

CITY COUNCIL
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON IMMIGRATION

-----X

April 26, 2010
Start: 10:20 am
Recess: 02:10 pm

HELD AT: Hearing Room
 250 Broadway, 16th Floor

B E F O R E: DANIEL DROMM
 Chairperson

COUNCIL MEMBERS:
 Mathieu Eugene
 Ydanis A. Rodriguez
 Jumaane D. Williams
 Melissa Mark-Viverito

A P P E A R A N C E S

Fatima Shama
Commissioner
Mayor's Office of Immigrant Affairs

Matilde Roman
General Counsel
Mayor's Office of Immigrant Affairs

Udi Ofer
Advocacy Director
New York Civil Liberties Union

Afton Branche
Immigration Analyst
Drum Major Institution for Public Policy

Nerissa Kunakemakorn
Associate Counsel
The Opportunity Agenda

Brendan Fay
Founder
The Civil Marriage Trail Project

Ciaran Staunton
President
Irish Lobby for Immigration Reform

George Fesser
Coordinator of Immigrant Services
The LGBT Community Center

Rachel B. Tiven
Executive Director
Immigration Equality

Patricia Suarez
Make the Road New York

Miguel Sevafin

1
2 CHAIRPERSON DROMM: Good morning
3 everyone. My name is Daniel Dromm and I'm the
4 chair of the Immigration Committee of the New York
5 City Council. Today, we are here for an oversight
6 meeting on the importance of comprehensive
7 immigration reform to New York City.

8 This morning's hearing is on the
9 importance of comprehensive immigration reform.
10 Additionally, the committee will hear Resolution
11 162, a resolution calling on Congress to pass and
12 President Obama to sign a just and humane
13 comprehensive immigration reform bill in 2010.

14 New York State is home to the
15 second largest immigrant population in the nation.
16 Here in New York City, immigrants are part of
17 everything that happens from one day to the next.
18 As such, it is important that a comprehensive
19 immigration reform bill is passed so that we can
20 protect immigrants in New York and throughout the
21 nation.

22 Unscrupulous employers must be
23 prohibited from preying on immigrant workers.
24 Their unlawful employment practices not only have
25 a negative effect on immigrant workers but on all

1
2 workers. We must ensure that talented and
3 motivated undocumented students have the financial
4 assistance necessary to allow them to pursue
5 higher education.

6 Family reunification, one of the
7 principals of immigration law, must be fully
8 recognized and protected by allowing a U.S.
9 citizen married to an immigrant of the same sex to
10 sponsor his or her spouse. Clearly, there is a
11 lot that needs to be done.

12 The issues that I just mentioned
13 are only the tip of the iceberg in terms of
14 immigration reform and cover just some of the
15 issues that I encounter on a daily basis in New
16 York City.

17 There are many different ideas out
18 there about what will make the best comprehensive
19 immigration reform bill. Thus far, only one
20 comprehensive immigration bill introduced during
21 the legislation, the Comprehensive Immigration for
22 America's Security and Prosperity Act of 2009 by
23 Representatives Gutierrez and Ortiz.

24 Last month, Senators Schumer and
25 Graham outlined a plan for bipartisan immigration

1

2 reform. However, this weekend we heard different
3 news and we don't know exactly where that's going
4 at this point.

5

6 There is an immediate need for
7 reform in light of what has happened in Arizona
8 most recently as well. Although I am pleased that
9 legislation has been introduced and discussed, I
10 am bothered by the fact that neither bill
11 incorporates elements of the Uniting American
12 Families Act which would give U.S. citizens
13 married to an immigrant of the same sex the
14 opportunity to sponsor that loved one. I believe
15 that recognizing same sex marriages is an
16 essential component of a comprehensive immigration
17 reform bill.

17

18 I look forward to hearing testimony
19 this morning from Commission Shama of the Mayor's
20 Office of Immigrant Affairs, as well as the
21 advocates. Before going any further, I'd like to
22 introduce the other members of the committee who
23 are here with me today. Councilwoman Melissa
24 Mark-Viverito, thank you very much. I would like
25 to thank everyone for attending this morning's
hearing. I think we'll call our first panel.

1

2

Council Member Mark-Viverito.

3

COUNCIL MEMBER MARK-VIVERITO:

4

Sometimes I don't know exactly the protocol here.

5

Thank you very much, Chair Dromm. I know I came

6

in a little late, but I heard some of your

7

comments. This resolution is not complete at the

8

moment. I've been having conversations with some

9

of the advocates, the New York Civil Liberties

10

Union, and there are some changes that we want to

11

make to it and amendments we want to make to the

12

resolution.

13

I definitely take very strongly

14

what you've indicated, Councilman, and definitely

15

would want to include that language. Obviously we

16

want to express some reservations about some of

17

the proposals that our senator, Chuck Schumer, has

18

talked about with regards to the national level in

19

terms of the legislation about the use of

20

biometric cards, for instance, is of concern,

21

obviously.

22

Also, we want to make some comments

23

possibly or express some serious concerns about

24

the recent law that was signed in Arizona which

25

has serious repercussions to this movement

1
2 nationally, also with regards to the 287-G program
3 as well that is being implemented very strongly.
4 So there are serious amendments that we want to
5 add on and add to that what you've just indicated
6 as well about some of the concerns.

7 I think that although we've said it
8 very strongly that we don't have much oversight
9 over these issues, New York City plays a very,
10 very strong role in setting a tone and sending a
11 message about what we want to see. We can have an
12 impact in this debate.

13 With that, I really want to thank
14 you in particular for your leadership on this
15 issue. It's been wonderful to really have a
16 strong partner on this issue and be able to stand
17 shoulder to shoulder on behalf of all of our
18 immigrant communities and on behalf of the city,
19 because this is obviously the right thing to do.

20 I also have another hearing, so I
21 might have to step out, but I do want to hear some
22 of the comments as well as we move forward in
23 making amendments to this resolution. Thank you
24 very much.

25 CHAIRPERSON DROMM: I also want to

1
2 mention that I may have to leave at some point to
3 take a vote at another committee meeting because
4 we have several of them stacked up today. We will
5 see how that works itself out as we move along.
6 Commissioner Sharma, thank you for coming.

7 FATIMA SHARMA: Thank you for
8 having me. Good morning, Chairman Dromm and
9 members of the City Council's Immigration
10 Committee. I am Fatima Shama, the committee of
11 the Mayor's Office of Immigrant Affairs. This
12 morning I'm joined by Matilde Roman, the office's
13 general counsel. Thank you for inviting me to
14 discuss comprehensive immigration reform with you
15 and share with you the city's continued support
16 and commitment to advocate for a viable and
17 balanced solution to the nation's broken
18 immigration system.

19 Our commitment to struggling
20 immigrants in New York City, who we care most
21 about, is steadfast. Throughout our city's
22 history, people from around the world have been
23 drawn to the freedom and opportunity that define
24 New York City.

25 Immigrants by the millions have

1
2 made New York City their home and as a result, we
3 have become the world's second home, the most
4 unique, diverse and vital city in the world.

5 Immigrants have come to New York and written their
6 own American success stories by working hard,
7 playing by the rules and weaving themselves into
8 the permanent fabric of city life. They are the
9 lifeblood of this city. Their contributions to
10 our history are beyond measure and they have
11 always been and will always be welcome here.

12 Let me begin with a brief overview
13 of the role that my office plays in improving the
14 lives of immigrant New Yorkers. My office serves
15 as a bridge between immigrants and city
16 government, helping to facilitate the successful
17 integration of immigrants into the social, civic
18 and economic fabric our great city.

19 We strive to better the lives of
20 immigrants and their families through a focused
21 attention to policies, programs and practices that
22 address the needs of immigrant communities.
23 Working with our colleagues in city government,
24 with civic and religious leaders, our elected
25 officials, and other key stakeholders, we identify

1
2 emergent issues and work towards viable solutions
3 to enhance the lives of the more than 37% of our
4 City's population that is foreign-born.

5 In New York City, 500,000 of our
6 more than 3 million immigrants are members of our
7 vibrant communities and are currently without
8 status. It is because of them and the millions of
9 others across the country, 11 million to be
10 precise, that comprehensive immigration reform is
11 an issue of utmost urgency. It is why Mayor
12 Bloomberg, a long-standing advocate for
13 immigration reform, pledged during his inaugural
14 address on January 1st to assemble a bipartisan
15 coalition to support President Obama's call for
16 comprehensive reform that honors our history,
17 upholds our values, and promotes our economy.

18 Our City's historical commitment to
19 our immigrant residents has meant more than just
20 words. It has also meant services. Perhaps more
21 than any other city in this country, New York has
22 a proven track record of offering its services to
23 everyone, regardless of where they were born.
24 That longstanding policy is alive and well today.
25 And the reason is simple. What's good for the

1

2

City's immigrants is good for the City.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Yet, late last week we witnessed a

passage of a law in Arizona that will impact its

success in every way. Economically, how will

businesses and visitors to Arizona feel welcome?

For all of the residents of Arizona how does this

provide a greater sense of public safety?

Arizona's passing of this law, in my opinion, is

misguided and harmful because it creates an

America where people will be racially profiled,

where communities will fear accessing services and

engaging with their partners in government and in

the end neighborhoods may become less safe because

well-intentioned, hard working, American dream

seeking good people will fear government,

especially the police.

As a country, America will be badly

hurt if more states follow Arizona's lead. This

law came to be because for years Congress has

failed to fix our broken immigration system. And

this could undoubtedly spread to other states, if

we don't act steadfast in bringing about

comprehensive immigration reform. Instead of

misguided efforts by states, we need Washington to

1
2 lead the way with comprehensive immigration reform
3 that secures our borders, promotes economic
4 growth, and honors our American heritage.

5 This is why comprehensive
6 immigration reform is a priority of New York
7 City's legislative agenda. Just weeks ago the
8 Mayor met with Senator Lindsey Graham to discuss
9 his commitment to engage in the nation's
10 immigration debate. Thereafter he met with Senate
11 Majority Leader Harry Reid and discussed the
12 importance of the need for comprehensive
13 immigration reform.

14 And recently, when he met with New
15 York City's business leaders he urged them to
16 recognize comprehensive immigration reform as an
17 urgent discussion in the political sphere. He has
18 been clear that the key guiding principles to help
19 frame the reform effort needs to be structured and
20 fair, and proves beneficial for all members of our
21 community.

22 Allow me to share with you a few
23 points the Mayor has publicly articulated specific
24 to the needs for immigration reform. First, to
25 fully restore the economic health of our city and

1
2 country a national immigration policy needs to be
3 based on the reality that we need more immigrants,
4 not less. Whether it is the entrepreneurial
5 spirit that starts businesses, or it is an
6 individual who go to work in businesses that could
7 not otherwise find people with the skills, it is
8 our lack of a good immigration policy that may
9 cause our country to lose our advantage of being
10 the place where the best and brightest want to
11 work.

12 Second, an equitable and balanced
13 immigration policy will also take into
14 consideration that it would be impossible to
15 deport 11 million people, as well as devastate
16 many families, and make our economic recession far
17 worse. It is why the Administration advocates for
18 a policy that would give those immigrants already
19 here the opportunity to earn the right to stay and
20 begin a path to legalization.

21 Third, we also support
22 strengthening our immigration laws to eliminate
23 incentives for people to come here illegally by
24 making sure that businesses can and do follow the
25 law, which is key to securing our borders.

1
2 As the Senate moves forward to
3 introduce legislation to fix our broken
4 immigration system, this Administration will work
5 with the President and Congress to create an
6 immigration system that will strengthen our
7 economy, protect our borders, and honor our
8 American values.

9 I'd like to once again thank you
10 for granting me the opportunity to speak with you
11 this morning and I would be glad to answer any
12 questions you may have.

13 CHAIRPERSON DROMM: Thank you very
14 much. What would you say are the most important
15 parts of comprehensive immigration reform in
16 regard to New York City and the effects that they
17 would have on our immigration population here?

18 FATIMA SHAMA: I think a reality of
19 recognizing the number of undocumented New Yorkers
20 and providing them an opportunity to gain access
21 to a pathway to citizenship is critically
22 important. I think about the very young people
23 who are impacted by this. So the implications of
24 the Dream Act, on our very young people in
25 particular, are critically important.

1
2 There is no doubt that we have an
3 incredible amount of talent that we have been able
4 to garner in this city historically that just
5 doesn't get an opportunity to act upon all of
6 their great ideas because of a failed immigration
7 policy.

8 So I think there are a number of
9 things. We would not want to see families be
10 broken up. We would not want to see the talent
11 that we have fostered here and the commitment that
12 young people are every day demonstrating in our
13 schools be lost. So that's critically important I
14 think.

15 CHAIRPERSON DROMM: How does this
16 affect people who are trying to seek employment in
17 New York City who may not be documented and can't
18 seem to move forward? What would a comprehensive
19 immigration reform do exactly for them?

20 FATIMA SHAMA: Well, I think that
21 we have seen and we know that a vibrant part of
22 New York City's workforce is our low wage
23 immigrant workers. They do the essential work
24 that so many don't want to do. Comprehensive
25 immigration reform would hopefully provide them an

1
2 opportunity to come out of the shadows, be
3 recognized for what they do contribute on a daily
4 basis and allow them to demonstrate what they
5 already are doing to demonstrate that they do want
6 to be a part of the wealth and well being of this
7 country and of this city.

8 CHAIRPERSON DROMM: Ms. Shama, I
9 represent what's perhaps one of the largest
10 immigrant communities in New York City. It's
11 estimated that between 64-68% of my district are
12 immigrants. Yet we have a very thriving business
13 community in Jackson Heights and in Corona, Elm
14 Hurst, and Lefrak City. Could you elaborate on
15 the impact, the positive impact that this
16 immigrant population has on the New York City
17 economy?

18 FATIMA SHAMA: You can't walk
19 through the streets, whether it's your community
20 or communities around the city without recognizing
21 that the small business breadth, if you will, are
22 immigrant entrepreneurs who come here with an idea
23 and a small pot of money and manage to truly bring
24 the American dream to life. So it's what I think
25 is the historical aspect of the city.

