

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON IMMIGRATION

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September 6, 2018

Start: 1:12 p.m.

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HELD AT: Council Chambers - City Hall

B E F O R E: CARLOS MENCHACA
Chairperson

COUNCIL MEMBERS: Daniel Dromm
Mathieu Eugene
Mark Gjonaj
Robert F. Holden
I. Daneek Miller
Kalman Yeger

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

Violetta Gomez Uribe, Undocumented New Yorker

Albert Fox Cahn, Legal Director, CAIR New York

Nyasa Hickey, Supervising Attorney
Immigration Practice, Brooklyn, Defender Services

Hasan Shafiqullah, Immigration Law Unit Legal Aid
Society

Bitta Mostofi, Commissioner, Mayor's Office of
Immigrant Affairs, MOIA

Professor Tom K. Wong, Associate Professor of
Political Science, University of California, San
Diego

Lindsay Nash, Clinical Assistant Professor of Law
Immigration Justice Clinic

Fabiola Mandetta, Immigrant

Khalil Cumberbatch, Associate Vice President of
Policy, The Fortune Society

Jay Cross, Immigration Attorney

2 [sound check, pause]

3 SERGEANT-AT-ARMS: Good afternoon

4 everyone. Please find a seat. We are going to be
5 starting shortly. Everyone please find a seat. We
6 are going to be starting shortly. Please put your
7 cell phones on vibrate or silence, and if you are
8 here to testify, please come up to the sergeant-of-
9 arms table, and fill out an appearance slip.

10 [laughter and conversation] Thank you [pause]

11 CHAIRPERSON MENCHACA: Buenos tardes.

12 I'm Carlos Menchaca, Chair of the New York City
13 Council's Committee on Immigration. Before going any
14 further, I'd like to thank Speaker Corey Johnson for
15 his commitment to our immigrant community and for
16 being here today, and Council Member Rosenthal, who
17 is next door chairing her own committee, for being
18 here today on her resolution to abolish ICE, which I
19 hope we'll be starting a place for an important
20 conversation for us all. I would also like to
21 recognize the members of the committee who are here
22 who have joined us, Council Member Danny Dromm, and
23 also a co-sponsor of the Abolish Ice Resolution from
24 the Lower East Side, Council Member Carlina Rivera.
25 Today, New York City's Council Committee on

2 Immigration will examine the ways in which the
3 immigration enforcement, mainly the U.S. Immigration
4 and Customs Enforcement or ICE has failed to protect
5 our public safety. Instead, it has opted to abuse
6 its power to terrorize our communities including the
7 communities in our very own city. We're going to
8 hear from families and residents impacted, public
9 servants, public defenders, people who are doing the
10 good work on the ground to defend their rights. I
11 hope that by the end of the hearing today we will be
12 able to answer the question: What does a city and a
13 nation without ICE look like? Specifically, what
14 does a nation with a more humane and just immigration
15 system look like? The committee will additionally
16 hear one bill and one resolution, Intro 1092
17 sponsored by myself and Council Member Williams, and
18 then the Preconsidered Resolution sponsored by
19 Council Members Rosenthal, Rivera and myself. The
20 Local Law that we're proposing would prohibit the
21 city from entering into revenue contracts with
22 entities engaged in immigration enforcement, entities
23 that enforce provisions of the Immigration and
24 Nationality Act that penalize a person's presence in
25 or entry into or re-entry into the United States.

2 Revenue contracts are contracts where a city provides
3 goods or services in return for a fee. You know,
4 we've been hearing this call for a while now:
5 Abolish ICE. It's a hastag on Twitter. It's a
6 phenomenon. It's a campaign promise. It's a rally
7 cry. In the media and in the campaigns in our
8 communities across the country, people are asking us
9 to abolish ICE and it resonates for a reason. For too
10 long this agency represents the worst of our broken
11 system. It exceeds—it exceeds its mandate. It
12 abuses its power and devastates communities and our
13 families. In this context we not only have the
14 opportunity to call for its end, we have the
15 opportunity and the obligation to call for its end,
16 but we also have the opportunity to chart the course
17 for a more humane and just immigration enforcement
18 system that recognizes the dignity of all persons
19 ,and as the only legislative committee on immigration
20 in this state, this Committee on Immigration is also
21 unparalleled in scope at the Congressional level. In
22 light of this, we have a unique responsibility and
23 duty to examine ICE's impact on immigrant communities
24 in New York City, and the alternative systems, which
25 could potentially serve not only New Yorkers, but

2 immigrant communities across the country. Today, we
3 will hear from members of the public, from academics
4 from advocates as well as the Mayoral Administration,
5 who will speak to specific points where ICE as an
6 enforcement agency that is barely 20 years old, had
7 extended beyond its mandate, acted in roguish ways,
8 undermined its public safety mission and hampered our
9 city efforts to serve our people while inhibiting our
10 use of taxpayer dollars. In the first eight months
11 of the Trump Presidency, we saw a 67% increase in ICE
12 arrests around the city. There was also a 225%
13 increase in ICE arrests of individuals without any
14 criminal history. Since 2017, the stories have
15 poured into district offices. Family members picked
16 up by ICE at our courthouses, routine check-ins with
17 USCIS and ICE and near sensitive sites like schools
18 and houses of worship. These have historically been
19 off limits for ICE, and I want to make it clear that
20 despite these appalling numbers, rogue immigration
21 enforcement proceeds the Trump Presidency. Rogue
22 immigrant...immigrant...rogue immigration enforcement
23 under ICE has been a problem since its inception in
24 2003, when it was established under the newly created
25 Department of Homeland Security as part of the

2 federal government's effort to reorganize its anti-
3 terrorism apparatus post-911. Aided by the 1996 law
4 that significantly expanded the list of crimes that
5 allows for deportation of Green Card holders, ICE
6 executed an increased number of deportations in the
7 decade following 2003. This period is marked by its
8 focus on removal as a bottom line often regardless of
9 an individual's threat to safety. Although the Obama
10 Administration narrowed its focus to those with
11 criminal backgrounds, the Administration continued to
12 deport people in record numbers. This is but a brief
13 summary of ICE's history, and some of our testimonies
14 today will go into the history in more detail, but
15 before, oh, I should say that this brief summary
16 points to a troubling history of mass deportations at
17 the hands of ICE that fundamentally reflects a lack
18 of accountability, a lack of checks and balances, and
19 ICE as a heavily politicized entity that has become
20 the enforcement arm of an anti-immigrant agenda. As
21 a sanctuary city, we have come a long way in
22 providing protections for our immigrant community.
23 In 2014, this City Council passed detainer laws that
24 began to untangle city law enforcement from civil
25 immigration enforcement, and end ICE's presence on

1 Riker's Island. In 2017, this Council passed even
2 more expansive detainer laws to further limit the
3 city's cooperation with ICE including Low Law 228,
4 which prohibits the use of city resources, property
5 and information obtained on behalf of the city in
6 reference to an immigration enforcement. In addition
7 to laws, untangling our cooperation with ICE, the
8 Council has also passed legislation to provide free
9 immigration lawyers to all detained immigrants.
10 Today, we are hearing a bill that would go further,
11 to disentangle the city from this immigration
12 enforcement anti-immigrant agenda making it clear
13 that that we do not condone and will not cooperate
14 with ICE's activities. With this legislation, the
15 City of New York will be prohibited from entering
16 into revenue contracts with entities engaged in
17 immigration enforcement any of them, whatever they
18 call them we're not going to want to do business with
19 them. This would apply to all contracts where the
20 city provides goods or services to immigrant or
21 immigration enforcement entities for a fee. For
22 example, ICE currently contracts with the city of New
23 York to rent out NYPD firing range facility. We get
24 to decide how to cooperate with immigration
25

2 enforcement efforts, and we want to further
3 disentangle the city from immigration enforcement to
4 strengthen our status and our commitment that comes
5 every single day when we come to work as City Council
6 Members to maintain our commitment to a sanctuary
7 city. We are doing this at the city level, but with
8 many things we need the--we need the state to act as
9 well. So, currently New York State member of the
10 Assembly and the Senate also want to think about this
11 with us, and think about their contracts and their
12 immigration enforcement entities. For example, ICE
13 has a contract with the New York State Department of
14 Motor Vehicles. We call on the State to pass similar
15 legislation and to support efforts to end the state
16 contracts with ICE, which is currently being
17 considered again by our colleagues in the State. But
18 this fierce leadership is also at the top of this
19 incredible Council through the Speaker Corey Johnson
20 who stands every day arm-to-arm, hand-to-hand with
21 our immigrant communities and fights like no one
22 else, and I would like him to speak on behalf of the
23 hearing topic, and on behalf of the immigrant
24 communities that he represents across the city. Thank
25 you so much.

2 SPEAKER COREY JOHNSON: Thank you, um,
3 Chair Menchaca. Good afternoon. I'm Council Member
4 Corey Johnson Speaker of the New York City Council,
5 and I want to thank, of course, our Chair and Council
6 Member Carlos Menchaca for convening this hearing on
7 such a critical topic of personal importance to so
8 many New Yorkers and for his steadfast persistent
9 longstanding advocacy and leadership with immigrant
10 communities across the city and across this country.
11 In July, this committee met to shed light on [coughs]
12 on the nightmare unfolding at our southern border,
13 the aftermath of a family separation policy that led
14 to at least 300 children to New York City where some
15 continue to wait for reunification with their parents
16 and guardians, and that ordeal is not over yet. In
17 fact, yesterday, Madina Torrey published an article
18 in Politico that pointed out that approximately 40
19 children in the city are still separated from their
20 parents and they're under the care of the Federal
21 Office of Refugee Resettlement. They have not been
22 placed with long-term guardians yet. Because of
23 this, they are not enrolled in city schools and
24 educational services are provided to them at the
25 Federal Office of Refugee Resettlement. [coughs]

2 Today, we are here to have an honest discussion about
3 the insidious acts of a rogue federal agency. For
4 years, ICE has been the primary actor enforcing
5 immigration law using inhuman policies such as home
6 and workplace raids, policies that remain ongoing,
7 and then then ripples through our neighborhoods,
8 schools and houses of worship. If you came to our
9 July 12th hearing, you may remember the Make The Road
10 member named Vivian who testified about her family's
11 ICE encounter. Her husband of 14 years was detained
12 by ICE at their marriage based interview in May, and
13 she has had to fight his case from the outside while
14 taking care of their two children, a four-month-old
15 and a two-year-old. It is heartbreaking. I wish I
16 could say this was the first story that I've heard,
17 but in the first eight months of the Trump
18 Presidency, as Chair Menchaca said, ICE arrests have
19 increased by 67% in the New York City area, and we
20 get weekly sometimes daily--and I know Carlos gets a
21 lot of this--requests for help from individuals across
22 the country and across our city that have encountered
23 ICE pleading for help to keep their families
24 together. These arrests have done nothing to make
25 the city safe and, in fact, it may have had the

2 opposite effect. With every ICE siting, our
3 neighborhoods erupt into panic. City agencies have
4 seen drops in increase for services, police
5 departments across the nation have noted a decrease
6 in calls related to domestic violence and abuse from
7 Spanish speaking communities and children are kept
8 home from school in fear of a potential raid. The
9 Federal Census Bureau is currently gearing up for the
10 2020 Census has noted the large number of unsolicited
11 concerns about ICE raised by local residents even
12 though legally speaking no census data can be shared
13 with ICE. During the Rhode Island tests earlier this
14 year on the census we heard reports of entire
15 families moving out after a census work knocked on
16 their door and asked them to fill out test census,
17 and they did this out of abject fear. That fear is
18 palpable. The long-term impact is generational
19 trauma. In New York City a city of immigrants,
20 proudly a city of immigrants, over one million homes
21 are considered mixed households with at least one
22 undocumented member of the household. We are looking
23 at a prolonged public health crisis. Toxic stress
24 levels especially in children are directly related to
25 lower health outcomes later in life. The fear is

2 also pushing immigrants further into the shadows
3 forcing families to make harrowing decisions to
4 forego medical care or to not to send their children
5 or not report crimes to the police. This puts our
6 entire city at risk. This Council has made clear
7 steps to set the city apart as a sanctuary city, and
8 we continue that work today by hearing legislation
9 that would further disentangle our city from the
10 cruel immigration enforcement perpetrated by our
11 federal government. I am proud of my brave
12 colleagues. Again, especially Chair Carlos Menchaca
13 for broaching this subject, and introducing this
14 legislation, and also my good friend Councilwoman
15 Helen Rosenthal for her strong statement in support
16 of a congressional act that would establish a human
17 immigration enforcement system to the preconsidered
18 resolution we will hear today. As I've said before,
19 ICE needs to go. Obviously, I am not calling for an
20 end to national security investigations that keep us
21 safe like ones that target human trafficking and the
22 drug trade. That's not what this movement is about
23 despite what critic want to say. That work can and
24 should be done with other federal entities that can
25 do that work, but ICE has become an indiscriminate

2 deportation and detention machine leaving our
3 communities broken, not safer, and we must hold it
4 accountable for its rogue practices and failure to
5 uphold its mission. I look forward to an informed
6 and meaningful conversation about how abolishing ICE
7 fits into the important larger conversation of
8 comprehensive immigration reform, and I lastly want
9 to thank the press. I want to thank the press for
10 telling the daily stories related to these cruel and
11 inhumane policies. I see Felipe De La Hoz is here
12 from Documented New York, and Media Torres' piece
13 yesterday, and Politico, and all the other reporters
14 here and reporters who are not here who are covering
15 this crisis on a daily basis on New York City and
16 across the country shedding light on the human
17 impact, and not just the statistics and numbers and
18 philosophy, but around the human impact, the daily
19 trauma that is incurred because of this draconian,
20 autocratic, inhumane and cruel policy. That's being
21 perpetrated on our city and on this country. I look
22 forward to this hearing today. I'm grateful the
23 Council remains a leader on this subject, and I
24 believe it is now finally time for us to abolish ICE.
25 Thank you, Chair Menchaca.

2 CHAIR MENCHACA: Thank you, Speaker
3 Johnson for your commitment, and there's just no way
4 we get to abolish ICE without that support from you,
5 from the City Council and from the people of this
6 great city. We want to hear from Council Member
7 Helen Rosenthal on the resolution.

