlike other cities. Therefore, we
22 recommend a strong coordinated effort amongst all
23 city agencies to convey messages of support directly
24 to our communities. The city needs to speak directly
25 to them through media, community organizers and even

2 local elected officials. From the community's
3 perspective they hear silence and that is scary. Our
4 communities are doing all that they can. They're
5 learning their rights, and making emergency safety
6 plans for their families. However, the city needs to
7 be involved. Another client with end stage adrenal
8 disease who has been on dialysis for a few years is
9 in criminal court proceedings. The immigration
10 application we are considering could have given him
11 access to the transplant that he needs, but because
12 of his contact with the criminal legal system his
13 future is uncertain. This client is also worried
14 about being picked up by ICE. He is the proud father
15 of a college bound son who happens to be a permanent
16 resident. We recommend that the city be more public
17 and transparent in the steps that is—that it is
18 taking, and we would like to see a stronger presence
19 of support to our clients and communities to
20 demonstrate that the city has their back. Clients
21 who are lawfully eligible to apply for SNAP are too
22 afraid to apply. Hospital and clinical staff had
23 noticed a decrease in patients seeking care. We are
24 seeing trauma in our communities especially among the
25 youth who are suffering from PTSD like it was

2 mentioned before even with physical signs like
3 stomach aches and signs of suicide. However, in
4 immigrant communities [bell] there is a hesitancy to
5 file complaints as well, filing complaints even for
6 tenant rights like our colleague here has said and
7 for litigation against eviction cases. Undocumented
8 tenants themselves have not felt safe walking in the
9 streets of their own neighborhood and fear arrest and
10 deportation for minor everyday offenses like jay
11 walking and this is really critical for me as a
12 community organizer. The city must recognize that
13 there is damage that been happening to immigrant
14 communities from NYPD enforcement of low-level
15 offenses and Broken Windows appear—Broken Windows
16 policing. Again, we urge the city to respond
17 directly to communities about whatever steps the city
18 is taking to address these fears, and by not risking
19 deportation to our communities who are trying to
20 asset their rights. The city must ensure that people
21 feel safe walking the streets of the own
22 neighborhood, and in—in many cases NYPD presence
23 doesn't help alleviate that fear especially for NYCHA
24 residents, for street vendors, for subway performers,
25 and others in our immigrant communities are feeling

2 this. And with that, I'd like to close that we
3 recommend the city hear these statements from our
4 clients, goes to our clients, goes to our communities
5 directly instead of asking for communities to come to
6 you for—our community members have been speaking out,
7 and it's very clear what the next steps are. So we
8 need to ensure that the targeting of our immigrant
9 communities, of all our communities stops and
10 services like healthcare and their information will
11 not be shared with federal officials that we know are
12 targeting them. History as well as all New Yorkers
13 with voting power will stand witness to how this city
14 of immigrants responds to anti-immigrant acts—anti-
15 immigrant actions in Washington. Therefore, we join
16 our clients and our advocates in calling for ongoing
17 and increased pressure to hold all of our city
18 institutions accountable when they fail to respect
19 our most basic rights. Thank you.

20 CHAIRPERSON MENCHACA: Thank you Lauren
21 for that testimony and for all the community
22 organizing you do on the ground. We'll come back
23 with some questions after we have our last panel—
24 panelist is that right? If you can just get—yeah,
25 that would be great if you can switch. [pause]

2 MELISSA CARTINE: Chairman Menchaca, good
3 afternoon. I am testifying on behalf of New York
4 Legal Assistance Group. Thank you for having us
5 again. We've talked with you. My name is Melissa
6 Cartine. I am with the Legal Health Division of
7 NYLAG. You heard from my esteemed colleague early
8 Crystal Moncada who is from the Immigrant Protection
9 Unit. So today I'm just going to testify briefly on
10 an area that Legal Health is especially qualified to
11 testify about, which is targeted enforcement and
12 access to healthcare services. By way of background,
13 Legal Health is nation's largest medical/legal
14 partnership. WE have clinics in—legal clinics in
15 nearly every city hospital public and private and we
16 maintained many of these partnerships for over 15
17 years. I specifically worked for the Immigrant
18 Health Initiative, which is a Council funded
19 initiative. I provide legal assistance to immigrants
20 with chronic and serious healthcare needs helping
21 them to attain immigration status in order to acquire
22 the health insurance that they need. By providing
23 services that allow immigrants to achieve pre-call
24 status, to VAWA self petitions, your read the
25 petitions (sic), asylum applications, deferred action

2 applications, and other forms of humanitarian relief.
3 NYLA has greatly expanded the pool of immigrants who
4 are no the path of citizenship and able to access
5 much needed healthcare. Just to step back for a
6 moment and explain PRUCOL for anybody who doesn't
7 understand. PRUCOL stands for Permanently Residing
8 Under the Color of Law. It is a public benefits
9 category in New York. In 1996, it was actually
10 eradicated on the federal level. So PRUCOL does not
11 exist on the federal level, but in New York it's very
12 much so. Keep going.

13 CHAIRPERSON MENCHACA: Thanks. I have
14 some questions about that, but keeping going.

15 MELISSA CARTINE: Sure. I-I figured.
16 [laughs] So, to move on. Since the election we have
17 seen a dramatic increase in the calls we are
18 receiving from both healthcare professionals
19 concerned about their patients and from the patients
20 themselves. All are seeking information and
21 reassurance about the current enforcement and
22 removal operations. Trainings offered by NYLAG Legal
23 Health for healthcare professionals are scheduled
24 almost daily. More troubling is the increase in
25 undocumented immigrant patients who have shown a deep

2 reticence to show up for up for Medicaid and other
3 potentially life saving healthcare programs for which
4 they are qualified, but feel that this will be used
5 against them in a deportation case. And by qualified
6 I mean it's usually to their PRUCOL status. Equally
7 important due to concerns of targeted enforcement
8 PRUCOL immigrants that have obtained health insurance
9 coverage have expressed concerns about utilizing
10 healthcare services to address chronic and serious
11 conditions such as cancer as well as preventative
12 conditions that could be treated by a primary
13 healthcare provider. The ramifications of this
14 scenario are evident. The city could be dealing with
15 an eminent public health crisis sooner than later.
16 Taxpayers would likely bear the burden of this
17 scenarios as PRUCOL immigrants with health insurance
18 are likely give in and seek medical treatment
19 condition in its later stages when it is more costly
20 to treat rather than in its early stages when it
21 preventable and less costly to treat. There are is
22 some irony here. More often than not my clients are
23 actually taxpayers with individual tax identification
24 numbers and are also the people who are going through
25 very intensive chemotherapy and radiation treatments,

2 and really just worried about their work
3 authorization and wanting to get to work as soon as
4 possible despite those conditions and treatments. So
5 on behalf of NYLAG again we thank you for allowing us
6 to testify today and we look forward to working with
7 the City Council more to protect this community.

8 CHAIRPERSON MENCHACA: Thank you for—for
9 your testimony, and—and if, Lauren can we get you
10 back on? There's an extra chair over here. That way
11 you can get close to it. Well, there's two chairs.
12 So you could just take one of those to get you back
13 onto the—the desk and the desks and the mics. So,
14 let's start actually at the end with the mental
15 health access, and DOHMH recently made a statement
16 kind of reiterating their—their commitment to the
17 immigrant communities. I don't know if you have any
18 reactions to that, and I guess that's where I want to
19 start is—is—is we—we are seeing some—some response
20 from the Administration both this kind of larger as--
21 as—as was alluded earlier. I think Lauren put it out
22 that the Mayor—you know, the Mayor has a sanctuary
23 conversation or words out there. DOHMH had some
24 particular agency words. What—what is your response
25 to that specifically?

2 MELISSA CARTINE: So I think that his
3 becomes more of the—in terms of the public health
4 crisis that can result, there was no issue and just
5 speak very clear about what the—the hospital policies
6 are, especially H&H, which it's serving this
7 population the most. But keeping in mind that the
8 federal government has control over immigration. So,
9 you know, really the conversation is about getting a—
10 -maybe a clear statement from even them about whether
11 their previous policy, which seems to be maintained
12 right now, which is to target sensitive locations is
13 really in effect so maybe just getting that message
14 across that we want to hear from them, and some
15 accountability because I think this is definitely
16 more of a ruminal (sic) issues that—and that the
17 hospitals, H&H, they are stepping up in terms of
18 patient advocacy for this matter, but it—it-- So in
19 that regard in terms of the community, yes we've
20 definitely seen that, but it doesn't—it's not enough
21 to counteract the fact that people might—may not be
22 treating for conditions that they really need to
23 treat, and it may still result in that public health
24 care assistance.

2 CHAIRPERSON MENCHACA: Yeah, it
3 definitely has and it will and—and you're—you're kind
4 of testifying to that—that effect of—of the fear
5 having—having a real issue right with hospitals and—
6 and speaking of hospitals, have they, and this for
7 anybody else who has interactions with hospitals, but
8 have they as—as a—as an entity and—and both at the
9 commissioner level and actually hospital—hospitals
10 that you're engaging in. Have they given you any
11 sense of their ICE policies specifically, and—and so
12 I guess what I want to see if—is there a range where
13 one hospital will do one thing on the ground, and
14 have kind of protocol, and—and I want—and—and I think
15 all of you were here during the Q&A for the—the
16 courts conversation, you know, thinking about what's
17 happening inside the court, and officers engaging in
18 information sharing to ICE—ICE officers. So I want—I
19 want you to kind of get into the text—the texture of
20 a hospital room, waiting room, what's happening, what
21 are you hearing on the ground.

22 MELISSA CARTINE: Sure. So interestingly
23 hospitals have come to us, and that's why we've been
24 having training sessions nearly daily on this issue.

2 CHAIRPERSON MENCHACA: Who were you
3 training?

4 MELISSA CARTINE: So I specifically on
5 what New York City Health and Hospitals, but we've
6 also done trainings in many private hospitals that
7 are our partners as well. We would do these
8 immigration trainings and other types of trainings on
9 legal needs impacting their patients, our clients
10 routinely anyways, but now our focus has been more on
11 the targeted enforcement and the recent immigration
12 policy changes. In terms of hospital policies, it's—
13 it's complex because you're dealing with a maze of
14 federal laws, and then state healthcare laws, and the
15 maze of federal laws are federal healthcare laws and
16 then federal immigration laws, and then you're
17 dealing with state healthcare laws, which are usually
18 an expansion of the federal healthcare laws, but
19 legal health's practice area. My practice area is
20 specifically—is a complex one because we're dealing
21 with the intersection of two laws that—areas of laws
22 that don't go very nicely together. So right now
23 you're—we dealing with HIPAA in terms of federal
24 healthcare, and how that might impact the information
25 sharing, and then you're dealing with pretty much

2 immigration, you know, preemption because the federal
3 government has pretty much full control of
4 immigration. So it's a complex question to answer
5 in, you know, a few sentences, but that's what's
6 going on. We're trying to develop policies despite
7 the fact that the federal government has control over
8 immigration.