1
2 I think that it behooves the
3 national community to realize that not providing
4 opportunity for immigrants to come and to think
5 out those opportunities and ideas and
6 fundamentally bring their entrepreneurial spirit
7 to life could fundamentally really make our
8 country suffer. It would make our city suffer.
9 It's not something we would ever want to see
10 happen.

11 Just imagine a city without all the
12 great food that we get to experience on a daily
13 basis. And unfortunately, the rest of our country
14 just hasn't realized that.

15 CHAIRPERSON DROMM: I want to thank
16 you for your dynamic leadership on this issue. I
17 also want to thank the mayor for his forward
18 thinking on immigrant issues as well. I do think
19 the mayor is in the unique position to work with
20 Senate Republicans in particular in pushing
21 forward on immigration reform.

22 I'm pleased to see that he spoke
23 with Senator Graham. Now that Senator Graham is
24 equivocating on his support for the bill, and we
25 don't know exactly where that's all going to go.

1
2 From reports we've heard that he's not going to be
3 signing onto this. Are there additional steps
4 that the mayor could take to promote this and to
5 move it forward as we move down the road?

6 FATIMA SHAMA: We have a very
7 strong commitment to creating a coalition that
8 would be bipartisan that would include the breadth
9 of elected officials as well as business leaders
10 who recognize the true importance of the need for
11 comprehensive immigration reform. The mayor has
12 been consistent in his commitment to immigration
13 reform and the need for more immigrants and not
14 less, not only in our city but throughout this
15 country.

16 So we're looking forward to
17 launching that effort and really seeing how we can
18 propel this discussion into a way that could
19 fundamentally realize some fundamental change for
20 New York as well as all of this country.

21 CHAIRPERSON DROMM: The mayor and I
22 don't always agree on everything. I think that's
23 well known. But I think his leadership on this
24 issue and also in terms of gun reform has been
25 very exemplary. Has he stated a position on

1

2

3

4

5

Uniting American Families as a singular part of this? Also, does he have a position on whether it should be part of the comprehensive immigration reform?

6

7

8

9

10

11

12

13

14

15

16

FATIMA SHAMA: Because we have not seen anything specific to what a bill would be proposed, other than what Gutierrez has proposed, you know that the mayor does support same sex marriage and has said so locally and on the state level. There is nothing specific yet in any bill other than what the blueprint that we have seen from Graham and Schumer which doesn't include that. So we don't have an official position. I guess it would be something we would wait to discuss.

17

18

19

20

21

22

23

24

25

CHAIRPERSON DROMM: I feel very fortunate in the sense that I was voted in by my colleagues to be the Immigration chair, especially as an openly gay member of the City Council and one of the first elected from Queens. I always ran on and do believe very much that discrimination against one is discrimination against all and nobody is free until everybody is free. That's why I'm particularly interested in

1

2 this piece.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

I hope that during my tenure as the chair of the Immigration Committee I can continue to make connections between civil rights for LGBT people, civil rights for our immigrant population, and civil rights for all people in our country.

Council Member Jumaane Williams, do you have any questions?

COUNCIL MEMBER WILLIAMS: I don't have any real questions because I just came in. I apologize. I was at a youth hearing, something very important. It was homeless children and children who are in prostitution and trafficking, which is important. But this is also equally important to me, being a son of immigrants. So I wanted to make sure that I was here. Thank you for coming. I'm sure it was wonderful testimony.

I'm sure it was mentioned, but knowing what's going on in Arizona, this is even more important and more pertinent. I hope we can move forward to getting something done as soon as possible before the idiocy in Arizona begins to spread.

CHAIRPERSON DROMM: Just to go to

1
2 the Arizona question with you as well, it's quite
3 chilling to see the effects of the Arizona law
4 passed even on my local constituents. Over the
5 weekend there was a rally at Make the Road and
6 people were very, very upset about what that
7 means. I'm sure you probably get a lot of that
8 also. Do you care to comment on that at all?

9 FATIMA SHAMA: I just have to say
10 that I think Friday was a very sad day for our
11 country. Because what I think fundamentally
12 stands as the foundation and the values of our
13 country comes into question when a state will
14 actually sign into law that we will start stopping
15 people so that you and I now need to responsibly
16 carry around a driver's license or a passport to
17 demonstrate that we are here legally. The very
18 threat of that, and we have seen what racially
19 profiling looks like.

20 Certainly in this city we
21 experienced in a very profound way after 9/11.
22 Many communities that we live among experienced it
23 and we mobilized as a city to really protect the
24 civil liberties of those individuals. When it
25 happens on a state level because of xenophobic

1
2 attitudes, I think we've got to think about what
3 this is going to mean not only for those people
4 and the impact of what that's going to mean for
5 the state but also the country at large.

6 CHAIRPERSON DROMM: It just seems
7 to me that we have so much more work to do in
8 terms of what we almost take for granted here in
9 New York. Some things aren't quite perfect here
10 either for our immigrant communities, yet in many
11 ways we have policies and attitudes that directly
12 contradict I think what is going on in Arizona.

13 It's probably something that we as
14 a committee as well should begin to think of is
15 how we can export our thinking to other parts of
16 the nation and get the word out.

17 FATIMA SHAMA: We really do see
18 ourselves as a model that we'd love for other
19 jurisdictions to adopt because the reality is we
20 know that when a child thrives in our school
21 system irrespective of their documentation status,
22 we all win.

23 We know that when someone
24 communicates their concerns around their public
25 safety or the public safety in their

1
2 neighborhoods, we all win as a city. It is
3 historical. We know that when we provide
4 opportunities for small business owners to come
5 and build their dreams, we all win. So the
6 essential statement the mayor makes is what's good
7 for immigrants in the city is good for the city,
8 is fundamentally, it is what it is.

9 CHAIRPERSON DROMM: Thank you,
10 Commissioner. I think that's about it then. We
11 really appreciate you coming in today to share
12 your expertise.

13 FATIMA SHAMA: Thank you.

14 CHAIRPERSON DROMM: Thank you.

15 FATIMA SHAMA: Thanks for having
16 me.

17 CHAIRPERSON DROMM: We have about
18 three panels today that we're going to call up.
19 We're going to start off with Udi Ofer from the
20 New York Civil Liberties Union, Afton Branche from
21 the Drum Major Institute and Nerissa Kunakemakorn
22 from The Opportunity Agenda. We'll start with
23 you, Mr. Ofer.

24 UDI OFER: Good morning, Council
25 Member Dromm, Council Member Williams and I was

1
2 happy to see Council Member Viverito here. My
3 name is Udi Ofer. I'm the advocacy director of
4 the New York Civil Liberties Union. I submitted a
5 very long testimony that I do not intend to take
6 up your time reading, but I do encourage you to
7 read it. It goes into detail as to what the New
8 York Civil Liberties Union has identified as the
9 key issues that are part of immigration reform.
10 Did you get a copy of the testimony? Okay.

11 As I said, my name is Udi Ofer, and
12 I appear before you representing the New York
13 Civil Liberties Union and its 48,000 members
14 across New York State. We have about 25,000
15 members living here in New York City.

16 The NYCLU has identified
17 comprehensive immigration reform as our top
18 federal legislative priority. But we also
19 recognize that it can't be just any reform. We
20 are pushing for reform that will fix our broken
21 system while also respecting the fundamental
22 rights and liberties of immigrants and non-
23 immigrants in New York.

24 Therefore, I do testify today in
25 support of the resolution which calls on Congress

1
2 to pass comprehensive immigration reform. But I
3 also testify to encourage the City Council to
4 actually amend the resolution to go on record as
5 supporting not just any reform proposal, but
6 immigration reform that will truly fix our broken
7 system in a way that that will uphold our nation's
8 and our city's values.

9 As Council Member Viverito said,
10 the New York City Council is really in a special
11 position. Usually I'm not a huge fan of City
12 Council resolutions, but this time I actually
13 think that this could be a very, very important
14 resolution.

15 New York State's senior senator,
16 Charles Schumer is the leading figure in the
17 United States Senate and potentially even in the
18 Congress on this issue. While we support Senator
19 Schumer and commend him for committing to provide
20 a path of citizenship to millions of undocumented
21 immigrants, including up to one million New
22 Yorkers who are undocumented, there are certain
23 provisions in his bill that are incredibly
24 troubling from a civil liberties and civil rights
25 perspective.

1
2 He has proposed creating a
3 biometric worker ID card, which I'll explain as to
4 why we are opposed to it. And also, his bill does
5 not address some of the most fundamental problems
6 in our immigration system. Like the issue that
7 you've already identified as same sex sponsorship
8 but also the due process and judicial review
9 issues that we read about in the papers all the
10 time that strip immigrants of their basic rights
11 and freedoms.

12 I'm going to focus my testimony on
13 the judicial review issue and the ID card issue,
14 even though my written testimony delves into the
15 other issues as well.

16 As some of you may know, in too
17 many cases, current immigration law strips
18 immigration judges and even the Attorney General
19 of the discretion they should have to evaluate
20 cases on an individual basis and grant relief to
21 deserving immigrants and their families.

22 Under the Illegal Immigration
23 Reform and Immigrant Responsibility Act of 1996,
24 also known as IIRIRA, there is no review for
25 persons who have been convicted of certain crimes,

1
2 even minor ones, thus subjecting them to what's
3 known as mandatory detention.

4 These mandatory detention and
5 deportation laws have led to immigrants, including
6 green card holders and asylum seekers to be
7 detained for months and even years without any
8 finding that they pose a flight risk or any danger
9 to society.

10 This is a big issue and it's a big
11 issue here in New York City and I'll give you a
12 quick example. Under IIRAIRA, people who are
13 convicted of two minor marijuana offenses are
14 automatically subjected to mandatory detention and
15 deportation.

16 Under Mayor Bloomberg, the number
17 of marijuana arrests in New York City has
18 skyrocketed. Almost all of those marijuana
19 arrests are for minor offenses that usually don't
20 include any time in jail other than the 24 hours
21 you're waiting for your arraignment and maybe
22 you'll get like a \$50 or \$60 fine.

23 However, under New York City's own
24 marijuana arrest policies, we don't have the exact
25 numbers but I guarantee you hundreds or thousands

1
2 of immigrants who have been subjected to more than
3 one marijuana arrest and maybe plead to a
4 conviction, which would just be a slap on the
5 wrist, end up in Texas or end up in Florida or
6 Arizona awaiting deportation.

7 We have one client from the Bronx
8 who pled guilty twice to marijuana possession,
9 he's a reggae artist. Both times got a \$50 and
10 then a \$60 fine, spent almost no time in jail, a
11 green card holder, yet now is in deportation
12 proceedings.

13 These are fundamental problems
14 within our immigration system that go well beyond
15 this one particular issue. But what we find
16 troubling is that Senator Schumer has not said and
17 in fact said that he will not most likely include
18 these fixes in his immigration reform bill even
19 though Congressman Gutierrez did include it in his
20 bill.

21 There are other issues like
22 immigration detention. The New York Civil
23 Liberties Union just came out with a report a
24 couple of months about the Varick Street federal
25 detention facility that has horrifying stories of

1
2 immigrants, detainees being denied basic rights
3 and liberties.

4 But let me focus now on the ID card
5 issue because I guess that we're going to be the
6 only ones testifying on it, and then I'll end. As
7 part of his plan to verify the immigration status
8 of every person attempting to work in the United
9 States, Senator Charles Schumer has proposed
10 creating a national mandatory biometric worker ID
11 card.

12 What does that mean? Under this
13 proposal every person wishing to work in the
14 United States, whether an American citizen or an
15 immigrant would have to submit to a digital scan
16 of their fingerprints, possibly also an iris scan
17 that then will be stored in a national worker ID
18 card.

19 Individuals applying for jobs would
20 be required to present this card with the
21 biometric data contained in it to verify their
22 identity to work. Employers will then swipe the
23 card and then also take the digital fingerprint of
24 the applicant or the iris scan of the applicant to
25 try to match the biometric data.

1
2 If implemented, it is the NYCLU's
3 position that this would lead the U.S. to a full
4 fledged national ID card, something Americans have
5 opposed throughout our history. A system such as
6 the one Senator Schumer proposes threatens all New
7 Yorker's privacy, immigrants and non-immigrants
8 alike by building the digital backbone that would
9 ultimately lead to a more expansive system that
10 could be used to track Americans everyday
11 activities. There are six reasons why you should
12 oppose this biometric ID card.

13 First, as I said, it will create
14 the infrastructure for a national ID card. It
15 will do so in two ways. It will create a national
16 database on hundreds of millions of people,
17 Americans and non-citizens. It is inevitable that
18 such a database will eventually be expanded upon
19 to include other private information about
20 Americans.

21 Secondly, the national worker ID
22 card would have to have either what's known as a
23 machine-readable zone or radio-frequency
24 identification chip in it, because otherwise it's
25 meaningless. And this machine readable zone or

1

2

RFID chip would then have to allow third party access to it.

3

4

5

So what does that mean? As time progresses, the swiping or scanning of the card will become part of your everyday life. To enter this building today all of us had to provide our New York State driver's license or other form of ID.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

Well, under this scenario all you would have to do is show your worker ID card and a chip would emit a signal and leave a digital stamp saying Udi Ofer was here at this time. Then when I leave to board the subway, I could leave another digital stamp to say I was there at this time. And literally, your everyday life will become a set of digital stamps, digital fingerprints that say who you are and where you are at all times.

20

21

22

23

This is something that Americans have long rejected. And Senator Schumer, whether he recognizes it or not, is building the digital backbone that would allow for this type of surveillance.

24

25

Secondly, a worker ID card is going to make it a lot harder for people to find jobs in

1
2 the United States. Take for example women who
3 marry and decide to change their last name but yet
4 have not gone through the paperwork of officially
5 changing their last name. It will be twice as
6 hard for them to end up finding a job unless they
7 were able to take care of all the bureaucratic
8 hurdles that go along with changing their names.
9 The same goes for transgender individuals who may
10 have a hard time having their gender status and
11 gender identity be reflected in their ID card.

12 For the first time in American
13 history, under this worker ID card proposal,
14 before any of us could get a job in the United
15 States, we would have to wait for an affirmative
16 from the government to say that we're eligible for
17 that job. And even a small error rate of like 1%
18 or 2% will mean that millions of people will have
19 to go through bureaucratic hurdles in order to
20 prove their eligibility to work.