8 COUNCIL MEMBER ROSENTHAL: Thank you,
9 Chair Menchaca and Speaker Johnson for your
10 leadership, and the opportunity today to introduce
11 this resolution. U.S. Immigration and Customs
12 Enforcement, ICE, has only existed since 2003. In 15
13 short years, the agency has racked up an appalling
14 and infamous record of abuses while failing to make
15 this country any safer. On paper ICE was created to
16 prevent acts of terror. In practice, it has focused
17 mainly on the detention and removal of individual
18 immigrants and done so in an abusive and
19 counterproductive manner. Under this president, ICE
20 has dropped even the pretense of targeting
21 individuals who have committed serious felonies.
22 Instead, opaquely choosing its enforcement targets
23 and in effect terrorizing entire communities. ICE
24 has done so through a pattern of abuses of power
25 undermining the rule of law, and failing to protect

2 those under its jurisdiction. ICE agents have posed
3 as police officers, threatening the critical public
4 safety link between local police and immigrant
5 communities. It has targeted immigrant enforcement
6 against political activists. It has wrongly detained
7 hundreds and hundreds of American citizens, some of
8 whom spent years in detention due ICE's negligence.
9 We have seen a serious practice of sexual abuse in
10 ICE's detention facilities. From 2013 to 2017, ICE
11 received more than 1,300 complaints of sexual abuse
12 by people it detained, a figure advocates contend is
13 likely significantly under-reported. Although ICE
14 itself has since 2014 been required by law to
15 annually report to the public all aggregated sexual
16 abuse and assault data, it has never done so.
17 Reporting by the Intercept found that of 1,224
18 allegations of abuse reported to the Department of
19 Homeland Security, the Officer of the Inspector
20 General from 2010 to 2017 just 43 were actually
21 investigated. When faced with evidence of the
22 injustices and abuses perpetrated by ICE, the
23 President and his supporters have engaged in racist
24 and alarmist demagoguery. First, they insist that we
25 much accept these abuses if we wish to be safe. That

2 idea is absurd, and the legislation that this
3 resolution calls on Congress to pass, demonstrates
4 that reform does not undermine security. HR6361, the
5 Establishing a Humane Immigration Enforcement System
6 Act, does not mean open borders, nor does it mean an
7 end to all immigration enforcement. What it would
8 mean is the creation of a task force to review the
9 truly essential functions currently under
10 jurisdiction of ICE and transfer them to other
11 federal agencies while eliminating those that fail to
12 serve a public safety or national security purpose.
13 The President's supporters also point to the fact
14 that many of these abuses began under the Bush and
15 Obama Administrations as if that were exculpatory
16 rather than an even more damning indictment of ICE as
17 an institution. By separating interior immigration
18 enforcement from other law enforcement or national
19 security concerns, it is no surprise that ICE has
20 interpreted its mandate in the cynical and counter-
21 productive way that it has, and shielded from public
22 oversight and accountability it is no surprise that
23 it has done so in abusive ways. This larger point
24 brings me to why I think this resolution is so
25 important, and why #Abolish ICE has resonated so

2 profoundly with so many people. It has resonated
3 because of all of the specific reasons we've
4 discussed. Because of the cruelty, and injustice
5 we've seen in immigration enforcement over the past
6 two years and over the past decade or so. It has
7 also resonated because at its core it represented a
8 willingness to reshape our institutions to rectify
9 injustice and chart a course to a more humane place.
10 This conversation is similar in many ways to the
11 discussion of closing Rikers here in New York City.
12 Yes, there are practical and political challenges.
13 Yes, transforming institutions is complicated work,
14 but it must be done. We must do it, and that what
15 #Abolish Ice represents. It is a rejoinder to the
16 unimaginative pet entry of those who defend the
17 status quo. It means starting with the goal of
18 justice and designing institutions to achieve it
19 rather than starting with existing institutions and
20 allowing them to limit our conceptions of justice.
21 By passing this resolution, the New York City Council
22 can stand up for our immigrant neighbors and just as
23 importantly can stand up for the principle of
24 confronting injustice no matter what. And so, I
25 thank my colleagues for their consideration and, of

2 course, I want to thank my Legislative Director Sean
3 Fitzpatrick who was the first to see the necessity of
4 HR 6361 and this this resolution. Thank you Speaker
5 Johnson. Thank you Chair Menchaca.

6 CHAIR MENCHACA: Thank you, Council
7 Member Rosenthal for your—for your commitment and
8 looking forward to today's discussion, and the
9 ultimate abolishing of ICE, and on that topic, too, I
10 want to call Council Member Rivera to say a few words
11 about the resolution.

12 COUNCIL MEMBER RIVERA: Thank you, Chair
13 Menchaca and, of course, the fellow committee members
14 for allowing me to speak on this preconsidered reso,
15 um, that I have proudly introduced with my
16 colleagues, and it has been unfortunate over the past
17 few months how our nation has been a witness to some
18 of the most horrifying enforcement actions ever taken
19 in the history of this nation, actions taken by our
20 federal government against immigrants who came here
21 simply looking for their piece of the American Dream,
22 but these kinds of human rights violations sadly
23 aren't a new development. They have been going on
24 for years. Earlier this year I had to introduce and
25 help pass a resolution in support of the Keep

2 Families Together Act because our current president
3 continues to use his broad immigration powers to rip
4 families apart at our border and violate the most
5 basic decencies that our country values. It's time
6 we listened to the calls of immigration advocates who
7 have been ignored for far too long. We need to
8 swiftly and completely abolish ICE as our resolution
9 being heard today heard calls for. As mentioned, ICE
10 was established just under two decades ago, and since
11 then, ha been given the blanket directive to break up
12 families and unfairly deport immigrant New Yorkers.
13 This is an abuse of the agency's mission, rips at the
14 moral fabric of our nation and shows that we clearly
15 need to replace the agency with a more humane
16 immigration system, one that treats every person with
17 dignity and respect. We had an immigration system
18 that exited for hundreds of years in this country
19 without ICE, and we most certainly deserve to have
20 one without this agency again. As representatives of
21 a city that has been the gateway to millions of
22 immigrants and refugees for centuries, we must also
23 rid ourselves of any complicity in this moral
24 failure. While we will continue to fight in
25 Washington to shut down and replaced this agency, we

2 must also continue to fight to protect our courts of
3 laws, our small businesses and our community spaces
4 here in the five boroughs from ICE intrusion. If we
5 are going to truly stand by our fellow New Yorkers
6 who have helped nurture and grow our wonderfully
7 diverse city, a so-called sanctuary city, then we must
8 not contract or work in any way with an entity that
9 engages with immigration enforcement as intro 1092
10 would require. I want to thank my fellow bill
11 sponsors for their tireless advocacy on these
12 important issues, the countless organizations
13 fighting alongside us and, of course, as mentioned by
14 the Speaker, the journalists some of whom are in this
15 room or watching at home who have reported on this
16 crisis long before anyone was listening. I call on
17 my colleagues to join us in supporting both of these
18 pieces of legislation, and I want to thank you for
19 allowing me to speak today.

20 CHAIRPERSON MENCHACA: Thank you,
21 Council Member Rivera, and as we continue with the
22 hearing, I want to also say thank you to the
23 incredible investigate—investigation from our press
24 that really brought to light the fact that contracts
25 did exist, and we want to continue working in

2 partnership with all of you on this very important
3 topic and continue the understanding of how we are so
4 entangled with this administration. The—the hearing
5 that we're holding today couldn't have done—been done
6 without incredible staff support. We're removing our
7 question about abolish ICE away from campaigns, and
8 we're doing it within this incredible opportunity of—
9 of a public hearing, and that preparation came behind
10 the scenes to ensure that the legislation was
11 drafted, invitations were sent. So, I want to say
12 thank you to my senior advisor Cesar Vargas, Chief of
13 Staff Sociatia (sp?) May. Our Communications—the
14 Communications Director Tony Chiarito, the whole
15 committee staff, Counsel Harbani Ahuja, Committee
16 Policy Analyst Cronk; Finance Analyst Jieun Lee.
17 Thank you for your incredible work as well. I'm
18 going to call the first panel. This is going to be a
19 panel to really set the tone for this discussion with
20 some real direct impact to their work or to their
21 lifer here as a resident in the City of New York.
22 The first or to the—to the—from the Legal Aid Society
23 Hasan Shafiqullah; Nyasa Hickey from the Brooklyn
24 Defenders Services; Alert Cahn, from CAIR New York,
25 and then also a resident from Sunset Park, Violetta

2 Gomez Uribe who will speak about—about her—her
3 experience, and then finally, I will read a story
4 that her name is Sandy was not—did not feel
5 comfortable to be here in front of us today, but did
6 consent to reading her story, and so I will be
7 reading her story and she's from Make the Road New
8 York. Violetta, would you like to start?

9 VIOLETTA GOMEZ: Yes. I'm not sure how
10 this works. So, bear with me. Good afternoon.
11 Thank you to the Immigration Committee of the City
12 Council of New York for the opportunity to give my
13 testimony. I am Violetta Gomez Uribe, and the—and
14 for the past 30 years I have been a proud
15 undocumented New Yorker that received Deferred Acton
16 for Childhood Arrivals some years ago, but make no
17 mistake, I'm not the only one. I'm one of a million
18 undocumented New Yorkers that for many reasons cannot
19 be here today. As a community advocate, my mission
20 is to bring my family and my community to every space
21 I place foot in. I'm here to speak about the
22 importance not only of Intro 1092, but about the
23 importance of making New York City a true sanctuary
24 city. I'm here to talk about the most important
25 stories the ones that don't make it to the headlines,

2 the news headlines. I'm here to talk about the
3 stories that I hear and see everyday as I walk every
4 corner of New York city. I'm here to bring the story
5 of the mother that won't seek essential services for
6 her child with special needs because she fears of
7 being accused of public charges. I'm here to bring
8 the story of the men and women who every singled day
9 go to work even if they're sick. I'm here to bring
10 the story of immigrants that face-of the immigrant
11 that faces sickness and silence for the fear of
12 seeking health and being transferred to ICE. I'm
13 here to bring the story of 40 plus construction
14 workers that were recently fraud with \$500 each by a
15 so-called lawyer that told them that they were going
16 to get an OSHA certification. I'm here to bring the
17 story of the families that are being sexually
18 harassed by the super of their building with the
19 threat of calling ICE if they don't surrender sexual
20 favors. I'm here to bring the story of the team that
21 took his life because he was undocumented, and saw no
22 hope in his future. I'm here to bring the story of
23 undocumented immigrants that will tolerate all sorts
24 of abuses because of fear. As you might infer, I can
25 spend countless of hours bringing you stories of-of

2 our undocumented community. Finally, I'm here to
3 bring you these stories, but I'm here to ask you to
4 take these stories with you, and hopefully, have them
5 every step of the way to make sure to create laws
6 that will truly protect our undocumented brothers and
7 sisters. I'm here to ask you to take these stories
8 not as an act of pity, but as a lack of
9 acknowledgement of our humanity and the huge
10 contributions we the undocumented community make to
11 this city. Thank you.

12 CHAIRPERSON MENCHACA: Thank you,
13 Violetta. Thank you so much for your words.

14 SPEAKER COREY JOHNSON: Those were really
15 beautiful. Thank you for being here.

16 ALBERT FOX CAHN: Good afternoon. My
17 name is Albert Fox Cahn, and I serve as the Legal
18 Director for CAIR New York, and I speak in support of
19 the preconsidered introduction prohibiting city
20 contracts with immigration enforcement entities. I
21 have to say how proud I am to be here in this—with
22 this Council to see the leadership from Chair
23 Menchanca, from Speaker Johnson, from Helen Rosenthal
24 making a moral stance against immoral immigration
25 enforcement because we see all too frequently the

2 toll it takes on communities across New York City.

3 There remarks are just an excerpt of the longer

4 written statement, but I—I'm here to point out that

5 this is a step, a crucial step, but one of many that

6 is needed to protect our city from the Trump

7 Administration's campaign against immigrant

8 communities. Crucially, the Council must also

9 address the myriad of ways that the New York City

10 Police Department directly and indirectly aids ICE in

11 their enforcement work. At the start of this year,

12 Mayor Bill de Blasio reiterated his promise that our

13 police and employees will not be part of the federal

14 deportation force. However, just a few months later

15 we learned that ICE's New York office targeted

16 individuals who had been fingerprinted by the NYPD

17 demanding that these New Yorkers appear at ICE's

18 office and placing many in deportation proceedings.

19 The NYPD's sweeping surveillance of communities of

20 color is innately intertwined with immigration

21 enforcement. It's hard to address one without

22 addressing the other, and without accountability and

23 transparency for the collection, retention, and

24 sharing of New Yorkers' data, there can be no

25 meaningful commitment that ICE does not have the

2 access to enforce immigrant law against our fellow
3 neighbors. In an alarming case earlier this year,
4 NYPD renewed a contract with a private firm Vigilant
5 Solutions, exchanging information from automated
6 license plate readers, and this partnership raised
7 serious concerns that only intensified filing reports
8 in January that ICE contracted with the very same
9 vendor to gain access to license plate information
10 from all across the country. We've been given
11 assurances that the contract renewal protected New
12 Yorkers' location data, and we appreciate those
13 promises, but we need more. We need comprehensive
14 protection for immigrant New Yorkers. The one
15 measure that CAIR New York is support in addition to
16 the measures before you today is the Post Act, a bill
17 to promote oversight of the surveillance technology.
18 I—I want to simply again express my gratitude that
19 the Council is taking the measures here today to
20 protect our city from the Trump Administration's
21 campaign against immigrant communities. However, I
22 hope this will be merely one part of a broader
23 campaign to safeguard the rights of all New Yorkers
24 and I call upon the Council to also work with
25 advocates to quickly address the impact of NYPD

2 surveillance on immigrant New Yorkers, and make sure
3 that this city is truly a sanctuary for all.

4 NYASA HICKEY: Hi. My name is Nyasa
5 Hickey. I'm a supervising attorney of the
6 Immigration Practice at Brooklyn, Defender Services.
7 We are proud to join the City Council to demand a
8 fundamental transformation of our immigration system
9 to one that recognizes the humanity of all people,
10 and upholds the values of equal justice and due
11 process for all. The problems of our immigration
12 system date back to before the creation of ICE and
13 applied agencies beyond ICE. Simply abolishing ICE
14 will not address all of the issues that we identified
15 in our written testimony. The impact of enforcement
16 policies at the federal level are felt every day by
17 our immigrant clients and their families. We have
18 testified extensively about all of these issues in
19 previous hearings, and we have a long list of those
20 concerns in our written testimony. But I want to use
21 the few minutes I have today to urge the Council to
22 think critically about the temporary measures that we
23 take to support immigration reform without harming
24 our communities. I speak specifically about the
25 recent campaigns to end ICE contracts with jails in

2 New Jersey. As a public defender office, Brooklyn
3 Defender Services strong supports closing jails and
4 prisons. However, in this case we know that our
5 communities will be deeply harmed if local
6 immigration facilities are closed. ICE has made it
7 very clear that they will not end or change their
8 enforcement tactics even if local detention centers
9 are closed. This has already happened in San
10 Francisco in the Bay area earlier this summer.
11 Advocates urge local officials to end their contracts
12 with ICE. Detention centers closed. ICE moved all
13 of the people in the local immigration detention
14 facilities out of state. They have not stopped
15 making ICE arrests. They are not—they are still
16 relying on violations of due process and
17 unconscionable ruses to terrorize immigrant
18 communities. So what happened to the people who were
19 moved out of state? They're now far away from their
20 families whose support is critical to their
21 deportation defense. Those families also provide
22 moral and essential evidence to prove their legal
23 claims. They are far away from publicly funded
24 immigration attorneys modeled after those in the
25 NYIFUP program in New York City. We know that

1 deportation defense programs like NYIFUP increases a
2 person's ability to stay in this country by 1,100% a
3 compared to people who face deportation prior to the
4 rcreation of NYIFUP. ICE targets people in and
5 around courthouses. We know thi. If they're
6 transferred out of state by ICE, this makes it even
7 more difficult to resolve their current underlying
8 criminal cases NYIFUP not only provides experienced
9 and highly qualified attorneys in Immigration Court,
10 but also other essential services such as
11 investigation support, social workers, expert
12 witnesses, re-entry services, connection to
13 rehabilitative programs and services, and experienced
14 litigators who can challenge decisions by immigration
15 judges in federal courts. So the New Jersey Detention
16 facilities house the detained people whose cases are
17 heard at Varick Street Immigration Courthouse. If
18 those contracts and those facilities end, New Yorkers
19 will be transferred out of state, and the city will
20 have no way to provide them with the quality
21 representation that they currently received through
22 NYIFUP. So we propose that the City Council work with
23 our counterparts in New Jersey, the Hudson, Bergen
24 and Essex County free holders and urge them to
25

2 continue their contracts with ICE while improving
3 conditions for detainees, improving access to medical
4 care, visitation and other measures. We also ask
5 that you encourage the free holders to free holders
6 to identify people in immigration detention who have
7 upcoming court dates before their initial court date.
8 We know that the NYIFUP has been impacted with move
9 to the video telecom-video conference facilities.
10 So, if the local jails identify people who are in
11 those facilities before their first master calendar,
12 then NYIFUP can go to those facilities and prior to
13 the first court date to do screenings and intake, a
14 process that has been fundamentally undermined
15 currently because ISIS stopped bringing people-
16 detained people to the Varick Street Court. These
17 and other advocacy efforts could go a long way
18 towards supporting immigrant New Yorkers, and
19 ensuring that they're able to take advantage of
20 NYIFUP representation. I'm happy to answer
21 additional questions about this issue or any of my
22 written remarks.