9 CHAIRPERSON MENCHACA: Anybody else want
10 to answer the hospital pieces? Lauren.

11 LAUREN QUIJANO: So, I-I can't speak on
12 behalf of H&H or any private hospitals, but as a
13 community organizer that is working with medical
14 providers, and we do share a lot of community spaces
15 with other healthcare service workers including city
16 employees. I understand, you know, there's a-like
17 you said, there's a maze between federal and state
18 law. So outside of that needs really what the
19 hospital employees, our physicians, a lot of our
20 physicians, nurses, all the hospital staff from the
21 moment you walk into the hospital to get the service
22 to the moment that you exit the hospital everybody
23 wants to know how they can help, and everybody wants
24 to protect the patients. That's really what the
25 reality is, and all that really needs to happen is

2 that staff understands that there is support for
3 staff to get Know Your Rights training. There is
4 support for staff to communicate what is the most
5 important information for the patients and—and, you
6 know, in our case for clients to understand, and—and
7 hospital staff do hear stories of what's happening in
8 other places in the country. For ICE to just come
9 and arrest a patient who was previously in the
10 detention facility so they come in to arrest the
11 patient and then take them back to the detention
12 facility. This isn't news and everybody that I've
13 been meeting are very supportive of--of the work and
14 trying to do Know Your Rights, but I think that's
15 been just the question of the management of these--of
16 these facilities that serve our community. How can
17 you make it easier fro us to then advocate for each
18 other? But that's my piece as an organizer.

19 CHAIRPERSON MENCHACA: Thank you, Lauren
20 for that, and I have—I have a kind of broader
21 question and another follow-up question for you on
22 the hospitals piece. Have we heard of ICE engaging
23 people in our hospitals in New York City, and do you
24 have a case that can confirm that to give us?

2 MELISSA CARTINE: No, this is more of
3 like I said, I think a rumor.

4 CHAIRPERSON MENCHACA: [interposing]
5 Anticipation and—okay.

6 MELISSA CARTINE: Which still has a—I
7 mean we're talking about people's health with
8 serious, serious conditions that need to be treated
9 right away. So, you know, that's more of the concern
10 on our end, but in terms of hospital encounters with
11 ICE, I think that what we've heard in the news has
12 been more people who have already been detained and
13 the brought to the hospital for treatment by ICE, and
14 then brought back after they got the treatment into
15 detention. So, that's a very different issue than
16 the issue that we're talking about today, but that's—
17 that is definitely going on but that's been something
18 that has gone on well before this administration.

19 CHAIRPERSON MENCHACA: Right, and—and
20 this is for Lauren on the—the kind of communication,
21 and then I'm going to head over to the shelters and
22 food, food security questions, but how—you're on the
23 ground. You're organizing, and you're seeing this in
24 a real way. You see the lawyers that are kind of
25 engaging as well on a kind of case-by-case basis.

2 How do we get this information out because I think
3 there's a lot of-of information that people just
4 don't know. And so you're on the ground, you're an
5 organizer. How do we amplify your voice, and you're
6 kind of speaking to the City Council where we're
7 passing the budget very soon. We're going to be
8 looking at new laws to protect our-our immigrants.
9 How do we get this information out better?

10 LAUREN QUIJANO: I guess my question
11 would be what information in particular? Are you
12 asking information that's coming from the community
13 or anything you want to know here? (sic)

14 CHAIRPERSON MENCHACA: [interposing] All
15 of the-all of the things that would-everything from
16 Know Your Rights to policies, to information that
17 would help a family make a decision, a better
18 decision about going to a hospital, things that will
19 engage better behavior and return us from out of the
20 fear-shadows of fear and into engaging the systems
21 that we want people to engage whether it be-I mean
22 everything we've talked about today.

23 LAUREN QUIJANO: Well, I would have to go
24 back to my statement, and one of the recommendations
25 that we made was to come out with a stronger messages

2 that all city agencies are supporting communities and
3 really clearly stating how that is happening. From
4 what I understand, different community organizations
5 and groups have already been very vocal about what is
6 needed to make the streets feel safer, to make
7 institutions feel safer, and they have made it very
8 clear that, you know, NYPD policing and increasing
9 that isn't a way to make it safer. So, as far as
10 getting the information out, I—I think the channels
11 are there, and it's just about really taking that
12 step to do what you can to get city agencies all on
13 board on a strong singular message that really is for
14 the communities and will speak to communities. The
15 best way to do that is again listening to communities
16 and what they're saying. That—that's what I would
17 suggest, and also you—you talked about mental health
18 recently and so I'm trying to do the mental health
19 first aid. I took the training. It's a great
20 program with the Health Department. I fully
21 supported it. One of the issues that was hard for me
22 is then how do I connect the fact that there is
23 trauma happening in our communities because of things
24 like policing because of this increasing fear from
25 other stories around the nation? How do we connect

2 that to how we really help treat the trauma that is
3 happening in our communities? Now, again, if it's
4 difficult for people to walk through the door,
5 through the hospitals to sign up for Medicaid and
6 actually access the services, a big reason for that
7 is the fear. So, the fear really needs to be—needs
8 to be addressed and—and taken care of, and—and I
9 think it's very clear what's creating that fear in
10 the communities. So, as someone who wants to very
11 much help with the trauma in the communities, you
12 know, again there's only so much that we can do.
13 There needs to be a clearer statement, a collective
14 statement from all of the city agencies, and the
15 medical providers that are in our network they—I'm—
16 I'm sure that they can speak to that as well.

17 CHAIRPERSON MENCHACA: Thank you for
18 that, and we want to work with you to continue to
19 understand how we get the word out, and I love your
20 idea of agency by agency strong communication and
21 really thinking about this is a n organizer's
22 problem, and a—and an organizer's challenge and
23 opportunity to get more—more of you out there.
24 That's a budget question that we're going to save for
25 next week on the 22nd, but thank you so much—so much

2 for—for bringing us there and especially the mental
3 health piece that we need to address that's going to
4 unlock I think a lot of these connections,
5 reconnection—reconnection to services. So thank you.
6 Let me walk over—over to the tenant harassment pieces
7 because I know if there's another kind of tenant
8 harassment story that you want to tell us, we kind of
9 want to hear about—about our landlord using—using
10 immigration status to a way of discrimination. But
11 really on the recommendations about how we help it
12 outside of the already 12 plus anti-harassment bills
13 that we're going—that we're—we're hearing right now
14 in pieces. What I want to—what I want to get a
15 better sense about is—is how—how can communities arm
16 themselves in the moment like we just talked about
17 where—where we have organizers to respond in a very
18 kind of public way where communities can kind of take
19 care of themselves, and I'm just thinking about
20 Sunset Park and we—we are on a campaign to shame
21 every landlord right now that uses that tactic, and
22 there are so many landlords right now. Some that are
23 just coming in for the first time and some that have
24 been in Sunset Park forever, and somehow kind of feel
25 the—the—the confidence of this new administration in

2 a big way and have continued to harass. So I don't
3 know if there's anything else that you want to add
4 that's new to this conversation on tenant harassment.

5 LAUREN QUIJANO: [off mic] I-I guess one
6 of our steps would be--

7 CHAIRPERSON MENCHACA: Make sure that
8 the--the mic is red.

9 HILLARY EXTER: You know I definitely
10 thing that the public campaign in terms of
11 reinforcing tenant's rights--

12 CHAIRPERSON MENCHACA: [interposing] Can
13 you pull this closer to you. Sorry.

14 HILLARY EXTER: Reinforcing tenant's
15 rights to organize, and to seek redress for their
16 issues, you know, I think is really--is really
17 critical. I also think that, you know, because so
18 much of the work is done through government
19 contracts, it's--I think that there really isn't--there
20 isn't sufficient protection at this point or
21 assurances of how the data that is collected is being
22 used. You know, we are a required legal service--

23 CHAIRPERSON MENCHACA: What--what data are
24 you referring to?

2 HILLARY EXTER: We're talking about
3 Social Security numbers--

4 CHAIRPERSON MENCHACA: [interposing] Oh,
5 I see.

6 HILLARY EXTER: --and PA numbers and
7 addresses for tenants on--on the contracts and, you
8 know, we are required now let's--HRA will accept if
9 head of the household is--is undocumented to use the
10 PA number or the Social Security Number of any member
11 of the family. So it could be a child, but I think
12 that, you know, tenants are increasingly reluctant to
13 providing any information, and maybe because they're
14 concerned that potentially the federal government,
15 you know, should this get into the federal
16 government' hand that they're going to look at okay,
17 who is the Social Security Number of? Is this an
18 adult or is this minor? If it's a minor like what
19 does that--what does that probably mean in terms of,
20 you know, who else might be living in this family.
21 So that's a real concern, and then certainly, you
22 know, the address, which is--is identifying, you know,
23 the Social Security Number with the address, you
24 know, potentially is that going to be information
25 that ICE can then--that the federal government will

2 turn over to with HHS, Health and Human Services, you
3 know, should they be getting the data, then turn it
4 over to ICE, and then resulting in, you know, some
5 kind of like mass enforcement. So that's something,
6 you know, we are working right now on communication
7 to HRA regarding our concerns. We did get a memo
8 from the Commissioner, from Commissioner Banks on-on
9 data collection, but, you know, it was not as strong
10 as we would like it to be, and so going the next step
11 will be really critical. I really would love for
12 your involvement in this. You know, we will
13 definitely communicate with you regarding the-
14 regarding our contacts about that because it is
15 really important.

16 CHAIRPERSON MENCHACA: We want to see
17 that letter--

18 HILLARY EXTER: [interposing] Yeah.

19 CHAIRPERSON MENCHACA: --and work with
20 you to advocate and figure out how we can step in
21 with some--some real voice around this issue.

22 HILLARY EXTER: Great.

23 CHAIRPERSON MENCHACA: So thank you for
24 that.

2 HILLARY EXTER: I also think that, you
3 know, having lawyers go out to tenant association
4 meetings and doing Know Your Rights trainings also
5 makes a huge difference.

