



New York City Council – Immigration Committee

Equal Access to Driver's License Hearing

Testimony from the New York Immigration Coalition

February 13, 2019

Good Morning. My name is Theodore A. Moore and I am the Director of Local Policy and Legislation at the New York Immigration Coalition, an umbrella policy and advocacy organization that works statewide with over 200 immigrant-serving member organizations. Thank you to the members of the City Council and the Immigration Committee for convening this important hearing and Council Member Ydanis Rodriguez who has introduced Res. 100 in support of expanding access to driver's licenses to undocumented immigrants and the legislation introduced by Senator Luis Sepúlveda in the New York State Senate (S.1747) and by Assembly member Marcos Crespo (A.3675).

You've already heard from some other members of the Green Light: Driving Together coalition about the urgent need to adopt the provisions of the Driver's License Access and Privacy Act --a bill that would allow all qualified New Yorkers to apply for a Standard Driver's License under the state's new REAL ID compliant licensing system.

There are currently twelve other states--in addition to Washington DC and Puerto Rico--that permit undocumented residents to apply for a driver's license, and several more states that are poised to adopt similar policies. It is long past time for New York to follow suit.

Expanding access to Standard Licenses would generate sufficient revenues and easily outweigh costs. The Fiscal Policy Institute estimates that legislation would lead to 265,000 newly licensed New York drivers, generating \$26 million in one-time revenue from license plate and title fees, and another \$57 million in combined annual revenue.

Besides the revenue positive aspects of the legislation, there are countless reasons why expanding access to driver's licenses for undocumented immigrants is sound public policy.

1. Licensing all immigrant drivers ensures they will be informed of traffic laws, pass a driving test, and operate a registered and insured vehicle. Data from other states show us that adopting these measures will lead to lower rates of uninsured drivers, a reduction in the number of hit-and-run accidents, and lower average car insurance rates for all drivers.
2. More licensed drivers will lead to more car sales and greater mobility among our rural and suburban immigrant workforce. Workers and employers will benefit from overcoming transportation barriers that contribute to labor shortages in some of our state's most important economic sectors, particularly agriculture.
3. Finally, as a state that prides itself on welcoming immigrants, we must do all we can to act as a bulwark against federal policies that persecute immigrants and asylum seekers, unjustly separate families, and devalue the contributions of immigrant workers -- especially the undocumented. There

is simply no reason to continue allowing hundreds of thousands of New Yorkers to live in fear that a routine traffic stop will result in arrest or deportation.

Lastly, I want to help disband the myth that allowing undocumented individuals obtain driver's licenses will not positively affect the lives of people here in New York City. While driving is essential in many regions of the State where public transportation is unavailable, our access to one of the world's largest and most extensive public transportation systems does not make having a driver's license unnecessary or redundant. While it is true that we have buses and trains that connect much of NYC, it is a well-documented reality that there is declining reliability of the MTA. Further, many areas remain transportation deserts or are poorly served by the current system. Many of these transportation deserts, as with many other issues involving equity, are also immigrant communities. Think about neighborhoods like St. Albans and South Jamaica or Glen Oaks in Queens or Stapleton and the North Shore of Staten Island. What about Eastchester or Co-op City in the Bronx? Or Canarsie, Flatlands or East Flatbush in Brooklyn.

These are all immigrant communities where public transportation is limited and driving is the best option. Without driver's licenses, many undocumented individuals have to make decisions with limited options because they would otherwise be unable to get to where they need to be - taking their children to school, going to work, seeing a doctor. The list goes on and on.

I know this first hand. I grew up in East Flatbush and my Father works in Woodside, Queens. If he could not drive to work it would be nearly impossible for him to work where he does. He would have to take the B8 bus to the 2 train at Newkirk, take the 2 to Times Square transfer to the 7 train and then take the 7 to the 61 St-Woodside stop and then walk for 30 minutes once he got off that train to get to his job. It would take him nearly two hours as opposed to the 40 minutes it takes him to drive.