21 Third, it's going to increase
22 discrimination against the Latino population in
23 the United States. A worker ID card is not going
24 to stay as a worker ID card and it's going to
25 become a de facto status, lawful status in the

1
2 United States. So the next time that someone who
3 may look like an immigrant is pulled over in their
4 car, they're not only going to be asked for their
5 driver's license but they're also going to be
6 asked for their worker ID card because that's
7 going to become proof of their lawful immigration
8 status.

9 Fourth, this proposal is going to
10 mean the death of comprehensive immigration reform
11 because it's going to put together Fox News and
12 all the folks who are against big government
13 together with the left wing of the Democratic
14 Party to oppose the creation of a national ID card
15 through immigration reform and we should oppose
16 it.

17 Finally, and I want to stress this
18 point, we've met with Senator Schumer on this
19 issue and he constantly says this is only going to
20 be required to prove your worker eligibility. And
21 while I believe that he means it, I think it's
22 short sighted. Because you're going to establish
23 a system that once it's in place, that system will
24 then be used to create voter ID cards. That
25 system will then be used to create your

1
2 eligibility for Section 8 housing or for Medicaid
3 or Medicare.

4 You are building a system that is
5 going to be incredibly tempting for future
6 administrations to expand and to use as a
7 requirement for every day. It's low income
8 Americans who are going to face the brunt of it
9 initially because they come in contact with the
10 government the most. But it's a system that
11 eventually will be expanded to a full fledged
12 national ID card.

13 So, for all these reasons, we are
14 very excited about this resolution. We encourage
15 you also to take this opportunity to make it a bit
16 more challenging in asking Senator Schumer to move
17 in the right direction on this issue. Thank you.

18 AFTON BRANCHE: Good morning. Thank
19 you Council Members. My name is Afton Branche and
20 I'm an immigration analyst at the Drum Major
21 Institute for Public Policy. We're a non-
22 partisan, multi-issue think tank here in New York
23 City.

24 I'd like to thank this opportunity
25 to present testimony about the how important

1
2 comprehensive immigration reform is to New York
3 City.

4 For a number of years, DMI has
5 analyzed social and economic policy from the point
6 of view of the majority of Americans who are
7 middle class or aspire to a middle-class standard
8 of living. What does that mean? As we see it,
9 this is more than an income bracket. Being middle
10 class means having a stable job that let's you
11 support your family, have the opportunity to own a
12 home, access to health care, and send your kids to
13 college.

14 We're not an immigration advocacy
15 organization, and we're not a direct service
16 organization. So we come to this committee from a
17 different perspective. The point of view of
18 immigration advocates is well represented here,
19 but we're going to talk about how smart,
20 comprehensive immigration reform will benefit New
21 York's middle class.

22 First, we should acknowledge that
23 immigrants, including undocumented immigrants,
24 make critical contributions to the U.S. and New
25 York's economy. They're workers, taxpayers,

1
2 consumers and entrepreneurs. I think these
3 contributions are significant enough that we can
4 say that New York's middle class relies on
5 immigrants.

6 The first observation is that the
7 middle class relies on the goods and services that
8 immigrant New Yorkers produce. Undocumented
9 immigrants, they pick the produce that ends up on
10 middle-class tables and in middle-class
11 refrigerators here in New York City. The workers
12 build the homes and the office buildings where we
13 all work. And we can't obviously miss the role of
14 immigrants as the owners of small businesses,
15 driving taxis, restaurants and bodegas all around
16 us. And as consumers, immigrants help drive
17 demand for the goods that middle-class workers
18 produce.

19 So I would think that the strength
20 of our city and our middle class rests on, as the
21 comptroller report said, \$215 billion that
22 immigrants drive. So we all have a shared
23 interest in seeing that comprehensive immigration
24 reform bolsters this economic activity.

25 Now more than ever, we need an

1
2 immigration system that acknowledges the role that
3 immigrants play in our economy. But currently,
4 immigration policy fails the middle class because
5 it fails to acknowledge the dynamic role that
6 immigrants play in New York's economy.

7 Last year, as we talked about,
8 Representatives Solomon Ortiz and Luis Gutierrez
9 introduced the CIRASAP Act. And I'd like to talk
10 a bit about how that proposal, if enacted, would
11 boost New York's middle class and boost New York's
12 immigrant populations.

13 The bill's various legalization
14 provisions will bring millions of undocumented
15 immigrants out of the shadows and empower them to
16 contribute more fully to New York's economy. In
17 addition, even with a permanent foothold in the
18 country, formerly undocumented immigrants can take
19 the time to invest in English skills, advance
20 their careers, buy homes and otherwise invest in
21 their communities.

22 A study from the Department of
23 Labor shows that within five years of gaining
24 legal status under the last legalization program,
25 workers earned up to 15 percent more per hour. So

1
2 in a direct way, immigrants will have an even
3 better way to boost their economic power to New
4 York.

5 There's another crucial way that
6 the reforms proposed by CIR ASAP would benefit New
7 York's middle class and New York immigrants. The
8 earned legalization measures in the bill would do
9 a lot to prevent the workplace exploitation that
10 threatens both immigrant workers and native-born
11 workers in this city.

12 The fact is right now undocumented
13 workers can't effectively stand up for themselves
14 in the workplace. Employers can threaten to
15 deport them if they demand the minimum wage or if
16 they demand safety requirements, if they're
17 legally owed. That intimidation is really
18 powerful, which is going on right here in New York
19 City. Workers living without regularized
20 immigration status are in fear of deportation, and
21 they have to accept substandard working
22 conditions.

23 When immigrants lack rights in the
24 workplace, labor standards are driven down and all
25 working New Yorkers suffer. As long as there is a

1
2 pool of immigrant labor available that's cheaper
3 and more compliant than native workers, many
4 employers are all too willing to take advantage of
5 this. That leaves U.S. born workers and legal
6 immigrants as well to accept these bad conditions
7 or be shut out of entire industries.

8 So the reforms proposed by CIR ASAP
9 would improve the labor rights of currently
10 undocumented immigrants who gain conditional or
11 temporary legal status. They'll be out of the
12 shadows so they more freely exercise their labor
13 rights and fight for the rights that they rely on
14 and native born workers do as well.

15 I'd like to say that New York's
16 middle class relies on immigrants, their economic
17 contributions and at the same time they're harmed
18 by their vulnerability to exploitation. And
19 enacting comprehensive immigration reform will
20 both enable our immigrant workforce to continue to
21 boost the city's economy but also ensure their
22 full labor rights in the workplace.

23 So I'd like to say that I support
24 Resolution 162 and I support the amendments that
25 Udi Ofer made as well. Thank you.

1

2

CHAIRPERSON DROMM: Thank you.

3

Next is Nerissa.

4

NERISSA KUNAKEMAKORN: Hi, name is

5

Nerissa Kunakemakorn. I'm with The Opportunity

6

Agenda. I'm the Associate Counsel and Robert L.

7

Carter Fellow.

8

The Opportunity Agenda is a

9

national organization headquartered in New York

10

City. We conduct public opinion research and

11

legal research and policy analysis, specifically

12

on issues related to immigration as well as due

13

process and human rights in the United States.

14

The Opportunity Agenda applauds

15

Resolution 162 and we support the amendments

16

suggested by NYCLU and Drum Major Institute. We

17

also urge that Resolution 162 include provisions

18

to strengthen the due process protections for

19

immigrants in the United States.

20

Specifically I want to focus on

21

three challenges to the due process for immigrants

22

in the United States right now. But first I'll go

23

over public opinion research. Most Americans,

24

according to a poll we conducted with Belden,

25

Russonello & Stewart, and most Americans strongly

1
2 agree that freedom from discrimination is a human
3 right, that's 83% of the American population and
4 also, being treated fairly in the criminal justice
5 system if accused of a crime, also 83%.

6 Furthermore, most Americans in the United States
7 believe that everyone in the United States
8 including undocumented immigrants is entitled to
9 fair treatment in the justice system and freedom
10 from mistreatment by law enforcement officials.

11 So the three issues I want to focus
12 on particular are Arizona's state bill, Senate
13 Bill 1070, which we all previously discussed,
14 Operation Streamline on the US/Mexico border and
15 existing laws barring immigrants based on past
16 drug convictions.

17 So as we previously discussed,
18 Arizona State Senate Bill 1070 will increase the
19 power of police to stop, question, and detain
20 individuals for not having proper identification.
21 It has the potential to encourage racial profiling
22 by local police and requires all citizens who
23 might by appearances not be documented; it will
24 require them to carry their papers at all times in
25 order to avoid arrest.

1
2 I'd like to go over the specific
3 provisions because I know a lot of people know
4 generally what the bill is about, but not
5 specifically what it includes.

6 It requires police officers to make
7 a reasonable attempt to determine the immigration
8 status of a person whenever there is a "reasonable
9 suspicion" that the person is unlawfully present
10 and they must verify that status with the federal
11 government.

12 It also gives police officers
13 authority to conduct warrantless arrests of
14 persons for whom the officer has probable cause to
15 believe has committed any public offense that
16 makes those persons deportable. And because it
17 makes being an undocumented immigrant in the
18 United States a state offense, probable cause
19 would just be looking like an undocumented or
20 racial profiling.

21 It creates a private right of
22 action for any person to sue a city, town, or
23 county for failing to enforce federal immigration
24 laws to the fullest extent possible. It requires
25 employers to keep E-Verify records of employees'

1
2 eligibility. It establishes separate state
3 offense, as I said, for being an undocumented
4 immigrant.

5 It creates a criminal offense to
6 attempt to hire or pick up day laborers to work at
7 a different location if the driver is impeding the
8 normal flow of traffic, for a worker to get into a
9 car if it is impeding traffic, or for an
10 undocumented immigrant to solicit work by even a
11 gesture or a nod in any public place.

12 It also mandates the impoundment of
13 any vehicle used to transport, move, conceal,
14 harbor, or shield an undocumented immigrant. So
15 CIR must include protections against these types
16 of overly punitive and over reaching state and
17 local actions.

18 In the absence of a CIR that
19 upholds our commitment to fairness and equality in
20 a manner that preempts these state and local
21 actions, we are in danger of bills like S.B. 1070
22 being enacted in other jurisdictions.

23 So furthermore, Operation
24 Streamline is also a challenge to due process
25 rights to immigrants in the United States.

1
2 Operation Streamline is a Department of Homeland
3 Security program which was instituted in 2005 and
4 mandates the federal criminal prosecution and
5 imprisonment of all people who cross the US/Mexico
6 border unlawfully.

7 The program fundamentally
8 transformed the prior enforcement practices of DHS
9 Border Patrol agents, who had formerly voluntarily
10 returned first-time border crossers to their home
11 countries or detained them and formally removed
12 them from the United States through the civil
13 proceedings.

14 So this has created an
15 unprecedented amount of pressure and difficulty
16 for U.S. border patrol agents as well as judges in
17 the United States. Magistrate judges are
18 conducting en masse hearings during which as many
19 80 defendant will plead guilty at a time. This is
20 a clear threat to our values of dignity and
21 respect and an outright violation of our goal to
22 provide due process to all people.

23 So to uphold our commitment to fair
24 treatment and due process, we suggest that greater
25 discretion be given to judges, prosecutors and DHS

1
2 authorities in the treatment of people who cross
3 the US/Mexico border, and to remove the control of
4 these populations from criminal prosecutions to
5 civil remedies.

6 Also, we would like to talk, as
7 NYCLU did, about the deportation based on drug
8 convictions. Because all of us deserve a second
9 chance, we need foster and ensure that redemption
10 is a part of our due process considerations. And
11 despite social stigmatization of drug use, various
12 studies of the American population show that
13 experimentation with drugs is the norm and not the
14 exception.

15 However, the INA currently provides
16 that a conviction for a violation of a controlled
17 substance law triggers deportation from, and bars
18 admission to, the United States. There is no
19 provision for excluding old offenses, nor is there
20 an exception for those who were under eighteen at
21 the time of the crime or for petty offenses.

22 So thousands of lawful permanent
23 residents and other long-time residents of our
24 communities have been deported from the United
25 States because of drug convictions. This has

1
2 disrupted thousands of families in the United
3 States, families that include United States
4 citizens. So Congress and President Obama should
5 push forward a bill that revises the current
6 standards for barring immigrants based on past
7 violations of drug laws and explicitly include the
8 provisions allowing for greater discretion and
9 consideration of an individual's circumstances in
10 determining whether or not a person should be
11 deemed deportable or inadmissible. Thank you.

12 CHAIRPERSON DROMM: Thank you. I'd
13 like to thank the panel and I just have a couple
14 of questions and then I'll ask my colleagues who
15 also have questions to proceed.

16 I'm going to play a little bit of
17 the devil's advocate here. I wonder if anybody on
18 the panel can tell me what an immigrant looks like
19 or what an immigrant sounds like? I'm very
20 curious about what do they consider to be
21 reasonable suspicion of being an undocumented
22 means exactly. Is there any definition in terms
23 of the law that was passed about what constitutes
24 reasonable suspicion?

25 UDI OFER: You're getting yourself

1
2 into deep water here. As far as I know there is
3 nothing in the Arizona law that defines it, but
4 there is case law that goes into a bit of detail
5 as to what it means. It's not clear, but for
6 example, Arizona is a border state. So if a
7 person is seen I think within 100 miles of the
8 border, the law is much more lenient in terms of
9 allowing for a reasonable to think that this
10 person may be documented if they show other signs
11 as well. We don't agree with any of this. There
12 is case law that says this; they look like they
13 don't belong in the area. They may look
14 disheveled and may not have a bag with them or too
15 many bags with them and look like they just went
16 through like a three-day hike through the deserts.
17 Those kinds of standards are incredibly troubling.

18 By the way, the same applies in
19 upstate New York and on the border with Canada we
20 face these same kinds of problems. The NYCLU
21 receives intakes on a fairly frequent basis of
22 people who were stopped and detained while on a
23 Greyhound bus or while on an Amtrak train because
24 customs and border protections officers think that
25 they may be undocumented. So the law is

1

2 incredibly vague and it's a recipe for profiling.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

My understanding of the Arizona bill, while it says you cannot rely on race as the reason to stop someone, it doesn't bar it from relying primarily on race or primarily on ethnicity. That's the racial profiling standard that the ACLU supports and it's not prohibited. So for example, someone could rely primarily on a person's ethnicity or race if they happen to be, you know, 20 miles from the border, look like they haven't slept for three days and look like they're Latino in an all-white neighborhood.