6 CHAIRPERSON MENCHACA: Thank you and
7 that's been a con-constant theme across every kind of
8 issue area, but Know Your Rights is helpful, and I
9 want to reiterate that for-for timing. Thank you so
10 much. On the-on the shelter piece, and kind of-the
11 kind of-the first part of this panel can anyone
12 confirm that ICE is-has engaged any of the pantries?
13 We kind of heard from your testimony that we are
14 seeing a decrease in kind of people feeling
15 insecurity to go, and so hunger is a real issue, but
16 one we just want to get confirmation. Have see ICE
17 at pantries, engaging pantries in the city-in the
18 City?

19 HILLARY EXTER: At this point we have not
20 been told by our network that they have had that
21 happen, but we know it's happened in other states,
22 and we know there's a real fear that it could happen
23 any time soon by, you know, most pantries and soup
24 kitchens are run by volunteers. It's people that do
25 this for their clients or in addition to, you know,

2 their one and two and three other jobs. So it's
3 something that they have a fear of right now, but I
4 think the fear, you know, is steeped in reality.

5 JOEL BERG: That's a—I have the same
6 answer. We've heard lots of rumors but nothing
7 confirms that. I want to be careful not to fan the
8 flames of fear. I have seen one very credible media
9 report with multiple on-the-record sources that there
10 was an ICE raid at the soup kitchen in Virginia, but
11 I have not seen anything in New York City yet.

12 CHAIRPERSON MENCHACA: And we do know
13 that national stories have an impact on the city, and
14 this is what I think everybody said, which is real,
15 and—and what—what are—and as far as the food
16 security, what are you doing to in a volunteer force
17 like you—that you have training your volunteers for
18 everything we're talking about both rights,
19 understanding people's rights. Is that something
20 that's part of your—your kind of next sub-strategy as
21 a service provider?

22 JOEL BERG: Well, I—I will say it's been
23 a longstanding fear that it will impact your
24 immigration status to get SNAP or other benefits, and
25 I worked for President Clinton and he clarified that

2 getting SNAP would not make you a public charity. So
3 I spent in this job a little over 15 years now with
4 our staff, you know, training community members and-
5 and partner agencies that know getting SNAP will not
6 impact your immigration status. The unfortunate
7 reality is--should the President's Draft Executive
8 Memorandum become law, it would and-and-and so I
9 don't want to scare people, but I also don't want to
10 give them false assurance that oh, by the way ,this
11 is all crazy. So it's-it's-it's a-it's a very
12 difficult balance, and I know you know I will discuss
13 with the city budget in a month, but I will say this
14 is yet another reason we need universal school lunch
15 and universal school breakfast in every public school
16 in New York City that-

17 CHAIRPERSON MENCHACA: Amen to that.

18 JOEL BERG: --where the city doesn't have
19 to collect paperwork. If the city doesn't collect
20 the paperwork, this becomes a non-issue.

21 RACHEL SABELLA: I feel Joel and I are
22 like the choir going back and forth saying ditto
23 today, but absolutely in agreement on all of that.
24 What I will say is we are in constant communication
25 with our network so with food pantries and soup

2 kitchens remind them that that what they are doing is
3 absolutely correct. If they do get questions, if
4 they do get pushback, to talk to us so that we can
5 help them with that. It's also something that our
6 staff outreach workers are constantly trying to
7 educate people on, and what they really try to do is
8 meet people where they are. When they're talking to
9 families, they're talking in the language that
10 they're comfortable with, and making them understand
11 this. It doesn't mean that they still don't have
12 fear, but we're doing our best to talk to people one-
13 on-one about this.

14 CHAIRPERSON MENCHACA: Thank you to this
15 panel for the in-depth research and analysis, and we
16 look forward to working with you to advance these-
17 these very critical issues both on the food security
18 on organizers in the front lines in our hospitals and
19 for our tenant organizes as well.

20 JOEL BERG: Thank you and I do hope you
21 get to eat today.

22 CHAIRPERSON MENCHACA: Oh, yeah. I hope-
23 I hope you're all eating. Has everyone had lunch? I
24 -I hope everybody has had lunch today. My brain is
25 still working, though. Thank you for that, Joel.

2 Our next panel we have from Catholic Charities La
3 Luca Onchoi.

4 LA LUCA ONCHOI: [off mic] Onchoi. (sp?)

5 CHAIRPERSON MENCHACA: Thank you. Thank
6 you. I'll get your name right when I hear it next.
7 Osmond Ahmed from FPWA, Shani Adess, Safe Horizons.
8 We have Carmen Ray if you're here. Yes, you are,
9 Sunset Park in a house Sanctuary for Families; Linley
10 Agess? Aggis-Aggis (sp?) from the Urban Justice
11 Center and then Aaron Morris, Immigration Quality.
12 Let's get you up on here and we're kind of reaching
13 the end. If we can put the clock at-at-if I-if I can
14 give you, no, no, we're going to give you three
15 minutes to do all your testimony, and then I'll come
16 back with questions. Thank you all. Can we start
17 over here on this side?

18 LINLEY AGESS: Oh, sure. Thank you,
19 Chairman Menchaca for this time. We appreciate it.
20 My name is Linley Agess.(sic) I'm the Legal Director
21 at the Sex Workers Project at the Urban Justice
22 Center. As you may know, the Sex Workers Project
23 provides legal and social services to anyone in the
24 sex industry regarding of whether it's by choice,
25 circumstance or coercion. What many people don't

2 know is that about 85% of our clients are
3 undocumented survivors of human trafficking. So I
4 want to talk a little bit about human trafficking
5 today, and I'm going to go off script because I want
6 to be very concise. Right now, what our clients are
7 experiencing is fear. They are scared to go to
8 appointments. They're scared to go the doctor's.
9 They are scared because they believe that NYPD is
10 working with ICE. They think they're—if they walk
11 out the door and go on the subway, even if it's an
12 NYPD officer, ICE will stop them. We need to ensure
13 that—we need to make sure that our clients knows and
14 our community knows this is not the case, and we need
15 to make sure that it isn't the case. Because when
16 people believe that the cops are working with ICE,
17 people are less likely to report crime. I have a
18 client who—I've had multiple clients who were
19 planning on reporting information about their
20 traffickers to law enforcement, but after these
21 executive orders, they've changed their mind.
22 They're too scared to come forward even though I've
23 told them there are safe places to go. Also, we need
24 to make sure that people who are interacting with our
25 communities are treating them well. I had a client

2 who went to get public benefits. She's T-Visa
3 holder. She's eligible for these benefits. She was
4 humiliated and told that she's going to get deported
5 because she is trying to access these benefits, and
6 then she was turned away. Also, I want to--

7 CHAIRPERSON MENCHACA: What did agency
8 did that happen at? I'm sorry.

9 LINLEY EDGES: I believe this was food
10 stamps--

11 CHAIRPERSON MENCHACA: Okay.

12 LINLEY AGESS: --but I can follow up with
13 the actual information.

14 CHAIRPERSON MENCHACA: That--that would
15 be great.

16 LINLEY AGESS: Absolutely. We also need
17 to be really creative with ways that we can protect
18 our communities. Blanket statements about whether or
19 not NYPD is or isn't working with ICE is important
20 transparency, but other creative suggestions need to
21 happen as well. For example, there is post-
22 conviction relief for survivors of human trafficking.
23 We can vacate convictions. We need to be working
24 rather than adversaries, but in connection with the
25 District Attorney's Office to speed up these vacatur

2 cases. That they are—that is happening in certain
3 districts. Manhattan is working very closely with us
4 as well as other places to move vacatur go—very
5 quickly because this means that even if someone is a
6 survivor of human trafficking, and they're a Green
7 Card holder, two prostitution convictions can put
8 them into detention and get them deported even if
9 they're victims of human trafficking, even if we have
10 a motion filed. But sometimes these motions can take
11 up to three to four years to get decisions on. This
12 is not acceptable. This is unacceptable for victims
13 of human trafficking. We need to do better, and we
14 can, and there are places that are doing better.
15 Manhattan is doing great on this, and I think we
16 really need to build these relationships so that we
17 can push things forward as quickly as possible. And
18 there are a couple of stories in my testimony, but
19 I'll leave that to you to read. [bell]

20 CHAIRPERSON MENCHACA: Thank you. We'll
21 follow up on that as well.

22 LINLEY AGESS: Thank you.

23 CARMEN MARIA RAY: [off mic] Hello, I'm
24 Carmen Maria Ray.

25 CHAIRPERSON MENCHACA: Red—red light.

2 CARMEN MARIA RAY: [on mic] I'm Carmen
3 Maria Ray and one of the wonders about speaking on
4 the last panel is that basically everything that I
5 was going to say of any substance has already been
6 said by other speakers. So, I'm going to limit my
7 comments, which had been eloquently written before,
8 but now are going to be a little bit more ad hoc.
9 Just three points. I want to reiterate the for-the-
10 the importance of concerted coordinated communication
11 by the City to immigrant communities. I think many
12 of us were rather taken aback by the lack of a public
13 statement during the height of the fears of raids.
14 It is important-it's-communication is clearly
15 important. It is important for our community
16 members, our immigrant community members, which make
17 up realistically 40% of New York City to understand
18 that immigration is the number one concern right now
19 for city officials, and that is not getting out to
20 the community. I am rather concerned that
21 immigration is not the first word that's coming out
22 of every public official in New York City right now.
23 It has been great to hear from HRA. It's been great
24 to hear from the Commissioner-Commissioner on
25 Education. Other Commissioners including MOIA, you

2 know, there's—there's room for them to fill at the
3 moment. So that's really important. I'm taking the
4 opportunity to use tools like Action NYC and all of
5 the Know Your Rights presentations that have been
6 through MOIA to also really address the concerns that
7 remain in the community because let's be real. There
8 are a lot of efforts out there for the Know Your
9 Rights presentations, and I do a lot of them. I love
10 Know Your Rights presentations. They're great, but
11 what happens at the end of the Know Your Rights
12 presentation that nobody talks about is that the
13 people, the 12 people that are always hanging out in
14 the back and they have one consistent story. They
15 have either a severe—an immigration stance, some kind
16 of severe immigration violation or some criminal
17 conviction that prevents them from having already
18 passed immigration relief. There may be a path for
19 them, but essentially when I have a recent
20 immigration order, and they need real-really
21 concentrated high quality legal representation, and
22 without it, there is no Know Your Rights
23 presentation that is going to offer them any actual
24 protection on the ground. So that's my first point.
25 The second point that I would like to make is that

2 the trauma that our immigrant communities are facing
3 and the anxiety that our immigrant communities are
4 facing is not limited to our immigrant communities as
5 another. Our immigrant communities are very part of
6 the communities that also serve those immigrant
7 communities. So if we keep on having this
8 conversation as our immigrant communities as the
9 other, I can tell you that in my office and myself so
10 many of us that represent immigrants directly are
11 part of mixed-status families ourselves, and we go
12 into work everyday with the understanding that work
13 that we do for this client is also work that needs to
14 be done for our families. So addressing and not even
15 to mention the hundreds of documented kids that are
16 working in city government that are working at the
17 agencies that directly represent clients-immigrant
18 clients. It is important for us to recognize as a
19 city that the providers of the services that are
20 traumatized are often doubly traumatized by [bell]
21 being immigrants themselves. And then lastly and I
22 swear this will only be one second. One thing that
23 we're not talking about in the city is the fact that
24 what immigration has done and the current climate has
25 done is created a sword by which an anti-immigrant

2 individual can use immigration law to get rid of this
3 immigrant that we see as a threat. And the reality
4 is, is that sword right now is a very strong sword.
5 So aside and apart from the tenant issue, which is a
6 very clearly important one, we need to do a better of
7 about changing the minds of the individuals that have
8 the sword at hand. I had a client coming into my
9 offices and spending all day there because it's the
10 only place that they feel safe because some social
11 worker at some shelter told them that ICE is going to
12 come and pick up all illegals because they were upset
13 at some other person in the shelter. We need to
14 address the reality that city workers are often
15 themselves the holders of anti-immigrant sentiment,
16 and make clear to them that not only is this language
17 unacceptable as a New Yorker, this language is
18 certainly not unacceptable when your salary is being
19 paid by the City of New York. That's it.

