



Legislation Text

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Preconsidered Res. No. 513

Resolution calling upon the U.S. Congress to pass, and the President to sign, the Establishing a Humane Immigration Enforcement System Act (H.R. 6361), legislation that would abolish the U.S. Immigration and Customs Enforcement.

By Council Members Rosenthal, Rivera, Menchaca, Kallos, Lander, Dromm and Levin

Whereas, The U.S. Immigration and Customs Enforcement (ICE) was formed in 2002 under the Homeland Security Act, which transferred critical immigration enforcement functions from the U.S. Department of Justice (DOJ) under the guise of national security; and

Whereas, According to the DOJ, at inception the primary goals of ICE were to prevent acts of terrorism by “targeting the people, money, and materials that support terrorist and criminal activities;” and

Whereas, Instead of using its resources to prevent terrorism, ICE has allocated most of its \$7.1 billion budget to focus primarily on the detention and removal of immigrants; and

Whereas, On January 25, 2017, President Trump signed the executive order “Enhancing Public Safety in the Interior of the U.S.” essentially altering ICE enforcement priorities from mainly focusing on individuals who committed serious felonies for deportation and removal purposes to any undocumented immigrant; and

Whereas, Through this executive order, President Trump further exacerbated ICE’s ability to abuse its power and deviate further from its original responsibilities; and

Whereas, One ICE function is to improve public safety and homeland security, but lack of proper oversight has resulted in a rogue agency whose practices have proven to be overall detrimental; and

Whereas, ICE agents routinely engage in deceptive practices, like posing as police officers, creating unnecessary distrust between communities and other law enforcement agencies; and

Whereas, ICE often appears in courtrooms to detain those who have not been convicted of a crime, and has apprehended immigrants outside schools, houses of worship and other public spaces; and

Whereas, Several federal oversight agencies, such as the Government Accountability Office and the Department of Homeland Security Office of Inspector General (DHS-OIG), have documented a disregard for congressional oversight, substandard conditions, and inhumane treatment of persons in ICE detention; and

Whereas, In December 2017, DHS-OIG issued a report categorizing violations of compliance with ICE detention standards regarding conditions for detainees “that undermine [their] protections, rights, humane treatment, and provisions of safe and healthy environments”; and

Whereas, In June 2018, DHS-OIG issued another report titled “ICE’s Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systematic Improvements” where the department found that ICE did not follow-up on identified deficiencies or hold facilities accountable for correcting them; and

Whereas, Other independent analyses of ICE detention centers found inadequate medical care contributed or led to several deaths, and rampant sexual and physical abuse; and

Whereas, On July 12, 2018, U.S. Representative Mark Pocan (D-WI) introduced H.R. 6361, the Establishing a Humane Immigration Enforcement System Act; and

Whereas, The bill would establish a commission to review the essential enforcement functions of ICE, make recommendations to Congress for these functions to be transferred to pre-existing federal agencies, and terminate ICE one year from enactment; and

Whereas, No government agency or entity should act with a disregard to proper oversight mechanisms or the fundamental rights granted by the U.S Constitution; and

Whereas, ICE, under the direction of President Trump, has demonstrated an inability to fulfil its duties without violating due process, human rights, transparency, public accountability, or an adherence to domestic and international law; and

Whereas, The United States of America does not need an opaque and rogue agency operating in our communities, dehumanizing our neighbors, and acting without consequence; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the U.S Congress to pass, and the President to sign, the Establishing a Humane Immigration Enforcement System Act (H.R. 6361), legislation that would abolish the U.S. Immigration and Customs Enforcement.

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