23 CHAIRPERSON MENCHACA: One quick
24 question. Can you just clarify for us that the
25 actions that you're reporting to us today the video

2 conferencing and essentially the closing of these
3 detention centers was a direct action by ICE, and can
4 you walk us through a little bit about that, the kind
5 of decision making process and that it was, in fact
6 connected to ICE, and their—and their power?

7 NYASA HICKEY: So, I don't know enough
8 about the San Francisco—yeah, the San Francisco, Bay
9 Area Detention Centers and who exactly, whether it
10 was ICE that closed those, but it was a reaction to
11 the low—the community pressuring and protesting the
12 detention facilities, which is why those detention
13 centers were closed and then the people were
14 transferred out of stat. So, ICE did—is still, like
15 I said, arresting those individuals, still processing
16 them, but they're processing them in detention
17 centers much further away, and ICE is the—is the
18 agency that has decided to stop producing individuals
19 to immigration court, and as a result, they're moving
20 completely to video conference. And so, the ability
21 for attorneys to meet with an individual on their
22 first court date, to understand their immigration
23 relief, look at the evidence against them, and
24 meaningfully advocate for bond or for some relief on
25 that first court date is greatly undermined. So,

2 the...my—the point of my testimony is that there are
3 temporary measures that the City Council and the
4 community can take to increase access to individuals
5 who are detained so that they can meaningfully fight
6 their case while we are also working towards the
7 abolishing of the immigration detention and
8 deportation system that we know. But we have to
9 think thoughtfully about how those two are
10 interacting.

11 CHAIRPERSON MENCHACA: Thank you.

12 Hasan.

13 HASAN SHAFIQULLAH: Good afternoon, my
14 name is Hasan Shafiqullah. I'm the attorney in charge
15 of the Immigration Law Unit of the Legal Aid Society.
16 Thank you, Chair Menchaca, Speaker Johnson and all
17 the Council Members for holding this hearing. So,
18 I'm going to just briefly summarize my written
19 testimony, which is that ICE is an agency that's out
20 of control, and we see the effects of ICE's actions
21 in our clients every day. Just at Legal Aid in the
22 last year we've had six clients who are U.S. citizens
23 who are facing deportation by an agency, and by an
24 Immigration Court system that had no jurisdiction
25 over them, and it is only thanks to NYIFUP, which the

2 Council has been funding for the last four years that
3 we were able to step in and identify them, and take
4 them out of the deportation machinery. ICE is
5 holding people in jails even though they call it
6 civil detention where they fail to provide the most
7 basic medical care. One of our clients lost a toe in
8 ICE detention because they didn't give him the care
9 that he needed, and he's seeking his remedies now,
10 but he's never going to get his toe back. We need
11 oversight and accountability to prove-improve the
12 conditions in ICE jails. ICE is continuing to abduct
13 our clients from New York courthouses. ICE was
14 spotted near a courthouse this afternoon, and that's
15 having an impact on the administration of justice in
16 our courts where individuals who are appearing in
17 court to fight their cases are afraid to show up.
18 Material witnesses are afraid to come, and domestic
19 violence survivors are afraid to show up and seek
20 orders of protection and all of that is making our
21 communities less safe. As my colleague Nyasa Hickey
22 mentioned, ICE has switched to video conferencing at
23 the detained immigration court for no justifiable
24 reason, and this means that our clients are material
25 prejudiced. They can't meet with their attorneys in

2 a confidential setting before their first hearing in
3 front of an immigration judge, it's on camera with
4 ICE there and the judge in front of them. They can't
5 meet with their family members. It's often the only
6 time that they can see their family members is in
7 court while they're in detention because the centers
8 are so far away from New York City. It's also an
9 opportunity typically for the attorneys to have their
10 client sign forms and—and just do basic things that
11 the lawyers and their clients do, but if our client
12 is on a screen remotely from Bergen or one of the
13 other jails, we can do that and it just dehumanizes
14 our clients. So much of what happens in Immigration
15 Court is discretionary with the immigration judge,
16 and if I'm trying to show that my client has
17 rehabilitated herself and is a safe person to be in
18 the community, and the judge is seeing the two-
19 dimensional phase, a disembodied head on a screen, it
20 just makes the client's case much harder to do, and
21 she's really suffering as a result of that. So, in
22 all the different ways that ICE is really terrorizing
23 our communities, it's great that the Council is
24 supporting this resolution to—to address ICE's
25 behavior. But whether ICE is abolished or if—whether

2 it's reformed, because the enforcement activities are
3 going to happen in some way, whatever we call the
4 agency. We need to make sure that ICE is finally held
5 accountable, but really all this stems from President
6 Trump's indiscriminate enforcement priorities where
7 everyone is targeted and everyone is facing removal
8 and so then the challenges ahead of us are great, but
9 the worst excesses are being exercised by ICE, and we
10 applaud the City Council for supporting this
11 resolution.

12 CHAIRPERSON MENCHACA: Thank you and I
13 want to—I want to start with a few questions before I
14 hand it over to any colleagues that might have some
15 questions for this panel before we head over to the
16 Administration who will present their full testimony,
17 and what—what's really important about this
18 discussion is the connection of the city itself and
19 our taxpayer funded initiatives that are supporting
20 the defense of our community who find themselves in a
21 deportation proceeding. I think that's an important
22 thing to talk about, and link the reason before—
23 between—between a federal enforcement agency and the
24 due process questions, and the ability for our
25 lawyers that we're paying to go and do their work.

2 And so, what I want to kind of hear from you all is
3 that impact is—is impacting the ability for your—for
4 your lawyers to go out. How—how are you measuring
5 that impact in terms of—well, actually, I'll just
6 leave that question open. How are you measuring that
7 impact to the ability for these contracts to do their
8 work.

9 HASAN SHAFIQULLAH: So, I'll start. So,
10 in a couple of different ways. One is simply in—in
11 terms of the amount of time that somebody is sitting
12 in detention if—if—if my client, my potential client
13 is produced by ICE physically as—as I produce them in
14 the morning of their first hearing in Immigration
15 Court I have a chance to meet with them, figure out
16 what their options are, what defenses we might have,
17 and start moving the case forward. If the first time
18 that I'm meeting with them is in front of the judge
19 and in front of ICE where I can't have a confidential
20 communication, all I'm going to be doing is asking
21 for adjournment, and my client is going to be sitting
22 in detention longer. I can go out to meet with them
23 for the first time. The jails are 35 or 70 miles
24 away. So, it's a—it's a several hour commitment to
25 go out there and meet with people versus meeting with

2 all of the potential clients at Varick Street in a
3 given morning. And so, we're measuring it in terms
4 of the amount of time somebody is sitting in
5 detention and just the amount of attorney hours that
6 we're spending unnecessarily traveling to jails to
7 meet people that we could just meet at Varick Street.
8 Those are just two metrics that are off the top of my
9 head.

10 NYASA HICKEY: Yes, I would just add to
11 that the ability to respond to evidence that may be
12 produced in court. If your client isn't sitting next
13 to you in court, then you're unable to conference
14 that and talk to-talk about that as well as-as Hasan
15 said, talking about humanizing our clients and how
16 judges as well as the trial attorneys the government
17 attorneys view our clients as absolutely impacted
18 length of detentions, adjournments, and just your
19 client's confidence in you as an attorney. So much
20 of the work as somebody's attorney is being able to
21 build that client rapport, and having those subtle
22 communications, and if your client is on a video
23 screen, and that video feed may be interrupted or may
24 be the client doesn't speak English fluently, and is
25 using an interpreter, all-all the pieces like that

2 are impacted, and we're certainly working on
3 gathering that information.

4 CHAIRPERSON MENCHACA: That would be
5 great for any kind of sense of reporting that we can
6 get in real time about that impact as you move
7 through the fiscal year to understand exactly what's—
8 what's happening to the—the budget that we passed
9 that has a very kind of particular public interest.
10 So, it would be good to kind of get—get information
11 in real time. I think the other piece that I want to
12 make sure that members of the committee really
13 understand as part of this first of its kind
14 municipally funded public defender system is that
15 essentially many unknown New Yorkers are going
16 through a deportation proceeding after being
17 detained, and it is in the physical presence of the
18 court where you are able to stop them and ask them:
19 Do you have a lawyer? Can you afford a lawyer? If
20 those answers are no, you can step in and begin that
21 process. Walk us through that, and I think that's an
22 important thing for everyone here to understand that
23 this is not just about kind of perfecting this idea
24 of having presence in a courtroom, but really the
25 physical nature of interrupting that moment where

2 someone will get into a court without a lawyer and
3 not have due process.

4 HASAN SHAFIQULLAH: So, I have an example
5 to give you. this is one of our clients who was
6 featured in the New Yorker recently, and so I mean
7 I'll use his name because it's—it's been story James
8 Bussey was held for over 50 days at one of the ICE
9 jails, and was ready to give up. He said just send
10 me back to a country where I haven't lived in since I
11 was a child. I just can't take detention any more,
12 and we met with him, and we—this is before video
13 conferencing started, and so we said just give us a
14 couple of hours. Let us just talk to you, talk to
15 your family members. Let's find out what's going on.
16 Found out that he—he had actually derived citizenship
17 through his mother, and said: Give us two days to
18 try to prove you're a citizen, and you don't have to
19 leave the country. Don't give up. It actually took
20 a lot to convince him that to even hang in for a
21 couple more hours. We got the evidence from his
22 mother about how when she became a citizen and when
23 he got his green card, and he was willing to stay and
24 fight, but if we didn't have that opportunity, if he
25 was just a face on a screen, we don't have that

2 moment to pull him aside and just be like don't give
3 up on us. I just want to say, by the way, when we
4 gave ICE evidence of his citizenship, they still
5 didn't release him. We had to file a habeas petition
6 in federal court to finally get him out.

7 CHAIRPERSON MENCHACA: Thank you. Thank
8 you for that. Members of the—does anybody have any
9 questions for this panel?

10 COUNCIL MEMBER YEGER: Yes, I have a
11 question.

12 CHAIRPERSON MENCHACA: We have one
13 question from Council Member Yeger, and if we could
14 put the clock at two minutes, please. Thank you.

15 COUNCIL MEMBER YEGER: Two minutes.
16 Thank you, Mr. Chair. This question anyone can
17 answer it really, but I'd like to start with the ones
18 on the panel who most recently spoke about this, Ms.
19 Hickey and Mr. Shafiquallah. Okay, perfect. You
20 mentioned that...that ICE or the Immigration Court at
21 Varick Street recently changed its policy from in-
22 person hearings where you're sitting next to your
23 client and you have the ability to interact with your
24 client, to a policy video conferencing, and that was
25 relatively recent, right?

2 HASAN SHAFIQULLAH: Yes, sir.

3 COUNCIL MEMBER YEGER: Okay what--what was
4 going on at the courthouse if you can enlighten us
5 immediately prior thereto that may have made ICE
6 change its policy.

7 HASAN SHAFIQULLAH: Sure. So, what
8 happened at this specific event, on a Monday morning
9 when ICE was bringing in a bus load of our clients or
10 potential clients to the jail, a group of activists
11 called Occupied ICE blocked the garage entrance to
12 the courthouse at 201 Varick Street, and the bus
13 couldn't get in, and so it turned around and took
14 the--the folks back to--to their detention center, and
15 I said we're--we're cancelling hearings today. So,
16 which makes sense.

17 COUNCIL MEMBER YEGER: So, the--so--so just
18 to clear--

19 HASAN SHAFIQULLAH: [interposing] Then
20 I'm going to clarify what happened then.

21 COUNCIL MEMBER YEGER: Okay.

22 HASAN SHAFIQULLAH: Let me just give you
23 three days.

24 COUNCIL MEMBER YEGER: Sure.

2 HASAN SHAFIQULLAH: So, the second day
3 the—the protestors moved across the street. There
4 was no block whatsoever, and ICE could come in and
5 out, and they could bring in folks and the buses had
6 no problem, but ICE said we're not going to bring
7 them anyway. We're going to have folks appear by
8 video conference, and we said well there's no reason
9 for that. There's no obstruction of the operation of
10 your system, but this was an opportunity for them to—
11 it was an excuse, and they haven't backed since then.
12 There's one day of protest. After the second day of
13 protest across the street, the group disbanded
14 altogether. There's been no justification for it,
15 and ICE is choosing not to back down.

16 COUNCIL MEMBER YEGER: Well, it's
17 possible that there was. I don't work for ICE
18 obviously, but is it possible that—that given the
19 fact that a bus a federally owned bus carrying people
20 and operated by federal officers was blocked by
21 various people who decided to put themselves in front
22 of a bus, may have given the agency reason to believe
23 that that would happen again particularly because the
24 same folks were now gather [bell] across the street?

2 HASAN SHAFIQULLAH: So, I don't think
3 it's reasonable assumption on ICE's part because the
4 group specifically said we're not doing this any
5 more, and they didn't do it.

6 COUNCIL MEMBER YEGER: Okay, I'm—I'm
7 going to concluded, Mr. Chair. If I could just have—
8 I have one more question. I'm not an apologist for
9 them in any—in any way, but, you know, I'm—I'm a
10 recovering lawyer. I practiced law before I joined
11 this Council earlier this year, and I give a lot of
12 credit to the need to sit next to a client and be
13 able to pass notes, and be able to interact with a
14 client prior to a hearing and during a hearing, and
15 that being taken away, is awful. It's wrong, and I
16 believe that there should be in-person hearings, but
17 I just—the purpose of these questions was to point
18 out that some of the folks who think they're helping
19 the cause, harmed the cause by lining themselves in
20 front of buses, and they ultimately created a
21 situation that ICE felt they needed to act, and it
22 would have been great if they didn't do that because
23 then we would have the conversation about in-person
24 hearing versus teleconference hearings, and we could

2 focus on the—on—the gist of and the substance of
3 the Chair's proposal today.

4 HASAN SHAFIQULLAH: Absolutely. If I can
5 just address that with one response, well, two, One,
6 we—we don't control the protestors, and there's a,
7 you know, there's a robust history of protestors in
8 the city, and God bless, but in terms of the in-
9 person, the benefit of being with your client, there
10 is, of course, just being able to like sit and pass
11 notes and all that. But, I want to highlight
12 something that's specific to NYIFUP, to the program
13 that the Council has created and ahs supported for
14 the last four years, which is in the very first court
15 hearing confined and detention and brought into
16 Varick Street in the morning, and I have—it's not at
17 the Council table, but in a confidential setting, I
18 can meet with my—with my potential attorney, find out
19 what my rights are, and have a whole meaningful
20 exploration of what's toing to happen to me, and what
21 could happen to me before appearing in court in the
22 afternoon, and we lose that with video conferencing.
23 We just don't have that opportunity. Even if the
24 client is sitting in a jail through video

2 conferencing, there's a police officer in the room
3 with them. We don't have confidentiality.

4 COUNCIL MEMBER YEGER: I'm—I'm not going
5 to ask any additional questions. I just want to
6 point out that like I said, the—the activists who—who
7 block the lawful practices of government agency and
8 do so without consulting the best interest of the
9 client as represented by their attorneys, may be
10 harming your client's cause, and it would be best I
11 think in my estimation if you can have conversations
12 with some of those who think that they're helping
13 your cause by jumping in front of the buses carrying
14 your clients, and point out to them that they may
15 have caused something that is—is irretrievably gone,
16 and that is the in-person contact with their
17 attorney, which is something that every lawyer and
18 every client should have.

19 HASAN SHAFIQULLAH: I understand. Can I
20 respond quickly? I—I just want to say the activist
21 movements that protested ICE have stopped
22 deportations. They have kept New Yorkers who were on
23 the verge of being sent out of this country, and
24 they've kept them safe. They have been instrumental
25 in this movement and I think it is incorrect to

2 simply assume that ICE has stated justification for a
3 policy change is the actual reason for that policy
4 change, and we shouldn't simply accept that due
5 process should be optional when they find it
6 inconvenient.