20 CHAIRPERSON MENCHACA: Thank you for
21 that.

22 SHANI ADESS: Hi, I'm Shani Adess, and
23 I'm the Supervising Attorney with Safe Horizons--

24 CHAIRPERSON MENCHACA: [interposing] Is
25 it on?

2 SHANI ADESS: --Immigration Project.

3 (sic)

4 CHAIRPERSON MENCHACA: Just pull it
5 closer to you.

6 SHANI ADESS: Sure.

7 CHAIRPERSON MENCHACA: Thank you.

8 SHANI ADESS: So I'm going to—I had
9 prepared comments, and I'm also just going to focus
10 my testimony specifically to talk about how the new
11 immigration enforcement tactics have impacted by
12 immediately chilling the clients, with which we work
13 which some of the most vulnerable people in New York
14 City, survivors of domestic violence, trafficking and
15 child abuse, their ability to access services and
16 their ability to access justice right now. I'm going
17 to try to summarize a couple of client stories that
18 are more detailed in my written testimony, but Safe
19 Horizon runs the Child Advocacy centers in every
20 borough which is a on-site multi-dis-multi-
21 disciplinary team that includes NYPD and ACS in its
22 rare cases of sexual abuse of children and severe
23 physical abuse of children are investigated. We have
24 seen from our Safe Horizons staff that are on site at
25 the Child Advocacy Centers that children and their

2 non-offending caregivers that are brought there are
3 incredibly hesitant and afraid to speak with the
4 other agencies on site, which means that children
5 that are already traumatized and are being re-
6 victimized by having to testify are now terrified and
7 shaking that they if they come forward that either
8 they or the only person in their life that's caring
9 for them and protecting them might be taken from
10 them, which means that we're not able to actually
11 protect that child or put into place any of the
12 services that are necessary to ensure the full
13 family's protection. We have clients who have
14 previously gotten orders of protection from Family
15 Court that have worked with police and detectives and
16 they have worked with AC. I have a specific client
17 that--that--whose case--story I tell in my written
18 testimony who had an amazing experience, and she was
19 brave enough to come forward where ACS officials
20 helped her. They referred to Safe Horizon. The
21 Family Court gave her an order of protection. The
22 police and detectives worked with her and the
23 district attorney helped to make sure that she got a
24 youth certification after she cooperated fully in the
25 case, as is often the case where there's a pattern of

2 domestic violence, her fleeing to stop that abuse
3 and, in fact, her ex has engaged in stalking behavior
4 in violation of the Order of Protection. Even though
5 she has had an incredibly positive experience just in
6 2016 with these three agencies, she now is refusing
7 to report the violations of the Order of Protection
8 despite the fact that stalking is incredibly high in
9 terms of legality risks because she believes these
10 agencies will now also be charged with investigating
11 her. Because one of those tools, one of swords
12 that's often used in survivors—in relationship with
13 those domestic violence when somebody lacks
14 immigration status or permanent immigration status is
15 the use of ICE against that person. We have
16 survivors of trafficking that are terrified to go to
17 the meeting with federal government officials to be
18 able to be interviewed, complaining witnesses that
19 don't want to appear at court because there have been
20 reports of ICE being present, and we have others that
21 are choosing just not to go to family court or
22 perceive any relief. And so I think that one of the
23 biggest things that we are seeing on the ground at
24 Safe Horizon is the fact that strides have been made,
25 although there are so many difficulties in having

2 immigrant survivors [bell] of crime feel comfortable
3 engaging with city agencies and engaging with NYPD
4 and all of the work that was done, has been torn to
5 shreds. And so when you have a child afraid to walk
6 up to a police officer on the street now, a mother
7 afraid to go to a shelter rather than return to the
8 home because of what might happen to them, we are all
9 becoming less safe.

10 CHAIRPERSON MENCHACA: Thank you. Some
11 really compelling testimony there. Thank you very
12 much.

13 LA LUCA ONCHOI: Good afternoon. My name
14 is La Luca Onchoi (sp?). I'm the Director of Legal
15 Immigration Legal Services at Catholic Charities and
16 also of the New York State New Americans Hotline. I,
17 as my colleagues, will not be testifying as to what I
18 provided in written form. I just wanted to make a
19 couple of points that have—some of them have been
20 made before, but some have not. Through the hotline
21 we are being inundated with calls, and we're getting
22 calls that we have never gotten before. We're
23 getting calls from people who are looking for
24 assistance—financial assistance to go back to their
25 countries to self-deport. We're getting a lot of

2 calls and—and this is—this is universal in New York
3 State throughout New York City, people, parents who
4 are thinking about the unthinkable giving away their
5 children, or making plans for who is going to take
6 care o f their children and how to do it. This is—
7 this is a tremendous need that we need to work
8 together to address because this is not something
9 that immigration lawyers that are already
10 overburdened with a lot of cases can take on
11 necessarily, and that we need more expertise and—and
12 an alliance with family law attorneys, and trust and
13 estate attorneys in terms of making some of these
14 plans or helping people with these plans. We've
15 gotten calls from—a lot of calls from people with
16 Green Cards with no issues who are afraid to travel.
17 We're getting calls from U.S. citizens who are afraid
18 to travel. It's—and we're also getting calls and
19 reports that are very disturbing and that you should
20 definitely know about that—that some folks who are in
21 city shelters are being encouraged to get passports
22 and make travel plans to leave. I would urge that at
23 the very least--

24 CHAIRPERSON MENCHACA: I'm sorry.

25 That's—that's through their shelter provider

2 employees of shelters? Those—those—is that—is that
3 what I heard?

4 LA LUCA ONCHOI: This is what you heard.

5 CHAIRPERSON MENCHACA: Okay.

6 LA LUCA ONCHOI: I mean it could be at
7 the very least anyone who is even wasting an interest
8 in traveling back to their country should be
9 encouraged to meet with a legal service provider to
10 discuss what kind of effects that would have on their
11 status, on their children, on their family. I think
12 that's imperative. The other—the other calls that
13 we're getting and—and these are very disturbing—are
14 calls from people who are trying to find out how to
15 deport someone or even to find out their neighbor's
16 deportation status. And so they're calling us to say
17 who can we check? We think our neighbor is
18 undocumented. Who can we check on about that?
19 It's—I think what my colleague said is so true. The
20 rhetoric has been so vitriolic, it has encouraged
21 people who maybe have harbored anti-immigrant
22 sentiments for a long time to now speak them out
23 loudly and proudly unfortunately, and also to act on
24 them. And so, together with everyone else who
25 testified before me, I would urge a public

2 announcement or there has to be a more concerted
3 effort to get information, correct information to the
4 community that the city is behind our immigrants, but
5 also accurate information about what is happening and
6 what is not happening. And finally, I would like to
7 talk about one thing. We've—we've heard a lot about
8 concerns about people going to hospitals, about
9 people sending their children to school, and now for
10 me about shelters. However, these are still places
11 where—that most immigrants access, and so these are
12 the first places that we should turn to in terms of
13 providing more accurate information. And I'm just
14 going to—I know I'm out of time, but Action NYC has
15 one particular team, and it's run by the Catholic
16 Charities, which is why I'm speaking about it, that
17 provides legal services through New York City
18 Schools. We rotate to community schools that have a
19 high percentage of foreign born students, and we—in a
20 year we've provided more than 800 consultations to
21 students and to their parents, and have taken on
22 almost 200 cases. This is something that should be
23 replicated because for now kids are still going to
24 school, and their parents are dropping them off or
25 picking them up, and this is a safe place where we

2 have legal teams go, and provide accurate
3 information. The same can be done in hospitals, and
4 the same should be done in shelters for sure. Thank
5 you so much.

6 CHAIRPERSON MENCHACA: Thank you for
7 that. So, in-kind of a previous conversations
8 about not-not just what we do, where we do it, you're
9 giving us a where. Let's focus on places where we
10 have immediate interactions with our immigrant
11 communities like our shelters, our pantries, our
12 hospitals and other place that-that are-are-are going
13 to be armed with information that's real and
14 corrected.

15 LA LUCA ONCHOI: And I just want to add
16 one thing, which is there are a lot of isolated
17 immigrant communities, and I think reaching out to
18 them through the-through the shelters who have drove
19 (sic) to schools, it's probably the best way to
20 actually get them involved and get them the accurate
21 information.

22 CHAIRPERSON MENCHACA: Got it. Thank you
23 for all the work that you do with Catholic Charities.

24 LA LUCA ONCHOI: [off mic] Thank you.
25

2 AARON MORRIS: Good afternoon. Aaron
3 Morris of Immigration Equality. Thank you for the
4 opportunity. I think like with a lot of the minority
5 groups you've heard today the LGBTQ community is
6 terrified. You know, I'm not going to rehash all of—
7 of the testimony you heard earlier, but all of the
8 same problems are happening. We also get crazy calls
9 from people who are trying to report individuals and
10 we have equality in the title of our organization.
11 You know, I—we talked a lot today about police
12 engagement, how do you get a community who has—who
13 has the long storied reason for not trusting the
14 police to do so especially when it may be in their
15 best interest not just not as a matter of safety, but
16 in—in the immigration. I don't think that can be
17 possible until the police stop profiling trans women
18 of color. I—I—I do not have a single trans woman of
19 color client who will—who will feel comfortable going
20 to the police ever alone. We're happy to do so, but
21 even then even with a lawyer by their side it can be
22 really difficult to convince that individual to
23 report a crime. You know, we—we talked a lot about
24 Know Your Rights presentations. I—I—I love them as
25 well. I think they're very valuable. Shortly after

2 the—the Presidential executive orders came out we had
3 a—a rally at the Stonewall Landing, which we—we co-
4 sponsored with a lot of groups and the number one
5 concern we had was what do we do when people are
6 protesting. They have a First Amendment right to do
7 so. I would see that incorporated into any Know--
8 Know Your Rights So I really encourage people to
9 speak up. At the same time I think Know Your Rights
10 training should have a component of de-escalation
11 because it's one thing for me to—to assert my rights
12 as an attorney, right. It's really easy for me to do
13 that, but even if a person who understands their
14 rights, they may be better suit—better served by—by
15 de-escalation technique to get ICE to leave them
16 alone. This is something we really incorporated into
17 our Know Your Rights trainings.

