



Legislation Text

File #: Res 0548-2010, **Version:** A

Res. No. 548-A

Resolution calling on New York State Governor Andrew Cuomo to continue and expand the Immigrant Pardon Panel to ensure that legal permanent residents who paid their debts to, and are now productive members of, society can continue to contribute to our great State.

By Council Member Rodriguez, The Speaker (Council Member Quinn) and Council Members Cabrera, Dromm, Foster, James, Koppell, Lander, Rose, Sanders Jr., Williams, Dickens, Eugene, Brewer, Mark-Viverito, Van Bramer, Gennaro and Jackson

Whereas, New York State is home to 4.2 million immigrants, making it the state with the second-highest population of immigrants in the nation; and

Whereas, Immigrants in New York State contribute a substantial portion of the economic activity and culture of the state; and

Whereas, In New York City alone, immigrants accounted for approximately one-third of the gross city product in 2008; and

Whereas, In 1996, Congress made amendments to the Immigration and Naturalization Act that: (i) narrowed or completely eliminated various forms of relief from deportation proceedings as a result of a criminal conviction; and (ii) expanded the class of crimes known as “aggravated felonies” that make an immigrant eligible for deportation; and

Whereas, As a result of these changes, as well as the federal government’s aggressive detention and deportation efforts for non-citizens who are convicted of crimes, the number of deportations based on criminal grounds has dramatically increased, with 2010 as a record high year for deportations nationwide; and

Whereas, Many legal permanent residents are unaware of the changes to this law, and may be flagged for deportation while applying for green card renewals or citizenship; and

Whereas, In addition, under the New York State Criminal Procedure Law, the criminal court is only required to counsel defendants on the possibility of deportation, exclusion or denial of naturalization at the time of a plea allocution for a felony, but never for a misdemeanor or a violation; and

Whereas, Legal permanent residents often receive mandatory deportation orders for past crimes, even if these crimes were minor; and

Whereas, As a result of deportations on criminal grounds, it is estimated that more than one million family members have been separated from loved ones since 1997; and

Whereas, In many cases, families of detained and/or deported immigrants lose their primary breadwinner, forcing them to become dependent on social services; and

Whereas, The detention and deportation system often sends New York's immigrant residents thousands of miles away to immigration detention centers located in Texas, Louisiana, and Alabama, where they are deprived of adequate access to counsel, medical care, family, and evidence necessary to defend themselves against deportation; and

Whereas, This creates a situation where thousands of legal permanent residents, who are rehabilitated and have paid their debt to society, are deported back to countries where they have no family ties, cannot find jobs, or fear for their lives; and

Whereas, Under the New York State Constitution and the State's Executive Law, the Governor is permitted to grant reprieves, commutations and pardons after a person is convicted of a crime; and

Whereas, The Governor will consider pardoning an immigrant when there is no other administrative or legal remedy available in various cases, including to prevent deportation or to permit reentry into the United States; and

Whereas, In response to the large number of pardon requests coming from immigrants, Governor Paterson created the Immigrant Pardon Panel in May 2010 in order to review pardon applications of legal

permanent residents facing deportation as a result of criminal convictions if they have been fully rehabilitated and are now positive contributors to society; and

Whereas, Governor Paterson's office reviewed more than 1,100 pardon applications since from when Panel was announced in May 2010; and

Whereas, Mario Benitez, an immigrant from the Dominican Republic was pardoned by Governor Paterson's Pardon Panel; and

Whereas, Mr. Benitez, who pled guilty to selling a controlled substance in 1988, has since turned his life around and is an active participant in his Bronx community and the Director of Finance for the City University of New York's Graduate School and University Center; and

Whereas, Mr. Benitez is just one of the more than 30 individuals who received pardons issued to hardworking New Yorkers between June and December of 2010 by Governor Paterson's Pardon Panel and who would otherwise have been deported; and

Whereas, Until comprehensive immigration reform is passed at the federal level, the Pardon Panel remains one of the few avenues that exist to prevent deportation for legal residents who long ago paid their debt to society; now, therefore, be it

Resolved, That the Council of the City of New York calls on New York State Governor Andrew Cuomo to continue and expand the Immigrant Pardon Panel to ensure that legal permanent residents who paid their debts to, and are now productive members of, society can continue to contribute to our great State.

JEB
LS #1582
3/14/11