7 CHAIRPERSON MENCHACA: And thank you all
8 for that, and we're going to move over to the
9 Administration, and as we move and—and bring up the,
10 Commissioner, I want to make sure that we maintain
11 our commitment to some of these foundational
12 questions about Constitutional rights like due
13 process, like access to our lawyers and as a city
14 funded program like NYIFUP that we maintain that
15 commitment to the public that we are doing the work
16 that we're doing, and perfect timing for the
17 Administration to come on board, and talk to us a
18 little bit about their thoughts on—on these questions
19 at this hearing, and we're going to swear you in.

20 LEGAL COUNSEL: Please raise your right
21 hands? Do you affirm to tell the truth, the whole
22 truth and nothing but the truth in your testimony
23 before this committee, and to respond honestly to
24 Council Member questions?

25 PANEL MEMBERS: [off mic]

2 LEGAL COUNSEL: Thank you. [pause]

3 COMMISSIONER MOSTOFI: Okay, great. Good
4 afternoon. Thank you to Speaker Johnson, Council
5 Member/Chair Menchaca, and members of the Committee
6 on Immigration for convening of hearing. My name is
7 Bitta Mostofi. I'm the Commissioner for the Mayor's
8 Office of Immigrant Affairs. This testimony will
9 address the calls to abolish immigration and customs
10 enforcement as well as Intro 1092. I will bring my
11 testimony by discussing what we mean when we say
12 abolish ICE. Just today the Trump Administration
13 announced its intent to circumvent the rules and laws
14 protecting immigrant children and expand family
15 detention as a replacement for the family separation
16 policy. An immigration enforcement system that
17 subjects children to long-term detention is an
18 intolerable system. Reforming our broken immigration
19 system is absolutely necessary in a society that
20 values justice and human rights. This is a historic
21 moment one in which people across the nation have
22 recognized the problems created by a broken agency
23 and by immigration laws that desperately need reform.
24 Then I will turn to the separate question of Intro
25 1092. As, you know, this Administration strongly

2 supports restrictions on cooperation with immigration
3 enforcement except in cases of public safety and
4 national security threats. That is why we worked
5 with the City Council to pass the Detainer Laws in
6 2014 as well as Local Law 228 in 2017. We are
7 interested in working with the Council to craft
8 legislation that recognizes the city's
9 intergovernmental cooperative efforts to support
10 important public safety and national security work
11 while furthering the goal of keeping city agencies
12 out of the business of immigration enforcement.
13 Turning first to the broken immigration enforcement
14 system, I want to emphasize that the de Blasio
15 Administration has always believed that immigration
16 enforcement is the responsibility of the federal
17 government. Together with the City Council and
18 advocates, the city removed ICE's presence from
19 Rikers. We also passed laws sharply limiting
20 cooperation with federal immigration authorities
21 where there are legitimate public safety and national
22 security concerns, and we have continued to push for
23 immigration reform. Relatedly, in July the city
24 filed a lawsuit against the Department of Justice
25 challenging federal efforts to condition Byrne JAG

2 funding, a state and local public safety grant in
3 cooperation with immigration enforcement. Also, in
4 collaboration with the Council we have poured
5 tremendous time and energy into making sure that our
6 city services and programs are accessible to our
7 immigrant communities including through the largest
8 municipal investment in immigration legal services,
9 the creation of IDNYC, the city's municipal ID card,
10 and the expansion of language access requirements.
11 These policies help ensure that New York City is the
12 ultimate city of immigrants, is also the safest big
13 city in America. It is abundantly clear that we need
14 wholesale reform of ICE. The branch of ICE that
15 conducts immigration enforcement in the interior of
16 our country, Enforcement and Removal Operations or
17 ICE ERO, had caused great harm in our communities.
18 In the New York City area, civil immigration
19 enforcement arrests increased by 67% in the eight
20 months after President Trump's inauguration compared
21 to same period in the previous year. An arrest of
22 individuals with no criminal convictions increased by
23 225%. Moreover, ICE ERO has shown that it is simply—
24 it simply does not care about the human consequences
25 of its actions. As just one example, ICE ERO agents

2 have arrested people in and around courthouses across
3 New York City knowing that these arrests make
4 immigrants including witnesses and victims afraid to
5 come to court. Despite complaints from advocates the
6 City Council members and district attorneys, ICE ERO
7 has brazenly continued this practice. ICE ERO
8 practice New York City less safe by instilling fear
9 about engaging with the court system, and by
10 targeting immigrants regardless of public safety
11 considerations. The federal government is
12 undermining the public safety, health and wellbeing
13 of all New Yorkers. Given this context, the only
14 logical conclusion is that we must replace our
15 immigration enforcement system with something more
16 reasons and more humane. We need a fair immigration
17 enforcement system that simultaneously promotes
18 safety and national security, not one that could ever
19 countenance separating children from their families.
20 Any reform of ICE should provide a mandate that
21 includes prioritized enforcement focusing enforcement
22 resources on the advancement of public safety and
23 national security. As one example of how ICE has
24 failed in this regard, ICE is responsible for
25 administering this country's Immigration Detention

2 System, but ICE detains immigrants without any
3 consideration for whether those pose a public safety
4 risk and this includes the detention of families and
5 children, and as I mentioned earlier, the Trump
6 Administration announced just this morning its
7 intention to change the rules to allow for long-term
8 detention of children. This is not what a humane
9 immigration system looks like. Along with
10 prioritization, immigration enforcement should be
11 accompanied by a duty to ensure that all of those who
12 are in need of humanitarian protection or other forms
13 of relief have a fair opportunity to seek out relief.
14 A human immigration enforcement system should be
15 focused on making sure people fleeing violence or
16 with claims of persecution have a chance to make
17 those claims. Another proposal that has been
18 discussed is separating the ICE sub-agency that
19 investigates bona fide public safety and national
20 security threats. ICE and Homeland Security
21 investigation out from the umbrella of ICE itself.
22 ICE and HSI's responsibilities include investigating
23 human trafficking, child exploitation, international
24 crime, military arms proliferation, drug smuggling
25 and many other serious crimes. In a recent letter to

2 the Secretary of Homeland Security, many of HIS's own
3 leaders have called for its separation from ICE,
4 characterizing the move as one that would promote
5 HIS's ability to conduct investigations against
6 trans-national criminal organizations and terrorists.
7 From the city's perspective, this HIS work should
8 continue. They are an important criminal law
9 enforcement functions and also includes support for
10 victims of trafficking and other crimes. I want to
11 take a step back, however, and emphasize that no
12 reform of ICE will be enough to fix the broken
13 immigration system. For decades Congress has been
14 unable to pass comprehensive immigration reform. We
15 must continue to press Congress to fix our
16 immigration laws and to create a system that reflects
17 the need for a path to citizenship for this country's
18 undocumented population. Family reunification
19 protects those fleeing persecution and disaster and
20 promotes public safety and national security.
21 Turning to the second issue presented today I want to
22 briefly testify on Intro 1092. This Administration
23 strongly believes that the city should not support
24 immigration enforcement except with their—a
25 legitimate public safety or national security

2 concerns. For that reason, we worked closely with
3 the Council as noted in creating our detainer laws,
4 which are strict cooperation with federal immigration
5 detainer requests except where an individual
6 represents a public safety threat and a city has
7 received sufficient evidence of probable cause of
8 vulnerability. (sic) We also worked with the Council
9 to pass Local Laws 228, largely prohibiting the use
10 of City resources for the purposes of immigration
11 enforcement. This is in addition to several other
12 laws we worked together to pass restricting non-
13 local law enforcement from accessing non-public areas
14 of city property and creating a framework to protect
15 identifying information. These laws recognize the
16 importance of distinguishing local law enforcement
17 from federal immigration authorities while allowing
18 cooperation where it advances public safety. This is
19 a priority for this Administration. We believe that
20 all New Yorkers are safer when everyone including
21 immigrants feel comfortable interacting with NYPD in
22 accessing city services. We agree with the bill's
23 goals of ensuring that the city does not act in a way
24 that creates confusion about our role in immigration
25 enforcement, and we look forward to working with you

2 to realize that goal while ensuring that the city can
3 continue providing goods and services to agencies
4 engaged in important criminal justice work or
5 counter-terrorism. Base on our review, we have
6 determined that at present there are two city
7 agreements with the Department of Homeland Security
8 that could be affected by the proposed bill. Neither
9 is related to civil immigration enforcement. Recent
10 reporting also mentioned a third agreement, which
11 was—which I will explain is not between the city and
12 DHS. The first active agreement is an MOU with NYPD
13 for the use of its Rodman's Neck Firing Range in the
14 Bronx. This MOU allows ICE HSI to use the firing
15 range for its own certification. As I mentioned
16 earlier, ICE HSI conducts various crucial anti-
17 terrorism, anti-trafficking, criminal justice
18 activities, and is separate from ICE ERO, which is
19 tasked with civil immigration enforcement. NYPD also
20 has similar arrangements with other city, state, and
21 federal law enforcement agencies that use this range.
22 The other contract is between the Department of
23 Health and Mental Hygiene and the Department of
24 Homeland Security. The DOHMH Public Health
25 Laboratory is a host lab for the DHS Office of Health

2 Affairs by a watch program for purposes of monitoring
3 the air for agents likely to be used in bioterrorism
4 attacks. This contract serve extremely important
5 national security interests and again is unrelated to
6 civil immigration enforcements. A recent news
7 article on this topic also discussed the Hudson River
8 Park Trust's rental parking spots to ICE. The Trust
9 is not a city agency, and the city does not control
10 or direct its contracts. We look forward to working
11 with the Council to ensure that the city can continue
12 to work with federal agencies for purposes of
13 combatting terrorism and engaging in criminal justice
14 work. In addition, we will work with you to ensure
15 that the city may continue to contribute to the many
16 interagency taskforces it is a part of that are
17 engaged in crucial criminal justice and national
18 security work. The de Blasio Administration supports
19 wholesale replacement of ICE, and immigration
20 enforcement more broadly. We need a system that
21 promotes public safety and national security and not
22 a system that characterizes all immigrants as
23 threats. Similarly, we will work to continue to work
24 with the Council to ensure that Intro 1092 builds on
25 recent legislation in providing for adequate

2 restrictions on cooperation with civil immigration
3 enforcement while guaranteeing that important
4 counterterrorism and criminal justice work
5 appropriately continues. We look forward to speaking
6 further with the Council about these two important
7 issues, and I'm happy to take any questions. Thank
8 you.

9 CHAIRPERSON MENCHACA: Thank you,
10 Commissioner and your work that you all did to
11 uncover the relationships that we have contractually,
12 revenue contracts, and I just want to do a couple of
13 quick questions in clarifying that there are
14 essentially only two contracts that you found in your
15 exercise. Can you talk a little bit about how
16 extensive that was. Is it possible that there are
17 other contracts? You just need more time, and get
18 us—give us a sense about—about identifying those kind
19 of contracts in real time and the role maybe that
20 MOIA takes pre, post passing of this law to identify
21 future contract decisions in the process. Just get—
22 get—let's get into the mechanics of this.

23 COMMISSIONER MOSTOFI: Sure. So, um, um,
24 in kind of undertaking the research and the effort to
25 see what the city actually held, we worked closely

2 with the Office of Management and Budget, and, um,
3 Contracting to make sure that all of the systems that
4 register their contracts were being searched and—and
5 effectively and effectively and thoroughly searched
6 to ensure that we were catching any possible contract
7 that might exist. They also supported in helping to
8 reach out to individual agencies and ensure that we
9 weren't missing anything because, of course, the
10 contracts are entered into individually by the
11 agencies themselves. So, we—it took some time, but
12 we feel like, um, we have exhausted all of the
13 appropriate measures in—in identifying and
14 unearthing, um, things that exist, um, and as noted,
15 these are the two formal agreements that we in our
16 work—that are in place.

17 CHAIRPERSON MENCHACA: Does the role—is
18 there a role for the MOIA task force through—and
19 connect to Local Laws 186 of 2017 to do some of this
20 work again in a world where—where we are monitoring
21 this, and it becomes some form of--

22 COMMISSIONER MOSTOFI: [interposing]
23 Sure.

24 CHAIRPERSON MENCHACA: --legal mandate to
25 not contract with immigration agencies?

2 COMMISSIONER MOSTOFI: Yeah, I mean I--

3 CHAIRPERSON MENCHACA: [interposing] or
4 enforcement agencies?

5 COMMISSIONER MOSTOFI: Sure. So, I think
6 to answer the second part of your initial question,
7 you know, MOIA we certainly see our role as wanting
8 to, um, ensure that we are both responding to issues
9 that are raised to us that might not already be on
10 our radar, but also effectively being responsive and
11 transparent to what the city is doing, and the impact
12 on our communities. So, that's why we would
13 undertake such an endeavor as we did in this case. I
14 think in terms of sort of what makes sense for
15 continuing the ongoing monitoring our understanding.
16 I think that in the creation of Local Law 228 a
17 framework was actually already created in which
18 should there be a request by immigrant—for
19 immigration enforcement or to advance immigration
20 enforcement to any city agency. MOIA is the
21 designated agency that must be alerted through the
22 reporting in that legislation. I think that was a
23 appropriately chosen, and it certainly has been what—
24 what we think is a very useful exercise with agencies
25 in helping them think through these issues. So, I

2 think that—that is sort of one—one example that
3 potentially might—might be appropriate here.

4 CHAIRPERSON MENCHACA: And then finally,
5 what are the amounts? How big are these contracts?
6 The Firing Range and then the Biowatch?

7 COMMISSIONER MOSTOFI: Yes. So, the NYPD
8 MOU has an essentially broad agreement. It's for a
9 five-year period, and it provides for payment up to
10 \$139,000 in total. It's a very limited contract. It
11 essentially is, as I said, just for use of the range
12 and to ensure that there's a safety officer that's
13 present to make sure that nothing that's being done
14 is unsafe for the—for others who are present, and for
15 the DOHMH agreement, this is a—obviously an extremely
16 important and critical piece of work, and so it is
17 important and essential to DOHMH and to the City of
18 New York that this work happens, and the agreement is
19 such that where feasible at the end of the year DOHMH
20 can—will see some reimbursement from DHS for the use
21 of its lab, but ultimately it's an in-kind for the
22 support of the staff agreement where DHS supports the
23 salary of the staff if they're doing this work. So,
24 last year our understanding is that DOHMH received

2 approximately \$50,000, and in some years it was more
3 or less or no reimbursement at all.

4 CHAIRPERSON MENCHACA: Thank you.
5 Speaker Johnson.

6 SPEAKER COREY JOHNSON: Thank you, Mr.
7 Chair. Thank you Commissioner, of course, for your
8 testimony and for everything that you do. I want to
9 just get a little more granular on the questions
10 related to the contracts with DHS and ICE. I know
11 that Council Member Menchaca, the Chair was just
12 asking these questions, but I want to just dig a
13 little deeper. So, of course, in your testimony you
14 mentioned that HIS, Homeland Security Investigations,
15 which is, as you mentioned in your testimony, a
16 component of ICE. You said it has a contract with
17 the NYPD for Rodman's Neck Firing Range, the use of
18 the Police Department's firing range in the Bronx. I
19 believe it's in Council Member Gjonaj's district.
20 [coughs] Is there a component in this contract that
21 you know of where the NYPD has to share any data on
22 persons arrested in New York City?

23 COMMISSIONER MOSTOFI: No, there is not.

24 SPEAKER COREY JOHNSON: There's not.
25 That's good news.

2 COMMISSIONER MOSTOFI: Yes.

3 SPEAKER COREY JOHNSON: And does MOIA
4 know if other municipalities have similar contracts
5 with HIS to use their Police Department's firing
6 range?