I would say under the Arizona bill, absolutely that's going to give them grounds to be able to stop them. But I think it's going to be very susceptible to a legal challenge. I think the courts are really going to fight back on this.

CHAIRPERSON DROMM: Has it ever been challenged to the Supreme Court, any of these laws?

UDI OFER: I keep bringing this back to New York State because I think that New Yorkers don't realize how much we're a part of the problem when it comes to anti-immigrant voices.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Suffolk County in New York is an incubator for many of these bills that end up in other legislation. So for example, the whole prohibiting the picking up of a day laborer by car, Suffolk County has already passed that bill. We're about to challenge it, by the way, we're going to file litigation probably this week. The requirement that all employers use e-verify and verify the immigration status, Suffolk County already tried to do that.

Jackson, New York which is a really small town just outside of Albany, just two weeks ago passed an English-only ordinance that said that all government business has to be conducted in English. So the courts have been very aggressive with these bills. They keep striking them down. However, the other side is figuring out how to draft them that will be less susceptible to legal challenges. So it's literally this back and forth.

Hazleton, Pennsylvania will pass a bill. The judge strikes it down but then that will trigger 20 other bills around the country. And this is just more proof that our federal

1
2 government has to step in and fix our immigration
3 system or else the Steve Levys of American, who is
4 now running for governor, will continue passing
5 these local anti-immigrant ordinances.

6 CHAIRPERSON DROMM: My next
7 question is even with comprehensive immigration
8 reform, if it passes, it might not supersede these
9 laws. These laws could still be in effect from
10 what I understand what it is that we're talking
11 about. Comprehensive immigration reform would not
12 necessarily have an effect because it would grant
13 undocumented people legal status now, but still
14 people who are suspected of being an "illegal"
15 person would still be able to be picked up and put
16 into detention.

17 AFTON BRANCHE: The interesting
18 part is that people on both sides of this sort of
19 invoke the lack of comprehensive immigration
20 reform as a reason to pass these laws. So if we
21 have it, where is that reason going to be? But I
22 think I'd also like to say that the CIR ASAP bill
23 specifically strikes down 287-G and sort of
24 reasserts the role of the federal government in
25 doing this work. So I think whatever bill comes

1
2 forward needs to be specific about this and needs
3 to take on this growth of local immigration
4 enforcement. So that's what the bill did in
5 December, so hopefully something that comes
6 forward will do the same.

7 UDI OFER: I want to explain to
8 everyone who wonders what 287-G is. 287-G was put
9 into law, a part of IIRAIRA and it gives the
10 federal government the ability to enter into
11 contracts through memoranda of agreement with
12 local police departments, with local agencies to
13 deputize them to enforce federal immigration laws.

14 Under President Obama, the number
15 of 287-G agreements has increased dramatically. I
16 believe that before President Obama took office
17 there were about 67, I want to say, in the 60s
18 agreements. Under President Obama, there have
19 been 11 additional ones. So President Obama has
20 actually encouraged, for lack of a better word,
21 but has allowed many more 287-G agreements to take
22 force.

23 The Gutierrez bill in the House
24 strikes down 287-G, so it will prohibit the
25 federal government from entering into these

1
2 contracts. Senator Schumer has said numerous
3 times in public meetings as well that he does not
4 plan on repealing the 287-G authority. So that's
5 another area that we're very concerned about.

6 Then a second area which is much
7 related to these is the Secure Communities
8 Initiative. Secure Communities is probably one of
9 fastest growing local immigration enforcement
10 initiatives. Under Secure Communities, anyone
11 arrested in the United States, before they get
12 their trial, before they get any due process, when
13 they get arrested and processed, they're going to
14 also be scanned against a federal immigration
15 database.

16 So if someone is wrongfully
17 arrested, they may still end up in deportation
18 proceedings because the law is being broken
19 between, for example, the NYPD and federal
20 immigration enforcement. It's my understanding
21 that New York City also plans on implementing
22 Secure Communities. As you know, Council Member
23 Dromm, immigration and customs enforcement is
24 already in our Department of Corrections'
25 buildings and detaining pretrial detainees. These

1

2 are folks who may end up being innocent of any
3 charges but yet end up in deportation because they
4 just happen to come across an arrest.

5

6 CHAIRPERSON DROMM: I just recently
7 had someone in my office that had that situation.
8 They were arrested for manslaughter, exonerated on
9 that charge and then turned over and spent a year
10 and a half down in Texas for no reason at all. So
11 it's a very bad situation. I'm going to go to
12 Council Member Jumaane Williams who has a
13 question.

13

14 COUNCIL MEMBER WILLIAMS: Thank
15 you. I don't think I would be supportive of a
16 national ID card because I'd like to make sure
17 that I understand all sides of the issue. Don't
18 we now have a plethora of digital information so
19 that if you signed in here with your ID card and
20 then went to the train station with your Metro
21 Card that you bought with your credit card,
22 wouldn't we still be able to follow you around if
23 we really wanted to? Don't we need most of that
24 information to vote now and to work now anyway?
25 Why is it so bad to put it onto one card?

25

UDI OFER: That's a terrific

1
2 question. Our privacy now is actually protected
3 by the fact that, yes, we leave these digital
4 fingerprints all over throughout our day but
5 they're not connected.

6 So the information that I left at
7 250 Broadway when I registered here is not
8 connected to the Metro Card information that I
9 left when I boarded the subway. It's not
10 connected to the cookies that I left on Google as
11 I was doing some searches to find out more
12 information about Council Member Williams. It's
13 not connected as to my cell phone information.

14 Our privacy is actually protected
15 because there are these databases but they don't
16 communicate with one another and that's
17 purposeful.

18 And again, it's not in his proposal
19 and it is more of a slippery slope argument, but I
20 think it's a real one. Senator Schumer will
21 create the backbone. We're going to have to spend
22 hundreds of millions of dollars to create this
23 backbone that will allow for the centralization of
24 all of this information. He really will create
25 it.

1
2 He will open up the floodgates to
3 be able to centralize all of this information
4 because it will be the first time in America's
5 history where we're creating a database that will
6 be able to capture all of this desperate
7 information and put it into one database.

8 We came out with a report a year
9 and a half ago on the federal Real ID Act, which
10 is also a very similar proposal. We go into great
11 detail explaining the privacy concerns with these
12 types of initiatives. I would love to give you a
13 copy.

14 COUNCIL MEMBER WILLIAMS: I'd love
15 to get one. One of the ingenious things about
16 discriminating against skin color is that we're
17 easily identifiable. So someone will see me in
18 the street and understand where I belong in the
19 cast system as opposed to Indian cast system where
20 sometimes you may have to do a little bit of
21 digging around to make sure.

22 At the same time, I was wondering,
23 why is it wrong to use race or ethnicity when
24 doing some of these stops? If we know, let's say
25 Mexican nationals come across the border, we know

1
2 that it's probably going to be them. Or in New
3 York City there is a high likelihood if there's a
4 gun crime in a NYCHA building, that it may be a
5 person of more color. Besides the fact that we
6 don't stop white middle age men for financial
7 crimes or anything as such, but why is it wrong to
8 use something like that in the crime fighting
9 method?

10 UDI OFER: There are three reasons.
11 One, it violates our Constitution. I'm a lawyer.
12 That excites me but other people don't care about
13 that. But it is unconstitutional.

14 It's counterproductive and
15 inefficient. There have been countless studies
16 that have proven in great detail about how racial
17 profiling is just not an effective law enforcement
18 tool. So forget about whether you believe or not
19 that it violates human rights principals of the
20 constitution, it's just not smart policing.

21 The commissioner talked a bit about
22 this, it drives communities underground. By
23 driving communities underground, you are creating
24 disorder. Because when you're a victim of a crime
25 or where you witness a crime, you're not going to

1

2

want to cooperate with law enforcement and

3

therefore it just creates a much less safe

4

society. So it's wrong for so many reasons.

5

Look, it's a talking point. This

6

is the state of our politics right now when it

7

comes to immigration reform. It's infused with

8

racist attitudes and it just doesn't make any

9

sense. Unfortunately, the law is actually getting

10

worse and worse in this area.

11

That's why it's so important for

12

the legislative branches of government to step in

13

and to define racial profiling in a way that

14

really does get rid of racial profiling and to

15

eliminate the tools that rogue law enforcement

16

agents or rogue local agents use in order to

17

engage in racial profiling.

18

That's why there's such a need for

19

not only comprehensive immigration reform that

20

provides a path to citizenship, but also for

21

eradicating the tools that allow people to engage

22

in profiling. Schumer's bill, unfortunately, just

23

doesn't do that and that's where our concerns are.

24

COUNCIL MEMBER WILLIAMS: The Chair

25

may also want it too, can you send my office some

1
2 of the reports about the racial profiling just
3 being inefficient as well as the other report?

4 Thank you.

5 NERISSA KUNAKEMAKORN: We've also
6 conducted research on public opinions around
7 racial profiling that I can send you as well.
8 They've found that the majority of Americans in
9 the United States, regardless of race or
10 ethnicity, believe that it's against our values as
11 a nation. It's just not what we want.

12 COUNCIL MEMBER WILLIAMS: Thank
13 you. I'd like to just have all of the tools in my
14 argument. So that's one that I think would sway
15 some people, that it's against our values and
16 constitution and it's another one if it just
17 simply is inefficient. That I also think is very
18 strong.

19 CHAIRPERSON DROMM: Thank you.
20 Council Member Eugene has joined us and has some
21 questions.

22 COUNCIL MEMBER EUGENE: Thank you
23 very much, Mr. Chair. Thank you to each one of
24 you for your testimony. Thank you for your
25 presentation and everything that you are doing on

1
2 behalf of immigrants. Could you please forward to
3 my office the information and copies that you have
4 regarding the immigration reform? Based on your
5 experience and the data that you have, with
6 respect to the mandatory detention and
7 deportation, what community or ethnic background
8 is more affected by this issue?

9 NERISSA KUNAKEMAKORN: I think I've
10 read it somewhere but I can't point to it
11 specifically. I can find it for you. Because of
12 the confluence of criminal prosecution and
13 immigration, it tends to affect a lot of folks
14 from the Caribbean, a lot of folks like from
15 Haiti, as well as folks from the Latin America.

16 UDI OFER: I think all you need to
17 so is to look at who is getting impacted by the
18 criminal justice system to then determine who is
19 subject to mandatory detention. Because the only
20 way that a person ends up in mandatory detention
21 is if it's an aggravated felony, a controlled
22 substance or a crime or moral turpitude which are
23 the standards, is because they come in contact
24 with the criminal justice system.

25 That's why I "love" using the

1
2 marijuana arrests example. Studies show that it's
3 white people who smoke marijuana more than people
4 of color. However, in New York City, it is people
5 of color who get arrested for marijuana possession
6 even though New York State decriminalized
7 marijuana possession of minor amounts in the
8 1970s.

9 What are they getting arrested for?

10 Well, we know that stop and frisk there are more
11 than half a million a year in New York City.

12 Remember, when you're getting frisked, you end up
13 pulling out your dime bag of marijuana. Suddenly
14 that becomes an arrestable offense because you
15 have it out in display and that's an arrestable
16 offense.

17 But it's people of color who are
18 disproportionately being arrested or summonsed for
19 marijuana possession and therefore it is people of
20 color that then if they happen to be non-citizens,
21 including green card holders who may end up in
22 deportation proceedings.

23 So the image of who ends up
24 entangled under mandatory detention laws is very
25 similar to the same populations who are entangled

1

2 to our criminal justice system because they go
3 hand in hand and they feed one another.

4

COUNCIL MEMBER EUGENE: We know
5 that people get arrested every single day for any
6 offenses. But is there any list of offenses that
7 increase the probability of people to be deported?
8 Is there a list of offenses?

9

UDI OFER: Do you mean a list of
10 what you could be deported for? Oh yeah, that's
11 in our immigration laws.

12

COUNCIL MEMBER EUGENE: Can you
13 forward it to my office also?

14

UDI OFER: Sure.

15

COUNCIL MEMBER EUGENE: It seems
16 that the immigration laws are not fair to
17 everybody, as you may know. Let me talk about the
18 wet foot and the dry foot in Miami for example.
19 You know that when people come from Haiti they get
20 to Miami and they get arrested and deported, but
21 people from other communities, when they get to
22 Miami, they get all the benefits and they stay in
23 the country. In New York and across the United
24 States we know also there is a lot of injustice in
25 terms of certain ethnic groups. We as advocates

1

2 for immigration rights, what do we have in place
3 to protect those people when their rights are not
4 respected?

5 UDI OFER: Again, I keep pushing
6 the fact and I keep going back to this, the New
7 York City Council right now has an incredible
8 opportunity because the lead senator in the United
9 States Senate is a New York City resident. He is
10 right now deciding what will be the amendments to
11 our federal immigration laws.

12 So when you ask what you can do, I
13 think now is a moment where you could do more than
14 you'll probably be able to do in decades to come.
15 I believe that the City Council should
16 aggressively be working with Senator Schumer to
17 draft legislation that will reflect our values as
18 the City of New York.

19 So I encourage you, if you haven't
20 already, to talk to Senator Schumer and make sure
21 that his legislation will fix these problems that
22 have to do with mandatory detention, that have to
23 do with the stripping of judicial review, that
24 have to do with the local enforcement of
25 immigration laws. Because now is an incredible

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

opportunity to try to change the law from the top.

COUNCIL MEMBER EUGENE: I agree with you. We are elected officials and we have to talk with our colleagues on the federal level because these are federal issues. But in terms of the City of New York, members of the community, activists, community leaders, advocates for immigration, what can we do together in addition to what the City Council member can do? What can we do to maximize our potential and our results?

UDI OFER: I think you need to change Executive Order 41. I mean I know there was an access without fear bill that then Council Member Hiram Monserrate introduced in 2003 or 2004 that would have gone much further than Executive Order 41.