18 CHAIRPERSON MENCHACA: Can you repeat
19 that again, a de-escalation tactics--

20 AARON MORRIS: [interposing] Yes, but--

21 CHAIRPERSON MENCHACA: strategy with ICE?

22 AARON MORRIS: With—with ICE or with the
23 police. You know, if—if—if it's a client of
24 immigration equality, they probably have something
25 pending, they filed some kind of papers encouraging

2 them to have—have that on their person is—is sort of
3 step one, but explaining that in a way that ICE will
4 understand is step two. I love the Vickie Neilson
5 who--who spoke earlier, you know, everybody should
6 have an immigration lawyer's card in their hand, but
7 that's not a reality yet. So the wider number of
8 people who can have as many tools in their—in their
9 toolkit to de-escalate to avoid ICE detection, the
10 better, and that's not unique to the—to the trainings
11 that we give. You know, we heard from the Borough
12 President earlier about information the community of
13 possible immigration options. I think that is also
14 an excellent way when you're—when you're talking
15 about survivors of crime to encourage them to go
16 forward because I think almost none of the clients
17 we've met had any inkling that being a survivor was
18 some path [bell] toward citizenship.

19 CHAIRPERSON MENCHACA: Or status.

20 AARON MORRIS: Or status and, you know,
21 in thinking about and for—for trans people in
22 particular if they can't trust the police and they're
23 profiled, and they're likely to put—to be put in
24 immigration detention facilities, you know, it's a
25 staggering statistic that almost 50% of our clients

2 in those facilities have been sexually assaulted.
3 They're almost always put—women are always put in
4 men's facilities, and men are put in women's
5 facilities. Usually it's an assault that comes from
6 another detained immigrant, but just I mean that we
7 have credible reports that staff, too, are threatened
8 with sexual assault, and this, you know, for—for New
9 Yorkers that are housed in New Jersey, and so a lot
10 of the New Jersey facilities have just deplorable
11 conditions for everybody, but particularly for trans
12 folks. And—and I guess, you know, I want to end on a
13 sort of happier note. Immigration equality that's
14 two-thirds of our clients are in New York, but—but we
15 do serve people throughout the nation, and the
16 experience that immigrants are having elsewhere is
17 staggering. We're struggling with it here, but it is
18 so much better to live in a city that really values
19 immigrants, and so to the extent that, you know,
20 storytelling is important. People have spoken
21 earlier that—that the world looks to New York to set
22 policy, to set normal practice for immigrants because
23 we've been a city for immigrants forever remind the
24 world that that's the case, reminding the nation
25 that's the case, reminding the nation that that is

2 why we are New York and why we—we so—so successful I
3 think is important messaging.

4 CHAIRPERSON MENCHACA: Thank you for that
5 and—and that is—that is a good—a good note, and a
6 productive note and—note that we're not—we're not
7 going to let—we're not going to let define our—our
8 work in the city anyway as—as a ceiling. This is—
9 this is the floor. This is where we start. We start
10 where we were yesterday and build up onto the
11 foundation of an immigrant city, a sanctuary city
12 that is yet continued to be defined. And so let me—
13 let me ask a couple of questions before we move onto
14 our last and final panel. We have one more panel
15 coming, and this is really-- Well, actually, I'm—I'm
16 still curious about these de-escalation tactics with
17 ICE. I've heard about them in the work around NYPD,
18 but I just think about ICE as a very different
19 agency, an agency that has—has an equal impact
20 especially and even if we just focus on trans Latinas
21 and—and the transgender community in the city. Can--
22 can you just walk us through or—or even give us later
23 a—a—an example if you have a sheet or a workshop
24 module that would be great to see and hear and
25 understand.

2 AARON MORRIS: I mean, the short version
3 of that is—is to—to really explain what ICE has the
4 power to do, and then to inform a person first if—if
5 they have legal status. Obvious the evidence of that
6 is the most important. If you have something pending
7 I think that is almost as important. Even if you
8 don't have something pending, but you have an
9 appointment with a lawyer. Like there are a lot of
10 things that you can—you can negotiate with ICE as an
11 individual with some potential path to status. I
12 think it's a much harder road if—if there's nothing,
13 right, to—to—to someone's point earlier. Like if—if
14 someone who has a criminal conviction that's quite
15 severe, if someone who has a previous order of
16 conviction—previous—previous order of removal,
17 there's almost literally no Know Your Rights
18 sessions that's going to be sufficient for that
19 individual. You know, being very clear about
20 equities. I mean we talk to clients a lot about
21 equities, about why because at least in the New York
22 area some ICE—some ICE officers are people, too,
23 right. They have some ability to empathize and they
24 have a lot of discretion at the moment about who they
25 pick up and they don't pick up because as we've heard

2 over and over the priority system has completely
3 fallen apart. But we've had some success in just
4 explaining to an individual like first start with the
5 lawyer, second, start with your pending application
6 and third, you know, negotiate your way out of this
7 moment.

8 LINLEY AGESS: And—and we've definitely
9 seen when some of the ICE officers are human having
10 our clients to some extent plead with them. This is
11 their only option is to say I have two to three
12 children at home. Is there anything I can do so I
13 can get stuff ready. I mean all of—all of SWP
14 clients have a—a letter that explains that they're a
15 victim of trafficking if they're—whatever their
16 status is what we're applying for with our card and a
17 copy of if we have documentation of their
18 trafficking, and they walk--all of our clients walk
19 around with this. All of our 30 clients who are
20 waiting on our wait list walk around with this, but
21 they're also prepped on how to ask for credible fear
22 interview, and how to really unfortunately plead with
23 immigration officers, which feels really crappy to be
24 telling our clients that, but sometimes this is it
25 because what our clients' rights are is really

2 different than what the reality is when they're
3 walking down that street, and I feel like everyone
4 here has been doing this work for so long that we're
5 willing to try anything and give our clients any
6 information that might work because at this point so
7 many of us don't know what will work. I have no idea
8 if my letter will work saying this is a trafficking
9 victim. We call it advanced biking.

10 CARMEN MARIA RAY: Yes.

11 LINLEY AGESS: We've been doing it
12 forever. It's just now it encompasses a much broader
13 swath of the immigrant community, and I have to say
14 to—to our point and to Vickie's point earlier that
15 everybody having an attorney. I think one of the
16 things that for us at Sanctuary, we've been around
17 for 30 years, and one of the things that has been the
18 most heartbreaking is clients that, you know, we
19 thought were long served coming out of the woodwork.
20 You know, we're talking probably the 20 to 30,000
21 people coming out of the woodwork and saying I'm
22 afraid. So we got you citizenship 10 years ago, but—
23 but we—they can take away my citizenship. I'm
24 afraid, and be able—and making the time to be able to
25 sit with some and say okay, the worst case scenario

2 that can happen, let's prepare you for that worst
3 case scenario because, you know, maybe you're a
4 citizen and there is really no likelihood that you're
5 going to be deported, but let's talk about this child
6 that we weren't able legalize who has a marijuana
7 conviction, and let's talk about what we can actually
8 do proactively so that if he does get picked up, he's
9 in the best hands possible. And that's work that's
10 work that's taking away from the other work that we
11 have to do, and—and it's honestly the work that we
12 really should be doing acknowledging that we're going
13 to lose a portion of the community. If we need to—we
14 need to just understand that there's a portion of our
15 community that we will lose, and allowing us and them
16 to lose in the most dignified way possible, and—and
17 that is what keeps us up at night. But I do really
18 think, and this why most of us got into this work,
19 that there is dignity that is to be had even in a
20 loss.

21 CHAIRPERSON MENCHACA: Yeah, thank you
22 for that. It's—it's yes, that is a—a real—that's a
23 reality that we're—that we're facing right now. I
24 want to talk or ask Safe Horizon, have you heard or
25 actually we heard from your testimony about the

2 domestic violence in the family shelters, and really
3 the—the kind of fear that you're seeing people engage
4 those services that are not only critical, but really
5 the only kind of path outside of a kind of violent
6 situation at home. What are your recommendations for
7 us today? Because I think we got a good sense of
8 about what the issue was for us as the city of New
9 York to really engage in directly both through policy
10 law or our budget.

11 LINLEY AGESS: So, a few things. I
12 actually think that my colleagues over here perfectly
13 captured my exact point that I was going to say,
14 which is getting to the first points of contact of
15 where people are. So that's shelters, that's
16 hospitals, that's school counseling centers where
17 our—our clients are going to, and they're going to
18 keep showing up at--right now and how are we able to
19 speak to them. And I think that besides just the
20 Know Your Rights, which I know ever agency has, you
21 know, tripled the number that they're doing probably
22 every week as we were doing before.

23 CHAIRPERSON MENCHACA: [interposing] With
24 no new budget.

2 LINLEY AGESS: [laughter] With no new
3 budget--

4 CHAIRPERSON MENCHACA: [interposing] I
5 thank you.

6 LINLEY AGESS: --but we need to is-is
7 actually have people come forward. I think that
8 we're incredibly fortunate to be living in New York
9 and to have city officials that are--that are so
10 supportive of our immigrant communities. It's one
11 thing for me to say that to my clients, and it's
12 another thing for my clients to hear that directly
13 that statement made very clear and very strong not
14 just in front of them, but in front--front of for
15 example the shelter service provider who were there
16 who are now listening to the fact that there are
17 people from our city government that are watching out
18 and listening and going to take the side that
19 immigrants need to be served and they need to be
20 protected. So I can't say enough how much we need
21 reinforced support and continued statements being
22 made at these first points of contact. I also think
23 that it's really important to make sure that people
24 that are in shelter not everybody is going to be able
25 to attend a Know Your Rights program, and generally

2 even at your first Know Your Rights program you
3 might be paying attention to one thing because you're
4 particularly nervous about that, and you're not
5 catching onto everything else that's happening. And
6 so I just thing that it's incredibly important to
7 make sure that people understand that they have a
8 right to these services. I've had-people have
9 testified about before so I didn't mention this.
10 I've had had survivors of domestic violence and
11 survivors of trafficking in particular have access to
12 certain services, and public benefits that are not an
13 issues for the whatsoever because it's recognized
14 that because of their trauma they actually need this
15 in order to stabilize themselves and have the
16 security that they and their families need, and I
17 think more than half of my clients have called me to
18 find out if they can now lose their status or if they
19 will be arrested for having. And so, having this
20 information as well in city agencies, in public
21 assistance offices, whether it's just a pamphlet or a
22 booklet, these are the rights you have. These are
23 the numbers that you should call that are the right
24 people to speak to would also be really helpful.