7 COMMISSIONER MOSTOFI: I do know—do not
8 know that specific question. I do know broadly that
9 other municipalities have very different kinds of
10 contracts. I think you just heard in the previous
11 panel, of course, in New Jersey there's some—there
12 are some jails that exist in other cities across the
13 country, but specifically for use of a firing range
14 I'm not sure. What I'll say about Rodman's Neck
15 that's unique is that this is a very large facility.
16 ICE HSI is not the only entity for—with which NYPD
17 contracts for use of this location. Every—every sort
18 of Criminal Justice entity you might think of, the
19 DOJ, IRS, Special Agents, the New York State Police,
20 MTA, CUNY Peace Officers, et cetera. So, this is a
21 location that's used broadly by Criminal Justice
22 officers that work in and around New York City to—to
23 practice, to train, to receive certification, et
24 cetera.

25 SPEAKER COREY JOHNSON: Thank you.

2 COMMISSIONER MOSTOFI: Sure.

3 SPEAKER COREY JOHNSON: What is the
4 process for approval of contracts like these from DHS
5 and HIS that could potentially impact in our
6 communities. What I mean by that is do you know, if
7 individual commissioners sign off or does OMB sign
8 off and then disburse to individual agencies? Is
9 MOIA involved in this process at all for federal
10 reimbursement.

11 COMMISSIONER MOSTOFI: MOIA has not been
12 involved in a process of any contracts that involved
13 DHS, and as I noted previously, often this is
14 individual agencies that are engaging with—with DHS
15 for the—for the—the entering into the agreement. They
16 obviously report this to OMB, which is why we have
17 the broader system and they must issue the agreements
18 and that goes through normal city rules. So, of
19 course, they're in the system and that's why we were
20 able to locate them, and know how best to be
21 responsive, but there's no process that exists
22 currently where entering into an agreement with DHS
23 would be something that—that MOIA would be alerted
24 to.

2 SPEAKER COREY JOHNSON: Thank you very
3 much for being here today, and for answering our
4 questions. Thank you Chair Menchaca.

5 COMMISSIONER MOSTOFI: Thank you.

6 CHAIRPERSON MENCHACA: Thank you.
7 Council Member Holden.

8 COUNCIL MEMBER HOLDEN: Yes. Thanks,
9 Commissioner for your testimony. So the
10 Administration really does not support Intro 1092?
11 Is that what you're saying?

12 COMMISSIONER MOSTOFI: No, that's not
13 what I said at all. I think—as I said, I think that
14 there—the goals of the bill we agree with, which is
15 to further lament—ensure that we're limiting
16 cooperation with civil immigration enforcement, but
17 we believe we will need to do some work together to
18 make sure that it also satisfies goals that we have
19 as a city in ensuring that we have the flexibility to
20 engage in agreements and activities where it advances
21 public safety and national security as we have done
22 in our other legislation.

23 COUNCIL MEMBER HOLDEN: Well, national
24 security would mean training police officers in the
25 firing range and also peace officers like ICE agents.

2 I would want them to be able to shoot straight,
3 wouldn't you?

4 COMMISSIONER MOSTOFI: Absolutely, and I
5 think--

6 COUNCIL MEMBER HOLDEN: [interposing]
7 Yes.

8 COMMISSIONER MOSTOFI: --you know, what
9 we've just--what we have noted and what I noted in my
10 testimony is I--I think we have struck the right
11 balance--

12 COUNCIL MEMBER HOLDEN: [interposing]
13 Right.

14 COMMISSIONER MOSTOFI: --in previous
15 legislation that we've worked on together and feel
16 confident that we can do so here.

17 COUNCIL MEMBER HOLDEN: Okay, you said to
18 abolish ICE and replace it with something more
19 humane, which we don't know what that is yet. So,
20 replacing ICE with an unknown entity, um, that's--
21 that's the Administration's stance, but does ICE do
22 anything well? Do ICE enforcement agents do anything
23 well? Like remove criminals, serious criminals that
24 offer a threat to public safety and--and our security?

2 COMMISSIONER MOSTOFI: Yeah. Thank you
3 for the question. I think the answer to that is
4 absolutely.

5 COUNCIL MEMBER HOLDEN: Yes--

6 COMMISSIONER MOSTOFI: [interposing]
7 Yes.

8 COUNCIL MEMBER HOLDEN: --and I haven't
9 heard that today.

10 COMMISSIONER MOSTOFI: I think I-I did
11 note that simply in-in specifically even articulating
12 the work of-of ICE HSI, which we know is extremely
13 important. They conduct criminal investigations. I
14 noted the city's own agree-agreement for a detainer
15 policy in cooperating with our public security
16 considerations where people have been convicted of
17 violent and serious crime. So, certainly, we would
18 agree that what we're talking about is-is not the
19 complete end to all immigration enforcement, but one
20 that puts central to that the public safety
21 considerations and obviously you could go through the
22 motions of saying, you know, abolish or end
23 separating families, abolish or end overboard
24 enforcement--

2 COUNCIL MEMBER HOLDEN: [interposing] But
3 the, yeah, but the family is one side, but we could-
4 we could throw children in there and make it sound
5 oh, this is a horrible agency, and this a strong
6 army, but they remove people that are by and large
7 mostly other people, and immigrants with past
8 criminal convictions accounted for 74% of all arrests
9 made by ICE agents in Fiscal 2017. So, they are
10 removing people with criminal pasts wanted in their
11 other countries, and certain-and certainly present a
12 threat to New York City residents, which again I
13 think we have to weigh both here and-and I know there
14 are abuses, but correct the abuses, but don't throw
15 the baby out with the bath water. I think, and
16 again, I lived through 9/11 like most people, and my
17 family was affected by it, and the problem with 9/11,
18 one of the causes was the city agencies-city, state
19 and federal agencies weren't communicating. So, we
20 tried to do that with Homeland Security, and, you
21 know, ICE tells-tells us that New York City Police
22 ignored 1,526 requests from Federal Immigration and
23 Customs Enforcement to detain undocumented immigrants
24 for up to 48 hours last year. I don't know if that's
25 helping with the public safety of New York City

2 residents by ding that. So, you know, if you could
3 just respond to that because I think my time is up.

4 COMMISSIONER MOSTOFI: Yeah.

5 CHAIRPERSON MENCHACA: Thank you. Okay.

6 COMMISSIONER MOSTOFI: So, I guess a few—
7 a few things to say. I think we're in agreement in
8 terms of there are clearly parts of the duty that are
9 within the mandate of ICE as it currently exists that
10 we would advocate for continuing. I think how you
11 break that down and what that looks like ultimately,
12 fundamentally is the responsibility of Congress. I
13 think what this conversation allows is to say we have
14 a problem. The way that it currently operates that
15 extends far beyond what might be understood as their
16 mandate is instilling fear in communities is
17 needlessly targeting individuals who have no criminal
18 history, who have no convictions whatsoever. As I
19 noted in my testimony, over a 225% increase in people
20 with absolutely no interaction with the Criminal
21 Justice System last year. That has a tremendous
22 impact on us here in New York City. So, I think
23 there's fundamental agreement that there are certain
24 responsibilities that the agency as it currently
25 exists that holds that ought to continue. I think

2 the question that's being raised here simply is what
3 does that look like? How doe it have increased
4 accountability? How are there measures that are
5 undertaken to make sure that there is adequate
6 reporting and responsibility. I think in terms of
7 the city's role, that's a separate question. The
8 city has made it clear that we do not conduct
9 immigration enforcement. That is not our job and, in
10 fact, we know that that has helped us from a security
11 and safety perspective because it increases people's
12 ability and willingness to come forward and report
13 crimes in our city. It think what we have come to an
14 agreement on is what are the—the limits to that non-
15 cooperation? You noted things like concerns that—
16 that agencies were not speaking to each other after
17 9—before 9/11. That is why we are involved with the
18 Joint Terrorism Task Force. That is why we are part
19 of the joint trafficking task force. That is why
20 these task forces particularly are exempted from
21 restricting cooperation under the—under Local Laws
22 228. So, I do think we are aiming to strike the
23 right balance with the city of ensuring that we're
24 furthering communication where National Security
25 working public safety is central and crucial while

2 asking the right questions about what is going—what
3 is going too far? What's not working with the
4 agencies? What isn't advancing of those public
5 safety interests.

6 CHAIRPERSON MENCHACA: Thank you,
7 Commissioner. Next we have Council Member Yeger.

8 COUNCIL MEMBER YEGER: Thank you, Mr.
9 Chairman, and Madam Commissioner, thank you very much
10 for your work with my office, with my colleagues here
11 for the work you do to help the immigrants in our
12 communities. I just have a real couple of quick
13 questions. The city's contract with—with the NYPD's
14 MOU with—with ICE for the use of the Throggs Neck
15 Firing Range, if tomorrow morning the city said that
16 ICE can't use the Throggs Neck Firing Range any more,
17 would ICE shut down to the best of your knowledge
18 based on your familiarity with the agency?

19 COMMISSIONER MOSTOFI: I just want one
20 point of clarity, which is to say that the MOU is
21 limited. It is only with ICE's HSI Division, which
22 is the Criminal Investigation Division.

23 COUNCIL MEMBER YEGER: [interposing] If
24 the—if it--

2 COMMISSIONER MOSTOFI: [interposing] If
3 it were to end, no ICE would not shut down.

4 COUNCIL MEMBER YEGER: ICE would not shut
5 down. Okay, so, and with regard to DOH's contract to
6 monitor the air, which obviously is not just being
7 done for ICE, but it's also being done for me, and
8 probably for you as well, and everybody on this
9 Council, and it would change many people that we
10 represent. If that MOU were to end tomorrow, would I
11 shut down?

12 COMMISSIONER MOSTOFI: Again, the--
13 obviously, I can't speak for ICE nor to it's
14 operations, but I would base the assessment--

15 COUNCIL MEMBER YEGER: [interposing]
16 Based on your assessment and the familiarity with the
17 agency?

18 COMMISSIONER MOSTOFI: No.

19 COUNCIL MEMBER YEGER: Okay, the statute
20 that is being proposed here in the Council, Intro
21 1092, if this law were enacted, to the best of your
22 knowledge based on your familiarity with the agency,
23 would I shut down?

24

25

2 COMMISSIONER MOSTOFI: To the best of my
3 knowledge and familiarity, no I don't believe it
4 would shut down its operations.

5 COUNCIL MEMBER YEGER: Okay, thank you
6 very much.

7 CHAIRPERSON MENCHACA: Thank you Council
8 Member Yeger, and I want to take a quick moment.
9 There was some information that was presented by
10 Council Member Holden about the sense of criminality,
11 and I just want to read something from our report
12 actually that we produced here, and I encourage all
13 the members of the Council to read it as the—as the
14 hearing continues. The report shows that ICE has
15 detained 65% more immigrants in Fiscal 2018 than the
16 previous year, making the Enforcement and Removal
17 Operations, ERO, who are not part of this MOU, right?
18 This is just HSI. So, essentially ERO is not invited
19 to be part of the use of the contract that we're
20 talking about, but this division roughly is the
21 seventh largest prison system in the country. More
22 specifically, the detentions of immigrants with no
23 criminal records more than doubled in the first year
24 of Trump's Administration from 5,498 in 2016 to
25 13,600 in 2017. So, this idea ICE is focusing on

2 criminals as a talking point is just—is just not
3 correct, and really what—what’s happening is a larger
4 kind of net of people that are being rounded up and
5 accused without any kind of due process that we also
6 discussed in the courts to have any kind of
7 representation. That’s what we’re talking about
8 today, and those are the facts. I want to add—ask
9 Council Member Mathieu Eugene if you have any
10 comments or questions before--? Not yet. Okay, and
11 so to close this out, I want to give Council Member
12 Gjonaj two minutes for questions of a statement.

13 COUNCIL MEMBER GJONAJ: Thank you,
14 Chairman. I don’t have any questions, but I do want
15 to make a statement. Immigration is a sensitive,
16 passionate issue. I am the son of immigrants. First
17 hand I’ve experienced in my own household and
18 community. As the only elected Albanian in the State
19 of New York, it falls on my office and my previous
20 position to meet the needs of many of the Albanian
21 community and the constituents that I represented to
22 help through their immigration problems. I am in
23 full support of reforming that immigration system,
24 but when it comes to the resolution, I appreciate the
25 values that we—that have made this country a beacon

2 of hope the world over, principles such as respect
3 and dignity at the heart of who we are as a nation.
4 As we seek to enforce the country's laws, we must do
5 so in a way that treats everyone with the dignity and
6 respect that deserve. So, I'll support reforming our
7 immigration enforcement system so that it is humane
8 and respectful. I cannot in good conscience vote to
9 abolish ICE where there is no viable proposal on the
10 table to replace it, and do the vital work that is
11 under the agency's mission. So, with a tremendous
12 respect to my colleagues, those that were heard
13 today, and the heartfelt intentions, I cannot support
14 the resolution. In regards to Intro 1092, until we
15 have a plan to reform our immigration informants-
16 enforcement system, where a viable alternative agency
17 or agencies to take over the duties of ICE, I cannot
18 support a vote to deny. [bell] The one thing that we
19 can all agree with that no matter which agencies in
20 charge with enforcement we want those officers to be
21 well trained to uphold the laws, and while doing so,
22 treat people humanely and respectfully. Currently
23 that agency is ICE, and again, while I firmly believe
24 that we must reform our immigration system, I cannot
25 vote to take away our role to help ensure that these

2 agents are trained to hopefully do the best job that
3 they can in carrying out their missions. Thus, I
4 cannot support Intro 1092 in its current form. Thank
5 you.

6 CHAIRPERSON MENCHACA: Thank you, Council
7 Member Gjonaj, and for—for the Administration on NYPD
8 just so we can get it on the record. There—there were
9 conversations about—I know we alluded it—alluded to
10 it in our opening statements about the decline in
11 calls from immigrants regarding domestic violence or
12 petty crimes and really working in cooperation with
13 NYPD as part of the civic fabric of a neighborhood
14 and public safety as we understand it on the ground
15 as neighbors. Has MOIA seen any decrease through its
16 relationship with NYPD in those immigrant communities
17 connecting to our local municipal enforcement
18 officers?

19 COMMISSIONER MOSTOFI: So, thanks for the
20 question. We, you know, MOIA has done some
21 monitoring of the utilization of city services
22 broadly and worked with NYPD in this regard. We have
23 not seen significant changes that speak to
24 immediately concerning decline. I think
25 fundamentally we believe that the reason for that is

2 because of the—what the city has done to combat
3 against that chilling effect. As early as January
4 following the president's inauguration, Commissioner
5 O'Neill himself distributed a letter to all officers
6 affirming that their job is not immigration
7 enforcement but their job is the public safety of all
8 New Yorkers regardless of their status. That
9 directive is understood and heard by all officers.
10 We've worked closely to make sure that communities
11 through Know Your Rights programming, know that they
12 have the right to interact with NYPD and with City
13 services in—certainly in reporting crimes and not
14 having their immigration status asked for. It has
15 been a continued part and fabric of what we've tried
16 to do as an administration, and ensuring that
17 communities know that they can come to us. I would
18 say that certainly in my own work and in the team's
19 work in communities we have anecdotally heard of
20 increased fears and concerns that have led to us
21 taking a closer eye on—on making sure we're working
22 with agencies including NYPD to see if there are
23 dramatic shifts that we need to be responsive and we
24 will continue to commit to doing that work.

