



Legislation Text

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**File #:** Res 1029-2011, **Version:** \*

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Res. No. 1029

Resolution calling upon the 112<sup>th</sup> United States Congress to pass, and the President to sign, the Immigration Oversight and Fairness Act (H.R. 933), to reform immigration detention procedures and help ensure more just detention policies and procedures.

By Council Members Dromm, the Public Advocate (Mr. de Blasio), Brewer, Chin, Dickens, Ferreras, James, Koslowitz, Lander, Mendez, Rose, Williams, Mark-Viverito and Eugene

Whereas, According to the Pew Research Center, undocumented immigrants residing in the United States totaled 11.2 million in the year 2010; and

Whereas, With approximately 625,000 undocumented immigrants, New York State is home to the third largest such population in the nation; and

Whereas, New York City is home to approximately three million immigrants; and

Whereas, United States Immigration and Customs Enforcement (ICE) is the largest investigative arm of the United States Department of Homeland Security (DHS); and

Whereas, ICE has two operating components, one of which is Enforcement and Removal Operations (ERO); ERO's primary responsibility is to identify and apprehend undocumented immigrants, transport immigrants, manage immigrants in custody, provide access to legal resources and advocacy groups, and remove immigrants from the United States who were ordered to be deported; and

Whereas, According to DHS, approximately 32,000 undocumented immigrants are held in detention centers on a daily basis and approximately 400,000 undocumented immigrants were deported in both FY 2009 and FY 2010; and

Whereas, On August 6, 2009, ICE announced major reforms to its immigration detention system and created the Office of Detention Policy and Planning (ODPP); and

Whereas, According to ICE, ODPP is charged with shaping the future designs, locations, and standards for civil immigration detention facilities; and

Whereas, For example, through ODPP, ICE introduced an online detainee location system that allows families to locate a relative in ICE's custody; and

Whereas, Reports indicate that ICE has improved some aspects of immigration detention procedures, but more needs to be done to ensure that a humane system is in place in immigration detention centers; and

Whereas, ICE's operation manual entitled "Performance Based National Detention Standards" is evaluated and updated annually; and

Whereas, According to the American Civil Liberties Union, many immigration detention centers are privately run and, therefore, are not bound to, or covered by, ICE's Performance Based National Detention Standards; and

Whereas, To ensure that ICE is held to a higher standard, on March 3, 2011, United States Congress Members Lucille Roybal-Allard, Jared Polis, and Barney Frank introduced the Immigration Oversight and Fairness Act (H.R. 933); and

Whereas, If enacted, the Immigration Oversight and Fairness Act would direct DHS to (1) convene a detention advisory committee; (2) promulgate regulations regarding detainee care and custody; (3) implement secure alternatives to detention, including programs under which eligible detainees are released under supervision, assistance, and monitoring that ensure their appearance at all immigration interviews, appointments, and hearings; and (4) provide protective detention alternatives for specified categories of vulnerable detainees; and

Whereas, If enacted, the Immigration Oversight and Fairness Act would allow ICE to notify immigrant detainees of their rights to: (i) access medical care; (ii) access telephones in order to communicate with their family members, attorneys, and foreign consulates; and (iii) be eligible for alternative detention programs; and

Whereas, The Immigration Oversight and Fairness Act would require DHS to convene a detention

advisory committee, which would ensure government accountability and enforce compliance with the laws regarding immigrant detainees; and

Whereas, The Immigration Oversight and Fairness Act would also allow for the expansion of community based alternatives to detention for eligible immigrants in ICE's custody; and

Whereas, In 2010, as part of ICE's major overhaul of its detention procedures, ICE announced the closure of the Varick Federal Detention Facility, the only immigration detention center in New York City; and

Whereas, Due to the closure of the Varick Federal Detention Facility, immigrant detainees were transferred to other detention centers, sometimes out of state and far away from their families, support systems, and attorneys; and

Whereas, Enacting this bill is of vital importance to the City's immigrant community because New York City no longer hosts an immigration detention center, and this bill would allow detainees the opportunity to pursue alternative forms of detention that would allow them to be closer to their families and their support systems; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the 112<sup>th</sup> United States Congress to pass, and the President to sign, the Immigration Oversight and Fairness Act (H.R. 933), to reform immigration detention procedures and help ensure more just detention policies and procedures.

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