2 CHAIRPERSON MENCHACA: I-I agree actually
3 and if we can work on—and I don't know if Joe is
4 still here, and this is something we can work with
5 both internally at the City Council with the
6 advocates maybe MOIA can—can join on just creating
7 that—that list, and just for everybody's—even just to
8 start there. What—what do we know? What do we know
9 we know and here we go, and the—the next question is
10 on the public charge question from the previous panel
11 where the federal government can through executive
12 orders change that—that list where SNAP becomes an
13 issue, how do we think about this in the larger form
14 of—of where—where there might be some new catchment
15 areas for ICE.

16 LINLEY AGESS: So just to be clear,
17 though, so survivors who are gaining status through
18 the Violence Against Women Act, which is what many of
19 us work under and through asylum, that—their receipt
20 of public benefits should not be affecting their
21 immigration status at least for VAWA, which is my
22 expertise, they're receiving their benefits under
23 VAWA is by statute protection.

24 CHAIRPERSON MENCHACA: So that's a
25 protection?

2 LINLEY AGESS: They're not yet—they are
3 not affected by this executive orders that was
4 invented--

5 CHAIRPERSON MENCHACA: [interposing] Got
6 it.

7 LINLEY AGESS: They're not affected by
8 it, but the people who work at those agencies may or
9 may not know it, and may be anti-immigrant like my
10 client experience.

11 SHANI ADESS: And—and I do have to say
12 that that is really where the rubber hits the road.
13 It's not—it's no so much for us empowering clients to
14 feel like they can get the services, it's rather
15 educating city workers that these are the benefits
16 that we afford New Yorkers regardless of immigration
17 status. The messaging on that has got to switch that
18 way because it's really nearly impossible for some of
19 our clients to walk into an environment and demand
20 their rights, and it also just creates this
21 resentment in—in other portions of the city that we
22 really do have to be aware of, and propaganda I
23 really have to say it's so valuable, and it's being
24 used against our clients, and it's—it's really an
25 opportunity for the city to, right now to use

2 propaganda to protect our immigrant communities and
3 I—we are—so many of us right here are immigrants and
4 we are not the face of immigration in New York today,
5 and maybe we should be because New York looks like
6 us, and many of us have been undocumented and we're
7 immigrants, and that—that message has to come out.
8 We are New York because it's not and-and it's not
9 helping.

10 LA LUCA ONCHOI: I just want to add to
11 that. I'm sorry. I think it's very important to not
12 just to for the city to show that they are with
13 immigrants, but to try to humanize the immigrant, and
14 I—I—I realize I'm saying something horrible, and I am
15 also an immigrant. But the discourse has been some
16 much on the national level to try to dehumanize
17 immigrants and I think we need to swing it the other
18 way, and so all the contributions that immigrants
19 have made, and just like look at immigrants in a
20 positive way [bell] and make that—not—not make them
21 seem like they are victims that are being targeted
22 by these policies, but just empower the community so
23 that everyone is proud of being an immigrant. We
24 have a heartbreaking story. I mean maybe in context
25 it's not heartbreaking, but I think it's illustrative

2 of a woman, a parishioner in a—in a Manhattan church
3 in Spanish Harlem and she, you know, very devout,
4 always coming to meetings, shows up one day with a
5 blonde head of hair. And this is a grandmother so it
6 doesn't sort of make any sense, and doesn't look
7 particularly good, and so people are like what's—
8 what's happened? And she was trying to not to look
9 an immigrant thinking that that would be protected,
10 you know, it would protect her.

11 CHAIRPERSON MENCHACA: And again, these
12 are—these are just all the stories that we wanted to
13 hear today about the actual texture of what's
14 happening on the ground in our spaces,
15 public/private—public/private spaces in our courts,
16 in our schools, and I just want to thank you all for
17 coming out, especially bringing in the communities not
18 only immigrant communities who are affected that are
19 deeper shadows that—than other communities. There's
20 a real gradation of support that some communities are
21 feeling that specifically trans Latinas who are both
22 in the transgender identify again impacted by police
23 and then their immigration status as well, and that's
24 a—that's a—a very—a very, very tough place for our
25 New Yorkers to be right now, how we need to respond

2 in a very real way. And as an openly gay member of
3 the City Council, the only one in Brooklyn, I—I take
4 that as a real serious charge, and so when we want to
5 continue to work with you, and we're already doing a
6 lot of work together, but I'm just saying that we—we
7 don't want to let that off, and—and make sure that's
8 on the table when we talk about our final response.
9 So I want to—I want to—we have one more panel, and a
10 special thank you to all of you our—our defenders and
11 our—our super heroes on the ground. Thank you so
12 much for your time today.

13 AARON MORRIS: Thank you.

14 LA LUCA ONCHOI: Thank you.

15 CHAIRPERSON MENCHACA: Thank you. Our
16 next panel is Hasan Quinte (sic), the Woman Kind
17 former—former New York Asian Women's Center; Mark
18 Valinolti (sic) Northern Manhattan Improvement
19 Corporation; Jose Torres, Workers Justice Project;
20 Lisia Wampa from the Workers Justice Project.
21 [background comments, pause] You are the last panel,
22 and I want to say thank you for waiting this whole
23 time. We've both been here for a long time now. So
24 I—I hope—I hope you are ready to testify, but again,

2 I just want to say thank you for—for waiting and the
3 patience--

4 MALE SPEAKER: [interposing] You're
5 welcome.

6 CHAIRPERSON MENCHACA: --you've--that
7 you've exhibited today. Can we start over here?

8 HASAN QUINTE: Sure. My name is Hasan
9 Quinte. I am with Womankind formerly New York Asian
10 Women's Center. We work with survivors of domestic
11 violence, sexual violence and human trafficking, and
12 we as an organization speak about 18 Asian languages,
13 and we work closely with Asian immigrants in New York
14 City. The recent immigration enforcement tactments--
15 tactics have had a negative impact, which is steadily
16 increasing on access to justice and services for our
17 survivors. Survivors of domestic violence have
18 become even more susceptible to being controlled by
19 their abusers legally and financially. They become
20 even more frightened by their abuser's threats to
21 report them to ICE for being undocumented, or worse
22 having removal orders, or for have worked without
23 authorization. They've also been afraid to travel
24 out of state either for work to leave their abusers
25 for fear of being checked and detained by ICE. These

2 enforcement tactics stripping survivors of options
3 already limited to support themselves and their
4 children, and to extricate themselves from abuse.
5 They are giving more power to abusers, in causing
6 (sic) an already vulnerable population mostly women
7 and children to become even more marginalized.
8 Survivors of SV, sexual violence and HT, human
9 trafficking are also being significantly and
10 negatively impacted by recent enforcement tactics.
11 Many of these survivors have criminal histories that
12 already make the hesitant to report rape, sexual
13 assault and other crimes to law enforcement. These
14 criminal histories often arrest for prostitution are
15 the results of being controlled by exploiters or the
16 result of financial desperation as an anecdote that's
17 not included within our printed materials. We have
18 had examples where [coughs] clients our survivors are
19 now instead of safety planning, they're fear
20 planning. For example, they're sending a lot their
21 things back home because there are—they're unsure
22 whether or not they're going to—to get detained, and
23 so a lot of their pre-arranging some of the things
24 that for those—for clients or survivors who are here
25 by themselves are sending things back home to their

2 families. Recent enforcement tactics have caused
3 survivors to be more fearful to be more fearful of
4 seeking even our agency's services. Dropping costs
5 or a help line have decreased since. Our advocates
6 have also experienced difficulty in learning about
7 survivors' immigration status. They do not want to
8 share this information for fear of negative
9 repercussions. This in turn prevents us from
10 connecting with services including our in-house
11 immigration services that could help survivors to
12 attain status and work authorization, and ultimately
13 free themselves from their abuses and exploiters.
14 Finally, these tactics have also enabled certain
15 unscrupulous individuals to prey on survivors and
16 other undocumented immigrants by conning them into
17 filing fake or weak applications for asylum or other
18 relief are paying for motions to reopen very low
19 likelihood of successes. We think the City Council
20 should continue advocating for immigrant rights
21 [bell] as well as allocate continued funding for
22 services.

23 CHAIRPERSON MENCHACA: Thank you for your
24 testimony today.

2 MARC VALINOTI: Good afternoon, Chair and
3 thank you for inviting us to present our views on the
4 current impact on access to immigrant services in New
5 York City. My name is Marc Valinoti, and I'm the
6 Action NYC Attorney at Northern Manhattan Improvement
7 Corporation or NMIC, their Immigration Unit, and I'll
8 ask you to bear with me. The quality of my voice has
9 been impacted by my cold. NMIC is a community based
10 non-profit that was founded nearly 40 years ago and
11 its mission is to serve as the catalyst for positive
12 change in the lives of the people in our community.
13 We serve the entire New York City community with
14 focus on Northern Manhattan and Bronx neighborhoods.
15 Aside from immigration, we provide legal and social
16 services programs including housing, financial,
17 health, educational and career services. [pause] Not
18 to retread too much on what's already been discussed
19 today, but since the presidential election, our
20 community has voiced the concerns regarding the
21 effects of the new administration's policies and
22 their executive orders. This is deeply felt anxiety
23 and as has been mentioned, it has for some of our
24 clients and community members has led to hesitation
25 in their very physical movement. People wanting to

2 stay inside. People not sending their children to
3 public schools either from hearing real news or rumor
4 based reports of increased ICE activity. Although
5 it's come to the point that although many
6 undocumented clients are on one hand desperation—
7 desperate for possible immigration relief, whatever
8 that could be, their primary concern right now is for
9 the safety and care of their children should they be
10 abducted and arrested and unable to come home one
11 day. Dovetailing off of that issue is the likelihood
12 of increased immigration fraud both from non-licensed
13 notarials in the community and from unfortunately
14 licensed immigration providers. Essentially like my
15 colleague mentioned, the—the—a typical form of fraud
16 involving filing an asylum that will go nowhere that
17 may put someone at risk of deportation proceedings.
18 We have also heard anecdotal reports of people being
19 charged exorbitant fees to draft a simple power of
20 attorney regarding what to do with their kids. We've
21 also seen the impact on our immigrant community that
22 has legal status. On the one hand people who have
23 been permanent residents for many years or even most
24 of their lives come forward fearful with questions
25 regarding if they had such and such arrest even--even

2 if the issue was resolved a long time ago. We've
3 seen an increase in people pursuing citizenship
4 seeing that as the only permanent protection they
5 have to remain in the country that is their home.
6 Additionally, although our clients are
7 disproportionately—we have a very small population
8 of—of Muslim clients. Our clients share—are impacted
9 by the—the Muslim ban, and—and express concern that
10 they—they know what it's like to be targeted in the
11 community as an ethnic minority and that they could
12 be next in terms of having their travel restricted
13 back to the country. Thank you.