I mean the reality is, as we were talking earlier, right now people end up in deportation proceedings when they come in contact with the criminal justice system in New York City, because there are ICE agents, Immigration and Customs Enforcement agents who sit at Rikers Island. That is an area where the City Council could actually intervene and work to stop that

1
2 pipeline because there is a pipeline right now
3 from Rikers to deportation.

4 I think there's actually a lot that
5 the New York City Council could do to change the
6 laws as we have it here in New York City to make
7 this actually a more immigrant friendly city.

8 I do want to give credit to Mayor
9 Bloomberg and the City Council in New York City,
10 because we are one of the most progressive cities
11 in the country in terms of creating safe havens
12 for the undocumented community. But that's not
13 the same as saying that we do everything we can to
14 protect our undocumented community because we
15 don't. The issue of marijuana arrests is one
16 example. The Rikers Island issue is another
17 example.

18 I mean, Executive Order 41, which
19 the mayor issued in 2004 I believe, has huge
20 loopholes in it in terms of when the NYPD can ask
21 about a person's immigration status and when they
22 can provide that immigration status to federal
23 agents. And now when Secure Communities is
24 probably going to be promulgated here in New York
25 City, that's going to lead to an even greater

1
2 pipeline of people who are getting summons for
3 disorderly conduct, which all of us could probably
4 end up being arrested for disorderly at any point
5 of a given day, will end up in potential
6 deportation.

7 COUNCIL MEMBER EUGENE: This is my
8 last question. Every day that constituents go to
9 my office talking about their family members stuck
10 in the detention center several miles from home.
11 But they don't know about the health and the well
12 being of their family members. What can we do in
13 terms of the right of those people to get access
14 to quality health care? Because most of them
15 they're suffering from certain pathology of
16 sickness, but the family members they don't know
17 in terms of access to medical health services.
18 What can we do to ensure that those people, even
19 there in detention, they receive the proper
20 medical care?

21 AFTON BRANCHE: Well I think that
22 we just need to hold DHS accountable for the
23 changes they said they were going to make in the
24 detention system. I think sort of putting a
25 spotlight on the health, as you said, and the

1
2 wellbeing of people in the detention system who
3 may or may not be guilty. I think we just need to
4 be more aware of what's going on and read articles
5 that people write about it and sort of hold them
6 accountable for the changes they said they were
7 going to make.

8 COUNCIL MEMBER EUGENE: What I want
9 to know is if there is any legal representation of
10 people from the legal society or advocates that
11 can go and be between the detention center and the
12 parent and to go to ensure that the medical
13 services are provided to them? Is there any
14 assistance for the parents? What I'm saying is
15 that those family members, those parents, they
16 don't have access to the system. Is there any
17 assistance that we can give them for them to be
18 able to access the system and know about the
19 health condition of the loved one from the legal
20 point of view?

21 UDI OFER: When you say the
22 detention centers, do you mean the immigration
23 detention centers or do you mean any detention?

24 COUNCIL MEMBER EUGENE: Any
25 detention center. I mean immigration detention

1

2

centers.

3

4

UDI OFER: You mean immigration
detention centers?

5

6

COUNCIL MEMBER EUGENE:
Immigration, yes, I'm sorry.

7

8

9

10

11

12

UDI OFER: New York City, which is
a good thing and a bad thing, no longer has a
permanent federal immigration detention facility.
So we had the Varick Federal Detention Facility
which was closed about a month ago or two months
ago from having permanent residents.

13

14

15

16

17

18

19

20

Now, when someone gets picked up in
New York City for immigration purposes, which
happens all the time, they get shipped either to
New Jersey or up to Buffalo or to Texas. That's a
problem because what happens is they're separated
from their families, they're separated from
counsel, and they're separated from us being able
to make sure that they're treated adequately.

21

22

23

24

25

So I'm a proponent of becoming more
aggressively tracking what happens to people who
are picked up here in New York City for
immigration purposes. Where do they get sent to
and what are the problems that they face? So I

1
2 think it would be terrific if the Immigration
3 Committee did something like a study of where
4 people who get picked up here in New York City get
5 sent to. And then, to answer your question, you
6 could then make sure that you're giving family
7 members the right information as to what the
8 medical conditions are in those detention centers
9 and how they can be fixed.

10 COUNCIL MEMBER EUGENE: Thank you
11 very much. Thank you, Mr. Chair. Thank you so
12 much.

13 CHAIRPERSON DROMM: Thank you
14 Council Member. I just want to say thank you to
15 the panel. We need to move on because we do have
16 other panels. I'm sorry, Council Member Jumaane
17 Williams.

18 COUNCIL MEMBER WILLIAMS: I'm
19 sorry, just one quick question. Executive Order
20 41, did you want to get rid of it or just fix it?

21 UDI OFER: Absolutely fix it. It's
22 a great starting point. It could be better.

23 CHAIRPERSON DROMM: Thank you very
24 much. I appreciate it. We want to bring up the
25 next panel. Before I do that, I just want to also

1
2 acknowledge that we've been joined by Council
3 Member Ydanis Rodriguez. I'd like to bring up Mr.
4 Brendan Fay from The Civil Marriage Trail, Ciaran
5 Staunton from the Irish Lobby for Immigration
6 Reform, George Fesser from The Lesbian Gay
7 Bisexual Transgender Community Center and Rachel
8 Tiven from Immigration Equality. Thank you. Do
9 you want to start with you, Rachel?

10 RACHEL B. TIVEN: Thank you very
11 much. Thank you, particularly to Chairman Dromm
12 and to the other members of the committee. My
13 name is Rachel Riven. I'm the executive director
14 of Immigration Equality. We're very appreciative
15 of the longstanding leadership that this committee
16 and this Council have provided on the very
17 important issue of immigration reform and
18 specifically the inclusion of lesbian, gay,
19 bisexual and transgender families in immigration
20 reform.

21 Immigration Equality is a national
22 organization headquartered in New York City that
23 works to end discrimination in U.S. immigration
24 law to reduce the negative impact of that law on
25 the lives of lesbian, gay, bisexual, transgender

1
2 and HIV positive people and to win asylum for
3 those who are persecuted in their home country
4 based on their sexual orientation or gender
5 identity.

6 Immigration Equality is the only
7 national organization dedicated to immigration
8 issues for the LGBT and HIV positive communities.
9 Our legal staff answers nearly 2,000 queries a
10 year from all over the world and has won asylum
11 for 500 lesbian, gay, bisexual and transgender
12 people fleeing persecution. In addition, we were
13 deeply involved in the recent repeal of the HIV
14 immigration and travel ban. We are pushing
15 constantly with the Department of Homeland
16 Security to reduce the incarceration of LGBT
17 immigrants.

18 Although we work on my issues
19 affecting the LGBT immigrant community, no issue
20 is more central to our mission than ending the
21 discrimination that gay and lesbian bi-national
22 couples face. A bi-national couple is a couple in
23 which one person is a U.S. citizen or a green card
24 holder and the other person is a foreign national.

25 Without recognition of the central

1
2 relationship and the lives of LGBT people, many
3 Americans are faced with an impossible choice
4 between separating from the person they love and
5 going into exile from their own country.

6 Throughout the immigration system
7 LGBT families are always more vulnerable because
8 of the lack of federal recognition for their
9 relationships and because of the vulnerabilities
10 that particular transgender immigrants face in the
11 immigration system, there is always extra
12 vulnerability for the LGBT community.

13 Just to give you one example that
14 we've been discussing today, we are currently
15 researching whether the Arizona provisions about
16 harboring immigrants would make U.S. citizens and
17 green card holders subject to arrest and seizure
18 of their property simply because they might be
19 driving their own life partner in their car. So
20 those are the kinds of circumstances that LGBT
21 immigrants and their families face every day.

22 All of these families'
23 complications, stresses and uncertainties would be
24 unnecessary if Congress would pass the Uniting
25 American Families Act. The bill is HR 1024 and S

1
2 424. It has been introduced in the House of
3 Representatives by New York City's own
4 Representative Jerrold Nadler and in the Senate by
5 Senator Patrick Leahy. It would give gay and
6 lesbian bi-national couples the same opportunity
7 to prove the bona fides of their relationship that
8 opposite sex couples currently enjoy.

9 It's worth noting today that it is
10 co-sponsored by both Senator Schumer and Senator
11 Gillibrand, as well as by the majority of the New
12 York City congressional delegation: Representative
13 Nadler, Representative Weiner, Representative
14 Towns, Representative Clarke, Representative
15 Velazquez, Representative McMahon, Representative
16 Maloney, Representative Meeks, Representative
17 Crowley, Representative Rangel, Representative
18 Serrano, Representative Engel and Representative
19 Lowey.

20 There is a strong consensus in the
21 United States that the immigration system is
22 broken and needs a top to bottom overhaul. There
23 are millions of undocumented individuals in this
24 country with no path to citizenship. There are
25 backlogs of decades for some categories of family-

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

based immigration.

LGBT individuals and families exist in every segment of the immigrant population. LGBT families need wholesale immigration reform. We don't only need recognition of our loving committed partnerships. We need to grow up in intact, safe homes with our parents and extended family there to support us, not separated by decade-long visa lines.

We need enough work visas so that people who were educated in the United States don't take their skills elsewhere. We need a path to citizenship so that LGBT children brought here as babies are not treated like criminals. And we need to know that if we are detained in immigration jail that we will not be targeted based on our sexual orientation or our gender identity.

Congress should address the overall problems within the immigration system and when it does so, it is vital that immigration reform include relief for all families, including families headed by same sex couples. There is broad support in the civil rights, faith and

1
2 immigration communities for inclusive,
3 comprehensive immigration reform. To name just a
4 few of the supporters: the Mexican American Legal
5 Defense and Education Fund, the NAACP, the SEIU,
6 United Methodist Church, the American Bar
7 Association and leading corporations like Pfizer,
8 Cisco, Intel, and American Airlines have
9 enthusiastically endorsed the Uniting American
10 Families Act.

11 I want to thank you for calling
12 attention to this issue and say that it is so
13 important to pass this resolution now. Obviously,
14 we are in desperate need of reform and the Senate
15 must act. As my colleagues on the earlier panel
16 said very beautifully, the opportunity of this
17 Council to influence our senior senator and
18 encourage him to move ahead is really crucial. So
19 thank you very much for acting to pass this
20 resolution.

21 CHAIRPERSON DROMM: Thank you. Mr.
22 Fay?

23 BRENDAN FAY: Thank you. Good
24 morning, Council Member Dromm and members of the
25 Immigration Committee on the City Council. I

1
2 appreciate this opportunity to testify this
3 morning. This is a very personal issue for me
4 because I am an immigrant. I am a gay man. I'm
5 Catholic. I'm a filmmaker. I'm a resident of
6 this city. I'm also a married gay man who crossed
7 the border to Canada for the simple right to
8 marry.

9 So this is by no means just yet
10 another kind of hearing but it's a very personal
11 issue. And I think for so many of us in this room
12 who get this issue, from the moment we left our
13 house to arriving here, how many immigrants were
14 there to help us just go about our lives and our
15 work in this city. I think it's time for us as
16 New Yorkers to really rally together and not be
17 pitted apart, one community against the other.

18 This issue of comprehensive
19 immigration is not an issue of Mexican versus gay
20 or Haitian versus lesbian. It is a matter that
21 impacts all of us as human beings, as human
22 persons. If anyone knows about that, it's us as
23 New Yorkers. That's something that we all share.

24 According to some recent studies,
25 there are over 12 million undocumented immigrants

1
2 in the U.S. Some studies claim that among those
3 that up to half a million are lesbian, gay,
4 bisexual and transgender. All who share with all
5 of these other communities the experience of
6 living in a marginal, shadowy existence.

7 Among those are 36,000 bi-national
8 couples who cannot live freely and fully together
9 because federal laws ban recognition of our
10 relationships. Immigration clearly is an issue,
11 it's an LGBT issue, it's an issue for all New
12 Yorkers. I really appreciate this.

13 One point that I would make is that
14 in more conversations that I've participated in
15 the communities, I am tired and weary of listening
16 to one community among us being pitted against the
17 other. I would like New York City to be the lead
18 in this country in saying this is an issue that
19 affects all of us. If anything can bring us
20 together, it is this issue of comprehensive
21 immigration.

22 I also want to mention that they
23 often say it's fitting that New York City ought to
24 give the lead. The national symbols in this
25 country, whether it's Ellis Island and the Statue

1
2 of Liberty, all the poetry and platitudes to
3 welcome and hospitality come from this city. I
4 often tell people that Kennedy Airport to be is
5 what Ellis Island was for many of our immigrant
6 ancestors. I also want to mention that as an
7 immigrant, I actually came here to study. I want
8 to say that non-recognition of LGBT families, of
9 same sex couples is a horrendous experience of
10 discrimination and now we have an opportunity to
11 address it.

12 When I arrived here, I met my
13 spouse Tom at Sunday mass at a group. Tom
14 actually would be here this morning. He's a
15 pediatric hematologist working in Bronx Lebanon
16 and of course he is always mentioning of major
17 concern for him is the fear and the anxiety of
18 parents bringing their children to his clinic who
19 are suffering from sickle cell or cancer that how
20 immigration issues really impact even their
21 accessing simple health care for themselves and
22 their children.

23 You need to know that shortly after
24 Tom and I moved together, that unlike like
25 heterosexual couples, Tom could not apply for

1
2 legal sponsor for me, his foreign born partner.
3 So since 1998 I've been active in lobbying for
4 reform in immigration law and advocating for
5 marriage equality for couples like us.

6 I want to say that since starting a
7 group, The Civil Marriage Trail Project, which I
8 founded in 2003 with Puerto Rican activist Jesus
9 Lebron, I've helped couples cross state and
10 national borders for the simple legal right to
11 marry. Among these have been bi-national couples
12 like Eddi Windsor [phonetic] and Thea Spire
13 [phonetic], from the Netherlands, John McNeal
14 [phonetic] and his Canadian spouse.

15 I want to also remind people that
16 as well as Ellis Island, the Statue of Liberty,
17 New York City is also home to Stonewall, which
18 initiated the civil rights movement for the
19 community of which I'm a part.

20 Yet there's another moment I want
21 to call to people's attention here. That is
22 another police raid on another bar called the
23 Snake Pit. Everybody knows about the raid on
24 Stonewall in June 1969. Few are aware or remember
25 the March 8th, 1970 police raid on the Snake Pit

1
2 Bar, a gay club where they arrested employees and
3 over 150 customers.