2 CHAIRPERSON MENCHACA: Thank you and it
3 would be great to continue to monitor that as we
4 bring this conversation forward and continue to build
5 for the reform that we need and immigration system,
6 and the eventual abolishing of ICE. Thank you so
7 much, Commissioner, and I hope your team can stay.
8 We have a special guest and the technical pieces are-
9 are-are going to come, and they'll let me know when
10 they're ready. But we've invited academics to talk
11 us about what they think, and the research that
12 they're seeing on the ground, that's not just agency
13 related information about stats on the ground with
14 NYPD or contracts, but really an academic view about
15 the impact of ICE to inform us as the Council as we
16 think about this because this is an emotional thing
17 for so many of us, but the facts are important as we
18 try to understand that impact that an agency that
19 we're calling out right now has in our neighborhood.
20 And as we get him on the line, I want to read the
21 Make the Road member who we're going to call by the
22 name of Sandy and read her testimony, and she's give
23 us permission and consent to share her story. My
24 name is Sandy and I am a Make the Road member whose
25 life drastically changed when my partner Gus was

2 detained by ICE agents one April morning. On April
3 10th at around 5:40 a.m. Gus was on his way out when
4 agents appeared in unmarked cars and detained him.
5 The agents were-wore ski masks and did not identify
6 themselves as ICE, but rather as police. I received
7 a call from the police via my husband's cell phone
8 telling me to come downstairs and collect my
9 husband's belongings, and when I arrived downstairs,
10 I witnessed my husband's arrest and was horrified at
11 what was happening, and as I had our two daughters-
12 daughters soundly asleep upstairs, Gus was detained,
13 and I did not hear from him until 11:00 a.m. when I
14 was told he would be transferred to New Mexico. My
15 story is reflective of the many issues with the rogue
16 enforcement agencies such as ICE, families like mine
17 continued to be terrorized and harassed by agencies
18 who use excessive force, fear tactics and continue to
19 kidnap individuals without giving their families
20 knowledge of their whereabouts. Make the Road New
21 York has worked with me to amplify my story and to
22 reunite me with my partner. Not every family gets
23 this kind of support, and I hope my story can
24 highlight some of the horrors that community members
25 continue to endure at the hands of ICE. And so, we

2 have invited Professor Wong from California. Do we
3 have you online, Professor Wong?

4 PROFESSOR WONG: Yes, I'm here.

5 CHAIRPERSON MENCHACA: Thank you. Can
6 you introduce yourself, you and your work and then
7 deliver to us your—your testimony. We'll have—we
8 have members of the City Council here that may want
9 to ask you questions as well. Thank you so much for
10 joining us today.

11 PROFESSOR WONG: Thanks for having me.
12 Thank you, Chair Menchaca and other members of the
13 Committee on Immigration for the opportunity to speak
14 at this important hearing today. I'm an Associate
15 Professor of Political Science at UC San Diego where
16 I specialize in the study of immigration politics and
17 policy. I have conducted several research projects
18 over the past couple of years that I think might be
19 informative for the discussion today. So, last year
20 I conducted a nationwide analysis of the relationship
21 between time and policies that limit local law
22 enforcement entanglement with federal immigration
23 enforcement efforts. I don't like the dataset from
24 ICE, which was obtained from Freedom of Information
25 Act request. So these data showed that the crime

2 rates were statistically significant and they lower
3 (sic) in counties that ICE itself flagged as saying
4 no to a detainer request or notification request to
5 comparable counties that cooperated with ICE. In
6 other words, crime was lower in sanctuary localities
7 compared to comparable non-sanctuary localities.
8 More recently, I've conducted a series of several
9 experiments with undocumented immigrants in San Diego
10 County to better understand how interior immigration
11 enforcement affects the behaviors and attitudes of
12 undocumented immigrants. This is the largest survey
13 project of undocumented immigrants that I'm aware of
14 that uses the gold standard of probability based
15 sampling. So here are some of the results. When
16 individuals are randomly assigned to a scenario where
17 local law enforcement is working together with ICE,
18 they are 60.8% less likely to report crimes that they
19 witnessed to the police. They are 42.9% less likely
20 to report crimes that they are victims or to the
21 police. They are 69.9% less likely to use public
22 services, for example, go to City Hall that requires
23 them to give them their personal contact information.
24 They're 63.9% less likely to do business. For
25 example, open a bank account or get a loan that

2 requires them to give their personal contact
3 information. 68.3% less likely to participate in
4 public events where police may be present, 42.9% of
5 those with children are less likely to place their
6 children in an after school or day care program, and
7 52.1% are less likely to look for a new job. So
8 because respondents are randomly assigned to
9 scenarios where local law enforcement is working
10 together with ICE and is not working together with
11 ICE these effects can be considered the causal
12 effects of local cooperation with ICE. Moreover, the
13 data further showed that one of the main mechanisms
14 that explains the chilling effects of interior
15 immigration enforcement has decreased trust in public
16 institutions. So in another survey experiment
17 similarly randomly assigning individual respondents
18 to a scenario where local law enforcement is working
19 together with ICE we see that 26.6% of undocumented
20 immigrants are less likely to trust a great deal or a
21 lot, and that local law enforcement will keep them
22 and their families safe. 22.9% are less likely to
23 trust that local law enforcement will keep their
24 community safe. 25.4% are less likely to trust that
25 local law enforcement will protect the rights of all

2 people including undocumented immigrants equally.
3 28.3% are less likely to trust that local law
4 enforcement will protect the confidentiality of
5 witnesses to crime even if they're undocumented, and
6 24.6% are less likely to trust that local law
7 enforcement will protected undocumented immigrants
8 from abuse or discrimination. So this research adds
9 to a growing body of evidence that makes clear that
10 interior immigration enforcement has wide ranging
11 implications that not only affect undocumented
12 immigrants but in many cases also the citizen
13 children. So, I'll pause here and I thank you for
14 your time, and look forward to your questions.

15 CHAIRPERSON MENCHACA: Thank you,
16 Professor Wong from your—for your review in this
17 study and I just want to clarify or just to confirm
18 the-the folks that you surveyed are—are undocumented
19 members of communities across the country. Was there
20 a specific kind of urban versus suburban kind of
21 capture of—of information? Tell us a little bit
22 about—about the—like who—who—who are these
23 undocumented members of the survey?

24 PROFESSOR WONG: Yeah, thank you for that
25 question. So, as we know, there is no phone book of

2 undocumented immigrants, which makes traditional
3 surveying of undocumented immigrants very difficult
4 to do, but what I've been able to do is partner with
5 the Mexican Consulate in San Diego to create what we
6 call a sample from—so in other words a list of phone
7 numbers from which to randomly sample from. So the
8 individual respondents that I am assigned to in the
9 survey are respondents that we were able to speak to
10 from this list given to like the viable Mexican
11 Consulate in San Diego. So, the first analysis that
12 I referred to is a nationwide study of the
13 relationship between fine (sic) and sanctuary
14 localities, but the additional studies regarding
15 individual level behavior regards individuals as a
16 trust. Those results are among the work down here in
17 San Diego, and to my knowledge there is no similar
18 study to compare it to, and this type of work hasn't
19 been done on this scale before.

20 CHAIRPERSON MENCHACA: We're having the
21 discussion today about abolishing ICE as—as an agency
22 and I think that there's—there's some concern that
23 was, you know, presented today from some of the
24 members of the Council and really kind of pointing to
25 this relationship between—between the mission of ICE

2 as an enforcement agency who's, you know, removing
3 criminals, and fighting crime, and your statistics
4 really kind of give us a different—a different
5 perspective about how to understand crime in
6 neighborhoods where immigrants live. Can you tell us
7 a little bit about—about how—how in—in kind of an
8 over—overview of immigrants who are reporting crime,
9 immigrants who are connecting to public services
10 where in—in—in counties that are not cooperating with
11 ICE how—how public—public safety is defined in your
12 study?

13 PROFESSOR WONG: Yes, to walk through
14 the—the data. So, one of the questions that
15 researchers have been asking for several years now is
16 whether or not policies that limit local cooperation
17 with federal immigration law enforcement officials
18 help or harm various public safety metrics like crime
19 rates, and so the first study that I referenced is
20 analyzing ICE's own data in showing that crime is
21 lower in sanctuary counties. Now, the finding that
22 crime is lower is not an explanation. So, we now
23 need to essentially ask ourselves why is crime lower
24 in these jurisdictions and this is where the
25 individual level data come in because for almost a

2 decade now we've been hearing from law enforcement
3 executives like the International Association of
4 Chiefs of Police. That in order for them to do the
5 work of community policing and to keep their
6 community safe, they need the trust and the
7 cooperation of immigrant communities, and to the
8 extent that local law enforcement is working together
9 with ICE, that erodes the trust, and so what we see
10 from my data at the individuals level is that when we
11 give these scenarios where local law enforcement is
12 working together with ICE or is not working with ICE,
13 we actually find data to support what law enforcement
14 executives have been saying that when there's
15 entanglement with federal immigration enforcement,
16 there is less trust. So, that's what we see in terms
17 of 26.6% less trusting that local law enforcement
18 will keep their--them and their families safe, for
19 example, and that 25.4% are less trusting that local
20 law enforcement will protect the rights of
21 undocumented immigrants. Now that decreased trust
22 then parlays into the overall more dramatic finding
23 that 60.8% would be less likely to report crimes they
24 witnessed to police and 42.9% even would be less
25 likely to report crimes that they were victims of--

2 victims of to the police. And so, the way that the-
3 the survey responses are set up, we can also say that
4 the inverse is true. So, right now I've been saying
5 what happens in this scenario when local law
6 enforcement is working together with ICE, but we
7 randomly assign individuals to that second scenario
8 where local law enforcement is not working together
9 with ICE, and so we can say with confidence that not
10 only is—is there evidence to support the chilling
11 effects that interior immigration enforcement has a
12 wide range of behaviors, day-to-day behaviors of
13 undocumented immigrants. We can also say that the
14 absence of that cooperation with ICE increases
15 people's willingness to report crimes and work with
16 the police increase the likelihood of doing business,
17 again opening a bank account or getting a loan even
18 if it requires them to disclose their personal
19 contact information, more likely to participate in
20 public events where police may be present, and more
21 trusting that law enforcement will keep them and
22 their communities safe and protect their rights.

23 CHAIRPERSON MENCHACA: Thank you for
24 that. I think—I think so much of—of how we started
25 the hearing really talked—talked about our

2 experiences at the district office level in our
3 Council—in our Council offices in our districts, and
4 how some of that fear comes in stories from people
5 who are experiencing this, and already at that point
6 if they're in our community district offices, they
7 have surpassed that burden of fear, and we are in a
8 city, as the Commissioner just mentioned before you
9 got on, the City of New York is incredibly committed
10 to—to making that gesture, codifying that into law,
11 and then recommitting in letters and memos internally
12 so that the Police Department and the officers
13 themselves know that the Commissioner at the highest
14 level is maintaining that non-cooperation with ICE,
15 and federal enforcement. How—how do you see that in
16 your study defined as non-cooperation? Is it—it is
17 all laws or is it really gestures that—that—that show
18 community members that their—that their local
19 municipality is not cooperating? How do you measure
20 that? Is it...it is all laws? Can it be other things
21 like just rhetoric and speeches? What's—what's—
22 what's the definition of non-cooperation?

23 PROFESSOR WONG: Yeah, that's a great
24 question. So, when we think about writing survey
25 questioning, we try to avoid technical language to

2 the extent possible. So, in the survey experiments
3 that I just described, this is broadly a scenario
4 where local law enforcement is working together with
5 ICE versus where local law enforcement is not working
6 together with ICE. Now, the generality there is-is-
7 is purposeful for the, um, for the objectives of the
8 research. Now, we know that not working together
9 with ICE versus working together with ICE the devil
10 is in the details. So, the data don't speak
11 specifically to what specific policies should be
12 enacted in order to sort of increase trust or
13 increase civic participation. But, what I will say
14 is that when it comes to the city of New York making
15 explicit gestures to undocumented immigrants in the
16 city, we know from these data that 70% so that's
17 59.9% are less likely to engage public institutions,
18 for example City Hall if they are required to give
19 their personal contact information in that scenario
20 where local law enforcement is working together with
21 ICE. Now, anything that the city of New York does
22 again and, you know, specifically a matter of policy,
23 is going to speak to this finding in particular
24 because what this means is that the city is going to
25 be communicating to undocumented immigrants that yes

2 they can come to the city that they can trust the
3 city's institutions to get information or help if
4 they need it. And whether it's a 70% effect or-or-or
5 what the true effect is, I can't speak to, but the
6 general scenario of local law enforcement working
7 together with ICE versus not working together with
8 ICE even in that general scenario we're getting these
9 significantly large treatment effects, and so if you
10 sort of think about what undocumented immigrants are-
11 are worried about in particular, which is, you know,
12 for example being apprehended at a courtroom, or
13 filling out a public form and having that sent to ICE
14 leading to a-an enforcement action. Then those types
15 of things are going to be what comprises this for
16 example 70% effect in terms of the use of public
17 services. So, even though I can't say specifically
18 what policies lead to these effects, we know that
19 anything that distances the city of New York from the
20 veneer of working together with ICE is going to drive
21 some of these results.

22 CHAIRPERSON MENCHACA: Thank you,
23 Professor Wong, and-and I think, you know, moving
24 away from the questions about the data, we're open to
25 hearing anything you'd like to say about envisioning

2 this humane immigration enforcement agency as someone
3 who studies the relationship between NYPD or of local
4 police force and ICE and how this kind of fits into
5 the larger conversation about abolishing ICE. I
6 don't know in your capacity you want to comment on
7 that, but I wanted to give you the opportunity to do
8 that if you would like to.

9 PROFESSOR WONG: Yeah, I-and-and maybe
10 this territory has already been tread that we're
11 hearing something about. I think in the ongoing
12 research that I'm doing with undocumented immigrants,
13 it's clear that undocumented immigrants who want safe
14 communities safe communities, they want to engage-be
15 engaged in their communities and with their neighbors
16 and with the public institutions that surround them.
17 There aren't undocumented immigrants that we've come
18 across in our-our-our surveys that say yes we want
19 for example murderers to live in our communities.
20 And so, what-what that speaks to me is one part of
21 the debate that seems to be missing, which is if
22 there are immigration enforcement efforts that, for
23 example, are focusing on-and the catch phrase back
24 during the Obama years was felons not families, then
25 ICE would actually end law enforcement efforts more

2 generally targeted at for example those felons not
3 families, but actually receive more support from
4 undocumented communities than--than--than not. And so
5 when we think about re-envisioning from Abolish ICE
6 or sort of, you know, re-imagining what immigration
7 enforcement looks like in the United States, it's not
8 an either/or in terms of getting cooperation among
9 undocumented communities. It's finding the right
10 balance where hard working undocumented immigrants
11 without criminal records can live their lives while
12 not sort of being in fear that living their lives
13 would lead to detention and deportation. In those
14 scenarios if we have smart immigration enforcement,
15 that is able to distinguish between individuals with
16 no criminal records who are just going about their
17 lives, versus others, then I think we would actually
18 get more cooperation and participation among
19 undocumented communities themselves for the simple
20 reason that nobody wants their families to grow up in
21 communities that are not safe, and undocumented
22 immigrants have a role in keeping our communities
23 safe, but they can't fulfill that role or fully
24 realize that role if in doing so, that risks their
25 ability to live in the country. So, smart

2 enforcement is not an either/or when it comes to
3 enlisting the support of undocumented communities.

4 CHAIRPERSON MENCHACA: Thank you,
5 Professor Wong for joining us from California in San
6 Diego. I—I don't know what the weather is out there,
7 but it's—it's a scorcher here, and thank you so much
8 for bringing so much—so much not only data but the
9 kind of academic—the kind of academic responsibility
10 and duty in this conversation to share with us here
11 at this institution, the largest Council in the
12 country, the first of its kind hearing that will
13 hopefully have ripples across the country. Thank you
14 so much for the work that you do, and for the
15 research that you are connected to. We're looking
16 forward to working with you on—on this—on this
17 question and other questions on immigration in the
18 future.

19 PROFESSOR WONG: Thank you all for your
20 leadership and the weather is always great in San
21 Diego, is what I can say to you. (sic)

22 CHAIRPERSON MENCHACA: I love San Diego,
23 California. Thank you.

24 PROFESSOR WONG: Thank you.

25 CHAIRPERSON MENCHACA: Thank you so much.

2 PROFESSOR WONG: My pleasure. Thank you.
3 Bye.

4 CHAIRPERSON MENCHACA: Now, we are
5 transitioning to our next panel and we have Lindsay
6 Nash from the Immigration Justice Clinic who will
7 join us over here, please. [pause] And then as you
8 get settled down, settled in, I should say, we have
9 five, four other and final panel: Jake, Rob, Khalil
10 and Fabiola, and you're all still here, right? Okay,
11 most of you I think are still here. Great. Thank
12 you so much, and you'll be in the next panel, and
13 next and final panel and you do—if I didn't not call
14 your name, and want to testify, please get a witness
15 slip so we can get you onto the next panel as well.
16 Please. Thank you. Make sure that the red button—
17 the light is red.