14 CHAIRPERSON MENCHACA: Thank you, sir. I
15 just want to come—I'll come back for questions. I
16 want to make sure we hear from the rest of the panel,
17 but I'm going to be asking we—we hear the—the issues
18 and what the recommendations are from—from your
19 organization. So think about that. I'll come back
20 to you for follow up.

21 JOSE TORRES: [Speaking Spanish]

22 TRANSLATOR: I think everyone has a
23 template for the record.

24 CHAIRPERSON MENCHACA: For the record.

2 TRANSLATOR: Good morning, President
3 Carlos Menchaca and distinguished member of the
4 Immigration Committee of the city of New York. My
5 Jose—my name is Jose Torres and I am a father of two
6 children 12 and 7. I am also a member of the Workers
7 Justice Project and I work in construction. I want
8 to thank you for the opportunity to testify today. *

9 JOSE TORRES: [Speaking Spanish]

10 TRANSLATOR: As an immigrant worker and
11 member of the Workers Justice Project that represents
12 immigrant workers, I am worried and also fearful of
13 the immigration policies of this new administration
14 and how these policies affect the security, the peace
15 and the wellbeing of our children and our families.
16 I'm here to share the story and also ask for support
17 to protect our families and allow us to continue
18 contributing the city with our work and our values.

19 JOSE TORRES: [Speaking Spanish]

20 TRANSLATOR: In 2002, I came here
21 escaping poverty and violence of Mexico. I want to
22 provide a better life. I came here to provide a
23 better life to my family. I live in Sunset Park with
24 my wife and my two little ones who love playing
25 soccer and are part of a children's soccer league in

2 Sunset Park. This is the only place they know. This
3 their city. This is their country. Unfortunately, I
4 have a deportation order since 2014. I was stopped
5 by the police and immigration agents while I was
6 traveling on a car. They gave me a deportation order
7 because I don't have papers. As a result of the
8 situation, I live with uncertainty and fear that I
9 will be deported and—and separated from my family.
10 I'm not a criminal. I'm actually a human being who
11 works hard to provide to my family.

12 JOSE TORRES: [Speaking Spanish]

13 TRANSLATOR: Today, many families are
14 facing deportation, workers who are afraid to reclaim
15 their rights because of possible retaliations due to
16 their immigration status.

17 JOSE TORRES: [Speaking Spanish]

18 TRANSLATOR: So fam—so families also who
19 live with the uncertainty of being deported and
20 separated from the families. I'm here to seek
21 support so families are not separated. We are here
22 to state we would like the city to end the
23 collaboration with ICE, guarantee that there will be
24 no raids on our jobs and our homes. We would like
25 the city to provide resources and support to

2 organizations like Workers Justice Project, allow the
3 centers to exist because now more than ever we rely
4 on them. Okay.

5 JOSE TORRES: Lisia, do you have some
6 testimony as well?

7 LISIA: Yeah, but I'm just going to
8 briefly summarize what was—was said. I think the
9 biggest fear right now is that, you know, that part—
10 the intimidation is not only happening and the fear
11 is not only happening in the hospitals and all of
12 those agencies, but it is also happening in the work
13 places. I think the biggest fear right now that
14 workers are facing is the fear of being retaliated
15 when they're reclaiming their own pay wages, when
16 they're trying to organize their workplaces, when
17 they're trying to ask for help and safety, the
18 retaliation of workers threatening employers to report
19 to ICE is—is they decide to take action. We have
20 already seen workers being asked to allow the e-
21 Verify form by their employers, which is a biggest
22 concern as well. The other concern that we have, you
23 know, when for generations—I mean for many years day
24 labor centers have always been sort of the targets
25 of—of anti-immigrant policies and we want to make

2 sure that, you know, we're not only get your support
3 so we continue to exist, but at the same time to
4 actually support these centers because we know that
5 these are the places usually--when the city targets
6 immigrant workers usually day laborers are sort of
7 the main face of--of--of anti-immigrant sentiment and
8 policies. So one of the things that we're--we're--
9 we're looking to do right now we're within the
10 center, we're in the hiring holes rewriting the
11 memorandum of understanding with some employers so
12 they can commit to not using the--not asking for the
13 e-Verify, but at the same time committing that they
14 will not report to Immigration, but there is a lot
15 education to happen, and make sure that workers know
16 their rights, and I think this is--this is a time more
17 than ever that we need to make sure workers centers
18 exist. We have had conversations with the USDOL.
19 I've just learned this a couple like months ago that
20 80% of the funding that goes to like to--to the New
21 York State DOL actually comes from the federal
22 government. This is a huge concern because like if--
23 if--if the federal government will not put the
24 resources, the funding to support workers to make
25 sure workers are standing up in the workplaces, who

2 will do it other than the worker centers. So more
3 than ever I think we, as Jose said, you know, workers
4 are relying on us, and—and make sure that our
5 existence continues. It's so important, and the Day
6 Labor Workforce Initiative I think it's—it's one of
7 the initiatives that now more than ever needs to make
8 sure that it gets the right resources and the
9 funding.

10 CHAIRPERSON MENCHACA: Thank you, Lisia,
11 for that, and actually I want to just double up or
12 ask a question specifically on—the kind of worker
13 environment that you're finding right now contractors
14 who are employing the day laborers. The Department
15 of Labor, and I'm just saying about the casework that
16 comes into my office and district office. We work
17 with the Department of Labor to take on wage theft
18 issues. Has the Department of Labor, the State
19 Department of Labor been helpful to you and your
20 agency especially in the last few months?

21 LISIA WAMPA: We have been working with
22 the Brooklyn DAs and also the in the roundtables we
23 have had—in discussions on how we can work more
24 closely with the Department of Labor. There is some
25 challenges that you should be aware with—that I think

2 many other agencies are aware of, which is bringing
3 cases with the Department of Labor it is a very long
4 process. Some of the wage theft cases we have taken
5 on through the Department of Labor one of the biggest
6 challenges it takes years to resolve, and—and for a
7 lot day laborers who transition very quickly move
8 from home—from different boroughs, different work
9 places. Sometimes it's even like workers actually
10 get—get tired of waiting and they just decide to stop
11 and not continue with our case, and we're looking for
12 much faster tracks to speed up these wage theft cases
13 and one of the things that we started doing right now
14 is partnering with the Brooklyn DAs. We—last year we
15 were able to have a successful victory with the Just
16 Queens Campaign where we were actually able to
17 persecute and criminalize Samuel Just who stole wages
18 from like 12 house cleaners, domestic workers, and
19 that was very successful. So we are trying to figure
20 out [bell] what other city agencies can start
21 partnering to accelerate a lot of these wage theft
22 cases, and also thinking we can't we can't just be
23 thinking only about relying with the U.S. Federal
24 Government at this point, how other agencies can play
25 the role of their enforcer when it comes to standing

2 up for—I mean reclaiming workers' rights when it
3 comes to wage theft, health and safety and other
4 workplace issues.

5 CHAIRPERSON MENCHACA: Thank you very
6 much. Keep talking about that—that work at the DA's
7 Office and the Department of Labor Office and work
8 together to figure out how we can better the—the
9 information pipeline and also the case work, and make
10 sure—making sure that they have the resources
11 necessary for what we're going to probably see double
12 or tripled in the next—we're in the middle of that
13 right now, and so we want to work with you to do
14 that. [Speaking Spanish] I have some questions for—
15 for really the kind of the victims of domestic
16 violence or trafficking population who do not
17 disclose for the reasons we are talking about, their
18 immigration status out of fear. How are you able to
19 connect them to immigration services if they don't
20 reveal the status question or the-- status issues,
21 and—and how do you do that?

22 HASAN QUINTE: Uh-hm, ad lot of them has
23 been inquiry, anonymous inquiry but we do have an
24 immigration lawyer that's on site. So we—she has
25 had—there is about—there's—there's almost a stark

2 difference between those who are reaching out for
3 help, and we've—we've noted or she's noted that some
4 of—some of the clients that are working with
5 immigration lawyers have in—in since EOs came out
6 with immigration have fired their attorneys for not—
7 for not being responsive because they—they are not
8 seeing things happen within their case. So I think a
9 lot of those movements are out of fear of what—what
10 will happen to their cases, or am I working with the
11 right attorney at this point, immigration attorney,
12 and so a lot of the inquiries that she's getting is a
13 lot of them are questions, anonymous questions. She
14 also works closely with our advocates who are—who are
15 getting a lot of questions on immigration.

16 CHAIRPERSON MENCHACA: Thank you for—for
17 giving us a sense about that as well, and we might
18 want to follow up with you offline on some more—more
19 kind of in-depth pieces to that, and then the other
20 kind of piece was the—are there linguistically
21 appropriate services or resources or a connection to
22 the resources around mental health and how—how do you
23 think about that?

24 HASAN QUINTE: In terms of mental health
25 in relation to the domestic violence

2 CHAIRPERSON MENCHACA: Well, domestic
3 violence and—and really kind of all the trauma. I
4 mean your testify kind of talked a lot about-- that
5 and so talk to me about what the—how—what are the
6 linguistically appropriate connectors to mental
7 health? And—and mental health resources in general
8 and this linguistically appropriate mental health
9 services.

10 HASAN QUINTE: Well, the city had ruled
11 out their plan for--

12 CHAIRPERSON MENCHACA: [interposing] Is
13 it the Thrive?

14 HASAN QUINTE: Yes.

15 CHAIRPERSON MENCHACA: Okay.

16 HASAN QUINTE: Yes, it's a very special-

17 CHAIRPERSON MENCHACA: [interposing] You
18 know, I didn't ask in the—in the previous one, too,
19 but tell me about how Thrive is working or not
20 working.