4 Among them was Diego Vinales, an
5 Argentinean immigrant who tried to escape by
6 jumping out the second floor window of the police
7 station, and in the end impaling himself on the
8 wrought iron fence below. He was rushed to St.
9 Vincent's Hospital. This also led to many
10 community arrests.

11 As an immigrant who is also gay, I
12 not only remember the Stonewall riots, I also
13 remember very vividly and recall to memory the
14 story of the police raid on the Snake Pit Bar
15 right here in our city.

16 I'm also currently working as a
17 filmmaker on another film called Sligo Annie, an
18 Irish woman who was lesbian, very prominent as a
19 musician in the Irish community, very popular in
20 the 80s and early 90s, but she was also
21 undocumented. Though she was in a relationship,
22 there was no legal recognition for her or her
23 partner. She became ill but she was terrified of
24 actually simply going to the hospital for her
25 health. Sligo Annie, Annie Holmes, died of a very

1

2

treatable condition.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

I also have many friends from Ireland who are tested HIV positive when they went for their green cards to Ireland. One who ran a construction and painting business. I remember him calling me, coming back in through an abandoned train tunnel through Vermont. Of course now we know where he languished for years here undocumented. But he actually continued painting and doing construction work. I am very happy to note, of course, the recent lifting of that ban of my brothers and sisters who are HIV positive.

We have much to do. The only way forward is to work together. I pledge to do whatever I can. But I do want to highlight that it breaks my heart to see one group of New Yorkers separated from the other. I believe working together we can send an extraordinary message across this country that all of us, Mexican, Haitian, Irish, gay, lesbian, religious, non-religious, can move together simply because we care for human beings. In what has been the long tradition of this city, that we can be a beacon of light and hope in welcoming other human beings

1
2 from abroad. Later I'll be happy to forward you
3 some written testimony. I'm sorry I don't have it
4 with me this morning.

5 CHAIRPERSON DROMM: Thank you very
6 much. Mr. Fesser?

7 GEORGE FESSER: Thank you so much
8 for the opportunity to be here. My name is George
9 Fesser. For over twelve years, I have been
10 providing social work services to LGBT immigrants
11 in the New York City area. I am currently the
12 Coordinator of Immigrant Services at the Lesbian
13 Gay Bisexual and Transgender Community Center
14 where I have worked for the past three years with
15 LGBT immigrants from all over the world.

16 LGBT immigrants that come for
17 services at the center are telling us that they
18 are experiencing increased barriers to employment
19 along with increased stigmatization and violence
20 towards them. They are also telling us that it is
21 becoming increasingly difficult to access
22 resources and information that can assist them
23 towards obtaining legal documentation.

24 We are also hearing about the
25 impact of immigration on our bi-national couples

1
2 and their families. Due to the current inability
3 for an American Citizen to sponsor their foreign
4 born partners, our clients experience the
5 devastating impact on finances, health and
6 mobility of their families. Oftentimes the only
7 option for nationals is to relocate abroad in
8 order to keep their families together.

9 At the Center, I conduct weekly
10 LGBT immigrant support groups for individuals from
11 all over the world who are fleeing countries where
12 being gay is illegal, punishable by prison, and in
13 some instances punishable by death.

14 The vast majority of these LGBT
15 immigrants suffer from symptoms related to Post
16 Traumatic Stress Disorder. They also suffer from
17 major depression and place them at higher risk for
18 HIV infection, drug and alcohol abuse, domestic
19 violence and many other risk factors that are
20 commonly associated with disenfranchised
21 communities.

22 I would like to take this
23 opportunity to share the story of Bethany who is a
24 23-year-old woman who came to the center seeking
25 support because she had just arrived from

1
2 Uzbekistan a few days earlier with a suitcase and
3 \$500 in her pocket. According to the
4 International Lesbian Gay Association's human
5 rights map, in Uzbekistan, the penalty for
6 homosexuality is imprisonment with no precise
7 indication of time. When Bethany arrived at the
8 center she was worried that she could have been
9 followed, and told us that she circled the block
10 several times before entering our building on 13th
11 Street.

12 Later when she sat down to share
13 her story with one of our intake counselors; we
14 understood why she was so paranoid. During her
15 initial interview, Bethany spoke about brutalities
16 that she endured at the hands of local police in
17 her small town. Bethany told us about her arrest
18 at a public park after a police officer saw her
19 kissing her girlfriend.

20 When Bethany and her girlfriend
21 were arrested, they endured multiple instances of
22 rape at the hands of these police officers, and
23 then they were handed over by these same police
24 officers to criminals in the jail who also raped
25 them. Bethany was lucky to have parents who

1 supported her and got her out of the country. She
2 is now in New York seeking assistance with filing
3 for asylum.
4

5 Through her attendance in the LGBT
6 immigrant support groups, her individual
7 counseling here at the center, and the referral
8 that we were able to give her at Bellevue's
9 program for survivors of torture, she is now well
10 on her way to getting her life back.

11 Recently, Bethany was granted full
12 asylum, and she is now working full time and
13 receiving medical benefits from her employer. She
14 continues to suffer from the symptoms related to
15 her trauma, but she is now connected to a vibrant
16 supportive community of friends who are helping
17 her build a new life for herself in the United
18 States. On June 27th, 2010, she plans to
19 participate in the Gay Pride parade with her
20 friends from the group.

21 Moving forward, we must remember
22 the stories of people like Bethany, who are simply
23 trying to achieve freedom and peace in their lives
24 and come here to the home of the free to live a
25 life free of persecution. Most of us in this room

1
2 would agree that the U.S. immigration system is
3 broken and in need of major reform. The reforms
4 that are suggested in Resolution 162 are a step
5 towards a comprehensive immigration reform bill.
6 It's imperative, however, that this bill moves
7 forward as is, and that we fight to ensure that
8 the current language, which acknowledges the
9 circumstances of LGBT immigrants stay in this
10 bill. Thank you so much.

11 CHAIRPERSON DROMM: Thank you very
12 much. Mr. Staunton?

13 CIARAN STAUNTON: Good morning, Mr.
14 Chairman. Good morning, Council Member Rodriguez
15 and Council Member Williams, staff and Council
16 also. [Foreign language].

17 My name is Ciaran Staunton. I am
18 the president of a national organization called
19 the Irish Lobby for Immigration Reform. We lobby
20 Congress and have done for many years on the issue
21 of the undocumented and free and equal access to
22 the United States. I campaigned on the 1986
23 reform act and the 1990 immigration act. Those
24 two we got through.

25 You and I, Mr. Chairman, met with

1
2 Mayor Bloomberg last week and it's something I
3 think we need to keep going back to where we ask
4 Mayor Bloomberg to lead a delegation to
5 Washington. He has been a great leader on this
6 issue.

7 We asked him to meet with the seven
8 moderate Republicans, Olympia Snowe and Susan
9 Collins in Maine and some others, that he could
10 actually bring it. I think this is something
11 Senator Schumer said at the outset. We're not
12 going to have a partisan immigration reform bill.
13 We're not going to have a democratic bill. We're
14 going to have an American bill that they can get
15 through. This is what happened in '86 and this is
16 what happened in '90.

17 There have been many criticisms of
18 the current proposals. We all know in life we're
19 not going to get what's perfect, but I don't think
20 we should let the perfect kill the good. We were
21 at Senator Schumer's event in Queens last week.
22 There are a lot of things we have problems with
23 and it may have small problems in it, and while I
24 think we may have reservations about obvious
25 aspects, but I just see there's a rally going on

1
2 May Day for one of the groups are criticizing
3 Senator Schumer and calling him the second coming
4 of Chairman Sensenbrenner who was the gentleman
5 who passed the decriminalization bill.

6 I think we as advocates should
7 disassociate ourselves from those kind of attacks
8 on Senator Schumer because quite a few Democrats
9 would love to Senator Schumer throw this bill in
10 the garbage pail and go away. I have lots of
11 friends and neighbors and employees and everyone
12 else who have been here 10 and 15 years and more.
13 They would love to see the Schumer/Graham
14 initiative.

15 We went to South Carolina. We
16 mobilized some of the Irish and the Catholic
17 groups in South Carolina to meet with Senator
18 Graham and explain what was going on. We've met
19 with staffers for Senator Lugar and with others.
20 We have a large group of the Irish community who
21 you met the other week who were down from Boston
22 targeting Senator Brown's office. Those are the
23 people to meet. Everyone knows in the morning
24 there are 40 senators that will vote for any type
25 of bill. Anyone knows there's 170 congressmen

1
2 that will vote for any kind of immigration bill.
3 But that math doesn't add up. We need to reach
4 across the normal things.

5 I often remind people that the '86
6 immigration and control reform act was signed into
7 law by President Reagan. The immigration act of
8 1990 was signed into law with the great help of
9 Senator Simpson, a Republican from Wyoming, with
10 the support of President Bush. That's where we
11 need to go back to come from. That's our way of
12 targeting six or seven moderate Republicans.
13 That's why we're on the street. That's why we're
14 taking it to not the usual corners but taking it
15 beyond those who are normally in your corner.
16 What you said at the meeting the other night is
17 who has an interest and who can we get out to.

18 May Day events, I hope that all the
19 labor groups and all the pro groups will use the
20 energy in attacking those who are not with us, not
21 those who are partially with us. We are getting
22 quite a long way with Senator Schumer. It's not a
23 finished deal and I think we haven't seen
24 everything. I do believe that there's a lot of
25 time to amend bills. I've worked with Senator

1
2 Schumer since he was a congressman 20 odd years
3 ago. He will make it up on the floor. He
4 realizes he has to get some Republicans on board.

5 I was in Tucson a couple of weeks
6 ago. I met with our Irish American leaders in
7 Tucson and in Phoenix. I think what you see
8 what's happening this week comes back home. I'm
9 reminded of the saying the only thing that isn't
10 needed for evil to succeed is for good people to
11 do nothing.

12 Now the good people in this room
13 and the good people like yourself, Mr. Chairman,
14 by getting Mayor Bloomberg and let's go to
15 Washington and let's do it. Let's not say either
16 we're getting 100% or we're walking off. If that
17 was the case, we'd never have gotten anything.
18 '86 wasn't perfect. It helped a lot of people.
19 '90 wasn't perfect. This bill isn't going to be
20 perfect.

21 I've met with people who have
22 listened to their family's funeral service over
23 the phone. I've met with people who aren't able
24 to see their parents or anything else, have been
25 away from it for years. How a married couple, one

1
2 of them might decide to go to their mother or
3 father's funeral and get stopped coming back in.
4 They won't be near as picky. But I think what we
5 going, as Brendan has said earlier and I endorse
6 everything he says, we need to go in as one. But
7 we shouldn't be raising the bar too high to say
8 it's either all or nothing. We have had 20 years
9 of nothing and 20 years of nothing has failed.
10 Let's move on to the next one. I appreciate your
11 time. Thank you very much.

12 CHAIRPERSON DROMM: Thank you.
13 What I'm hearing from this panel is that basic
14 comprehensive reform, despite some of the faults
15 that it may have, would be better than nothing at
16 all. Would any of the members of the panel care
17 to comment on that or agree with that? I'd just
18 like to get a sentiment on that.

19 CIARAN STAUNTON: That's what
20 I've just said. What I've said is that we don't
21 have a bill that's right there than we can
22 criticize and say we're not getting everything.
23 We haven't a bill produced in the Senate. So if
24 Senator Schumer is reaching out to Republicans and
25 we are saying to them that you have to meet this

1
2 mark or we don't want you, then we have that.
3 We've had 20 years of not meeting the mark. We've
4 had 20 years of not wanting you. What I am saying
5 is let them come aboard and in the debates in the
6 House and the Senate and the conferences
7 afterwards we'll have lots of time to be there in
8 Washington to take out the bad bits and put in the
9 good bits. That's my point.

10 CHAIRPERSON DROMM: I just want to
11 also get from some of the LGBT activists. The
12 lack of inclusion of LGBT families in terms of
13 immigrant reform how does that make you feel as a
14 human being, or how does it make the LGBT
15 community feel in terms of your humanness?

16 RACHEL B. TIVEN: We were certainly
17 very disappointed not to be included in
18 Congressman Gutierrez's bill earlier this year.
19 However, I think it's important to note that we
20 were included in a major immigration reform
21 package introduced by Congressman Mike Honda from
22 Northern California, a bill called the Reuniting
23 Families Act. That was a bill that amend the way
24 that family preference categories work to speed
25 the immigration of family members, more than six

1
2 million people who have been waiting an
3 unconscionably long time for their family members
4 to be able to join them in the United States.

5 These are people who are absolutely
6 in proper status to apply for the visas. They are
7 eventually going to get the benefits that they
8 seek, but because of the way the wait times work,
9 families are being disrupted for in some cases a
10 decade, 15 years in some cases. If you're from
11 the Philippines, you could wait 15 years to bring
12 your mother here. That causes a needless
13 disruption to the family system.

14 He feels very strongly about family
15 unification as the bedrock of our immigration
16 system. He's really quite an evangelist on this
17 and he sees very clearly that you can't say that
18 you're supporting families if you don't include
19 all families. For that reason he included the
20 full language of the Uniting American Families Act
21 of the Nadler/Leahy bill to protect LGBT families
22 in his larger package.

23 So there is significant precedent
24 in Congress for the inclusion of LGBT families.
25 As I shared, some of the support I think is not a

1
2 controversial matter as far as many, many key
3 civil rights, faith and immigration groups are
4 concerned in addition to which there is tremendous
5 corporate support for the inclusion of LGBT
6 families. So we are very optimistic that the
7 Senate bill will include LGBT families along with
8 all of the other families that need immigration
9 reform so desperately.

10 CHAIRPERSON DROMM: Mr. Fay, I
11 recently became aware of an undocumented in my
12 community who was arrested on false prostitution
13 charges and then was pleading down to a disorderly
14 conduct charge I believe in the hope that he
15 wouldn't be exposed because he was closeted and
16 that with the lesser charge it wouldn't impact his
17 immigration process. I think you might be aware
18 of the case as well.