18 LINDSAY NASH: So, you know, for the vast
19 majority of people in America today, I think the
20 concept of the immigration enforcement system seems
21 synonymous with ICE, and with ICE's really brutal
22 tactics, but this hasn't—this doesn't have to be what
23 our immigration system looks like. For a lot of our
24 history, in fact, it wasn't. These tactics and the
25 sort of—the mechanisms that it uses to arrest people

2 in our communities are relatively recent phenomenon.
3 So, ICE is born out of a wave—a wave of national
4 security, hysteria, fear, and really a lot of
5 xenophobia at the time, but before that, the
6 immigration system was set up a little bit
7 differently. It wasn't always perfect. It wasn't
8 always humane, but it did have some different goals
9 and values. Immigrant services like naturalization
10 and humanitarian programs were housed in the same
11 agency subcomponent of enforcement, and so this meant
12 that the agency self-identified as having a number of
13 different missions, many of which related to actually
14 serving immigrant communities. This changed in the
15 wake of 9/11 when a fear of terrorism began to really
16 grip our country in a new way, and so border security
17 and immigration became increasingly—became
18 increasingly associated with national security, and
19 these concerns led to the creation of ICE in 2003.
20 So, in creating ICE, Congress isolated the harshest
21 functions in our immigration system, that is
22 apprehension, enforcement, detention, and
23 deportation, and allowed that agenda to define ICE as
24 a whole. ICE has since grown into a massive police
25 force with its sister ENSCBP. It's the largest police

2 force in the nation, and over the past decade in
3 particular ICE has expanded its reach by inserting
4 itself into state and local systems using state and
5 local resources to try to enforce within communities.
6 Where our communities have resisted, ICE has hit back
7 ripping immigrant families out of their homes in home
8 raids, staking them out at courthouses and ambushing
9 them at interviews. To put it succinctly, the
10 experiment that ICE was has failed. We have an
11 agency that's purely focused on enforcement with far
12 too much money and far too much power, and far too
13 little oversight, and for our communities the result
14 really has been disastrous. So, we need to return to
15 an immigration system that uses mission holistically
16 when, one that sees protection of asylum seekers and
17 the inclusion of immigrants as part of its role.
18 Only once that you have an agency that recognizes the
19 importance of those things and our humanitarian
20 obligations on a global scale can we start to think
21 about what fair and just enforcement might look like.
22 So, given that history and where we are now, I really
23 applaud the City Council for moving forward to think
24 about what a humane immigration system might look
25 like.

2 CHAIRPERSON MENCHACA: Thank you, and of
3 the—one of the things that you kind of—you kind of
4 present here in a kind of historical understanding
5 about the holistic approach to an agency that is not
6 siloed into enforcement only and, therefore, you
7 trained to do enforcement without the other
8 components of immigration like the benefits is that
9 you lose that. So, just tell us a little bit more
10 about it because part of this hearing is to kind of
11 take all the data including the fears, and I think
12 some, even some members are—are kind of connecting to
13 the sense of fear that—that—that if we don't have a
14 mechanism that's going to take care of the bad guys
15 that what—what—what is—what is that? What—why is
16 that helpful? How is that helpful, and when we—when
17 we can—all we have to do is kind of go back to a time
18 when—when I think you were referring to INS.

19 LINDSAY NASH: Uh-hm.

20 CHAIRPERSON MENCHACA: The same people
21 kind of did everything, and so tell us a little bit
22 about any data that you might be pointing to that
23 kind of shows how enforcement in that time looked as
24 opposed now as this experiment that we're called
25 failed, continues

2 LINDSAY NASH: Well, I think one of the
3 things we can say is that we're seeing, you know,
4 that some people are concerned about the need to be
5 able to continue to have enforcement against people
6 who they think maybe should be deported, but I think
7 part of the problem with that is right now we're
8 deporting many, many people who don't even fit within
9 that description, within what I think those people
10 would consider to be bad guys or the people who
11 should be deported, and I--so I think one way in
12 which or one check against that in the past was
13 different types of prosecutorial discretion that the
14 agency had for example that it used to not deport the
15 kind of people with--that I think even people who
16 think there should be enforcement would want to
17 deport. There was--that's not to say that there wasn't
18 enforcement done, but there was an actual in many
19 instances so that they could actually look at--at a
20 person's history or what a person was contributing
21 and make different enforcement decisions. Right now
22 it's a much harder line bridged approach, and dos the
23 kind of enforcement that we're seeing doesn't
24 necessarily align with the concerns of people who

2 think what we really need is to be able to deport
3 certain categories of people.

4 CHAIRPERSON MENCHACA: And without ICE,
5 do you believe that there would be enforcement? I
6 mean literally tomorrow if ICE just kind of
7 disappeared as a city agency, would the system itself
8 as a federal kind of public safety system, maybe it's
9 Homeland Security. If that doesn't change would be
10 able to kind of address those--those kind of--the need
11 for criminal enforcement already, or the criminal
12 enforcement that is in need?

13 LINDSAY NASH: I mean I think--I do think
14 that there would be a way to do criminal enforcement.
15 I mean ICE--ICE does a large amount of civil
16 enforcement, and so, I think criminal enforcement
17 would still be able to be done by the agencies that
18 do that through the criminal enforcement systems
19 through criminal courts. I mean we have them set up
20 to function and to sort of decide if somebody has
21 committed a crime, and to deal with an appropriate
22 punishment, and increasingly we've tied immigration
23 consequences to criminal convictions, and so the
24 criminal--the immigration consequences impose an

2 additional penalty. But that's not what's necessary
3 for the criminal justice system to function.

4 CHAIRPERSON MENCHACA: Got it and—and
5 maybe the last—the last question here is—is really
6 connecting the concept of enforcement and
7 understanding that more in a world where we have no
8 more ICE that it—we—we can't have fuller—the fuller
9 question includes the—the immigration system reform
10 that we've been ask for, for a long time and, and
11 access some pathways for citizenship for productive
12 members of our community that—that could be afforded
13 benefits that are no longer benefits because of the
14 lack of reform that we can't just done in Congress.
15 And so, maybe just one--maybe ask you to kind of make
16 that connection if that—if there is one between the
17 enforcement and then the general immigration system
18 itself offering benefits and pathways to citizenship
19 and benefits in general.

20 LINDSAY NASH: Yeah, I mean I think what
21 we've seen over the years time and again is where the
22 agency does something that offers benefits in some
23 way. One of the tradeoffs is to ramp up enforcement
24 against certain categories of people. You saw that
25 even under Obama, and so while, you know, there is a

2 ratcheting effect where if they just keep increasing
3 the enforcement and increasing benefits a little bit
4 and taking them away, what's going to happen is that
5 the enforcement is just going to go up and up and up,
6 but I think that politically, there probably does
7 have to be some give with respect to enforcement if
8 you want to move forward with immigration reform that
9 benefits communities. But I think something that's
10 really key there then is to have the affected
11 communities be involved in figuring out what—what
12 that deal would look like, and what tradeoffs and
13 enforcement would be acceptable to them in order to
14 get the benefits and I think that there's a lot of
15 different views within communities about whether—
16 whether we should agree to increase the enforcement
17 in order to get benefits.

18 CHAIRPERSON MENCHACA: Well, if there's
19 any more data or thinking Cardozo Law or anywhere
20 else that you think might be helpful for us. We're
21 going to be—we're—we're going to keep this open in
22 discussion as we—as we analyze data and information,
23 ideas or reform—reform for the immigration system as
24 we think about abolishing ICE on the enforcement
25 side, but thank you so much for being here today.

2 LINDSAY NASH: Thank you. Thank you for
3 thinking this through.

4 CHAIRPERSON MENCHACA: Thank you. We're
5 going to call our final panel: Fabiola Mendetta
6 (sp?) You can come to the—to the deas, and then
7 Khalil Cumberbatch please from the Fortune Society,
8 Rob Solano if you're in the room, from Churches
9 United for Fair Housing, Jay Rouse as well. Is there
10 anybody else that I haven't called that wants to
11 testify today? Okay. Thank you. [pause] And if you
12 can please.

13 FABIOLA MANDETTA: Good afternoon to
14 everyone. I just want to thank you for letting me
15 speak today. I'm here today because I'm an immigrant
16 myself. I came to this country 17 years ago and my
17 hometown unfortunately when you're a woman, and when
18 you try to claim your right to speak, and especially
19 when you come from an indigenous mother, it's very
20 difficult especially when you—they know that you're
21 very smart, and you want to spread the word that
22 every woman rights the government come after you. So,
23 I came to the States when I was 17 years old. What I
24 want to say today is abolish ICE for us is very
25 important because we'll see this within the

2 community. I don't know if you remember earlier this
3 year and to be exactly, April 11th, there was a huge
4 riot. I received a phone call from one of the
5 members in the community, and her wife was—I want to—
6 I want to say one of the oldest words, the words what
7 she's saying. I was sleeping and wake up—and wake up
8 because someone is banging on the door very hard.
9 So, I went to my parents' bedroom to tell them. My
10 dad opened the front door a little bit, and they say
11 that they were looking for a woman and showed us a
12 picture. It was of that woman, it was of my mother.
13 The terrorists (sic) arrive at the family's apartment
14 in Bushwick at 6:40 a.m. while everyone was still
15 sleeping. They first say they were police. Then they
16 say they were detectives. Once they were inside,
17 they say that they were ICE, and they were looking
18 for my mom. What I seen what happened on April 11th,
19 I cry every single day. I suffer from panic attacks.
20 My mom is out of detention now, but she's in high
21 risk. I'm—I'm thinking if any—any come, does she to
22 the Police Department, something happen to us. They
23 will call ICE on her. I'm afraid that she's going to
24 go to one of the appointments and they are going to
25 tell her that she has to go back home. It's just one

2 of them in the community, but there is many, many
3 more. We also have another—another woman. Her name
4 is Elvia. She have two kids, and the kids help with
5 the house. Their father have been trapped by the
6 ICE. It was the same day at the same time on April 11
7 at 6:40 a.m. ICE is—when our community heard the word
8 ICE, they're very panicky. They've been traumatized,
9 and it's also been blocking the—the friendship that
10 we try to have with the Police Department with NYPD,
11 and I'm sure a lot of—a lot of you know about the
12 little girl that was killed in Bushwick on June 24th
13 an the mom was intimidated by one of the police
14 officers. So, today, I'm here to tell their stories,
15 but like I said, it's only a few of them, but it's
16 many more in the community, in our broken community
17 and there are moms, the women the indigenous women,
18 too, and thank you for letting me—letting me be here
19 today.

20 CHAIRPERSON MENCHACA: Thank you for your
21 testimony, for your own story, and the stories that
22 you brought here today. Every story deserves to be
23 lifted up, and be heard, and that's what affords us
24 that opportunity in this space to have your time and
25 moment to talk to us. As the policy makers of the

2 city, we not only make laws, we adopt the budget to
3 support the needs of our community, and every New
4 Yorker's need needs to be heard and understood, and
5 we have a duty to respond. So thank you so much for
6 being here today.

7 FABIOLA MANDETTA: Thank you.

8 CHAIRPERSON MENCHACA: Khalil.

9 KHALIL CUMBERBATCH: [off mic] Thank you.
10 Test, test. (on mic) Thank you, Chair and committee
11 members for having this hearing and this testimony
12 and taking this position on an issue that ravishing
13 our communities. As mentioned, my name is Khalil
14 Cumberbatch. I am the Associate Vice President of
15 Policy at a re-entry organization here in New York
16 City called the Fortune Society. I did have a formal
17 written testimony to read today, but after sitting in
18 the audience for quite some time I felt compelled to
19 just really tell my story. I have a very unique and-
20 story to tell about my experience in terms of
21 immigration detention, in terms of ICE and the
22 outcomes of my story are very exceptional I must
23 admit, but that's not because I myself am somehow
24 exceptional. I am quite honestly the product of many
25 exceptional opportunities. So, I am formerly

2 incarcerated. I served 6-1/2 years in the New York
3 State Prison System for a robbery in the first
4 degree, which is considered to be a violent felony
5 offense, and I say that not to in any way gloat about
6 the fact that I once held a gun to someone and took
7 their property. I share that because there has been
8 conversation today about people who have been
9 convicted of violent offenses, and it has been hinted
10 that somehow those people are not worthy in some
11 respects of opportunities, and I have to say that I
12 wholeheartedly disagree. I wouldn't be sitting here
13 if it literally wasn't for the fact that people
14 continuously looked over the fact that I myself was
15 once convicted of a violent felony offense and
16 extended opportunities to me. After leaving prison
17 in February—on February 26 of 2010, I began my re-
18 entry pretty much as most people would when they
19 leave prison with the goal of (1) not going back, and
20 (2) contributing to society in a way that was
21 positive. I did that for four years. I worked
22 almost from the time I left prison in the field of
23 social services working with people who were HIV and
24 AIDS positive, and then helping people get enrolled
25 into college who were formerly incarcerated. I had

2 successfully completed parole, and was raising a
3 family, was contributing to society in ways that I
4 had only dreamed of when sitting in a maximum
5 security prison. On May 8, 2014 when I was one week
6 away from completing a masters degree, Immigration
7 Customs Enforcement came to my home to arrest and
8 detain me. They came very much as my colleague here
9 mentioned before me under different—they came with
10 the intention of misleading me. They rang the
11 doorbell at 7:00 in the morning while I was getting
12 my daughters ready for school. My wife and I were
13 getting ready for our day. They, too, told me that
14 they were looking for someone else. They, too, told
15 me that they were New York City Police detectives,
16 and for someone who has had involvement in the
17 Criminal Justice system, police standing at your door
18 is not a welcoming sight at 7:00 in the morning, and
19 so you comply. I let them into our home, and it was
20 in our living room that they told my wife and I real
21 reason that they were there, who they really were,
22 and they continued to put me in handcuffs in front of
23 my children, in front of my wife, in front of my
24 neighbors and brought me outside, and put me in one
25 of four unmarked vehicles, and whisked me away to 26

2 Federal Plaza where by the end of the day I was in a
3 holding cell in Kearny (sic), New Jersey, and ended
4 up being in immigration detention for 5-1/2 months
5 with sole purpose of deporting me back to my birth
6 country of Guyana. It was only through a huge
7 advocacy effort on my behalf that I was able to win
8 my release from—from immigration detention based
9 almost exclusively on all of the things that I had
10 been able to do over the last four years including
11 being one week away from completing a master's
12 degree. I say that because (1) my story is not of
13 someone who is undocumented. I think that we have
14 had a larger conversation about undocumented
15 communities and the vulnerabilities that they face,
16 and we need to have those conversations, but ICE is
17 also impacting folks who are here documented, and
18 people who have been convicted of violent felony
19 offenses. But undocumented or not, the fact that
20 someone has been exposed to the Criminal Justice
21 System while they may have once been deemed a
22 criminal, doesn't mean that a person have—has to
23 remain a criminal. I myself had made flawed
24 decisions in the past that has caused harm to
25 people, and I have taken many steps to try to right

2 those wrongs, but again, I would not be sitting here
3 had it not been for continued access to exceptional
4 opportunities. So I sit here today really sharing my
5 story to (1) humanize the issue that we're talking
6 about, the impact that ICE has on communities both
7 documented and not. How ICE can mislead you to
8 believe that they are an entity that is really
9 protecting the streets of-of major metropolitan
10 cities, but the really is that they're not. They're
11 causing trauma, they're causing harm, trauma and harm
12 that unfortunately will more than likely be
13 generational, and one way to potentially address that
14 is to address the many wrongs that ICE is inflicting
15 on many communities, but particularly communities of
16 color, and unfortunately in communities that are
17 undocumented. So, thank you for this opportunity and
18 I will submit my formal written testimony before I
19 leave, but really felt compelled to change course
20 because I do want to humanize the issue for us today
21 by putting a face to what it is that we're really
22 talking about. Thank you.