The main supermarket in my neighborhood shut down recently, making it more difficult for my parents to walk and get quality groceries. The fact that many of our transportation deserts are also food deserts and also immigrant communities is no coincidence. My parents like to go to the Fairway in Georgetown. That's about a 40-minute bus ride, which isn't bad but for my aging parents it would not be possible with a week or two's worth of grocery bags. My parents are both able to drive, but this isn't the case for many people in the neighborhood I grew up in.

We're talking about expanded employment options versus limited job opportunities, and access to neighborhoods with better schools and quality grocery stores that don't exist in our neighborhoods. Of course we want there to be equality around NYC and to eradicate economic disparities from neighborhood to neighborhood and everything associated with that, but we are a far away from eliminating the two New Yorks that exist. While we strive and struggle to attain the dream of One New York, the least we can do is to let all New Yorkers drive, regardless of their immigration status.



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TESTIMONY BEFORE NEW YORK CITY COUNCIL'S COMMITTEE ON IMMIGRATION

Presented on February 13, 2019

My name is Cheryl Andrada, and I am a staff attorney in the Immigration Law Unit (ILU) at The Legal Aid Society (LAS). For more than 140 years, LAS has been a tireless advocate for those least able to advocate for themselves. ILU, founded in the 1980s, provides legal representation to vulnerable New Yorkers seeking relief for themselves and their families. We assist those in detention and fighting unlawful deportations, and represent low-income individuals in gaining and maintaining lawful status. Combining this representation with affirmative litigation work, we strive to ensure that families are able to stay together and stabilize their living situations. Over the most recent year, ILU assisted in over 5,200 individual legal matters benefiting over 10,000 New Yorkers citywide.

Since the start of the Trump Administration, LAS has been on the frontline of efforts to defend New Yorkers against an overtly anti-immigrant federal administration that threatens to tear our communities apart. The administration's rapidly changing policies represent a direct assault on what it means to live in New York, in what has always been an international city built around the diversity fostered by a thriving immigrant community. As a measure to counter these attacks on undocumented immigrants in New York State, The Legal Aid Society is in support of S8680 to "amend the vehicle and traffic law, in relation to authorizing the department of motor vehicles to issue standard drivers' licenses; and to repeal subdivisions 1 and 7 of section 502 of the vehicle and traffic law relating thereto."¹

¹ <https://legislation.nysenate.gov/pdf/bills/2017/s8680>

More than 700,000 New Yorkers would benefit from this change. Access to a valid New York State driver's license would open doors for undocumented immigrants in our communities. It would offer a readily-accepted form of government-issued photo identification. It would lead directly to greater automobile access and broader employment opportunities, and as a result greater economic stability. When we support low-income New Yorkers by increasing access to better employment opportunities, all New Yorkers benefit from this economic stimulus.

As an immigration attorney, I support this bill because it helps our clients. Arrests due to driving without a license or without insurance put our immigrant clients at risk of removal, even if they have no prior offenses. By passing S8680, undocumented immigrants will have access to this critical identification that will allow them to drive legally and insure their vehicles in case of an accident. Further, this change is positive for all insurance policy holders in the State: the increase in insured drivers will potentially lower the cost of automobile insurance throughout New York.

Increased access to driver's licenses would be a benefit to all New Yorkers by reducing accidents and increasing traffic safety because drivers will have taken and passed driving tests. First responders would also be able to identify victims more quickly in the case of an automobile accident, and the related increase in insured drivers would also reduce the incidence of drivers fleeing the scene after an accident.

LAS stands ready to partner with the City and State in addressing the needs of our immigrant communities, in these especially challenging times.

Respectfully,

Cheryl Andrada
Staff Attorney
Immigration Law Unit

Testimony re: Res 100-A: Calling on the New York State Legislature to pass legislation that would allow undocumented immigrants to obtain a driver's license regardless of their immigration status

Submitted to
NYC Council, Committee on Immigration

Submitted by
Stephanie Gomez
Director of Immigration Initiatives
Hispanic Federation

February 13, 2019

Good Morning. My name is Stephanie Gomez and I am the Director of Immigration Initiatives at the Hispanic Federation. I would like to thank Chair Menchaca and committee members for bringing us together today and affording us the opportunity to express our urgency on the matter of driver's licenses for all.