19 I think there is a sentiment within
20 the immigrant community that oftentimes these
21 cases can be pled down to lesser charges but in
22 fact they're still held against them. I'm just
23 wondering if you can give us any information on
24 that type of thing that happens within the LGBT
25 communities.

1
2 BRENDAN FAY: Absolutely. Let me
3 say I really applaud this particular resolution
4 and your particular focus that any passage or
5 proposal of comprehensive immigration bill at this
6 moment must be inclusive of a United Americans
7 Families Act, must not exclude immigrants or
8 persons or residents who are lesbian, gay,
9 bisexual or transgender. Too often when members
10 of the LGBT community have a brush with the law it
11 has tremendous consequences, especially for
12 immigrants.

13 But I would say, since we're
14 speaking about the particular rash and pattern of
15 arrests for prostitution that has come to light in
16 our city, among those arrested were a number of
17 immigrants, including just visitors to the city
18 from the Netherlands. But because of the arrests,
19 which turned out to be a false, targeting of them
20 on the basis of their assumed sexual orientation,
21 it then impacts their ability to even enter the
22 country as visitors or as immigrants.

23 Again, I think this is something
24 that is often not appreciated that we share with
25 many other immigrant or non-immigrant communities,

1
2 a fear and anxiety in our brushes with the law.
3 We feel we are targets, unfairly targeted groups.
4 That's something that we share together. It's a
5 vulnerability that I think that this comprehensive
6 immigration law could address and resolve.

7 I also know what it's like to live
8 in that space of incredible fear and anxiety. I
9 remember after Tom and I got married and just
10 briefly that I got a letter from the INS to show
11 up at 8:00 a.m. at their office in Woodside. I
12 had a green card. But word was going around the
13 immigrant communities to be careful because the
14 federal government was using the calling in of
15 people for renewal of green cards as an
16 opportunity to actually initiate deportation
17 proceedings for certain groups.

18 I remember that night that I got
19 that letter to show up at 8:00 a.m. the next
20 morning and I held Tom. I just wondered what
21 would happen to us as a couple. Then we began
22 talking. He said even though he's a physician in
23 this city, a pediatric hematologist/oncologist, we
24 began to talk about life in Toronto or Ireland.

25 The next day I went and my green

1
2 card was actually renewed and I just cried. But I
3 know what this human space, what it is like to
4 have this psychological anxiety and fear and to be
5 able to thrive in the city.

6 I'll just say one last personal
7 note. I often wonder how far I can speak out.
8 This land of free speech, how inhibited I feel at
9 times as an immigrant and many of my friends who
10 do not actually feel as fully free. So in fact,
11 this very denial of civil rights is so contrary to
12 the spirit of America and the promise of this
13 city. "The land of the free," how ironic.

14 So I think this resolution is so
15 important. I hope that over the coming weeks that
16 this committee could mobilize more New Yorkers,
17 pull us together, and create spaces in every
18 borough to hear more voices so that we can really
19 help move this comprehensive immigration law
20 forward. Thank you.

21 COUNCIL MEMBER RODRIGUEZ: I
22 remember in 1994 I was in Puerto Rico addressing
23 the issue of Vieques. Not many people were
24 addressing the issue of Vieques in 1994. Then
25 when the U.S. Navy were doing the exercises and

1

2

someone was killed, then the whole international got involved on the issue of Vieques. So Vieques crossed the border of just Puerto Rican. I believe that at this moment we are in the same situation.

7

8

9

10

11

12

I remember in the late 80s and the 90s. Listening to your story, I know that you were there pushing for immigration reform. Not right now because right now we have more friends. It will bring the discussion of immigration reform I believe sooner than later.

13

14

15

16

17

18

19

20

21

22

23

You say that this is not a matter of getting a perfect bill. But the first thing is to bring the discussion to Washington. As we had a discussion around the health care bill, the immigration reform bill has to be discussed. We have to take a position. Let's just say look at this bill, it's not about gays, or Latinos or undocumented, but it's more about the human piece. It's more about what we stand for as a nation. It's more about where we're going to be 100 years from now.

24

25

I believe that in the case of Arizona, the governor signing this bill, in my

1
2 belief it will go to the Supreme Court. I believe
3 that the law was crossed. I think that the only
4 profile that anyone would have is being black and
5 Latino to be stopped with the new bill in Arizona.
6 I think it's unacceptable. But I believe that
7 just by signing this bill it will help also the
8 discussion on immigration. I would like to get
9 your feedback on how you feel about it.

10 CIARAN STAUNTON: I to agree that
11 it will certainly put it up to people, and both
12 the right and the left are using this, in the
13 absence of good legislation we need to do
14 something. I think it has brought in a multitude
15 of people. I think there are an awful lot of
16 analogies that sensible people will see. I think
17 it's someplace between Alabama in 1950 and South
18 Africa's past laws of the 1980s, where certain
19 people cannot go in within certain areas.

20 But I do agree with you. I think
21 it behooves everyone now to say we need to get
22 ahead and we need a federal national decent
23 immigration policy. We shouldn't allow a sheriff
24 out there to dictate state policy, going into two
25 very important primaries. Even someone like

1

2

3

4

5

Senator John McCain, who many of us had great respect for some years ago who lobbied hard for everyone has actually gone on the wrong side on this.

6

7

8

9

10

11

12

13

14

15

I do agree with you that the point is that this may be the straw that has finally broken the camel's back and it might be the stick that put the bit of sense into the camel. I believe it's in our hands to this municipality. I do think under the leadership of Mayor Bloomberg that we need to get to Washington and meet some people like Senator Collins and Senator Snowe and decent, reasonable people and say we need you to lead us out of this.

16

17

18

19

20

21

CHAIRPERSON DROMM: I just want to interrupt because I have to leave to go take a vote over in the chambers. I'm going to leave the committee in the able hands of my fellow Council Member Jumaane Williams. I will be back but I've just got to vote.

22

23

24

25

COUNCIL MEMBER WILLIAMS: Are there any more questions? Thank you very much for your testimony. The last panel is Miguel Sevafin, and I'm sorry if I butchered your name, and Patricia

1
2 Suarez. I'm going to ask the sergeant at arms to
3 give us a framework of time, can you put five
4 minutes for each person. Don't worry about it.
5 Just give us a framework. If you need to go on,
6 we can.

7 PATRICIA SUAREZ: It's not too
8 long.

9 COUNCIL MEMBER WILLIAMS: No
10 problem. Please begin and please state your name.

11 PATRICIA SUAREZ: Thank you. I'm
12 sorry, I don't speak English well. I try to read
13 in Spanish and I have a copy in English for you.
14 [Foreign language].

15 COUNCIL MEMBER WILLIAMS: Would you
16 like someone to read it in English for you? Yes?
17 [Reading testimony] Good morning, my name is
18 Patricia Suarez and I'm a member of Make the Road
19 New York I am a resident of Staten Island. Thank
20 you to the Immigration Committee and to the
21 Councilmember Dromm for having presented this
22 resolution, and thank you for having invited us to
23 testify.

24 Make the Road New York is a
25 community organization with over 7000 members,

1
2 working to ensure that all immigrants in the city
3 can live with dignity. We work in Queens,
4 Brooklyn, and Staten Island. Immigration reform
5 has been one of our top priorities for a long
6 time, and we are going to continue to work until
7 it is passed. On March 21st, we took 2100 members
8 to Washington to show the President and Congress
9 that we need comprehensive immigration reform in
10 2010.

11 It is difficult to say in a few
12 words why immigration reform is so important. I
13 was personally undocumented for some time in this
14 country, but now thanks to God I am a citizen. I
15 vote in the elections and I make my voice heard.
16 Fundamentally, the situation in this country with
17 regard to immigration is unjust. It is unjust
18 that members of our city, members of our families,
19 and our friends have to be second-class human
20 beings.

21 Now with the new law in Arizona,
22 this is even truer. Undocumented people in this
23 country work, participate, and buy, and they want
24 to do more but they cannot because of a lack of
25 status. Workers are vulnerable and exploited by

1
2 employers. Children cannot follow their dreams of
3 college. Families live in fear that one of their
4 members will be deported. It is a situation that
5 we cannot bear any longer.

6 That is why is it important that
7 today the City Council has taken this resolution
8 calling for immigration reform in 2010. We have
9 to put all our possible pressure on Congress and
10 the President to make this a reality in 2010, and
11 you, as leaders of the city, are taking the right
12 steps. Thank you again, and si se puede.

13 MIGUEL SEVAFIN: [Foreign
14 language].

15 COUNCIL MEMBER WILLIAMS: Thank
16 you.

17 MARTHA: [Translating] I will
18 translate it for you. Good afternoon, my name is
19 Miguel and I live in Elmhurst, New York. I came
20 to this country in 1992. Since then I haven't
21 been able to see my family. Not a long time ago,
22 my father passed away and I will never see him
23 again. Like me, many others are in the same
24 situation. This is all because of our legal
25 status.

1
2 In many of countries there have
3 been natural disasters and we haven't been there
4 to support our community and our country under
5 pain and sadness. I do appreciate the Council of
6 New York for your support to have a comprehensive
7 immigration reform. The Congress of this country
8 and President Obama should be supporting and
9 presenting a proposal for immigration reform that
10 is just and humane as soon as possible.

11 I also ask that the Congress helps
12 invalidate the bill that was passed in Arizona.
13 This immigration reform is very necessary now that
14 every day we are seeing that our civil rights have
15 been endangered.

16 We do not support these types of
17 laws that are discriminatory and racist. The
18 government has to be conscious about how we come
19 here and give the best of our years as workers and
20 that we are here to support this country and the
21 well being of this country. Thank you for your
22 support with Resolution 162. Thank you.

23 COUNCIL MEMBER WILLIAMS: Thank
24 you, first of all, for the personal testimony. I
25 just wanted to know if you can tell us a little

1

2 bit of why you came here and your experiences
3 since you've been here.

4

5 MIGUEL SEVAFIN: [Foreign
6 language].

7

8 MARTHA: [Translating] I came to
9 this country to work and help my parents. As you
10 know, many of us are here because of the situation
11 in our own country. There are no jobs and it's
12 really hard. We are here with a dream. We want
13 to go back to our countries. We want to visit our
14 family and be able to travel and see them.

15

16 Also, I am very hopeful that
17 Congress passes a law. Since I've been here,
18 there have been many proposals throughout the
19 years and nothing happens. We are still hopeful
20 that someday one of our leaders in Congress can
21 propose something and we'll have a good
22 immigration reform. I'm also hopeful that one day
23 I will go back to my country and visit my mother
24 before she passes away too.

25

26 COUNCIL MEMBER WILLIAMS: Thank you
27 very much. You can feel free to answer the same
28 question. And then I'll be turning the meeting
29 back to Council Member Dromm.

1

PATRICIA SUAREZ: Thank you.

2

[Foreign language].

3

4

MARTHA: [Translating] I came to

5

this country because I suffer from domestic

6

violence. I came here because I know that women

7

in this country have more rights than in the

8

country that I'm from. I came here in 1992 and my

9

status was regularized in 1999. It was a fight of

10

many years. My husband was able to regularize his

11

status through amnesty, but I had to fight many

12

years more to get my legal status. My daughters

13

came here undocumented as well, but they were able

14

to achieve legal status. They've now gone to

15

college and have become good citizens.

16

CHAIRPERSON DROMM: You're English

17

is very good.

18

PATRICIA SUAREZ: I hope you and

19

everybody to support this resolution because when

20

I hear the people in my community I feel very sad.

21

Everybody says I can't trust the police. I think

22

this is a very bad way because who can call the

23

police and maybe the police can deport you to the

24

other country. Something like this needs to be

25

soon fixed. This is no good. Thank you very

1

2 much.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CHAIRPERSON DROMM: [Foreign

language]. First I just want to say thank you to

Council Member Jumaane Williams for taking over

while I had to go across the street to vote. I do

have some questions. [Foreign language]. In

English, I asked how she thinks the law in Arizona

would affect the community.

MIGUEL SEVAFIN: [Foreign

language].

MARTHA: [Translating]

Particularly, I think this law is extremely

dangerous. I know that a lot of people will leave

that state, leaving their work and their business

behind. We are really a hard working people.

When we come here to the U.S. we work a lot. We

believe that this is our country, we live here.

We know that we belong to this country. Sadly, I

know that with time we will see the negative

effects that this law will have in the state of

Arizona.

CHAIRPERSON DROMM: [Foreign

language].

MIGUEL SEVAFIN: [Foreign

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

language].

MARTHA: [Translating] I think that people are afraid of this law. We know that because of the color of our skin, we are in risk of being arrested.

CHAIRPERSON DROMM: [Foreign language].

PATRICIA SUAREZ: [Foreign language].

MARTHA: [Translating] I think that the unique thing about this country is the different cultures and that it has the diversity. That makes this country very unique. This law is really cruel because people will have to leave that state in particular. We will start seeing a lot of segregation amongst communities and different states.

CHAIRPERSON DROMM: [Foreign language].

PATRICIA SUAREZ: [Foreign language].

MARTHA: [Translating] Yes, I think that if you look Latino you will be stopped and that will be an excuse to ask you for your

1
2 documents to be in the country and then you might
3 be at risk of being deported.

4 CHAIRPERSON DROMM: [Foreign
5 language].

6 PATRICIA SUAREZ: Yes.

7 MIGUEL SEVAFIN: [Foreign
8 language].

9 MARTHA: [Translating] Yes, I
10 agree. Unfortunately, those are the laws that our
11 Congress is proposing. I think it's really
12 inhumane. All we're doing here is working. One
13 of the things that I will ask the community just
14 to avoid this type of situation is to try to be
15 right with the law.

16 CHAIRPERSON DROMM: [Foreign
17 language].

18 PATRICIA SUAREZ: [Foreign
19 language].

20 CHAIRPERSON DROMM: [Foreign
21 language].

22 PATRICIA SUAREZ: [Foreign
23 language].

24 MARTHA: [Translating] I'm sure
25 that instead of making things better, it will be a

1
2 way of just anybody taking the law into their
3 hands. I also know that other states are seeing
4 this law in Arizona as an example and probably
5 they're taking the same actions and passing the
6 same types of law in these other states.