21 HASAN QUINTE: Uh-huh, we actually—I
22 unfortunately don't have a particular anecdote in
23 terms of referring to Thrive as of yet because we
24 have recently partnered up with some of—I think they
25 have a few efforts that are happening within New York

2 City to reach out to survivors around mental health.
3 I think in terms of accessing with languages a lot of
4 mental health is still kind of like a stigma and a
5 taboo issue within the Asian community because it's—
6 it's private issue and just as domestic violence,
7 sexual violence and human trafficking, it's—it's a
8 private issue that has not reached out. In terms of
9 reaching out to services they would go to within
10 their communities first of families first before
11 going in social services. So—but I would check in
12 with my colleagues in terms of how has that been
13 working out in terms in referring to Thrive.

14 CHAIRPERSON MENCHACA: Thank you for
15 that, and I—and I think if you can gather some
16 details actually I think we're going to go back to
17 some of our previous panelists because I think Thrive
18 is what I'm seeing more and more. I'm just kind of
19 looking at my Twitter feed, and Thrive is out there.
20 It's like a thing at the City of New York is doing.
21 Is it really reaching those areas that we need? Is—I
22 think there's—there's low-hanging fruit or folks that
23 are going to say hey I'm depressed. I have stress in
24 my life. I want to connect to somebody, but when you
25 have like I'm kind of interested in like the day

2 laborers or the day laborer is connected to the
3 service and all. How are we as agencies connecting
4 those services to the city especially since the city
5 is funding these services at--at pretty-pretty large
6 rates, and I'll wait. This is not a budget hearing.
7 I'm already derailing from my own request, but those
8 are the things that we'll talk about next week as far
9 as are we adequately resourcing these programs, and
10 if we're not, how can we--how can we unlock that
11 pipeline of--of--of connection to these communities
12 especially our immigrant communities with mixed
13 status families that are experiencing the stress the
14 most, and--and are going to need it the most?

15 HASAN QUINTE: Sure.

16 CHAIRPERSON MENCHACA: And for--I'm
17 thinking about Action NYC. I think--I think you all
18 hold a piece of the contract for Action NYC.

19 MARC VALINOTI: Yes.

20 CHAIRPERSON MENCHACA: What does Action
21 NYC do if they come across complex cases, and is
22 there a waitlist for these complex cases that you
23 find yourself within the Action NYC work you do?

24 MARC VALINOTI: Okay, well, we're limited
25 in terms of [coughs] types of representation, but our

2 representation does include complex cases. Typically
3 what we consider a complex case might be—a U-Visa
4 that we'll be getting, or a Violence Against Women
5 Act application for the battered—abused spouse of a
6 Green Card holder or a U.S. citizen. We do not do
7 much immigration court representation, and so
8 specifically through Action NYC we have a great
9 referral system. This is a direct referral system
10 involving myself as the attorney preparing the
11 summary of the person's case if we think it's at
12 least somewhat viable, and if complex, we—we refer
13 them through and IOY Grant I believe to either Legal
14 Aid or the Urban Justice Center on a—on an on-
15 week/off-week basis. So they're prepared to receive
16 those complex cases and again it's a direct referral
17 that I am communicating with the attorney. So non
18 one is falling through the cracks in that regard, and
19 we're starting—we're keeping track of who we're
20 referring out. If it's, you know, it there's a need
21 to follow up on or an issue like that arises.

22 CHAIRPERSON MENCHACA: And can you
23 further define what—what you—I think you gave an
24 example of a complex case, but what—what is that?

2 Kind of delineated list of complex cases that you were
3 able to take on with the contract?

4 MARC VALINOTI: It can be a little—the go
5 in terms of definitions and terms of complex. It
6 doesn't necessarily need to involve representation
7 before an Immigration Court or other type of in-
8 person representation, but it—on a basis level if it
9 involves a legal argument if you need to prove
10 something to USCIS or DHS regarding someone's status.
11 So for a point of comparison a Naturalization
12 application where the person had no criminal history
13 and it's fairly straight forward in terms of filing
14 that would be a straightforward case. For a U-Visa,
15 for example, or a Violence Against Women Act, abused
16 spouse case, you need to establish not only that the
17 crime—the abuse occurred, but that it had lasting
18 harm on the person because it's—it's discretionary in
19 a sense, and you need to prove to the government that
20 the person seeking this humanitarian benefit should
21 qualify for it because it's not a matter of black and
22 white.

23 CHAIRPERSON MENCHACA: And on that last
24 kind of piece where—where you're kind of referring to
25 other idolized (sic) service providers is there—is

2 there a sense of—of responsibility that you're
3 holding yourself to maybe by the contract or not? Be
4 specific about that that they have capacity to take
5 this on?

6 MARC VALINOTI: I believe—I can't be
7 specifically speak to it, but the way it was
8 presented to—to us and to the other Action NYC
9 providers who refer out complex cases is that they
10 have a certain unit set aside to absorb these
11 referrals. They have a special line and email to take
12 them with, and in my personal experience they've been
13 receptive and if there's been a more urgent case
14 they've let me know that they've contacted that
15 person already and are providing services to them.

16 CHAIRPERSON MENCHACA: Okay, thank you. I
17 think this concludes this panel's discussion, and—and
18 again I want to thank you all, and I think that we
19 still have a—do we still a MOIA person here?
20 [background comments] Did she just step out? Okay.
21 She just stepped out. Okay, we're all—we're done
22 and—and I want to thank you for being here today, and
23 I'm going to offer some last just kind of lingering
24 thoughts, if you would give me a couple of minutes
25 just to conclude. I want to thank India Aporta (sic)

2 for being by my side this entire time. We have not
3 stood up at all. Adriana Garcia, Veronica Piedra
4 Leon on my staff as well for their incredible work
5 and the entire Immigration Task Force Committee that
6 has really prepared me as the Chair for this very
7 complicated, complex multiple agency really a kind of
8 citywide thought about what our relationship is with
9 ICE, and how can we protect ourselves and our
10 communities from the impacts. And this is not only
11 an important conversation that we've started, but
12 we're going to continue to engage, and so I hope
13 today gave you and everybody else that testified the
14 sense—a sense of what we need to continue to gather
15 as far as anecdotal information, actual true data
16 about what's happening to inform how can bring new
17 laws, new policies, and then—well, and then the
18 policies I also want to connect it to the state and
19 federal government. We still need to do that work as
20 well, but for the city, and also budget and making
21 sure that we are fully resourced to do this work on
22 the ground. If the city of New York, and I'm talking
23 about all levels of the city of New York don't know
24 that the actual need is, we're not going to be able
25 to meet that. That includes the Office of Management

2 and Budget. They have a very particular kind of way
3 of thinking about need that we need to—we need to
4 prepare even them, the bean counters of our—of our
5 institution that are going to be very, very difficult
6 in this—in this conversation to understand especially
7 since in a lot of ways it's going to be new need with
8 a very particular kind of response, and—and that's
9 for next week on March 22nd at 10:00 a.m. We also
10 were joined earlier by Council Member Rafael Espinal
11 from Brooklyn. So we want to thank him for coming
12 in, but the real impact is—is the fear factor here,
13 and fear in the city of New York that has really been
14 impacted by the national waves of fear are here, and
15 this not something that we can just shot-stop at the—
16 at the borders of this city. This is—this is
17 infecting us in a very, very way, and affecting how
18 we do what we and so because of that even families
19 with mixed status, children and parents are—are being
20 impacted. I—I want to lift the voices of some of our
21 defenders that said they themselves are immigrants.
22 So they're coming in with their own personal trauma,
23 and trying to impact, and this is—this is across the
24 board. Our city of New York is built by immigrants.
25 That doesn't mean that we're—we're only serving

2 immigrants, and the people who are serving these
3 immigrants are not also immigrants. I myself have
4 mixed status members in my family that I love and—and
5 hold dear that are Green Card holders that are
6 terrified of what's happening. So this is stuff we
7 all carry, and we all need to understand and support
8 each other, and I want to—I want to just make sure
9 that, you know, this is—this is Public Defense Week
10 and appreciation of our defenders, but let's—let's
11 make every day a—a time that we really appreciate
12 everybody that's trying to attack—tackle on this
13 issue especially when we're think about ICE and all
14 the strategies that they've employed to go into our
15 courts, all the courts, Mental Health Courts, Family
16 Courts, but we heard today that they're in Criminal
17 Courts, but some of these Criminal Courts are next to
18 Housing Courts. They're—they are potentially maybe
19 going to go into our schools and our shelters and our
20 streets and our hospitals and our food pantries.
21 These are all places of inherent sanctuary. These
22 are places where people should have no fear to go
23 into to get those services. And so I—I just want to
24 say this is a massive, massive project ahead of us,
25 but—but it's bringing the best of the best of the

2 people who are serving our community, and I just feel
3 like there's so much hope in that that we're bringing
4 some of the—some of the—some of the most—biggest
5 hearts and minds that we have in the city that are—
6 are that are engaged in our community. And so we
7 want to make sure that we keep that line of
8 communication open with everybody because that's the
9 only way we're going to move forward, and so I'm
10 excited to come back very soon with the Speaker and
11 all the committee and the Council with some
12 proposals. Thank you to you for—for shaping those
13 proposals, and—and really maybe the final—the final
14 note about what we do here in the city has impact
15 across the entire country. And so this change in
16 tidal wave, we want to create different waves and—
17 and—and really share and shepherd these waves of hope
18 across the country to other municipalities. In this—
19 in this Chambers we're going to be hosting the
20 Sanctuary Convening. Actually, not here in this
21 Chambers, in the city. We're going to be convening a
22 sanctuary conversation where we actually bring these
23 concepts to other cities and other municipalities,
24 mother municipalities that are electing for the first
25 time, first people of color, first and second

2 generation immigrants that are now representing
3 voices that were never in the rooms of decision
4 making that are creating the budget. And so this is—
5 this is a way that is actually turning already, and
6 we need to step up, we need to stand strong and—and
7 wave the flags of opportunity and actually teach
8 others. Not just ourselves because I think so much of
9 what was discussed today was about teaching our own
10 city employees about what the rules and regulations
11 are, teaching our own agencies that are out there
12 that may have a mixed understanding of what—what's
13 actually true, what are the rights of people and that
14 should not just happen in the city of New York. This
15 is a national conversation as we stand up and fight
16 back against this president, this president that is
17 connected to so much hate, and discrimination in our
18 city and in our country. So with that, I'm—I'm going
19 to close the hearing and welcome you back next week
20 March 22nd for our budget hearing where we take this
21 on, and—and really focus on the budget, 10:00 a.m.
22 here in the—in the—in the Council Chambers. Thank
23 you all for your time today. [gavel]

24

25

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date April 9, 2017