Hispanic Federation is the premier Latino membership organization in the nation founded to address the many inequities confronting Latinos and the nonprofits that serve them. For more than 20 years, Hispanic Federation has provided grants, administered human services and coordinated advocacy for our broad network of agencies that serve more than 2 million Latinos in the areas of health, education, economic empowerment, immigration and civic engagement.

The lack of driver's licenses for all New York residents creates an unbearable level of pressure to the daily routines of those affected. Immigrants have to constantly put their lives and the lives of family and friends at risk in order to drive to work, take children to school, and even go to the grocery store to put food on the table. I know firsthand what that is like and would not wish it on anyone. My mother was undocumented when access to a driver's license was taken away in 2002. I was only 12 at the time, but as I approached the age of 16, the legal age to obtain a license, my mother made it very clear she would rely heavily on me. This meant rushing to get my license as soon as I could, drive myself to and from school and on weekends drive her around

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to run errands. My free time was limited and whenever I couldn't be there for my mother, she had to risk her life and drive the car without a license. This was a stressful time for us and I can imagine there are a myriad of stories just like mine.

New York currently falls behind 12 states and the district of Columbia, they all offer driver's licenses to their residents regardless of their immigration status. That list includes California and our neighbors, Connecticut and Vermont. For as long as the federal government continues to endanger the lives of millions of immigrants through discriminatory policy changes, states must take on the responsibility of protecting its residents. It is time New York State take a stand.

Hispanic Federation urges the city council to pressure the state legislature because not only would expanding driver's licenses to all New York State residents have a positive impact on their daily lives, but also the state would witness a tremendous economic boom. According to a report conducted by the Fiscal Policy Institute, upwards of 260,000 people could obtain a license. This would generate millions of dollars in annual revenue, including one-time fees from registration and taxes.

Driver's licenses for all would also make our roads safer. Obtaining a license through the DMV ensures all drivers are properly tested and learn the rules of the road. Additionally, more individuals will insure their vehicles and interactions with law enforcement can be dramatically improved.

The lack of driver's licenses affects the young and old, but it can be changed. Thank you for your time.



Make the Road New York

Testimony on Res 100-A: Calling on the New York State Legislature to pass legislation that would allow undocumented immigrants to obtain a driver's license regardless of their immigration status.

February 13, 2019

New York City Council, Committee on Immigration

Good morning. Thank you Councilman Menchaca and committee members for holding this hearing and to Councilman Rodriguez for sponsoring Res 100. My name is Yaritza Mendez and I'm the Lead Organizer on Immigration at Make the Road New York (MRNY). Make the Road New York is a non-profit community-based organization with over 23,000 members dedicated to build power of immigrant and working class communities to achieve dignity and justice through organizing, policy innovation, transformative education, and survival services. As most of you know, we operate five community centers in Brooklyn, Queens, Staten Island, Long Island, and Westchester County.

I'm here today to talk about Driver's License and the need for it to be accessible to all residents of the state regardless of their immigration status. For the last two years, MRNY has formed part of the steering committee of the statewide coalition known as Green Light. A coalition that has received the support of over 130 organizations across the state, have worked tirelessly to get resolutions of support from over 20 local bodies of government and a handful from local law enforcement.

In 2007, Governor Spitzer attempted to expand the access of driver's licenses to all residents of the state regardless of their immigration status, via an executive order, but each time he encountered opposition. Fast forward a couple of years, last november, communities of color worked tirelessly to change the political makeup of the legislature. Their efforts resulted in many seats being flipped on the Senate giving Democrats the control they need to pass progressive legislations such as the one being discussed today.

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In areas of New York City and State, where public transportation is not reliable, driving is essential to get around. On a daily basis, undocumented residents struggle to get to work, places of worship, take their children to school or attend to any emergencies that might come up, all because they do not have access to a driver's license. This is an issue of necessity and not privilege.