23 CHAIRPERSON MENCHACA: Thank you for
24 your-for your testimony, your story, your courage,
25 your undying continued sense of public service as

2 well. I know your work, and you continue—continue to
3 do so much more to help your fellow New Yorker and
4 beyond. So, thank you for that, and we look forward
5 to working with you in the future.

6 JAY CROSS: Thank you, Chair Menchaca,
7 and the other members of the committee for inviting
8 me to speak today. My name is Jay Cross. I am a
9 practicing immigration attorney working primarily in
10 the areas of deportation offense, family based
11 immigration and humanitarian relief. In my personal
12 capacity I've also been involved in immigration
13 related policy development and legislative advocacy
14 on the Hill in both my day-to-day professional life
15 and personal advocacy efforts. I've had the
16 opportunity to bear witness to the practices and
17 policies of the United States Immigration and Customs
18 Enforcement, and consequently have come to the
19 unavoidable, unmistakable conclusion: ICE is broken
20 as a federal agency, as a law enforcement body, as
21 tangible real world standard bearer for American
22 immigration law and policy, ICE has proven to be
23 supremely and likely irreparably flawed. Since the
24 new Administration took over slightly more than a
25 year a half ago, ICE has repeatedly and increasingly

2 given into its worst impulses and unapologetically
3 shoved aside the better angels of bureaucratic
4 prudence and good sense. In doing so, it has left a
5 dark indelible mark on the immigrant communities
6 within which it operates in a country claiming to
7 protect. At present, ICE is the tip of the spear of
8 the Trump Administration's growing war on non-
9 citizens, documented and undocumented alike. The
10 sound enforcement priorities implemented under
11 President Obama were senselessly scraps within weeks
12 of inauguration day, and were replaced—replaced with
13 priorities so broad and open-ended that they
14 encompass every undocumented individual in the United
15 States. ICE agents now storm into schools,
16 hospitals, courts and houses of worship—houses of
17 worship in search of any and all non-citizens with
18 possible and prospective problems with their legal
19 status. The agency also serves as a willing vehicle
20 for the President's racist and xenophobic flights of
21 fancy, carrying out elaborate enforcement operations
22 in our—in our own back yard to the beat of Trump's
23 fear mongering and MS13 drum, and detaining teenagers
24 and your children on dubious gang affiliation charges
25 because they made the mistake of wearing the wrong

2 hat or the wrong pair of sneakers in a Facebook
3 photo. This callousness is also trends of ICE's
4 legal arm, which contains the cadre of agency
5 attorneys who represent the federal government during
6 rule proceedings. Once the more civilized and level
7 headed side of the ICE coin the agency's trial
8 attorneys have now been charged with pursuing nearly
9 all removal cases to completion, and opposing
10 virtually all effort by respondents in Immigration
11 Court or their attorneys for continues, temporary
12 closure of a case of similar requests that were
13 previously considered and often grant to that issue.
14 (sic) There used to be some understanding about non-
15 non-citizens in Immigration Court who were eligible
16 for relief, and understanding to some degree between
17 Counsel and the trial attorneys that it didn't make
18 sense or it wasn't really in furtherance of that
19 person's rights to pursue removal fast and to the end
20 when they're eligible for relief that they are in the
21 process of pursuing. That's no longer the case.
22 Now, trial attorneys fight tooth and nail to try and
23 get a removal order as soon as possible regardless of
24 whether the person in proceedings has a pending
25 application for a special immigrant juvenile status

2 or for U Visa, which is a visa for victims of
3 criminal activity who have worked with law
4 enforcement investigation or prosecution of a crime.
5 Regardless of those things, they're still pursuing
6 and those evidence relief they are pursuing removal
7 to all ends. In my practice as an immigration
8 attorney, these are all developments I have witnessed
9 over the last year and a half, both surprised
10 detentions at these interviews to unreasonable and
11 trends (sic) against Immigration Court to address a
12 pushback at deportation reporting appointments. The
13 fish rots from the head: the President, the Secretary
14 of Homeland Security, the Director of ICE, but the
15 sickness extends throughout all parts of the agency.
16 Just this week one of my colleagues was threatened
17 with involuntary removal from the Enforcement Removal
18 Operations Office by and ICE officer because they
19 claimed she was impeding the lawful detention of a-
20 our client because she was merely asking why it was
21 happening. Another incidence happened relatively
22 recently. Another colleagues was fighting fairly-
23 fairly vociferously against or arguing against our
24 client's detention at another reporting appointment
25 to which the officer who was detaining our client

2 replaced dismissively: It's a new Administration.
3 Get used to it, and so as the calls for abolishing
4 ICE began to move to the fore in recent months, I
5 began to ask myself how I felt about this immigration
6 cause. While reform and oversight by Congress or the
7 Executive branch might have been sufficient remedies
8 in times past, we do not now-now live in such mundane
9 times. Faced with this futility, there's only one
10 rational alternative: Abolishing ICE or more
11 specifically, to see replacement—the Republicans
12 repeal and replace. It is now hard to deny that we
13 have reached the point of no return for this agency.
14 From a toxic agency culture, which one veteran ICE
15 agent told a New Yorker amounts to, "Contempt that
16 I've never seen so rampant towards the aliens" to use
17 of the agency's bully pulpit to intentionally lie to
18 public to the visas previously outlined. The conduct
19 and candor of ICE very much seems to be baked into
20 the fabric of the 15-year-old agency. This support
21 for abolishing ICE is animated by both policy
22 concerns and communal values. So, too, are local
23 measures seeking the limitation or prescription of
24 municipal cooperation of the agency motivated by
25 these same forces. When ICE officers are invading

2 sensitive locations that are—throughout our city,
3 holding non-citizens and citizens alike, injecting a
4 visceral fear into the community with their haphazard
5 undue enforcement efforts, it is reasonable to expect
6 local elected officials to stand up for their
7 constituents, their neighbors, their friends. It is
8 an act of both political responsibility and personal
9 courage to stand up for one's fellow New Yorkers in
10 such a manner, and impose a cost in response to
11 damaging agency behavior. This is thus the—this is
12 thus the path forward for us. As thus, we now
13 believe that it—to have "An honest discussion about
14 whether ICE can be effectively reformed or if it must
15 abolished and replaced by an agency that can carry
16 out its mission in a more effective and humane way."
17 Based on my professional experiences as an
18 immigration attorney and the documented actions of
19 the agency over the last year and a half, I find
20 myself unavoidably supporting the latter. Last year,
21 then ICE Acting Director Thomas Holman told Congress
22 that undocumented immigrants "should be uncomfortable
23 looking over their shoulders." More than a year
24 later, I sincerely hope that ICE's leadership is
25 uncomfortable looking—uncomfortably looking over its

2 own shoulder as political accountability is on the
3 horizon and moving ever closer.

4 CHAIRPERSON MENCHACA: Thank you for that
5 testimony and your personal work that you do every
6 day to defend our—our immigrant brothers and sisters,
7 and it makes me think about just asking all of you—a
8 lot of what we did today was—was kind of think about
9 this question in terms of and—and different
10 perspectives from academics to the city agencies to
11 all of you on the ground that have your personal
12 stories and your personal work that you do every day
13 to defend and really call out for a better system, a
14 humane and just system. And I think as New Yorkers
15 do you believe that the city of New York is—is-is
16 messaging, is demonstrating its commitment to a
17 sanctuary city that the data shows when there is
18 limited or no cooperation with ICE is a better place
19 for public safety. Do you as New Yorkers feel like
20 this is a better place for public safety that you can
21 engage in, in your communities, and as New Yorkers
22 I'd liked your perspective on—on that. How are we
23 doing? [laughter]—

24 JAY CROSS: Yes.

2 CHAIRPERSON MENCHACA: --in the city of
3 New York?

4 KHALIL CUMBERBATCH: Yeah. I think that--
5 I think that there are communities that feel safe
6 based on-- well, let me ask this question: When do
7 you feel is the most safe in this city? I mean most
8 people don't feel safe in Penn Station--

9 CHAIRPERSON MENCHACA: Uh-hm.

10 KHALIL CUMBERBATCH: --when you see heavy
11 militarized gear--firearms, fully loaded automatic
12 weapons, military personnel, and not to say that we
13 don't have history in this city understanding why
14 that is undoubtedly necessary, but it does not evoke
15 the feeling of safety. Quite literally, when I'm in
16 Penn Station, I want to get out as quickly as
17 possible. Most people feel the safest when they're
18 in a park or when they see children playing or when
19 they hear music that they like. Most people do not
20 feel safe with understanding that even if you go to
21 court to respond to a summons or if you go to court
22 to make a complaint that you could potentially be
23 snatched. No one--I don't think people would feel
24 safe if they are dropping their children off to
25 school. One of the most important moments for a

2 parent-child relationship that they feel safe because
3 they know that ICE could potentially snatch them from
4 there. I think New York City is doing the best that
5 it can in terms of trying to message to people that
6 the city is taking steps to protect them, but the
7 reality is that ICE is operating in a way that is
8 unaccountable from federal—from any federal
9 oversight and, therefore, they're—that translates to
10 people as terrorism in many respects. I think that
11 there are people in communities that are leaving
12 their homes everyday with contingency plans in case
13 one of them don't come home. That in and of itself
14 is enough to speak to how some communities feel as it
15 relates to immigration customs enforcement.

16 FABIOLA MANDETTA: But I said before,
17 right, that I can—when basically ICE, have been my
18 own experience. I lived in Connecticut for kind of a
19 while, and I've lived with a person who was abusing
20 me in very severe ways, and I was afraid to call the
21 police on him. Just thinking in my head that they
22 can put me into ICE's hands and then send me back
23 home, which is not any safer, and I've seen in the
24 community a lot of fear. Usually it's men that they—
25 they've been—get apprehended by ICE, but lately it's

2 just anyone: mothers of a family, fathers, and like
3 he said, we don't feel safe in a lot of ways.

4 JAY CROSS: I would just want to add I
5 think focusing our messaging as we do I think is
6 important, as you, I think in this context, one thing
7 we really want to keep in mind is when we think about
8 ICE's function and we think about HSI and we think
9 about enforcement, the way we try and justify their
10 actions is by talking about alleged criminality. One
11 of the Councilmen earlier talked about the good
12 things ICE does, and its removal numbers in Fiscal
13 Year 2017 of criminals. I haven't looked at those.
14 I don't have those numbers off hand but I've looked
15 at this as generally, and the thing is your
16 definition of criminal and my definition of criminal
17 could be different, but it's a very big catchall, and
18 that means that people who ICE allows as being part
19 of the "criminal aliens" who we've removed, then we
20 know it certainly did include people with very
21 serious crimes, but it also included peopled with a
22 15-year-old DUI, and old possession charge, someone
23 who pled guilty to disorderly conduct. Under law,
24 they're considered criminal aliens. That doesn't
25 mean they're dangerous to our community or they're a

2 threat to public safety. Usually, more often than
3 not it's someone who made a mistake, and now is
4 working is paying their taxes, is—is living their
5 life like any other New Yorker, and so, and if they
6 are lumped in as a criminal alien used to justify
7 ICE's actions when that act of picking this person up
8 and ripping out of the community where they're
9 contributing is part of the problem, that they're
10 discerning to actual threats to public safety, actual
11 serious criminal risks or national security risks and
12 people who, you know, their record doesn't actually
13 reflect their current situation, and doesn't reflect
14 their current participation in the community. Yeah.

15 CHAIRPERSON MENCHACA: I wan to thank
16 the—the panel, this panel and the members of the
17 committee who are here today, the members of the
18 press, really everyone that made this hearing
19 possible. What it did is what we do here in the City
20 Council is really be thoughtful and ensure that every
21 voice that wants to be heard is heard. So that we
22 can be most informed as we move forward in policy
23 recommendations both the ones that we can impact, and
24 the ones that we can't have the power to because
25 we're not the federal government here. But we still

2 have a voice and this is still our government, and
3 the question before us came and I--and I just can't
4 say this enough through investigative reporting and
5 through a constituent that sent us the link to this
6 reporting about ICE and contracts with cities, and
7 really prompted us to make a--a commitment to
8 understand that that relationship is because any
9 relationship with an agency that has caused so much
10 terror in our hearts and our minds needs to be
11 examined, and that's what we're doing here. We are
12 examining it because at the end of the day one of the
13 core concepts that came up from all sides of the
14 discussion was this concept of public safety. How do
15 we feel safe in our neighborhoods? But not just the
16 feeling of safe as a--as a passive New Yorker walking
17 through the streets, but as an active member of our
18 society. Both being able to act upon a sense of
19 wanting to help make the world safer and better for
20 the world, but also for ourselves. If we are--if we
21 are survivors of domestic violence, how do we
22 initiate the possibility of a better life or we're
23 sick and ill and need to go to the doctor and get
24 healthcare or legal representation, and make our
25 lives better because we have a benefit that is

2 waiting for us that we had no idea was there. We are
3 possibly citizens of this country, but for a lawyer
4 not being present we wouldn't—we wouldn't even know
5 that. Those are all the things that allow us to think
6 about what system, a humane system could allow us to
7 have that in our lives as individuals and as a
8 society. The history that we learned today about ICE
9 being once a holistic—a holistic agency can help us
10 define the future of that agency, which is now
11 siloed, and forced—and forced to focus on
12 enforcement. Not only that, but given permission from
13 Sessions and others to think about enforcement and—
14 and places like schools and courts because it's
15 easier to go get those people to go to places that
16 justice is trying to happen, and now no longer
17 feeling safe for people to go get justice there. But
18 we do know that crime goes down when we remove our
19 cooperation as local municipalities. The data is
20 there. We do know that people are more safe and feel
21 good about interacting with the civic fabric of a
22 municipal government. We see it in our
23 neighborhoods. The data is there, but we still have
24 to answer the questions that some of the fear that
25 came out of this panel and—or I should say the

2 members of the this-of this-of this committee and
3 this Council is still there. That all of a sudden if
4 we abolish ICE we're going to have chaos, and we have
5 to answer that question. We have to. That's
6 something that I think is important not just for the
7 sake of the conversation, but the sake of how we do
8 our work here at the Council, democratic process, a
9 full understanding, a thoughtful response. And so, I
10 do believe, though, that the experiment has failed,
11 as was said earlier that it's time to abolish ICE.
12 That it's time to remove this agency and bring a more
13 thoughtful and humane system forward that includes an
14 immigration reform system. Not just the enforcement
15 side but the benefit side for pathways for
16 citizenship because that's what we deserve as
17 Americans and future Americans and so, 1092 is the
18 opportunity for us to move forward and say no. Even
19 though there are only two contracts here that are
20 less than \$200,000, that it's not about the money
21 that we're going to be losing and the revenue, we
22 cannot buy trust. Trust is born out of a few-a real
23 sense of cooperation. That we cannot put a price on,
24 and that is what is at stake for the purpose of
25 safety, public safety in our neighborhoods and across

2 this country, and so I'm hoping that this hearing
3 continues and we're calling upon not just the state
4 here in this beautiful state of New York, but across
5 the country the municipalities and state legislative
6 bodies create immigration committees to have these
7 discussions with people, and allowing voices to come
8 out and stories to be told and fears to be out in the
9 open to be calmed, and to be educated so that we can
10 move together, and that's the power of what we do
11 here in the Council and what we did today. So, thank
12 you so much. For everybody's work on this. We're
13 going to want to invite you back for more
14 discussions. We have a busy next few months, and
15 hearings, but I hope this really moves forward in a-
16 in a productive, thoughtful way. Thank you so much
17 for your—for your time, and now we're going to
18 adjourn this hearing and have a vote next week. I
19 believe we'll set Wednesday the 12th at 10:00 a.m.
20 and we'll be voting on this resolution, and any other
21 business before the Council in this Immigration
22 hearing—Committee. Thank you so much. [gavel]

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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 September 9, 2018