7 CHAIRPERSON DROMM: [Foreign
8 language].

9 MIGUEL SEVAFIN: [Foreign
10 language].

11 MARTHA: [Translating] In general,
12 when families are separated, that is very sad and
13 that means a very sad moment to families. Also,
14 all of these raids and all of this persecution to
15 immigrant communities lead to hate crimes. The
16 lack of tolerance among different communities
17 makes hate crimes more visible in our communities.
18 Leaders have to be conscious about this and stop
19 these types of hate crimes in our communities. I
20 think this is a time to fight for our rights.

21 CHAIRPERSON DROMM: Martha, I know
22 from your experience in the community as well,
23 your work with the day laborers. What's
24 concerning me as the chair of the Immigration
25 Committee and also as a Council Member from

1

2

Jackson Heights is the effect that it would have on our day laborer population as well.

3

4

5

6

7

8

9

10

11

12

13

14

I see, as one of the advocates said before, and I don't know if you were here to hear their comments, but already even in New York State, people have begun to enact laws which would prohibit the gathering of day laborers on the street. One of the advocates spoke about something similar in upstate New York. Do you feel that there would be like a chain effect from Arizona to other states to scapegoat our immigrant population for many of the other problems that exist in our country at this point?

15

16

17

18

19

20

21

22

23

MARTHA: I think so. I think that it is particular dangerous what happened in Arizona because it's a proof of what's happening in the country. There is a lot of misunderstanding about what an immigrant is here in this country and what our contributions are to this country. I was very worried when this law happened because I know this is how they're taking away our civil rights day by day.

24

25

In my experience I know that New York City might not be having as many problems as

1
2 they're doing in other counties in the state, but
3 I do see a lot of racial profiling even in Queens
4 and Jackson Heights where we are. The police are
5 always targeting the day laborers. I think that
6 that's happening in New York City as well.

7 CHAIRPERSON DROMM: I know that you
8 know that I'm aware, but to get on the record as
9 well, because that's why I think that some of
10 these hearings are so important, is just to share
11 a little bit of your experience. In terms of
12 those day laborers on 69th Street, what they go
13 through, even though we live here in New York
14 City. [Foreign language]. Martha?

15 MARTHA: I think that we might
16 think that there isn't a lot of things happening
17 in the City of New York, but I do hear from the
18 community members a lot that they are stopped when
19 they're walking on the street by the police. They
20 are asked for identification. Many in these
21 immigrant communities do not have any type of
22 identification. What worries us is that if they
23 go to any detention center in the city and they
24 are taken to Rikers, they might be at risk of
25 getting deported.

1
2 So I know that this is a very
3 immigrant friendly city, but at the same time we
4 do have issues that we need to work with in our
5 communities.

6 CHAIRPERSON DROMM: Describe for me
7 exactly what's going on in Hart Park as well.
8 What's happening to the day laborers? How are
9 they being harassed in Hart Park, allegedly from
10 complaints from residents?

11 MARTHA: These complaints started
12 in 2009 as the economy was suffering. The number
13 of day laborers in the day laborer sites increased
14 enormously from being 300 to 800 or 900 at one
15 stop.

16 CHAIRPERSON DROMM: What's your
17 feeling of why that increased, the day labor
18 population increased? Do you have a theory about
19 that?

20 MARTHA: I think because the
21 construction business suffered a lot during this
22 economic crisis. Many of the workers that had
23 contracts with the construction businesses, they
24 no longer had a job. So they had to go and be
25 outside waiting every day to get a job on a daily

1

2

basis.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

So because of this increase of numbers, we started seeing a lot of complaints from neighbors saying that they were causing disturbances in the community. What we have found out is that it's not the whole community that's complaining about the day laborers. It's only two or three people complaining every day about day laborers being there in front of their buildings, using their parks and all of that. It's really unfair that a human being is denied of using a restroom for example, at a park or being just able to stand on the sidewalk or waiting for a job to eat and send money to their families, to their home countries.

Seeing how much power three people can have over a whole community, that's really dangerous and I think that we need to do something about it before this issue gets bigger and worse than it is right now.

CHAIRPERSON DROMM: I was not here for your testimony because I had to go out to vote. What were your sentiments on the comprehensive immigration reform regarding

1

2 biometric cards and border fences and things like
3 that? Did you give an opinion on that?

4

MARTHA: It was Miguel who gave a
5 testimony about why it's very important to have a
6 comprehensive immigration reform as soon as
7 possible and why it's really important for the
8 immigrant communities to support this resolution.
9 We think it's really good that the Council takes
10 this step.

11

As far as the biometric system, we
12 as an organization in working with the community
13 members, we complete disagree with this biometric
14 system. We know that it will have a lot of flaws.
15 It will put in danger our civil liberties in this
16 country.

17

The sad reality is that a lot of
18 people will not benefit from the immigration
19 reform. There still will be people left behind.
20 What's going to happen to all of these people?
21 What's going to happen to these community members?
22 It's going to make it harder.

23

We also think that having a
24 biometric system will increase the slavery that we
25 are already seeing among the immigrant community.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Employers taking, for example, day laborers and just making them feel that they're doing them a favor just to give them a little bit of a job. Sometimes we have seen that they don't get paid. They work for weeks and they don't get any pay for their work. We believe that systems like that make it harder for workers to work and earn some money to eat. It's really dangerous for our community.

CHAIRPERSON DROMM: Are you opposed if in fact the only way to get that through, because Senator Schumer argues that without these pieces in there, it's going to be very difficult to pass this type of legislation. What is your opinion on how to proceed if in fact that appears to be the case with Senator Schumer?

MARTHA: I think we have to be very careful and be after that in making sure it's not going to prohibit somebody that can work in this country from getting a job. I think we're going to have to be very careful following what's happening and monitoring. If it's not working, monitoring every issue so we can go after it. I think that our position as an organization is not

1
2 support this. In every statement that we give, we
3 work in coalition with other organizations, we
4 always say that we do not support e-verify. We
5 think it's very dangerous. I think that's the
6 position of many, many organizations that work
7 with immigrant communities in the country.

8 CHAIRPERSON DROMM: I think it even
9 affects non-immigrant Americans, as Udi Ofer was
10 talking about, in terms of employment cards and
11 the ability to track any American in any moment in
12 terms of their life. To grant that type of access
13 to our government is very, very frightening
14 indeed. It reminds of the book, "1984" coming
15 true. In some aspects we even have that with our
16 Patriot Act which was a lead-in I think to this,
17 and in some ways based on xenophobia as well.
18 That's all of my questions. Are there any other
19 questions from my colleagues?

20 We're going to recess this session
21 unless there are other statements or anybody has
22 anything else to say at this point?

23 MARTHA: I just will add that I
24 don't think that a lot of organizations do not
25 support any passage of immigration reform. We

1
2 need to be careful what we want and that we don't
3 want just anything because we need to look into
4 the future. If we pass a certain type of
5 immigration reform what it's going to bring to our
6 communities in the future. I think that's why we
7 need to be very careful for what it has inside the
8 immigration reform.

9 CHAIRPERSON DROMM: Thank you very
10 much. [Foreign language]. Thank you very much.
11 This hearing is now in recess.

12 [Pause]

13 CHAIRPERSON DROMM: We are back to
14 reconvene this recessed meeting of the Immigration
15 Committee for the purpose of the reading of the
16 amended resolution regarding the comprehensive
17 immigration reform resolution. I'm going to make
18 a motion to amend the resolution regarding
19 comprehensive immigration reform. Counsel please
20 read the amendment.

21 JULENE E. BECKFORD: Proposed
22 Resolution 162-A.

23 [Pause]

24 JULENE E. BECKFORD: We are
25 including the section, "whereas the United States

1
2 spends nearly \$2 billion each year to detain more
3 than 350,000 immigrants, including children, too
4 many of whom are kept in poor conditions without
5 access to basic medical care even though there are
6 safe and effective alternatives to detention that
7 keep families together."

8 And we are including, "whereas,
9 many provisions of current immigration law and
10 policy should be reviewed, including provisions
11 relating to the increased delegation of
12 enforcement to local jurisdictions and detention
13 and deportation of immigrants, including lawful
14 permanent residents for a broad range of
15 offenses."

16 We have a change to the clause,
17 "Whereas, although both of these proposed plans
18 for comprehensive immigration reform are a good
19 start, they remain incomplete because of their
20 failure to consider bi-national couples in same
21 sex relationships or their families, and failure
22 to address the additional challenges posed to
23 immigrants and Americans' civil liberties and
24 civil rights under current immigration law."

25 And we are including the paragraph,

1
2 "Whereas, proposals for the creation of mandatory
3 national ID systems must be carefully scrutinized
4 and systems should not be implemented that would
5 make it more difficult for citizens and immigrants
6 to find work, increase discrimination against
7 documented immigrants and people of color."

8 And we're including the provision,
9 "Whereas, Governor Jan Brewer of Arizona signed a
10 draconian measure on illegal immigration into law
11 on April 23rd, which with its goal to identify,
12 prosecute and deport illegal immigrants is a sign
13 of things to come if Congress fails to enact
14 comprehensive immigration reform."

15 And, "Whereas, this law which
16 appears likely to result in the use of racial
17 profiling by law enforcement is an effort to all
18 of our civil rights an affront to all of our civil
19 rights and must be condemned."

20 Those are all the changes in the
21 Resolution 162-A.

22 [Pause]

23 COUNSEL: The following changes
24 have been made to Proposed Resolution 162-A.

25 "Whereas the United States spends nearly \$2

1
2 billion each year to detain more than 350,000
3 immigrants, including children, too many of whom
4 are kept in poor conditions without access to
5 basic medical care even though there are safe and
6 effective alternatives to detention that keep
7 families together."

8 "Whereas, many provisions of
9 current immigration law and policy should be
10 reviewed, including provisions relating to the
11 increased delegation of enforcement to local
12 jurisdictions and detention and deportation of
13 immigrants, including lawful permanent residents
14 for a broad range of offenses."

15 "Whereas, although both of these
16 proposed plans for comprehensive immigration
17 reform are a good start, they remain incomplete
18 because of their failure to consider bi-national
19 couples in same sex relationships or their
20 families, and failure to address the additional
21 challenges posed to immigrants and Americans'
22 civil liberties and civil rights under current
23 immigration law."

24 "Whereas, Governor Jan Brewer of
25 Arizona signed a draconian measure on illegal

1
2 immigration into law on April 23rd of 2010, which
3 its goal to identify, prosecute and deport illegal
4 immigrants is a sign of things to come if Congress
5 fails to enact comprehensive immigration reform."

6 "Whereas, this law which appears
7 likely to result in the use of racial profiling by
8 law enforcement is an affront to all of our civil
9 rights and must be condemned."

10 CHAIRPERSON DROMM: Would anyone
11 like to speak on the motion?

12 COUNCIL MEMBER MARK-VIVERITO: If I
13 may, Chair Dromm. I just want to thank my
14 colleagues for their patience. I know that these
15 changes were made last minute, but again, we did
16 not project that the vote would happen today but
17 we were very grateful that we were able to add
18 these amendments that I believe makes this
19 resolution even stronger and a statement by this
20 Council of where we stand on this issue. So thank
21 you all to my colleagues.

22 CHAIRPERSON DROMM: Thank you,
23 Council Member Mark-Viverito. We appreciate your
24 efforts on this. We will now call the vote. One
25 other comment, I'm sorry.

1
2 COUNCIL MEMBER WILLIAMS: I just
3 want to say thank you, Council Member Mark-
4 Viverito and Chair Dromm. I am glad that we are
5 taking the lead on trying to get a voice on what's
6 going on. Thank you.

7 CHAIRPERSON DROMM: Thank you.
8 Anybody else? Council Member Rodriguez?

9 COUNCIL MEMBER RODRIGUEZ: I
10 appreciate the initiative of fellow Councilwoman
11 Mark-Viverito and our chairman of the Immigration
12 Committee. Besides this amendment we approve I
13 call we as a body, as a City Council, we later on
14 also look on other resolutions on boycotting
15 Arizona because of this bill.

16 CHAIRPERSON DROMM: Thank you,
17 Council Member Rodriguez. Council Member Eugene?

18 COUNCIL MEMBER EUGENE: I just want
19 also to commend and thank Council Member Mark-
20 Viverito and all of my colleagues for taking
21 serious this issue. The bill from Arizona
22 demonstrates clearly there is a need for
23 immigration reform and we should continue to work
24 together to ensure that we get through and we come
25 with immigration reform for the immigrant to

1
2 benefit and also for their rights to be respected.
3 Thank you.

4 CHAIRPERSON DROMM: I'd also like
5 to say that the changes made to the amendment
6 reflect many of the concerns that the advocates
7 were speaking about this morning at the hearing.
8 I'm very glad to see that it's reflected in this
9 resolution as well. We're ready to call the vote.

10 WILLIAM MARTIN: William Martin,
11 Committee of Immigration, motion to amend.
12 Council Member Dromm?

13 CHAIRPERSON DROMM: Aye.

14 WILLIAM MARTIN: Eugene?

15 COUNCIL MEMBER EUGENE: Aye.

16 WILLIAM MARTIN: Rodriguez?

17 COUNCIL MEMBER RODRIGUEZ: Aye.

18 WILLIAM MARTIN: Williams?

19 COUNCIL MEMBER WILLIAMS: Yes.

20 WILLIAM MARTIN: Roll call on
21 Proposed Resolution 162-A, Council Member Dromm?

22 CHAIRPERSON DROMM: Aye.

23 WILLIAM MARTIN: Eugene?

24 COUNCIL MEMBER EUGENE: Aye.

25 WILLIAM MARTIN: Rodriguez?

1

2 COUNCIL MEMBER RODRIGUEZ: Aye.

2

3 WILLIAM MARTIN: Williams?

3

4 COUNCIL MEMBER WILLIAMS: Aye.

4

5 WILLIAM MARTIN: By a vote of four

5

6 in the affirmative, zero in the negative and no

6

7 abstentions, Resolution 162-A is amended.

7

8 CHAIRPERSON DROMM: Great work.

8

9 WILLIAM MARTIN: And adopted by the

9

10 committee. Council Members, please sign the

10

11 committee report.

11

12 CHAIRPERSON DROMM: This meeting is

12

13 adjourned. Thank you.

13

C E R T I F I C A T E

I, Donna Hintze certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Signature_____

Date May 10, 2010