Undocumented NYS residents, pay over \$1 billion in State and City taxes annually¹. Issuing licenses to all residents would allow them to seek opportunities in other borough and neighborhoods, expanding their contribution to the overall economy of the state. Once licensed, NYS undocumented residents would overcome the transportation barriers that prevents them from obtaining improved job options and increased income, resulting in the economic security immigrant families need to thrive.

Agustin, an active member of MRNY and a Staten Island resident, is a perfect example of this. He rents a piece of land where he grows crops to sell at a farmers market often held near St. George terminal and to donate in local food pantries. Every summer, he ends up paying a licensed driver to transport his produce to the farmers market and to the food pantries, because he's not able to deliver them himself. While he is totally capable of driving, he prefers to make this unnecessary investment than to put at risk his safety and that of his loved ones. Instead of saving a couple of extra dollars, he ends up working two jobs to amend for the cost of transportation.

Furthermore, the Fiscal Policy Institute estimates that this legislation would not only impact the lives of approximately 265,000 undocumented NYS residents, but that it would provide a substantial amount of revenue to the state. It's estimated the state would receive a recurring annual revenue of \$57 million dollars, and \$26 million in one-time revenue through taxes and fees. In addition, licensing undocumented NYS residents would help lower insurance premiums for all drivers, by a moderate average of \$17 dollars a year, which collectively saves motorists millions of dollars annually².

Most undocumented immigrants would like to comply with federal immigration law but there is no legal option available to them until Congressional reform is implemented. The state of Washington led the way in 1993, by expanding the access of driver's license to all its residents regardless of their immigration status, eleven others later joined³. This year, elected officials from Wisconsin and Massachusetts have come out in support of this expansion. By passing Res 100-A, our city will begin recognizing the lives of undocumented residents like Agustin. This is the year for NYS to pass Driver's License for all! Si Se Puede!

¹ <https://greenlightny.files.wordpress.com/2019/01/greenlightnyknowthefacts.pdf>

² <https://greenlightny.files.wordpress.com/2017/04/final-drivers-licenses-report-2017.pdf>

³ https://greenlightny.files.wordpress.com/2018/10/nyc-comptroller-dl_report_final.pdf



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FOR THE RECORD

**Testimony of Zachary Ahmad on Behalf of the New York Civil Liberties Union
Before the City Council Committee on Immigration
Regarding City Council Resolution 100-A Calling on the New York State
Legislature to Pass Legislation That Would Allow Undocumented Immigrants to Obtain a
Driver's License Regardless of Their Immigration Status**

February 13, 2019

The New York Civil Liberties Union respectfully submits the following testimony to the New York City Council Committee on Immigration. We welcome the opportunity to testify in support of Resolution 100-A, calling on the New York State legislature to pass legislation that would allow New Yorkers to obtain driver's licenses regardless of immigration status.

The NYCLU, an affiliate of the American Civil Liberties Union, is a not-for-profit, non-partisan organization with eight offices throughout New York State and more than 120,000 members and supporters. Our mission is to promote and protect the fundamental rights, principles, and values embodied in the Bill of Rights of the U.S. Constitution and the New York Constitution. As the Trump administration's assault on immigrant communities has escalated, we have fought on multiple fronts to protect the rights of immigrant New Yorkers. The NYCLU has brought multiple lawsuits in federal courts in defense of immigrants' due process rights, and worked with lawmakers and advocates on the local and state levels to disentangle local law enforcement from immigration enforcement.

The NYCLU supports the Driver's License Access and Privacy Act (A.3675/S.1747), which would build off of New York State's current three-tiered license system and remove key barriers many immigrants face to obtaining a driver's license. This legislation would allow people who lack Social Security numbers to submit an affidavit regarding their ineligibility for one, and would require the state Department of Motor Vehicles (DMV) accept alternative proofs of identity that include foreign-issued documents.

There are many good reasons to make driver's licenses available regardless of immigration status, including the positive impact that licensing more drivers would have on driver safety and the increased revenue that would flow to the state. Our testimony today focuses on how expanding driver's license access would mitigate the hardship many immigrants face in their day-to-day lives, reduce the risks faced by many immigrants when encountering law

enforcement, and give the state of New York an opportunity to better safeguard the personal information of all New Yorkers.

I. Expanding driver's license access will reduce the hardship and social inequality faced by many immigrant New Yorkers.

For many New Yorkers, having access to a driver's license is a necessity. Outside of New York City, where public transportation options are less abundant, being able to drive is necessary to get to work on time, bring one's children to and from school, and keep necessary medical and personal appointments. Many of those who cannot legally drive are forced to spend hours navigating spotty regional transit options or rely on expensive taxi services just to attend to these normal day-to-day tasks.

Not having access to a driver's license also means that many New Yorkers will lack a widely accepted means of identifying themselves. While New York City has offered municipal identification cards since 2015, only a handful of other local jurisdictions offer their own identification documents, which may not be accepted as proof of identity for many purposes. When identification is needed to open a bank account, enter public or private office buildings, or present to government officials, a state-issued driver's license is one of the most widely accepted forms of identification.

The inability to obtain a driver's license greatly exacerbates the inequality and hardship faced by immigrants without lawful status, many of whom have lived in New York for most of their lives and are an integral part of their communities. Expanding driver's license access is one step the state can take towards ensuring that all New Yorkers are treated equally, regardless of their immigration status.

II. Lack of access to driver's licenses puts immigrant New Yorkers at greater risk for arrest and deportation.

In addition to day-to-day barriers that result from not having access to driver's licenses, immigrant New Yorkers who cannot obtain a license are also placed at greater risk of being arrested and detained by immigration authorities. In areas of the state where driving is the only realistic option, at least some who are unable to obtain a driver's license will drive without one. If a person is stopped for even a minor traffic infraction and cannot provide a valid driver's license, she runs the risk of being arrested and having her fingerprints made available to U.S. Immigration and Customs Enforcement (ICE).¹ In places where collaboration between local and federal authorities is more common, such a traffic stop might result in a phone call directly to immigration authorities.

¹ See Liz Robbins, *Driving While Undocumented, and Facing the Risks*, N.Y. Times (July 18, 2017), <https://www.nytimes.com/2017/07/18/nyregion/driving-illegal-immigration-trump-administration.html>.

Even outside the context of traffic stops, a person's of arrest and contact with immigration authorities is greater when she does not have a driver's license, given the limited availability of municipal identification cards across the state. If a person is approached by police on the street and cited for a low-level offense that might ordinarily result in a summons, but she cannot show the officer proof of identification, she is more likely to be arrested, fingerprinted, and put at risk of apprehension by ICE or U.S Customs and Border Protection (CBP).

These risks are not hypothetical. Public records obtained by the NYCLU from CBP and several New York sheriffs and police departments from 2015 through 2018 show multiple instances of people being turned over the immigration authorities following otherwise routine traffic stops. In one instance, a man traveling with his wife and child was held by local police in Attica and turned over to CBP after he could not show a valid driver's license. In another instance, a man pulled over in Niagara County who showed a Honduran passport instead of a driver's license was held until CBP arrived to pick him up.

The heightened risks posed by these situations could be mitigated or avoided if driver's licenses were made available regardless of immigration status, allowing undocumented immigrants who pass the driver fitness criteria as other license holders to drive lawfully, and giving more people reliable proof of identification to use when needed.

III. Expansion of driver's license access should be accompanied by greater privacy protections.

While making driver's licenses more broadly available has the potential to reduce exposure to over-aggressive civil immigration enforcement for many people, it is critical that any such expansion include safeguards to prevent drivers' personal information from being made available improperly. Sensitive information submitted to the state DMV should not be disclosed unless necessary, and the DMV should limit the kinds of information it retains to reduce the risk of any unauthorized or improper disclosure. These information privacy concerns are not unique to immigrants. Indeed, expanding driver's license access gives the state DMV an opportunity to better protect the privacy of all New Yorkers.

The legislation currently being considered in the state assembly and senate includes baseline privacy protections designed to ensure that license applicants' information is used for valid purposes. While it would allow the DMV to collect and store information from REAL ID applicants in accordance with federal standards,² the DMV would be prohibited from retaining the source documents used by standard license applicants. Direct electronic access by third parties to DMV databases would be restricted to prevent fishing expeditions, and personal information collected from license applicants could not be disclosed to law enforcement absent a judicial warrant or subpoena. The bill would also require the DMV to maintain databases in a

² See 6 C.F.R. § 37.31(a).

way that does not make it easily identifiable whether a person has a standard or REAL ID license.

The webs of databases and information-sharing that exist across state and federal agencies are complex and non-transparent, and no legislative protections can guarantee that a person's personal information will never be improperly exposed. However, these safeguards provide a basic level of privacy for driver's license holders, and give a meaningful option for drivers who object to the invasive scanning and storing requirements for REAL ID-compliant licenses. These are core protections that allow undocumented immigrants who apply for a license to make an informed decision about whether to seek a state driver's license.

IV. Conclusion.

Making driver's licenses available regardless of immigration status is one critical step New York State can take to reduce unnecessary hardship and the heightened risk of arrest for undocumented immigrant New Yorkers who cannot obtain a license. We thank the committee for its attention to this issue, and urge the City Council to pass Resolution No. 100-A.

February 13, 2019

Testimony of 32BJ SEIU to the New York City Council Committee on Immigration

Good morning, my name is Jessica Ortiz. I am a 32BJ member from the Bronx. I want to thank the Council leadership and the committee for holding this hearing.

Over 725,000 undocumented immigrant New Yorkers over the age of 16 are currently unable to access the essential right to a driver's license. This does not including an additional 70,000 New York residents with DACA and Temporary Protected Status (TPS), whose status is at risk. The safety of all New Yorkers and our roads cannot wait for the Federal Government; we must do all that is within our power to protect our State and its residents.

If New York State allows more drivers to be licensed and insured, we can make our roads safer for everyone. Unauthorized immigrant drivers also face unique threats to their safety and ability to remain in this country when they take the risk of driving without a license. One traffic violation could mean separation from their children should they get stopped, arrested, detained, or deported. The current system is not fair.

Driver's licenses for all would be good for the safety of our roads and the integration and participation of immigrant communities. It would also provide the State with increased revenue through hundreds of thousands of new authorized drivers. It would help our local economy in NYC and throughout the State.

On behalf of my fellow members and our union, we urge the Council to support this resolution and call on the State to act on Driver's Licenses for all.



February 13, 2019

Testimony of 32BJ SEIU to the New York City Council Committee on Immigration

Good morning, my name is Jorge Ortiz. I am a 32BJ member from Queens. I want to thank the Council for working on this important issue.

The State legislature recently introduced the “Driver’s License Access and Privacy Act” , which would create a “Standard License” accessible to all New York State residents, regardless of immigration status. 32BJ SEIU urges the Council to pass this resolution and calls on the State to enact this legislation.

There are strong policy reasons for establishing a New York State driver’s license that’s available to all qualified drivers. It will make our roads safer, strengthen our State economy, promote community trust, and it will give immigrants access to the vital identification needed to participate in everyday life. Twelve states, Washington D.C., and Puerto Rico have all passed similar legislation and it’s time that New York joins their ranks.

32BJ has seen the positive impact that driver’s licenses for all can have on the lives of our members and the immigrant community as a whole in many of our districts. Immigrants with access to driver’s licenses are more likely to have good jobs that support strong communities.

On behalf of 32BJ SEIU and immigrants across New York, we urge the Council to pass this resolution and for the State to pass Driver’s licenses for all.



**THE COUNCIL
THE CITY OF NEW YORK**

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in favor in opposition

Date: _____

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in favor in opposition

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