



A Memorandum for District 4
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Anti-immigrant Federal Practices

According to a report released in May 2016, immigrants represent 37 percent of the city's population, 45 percent of the workforce and 49 percent of small business owners. An estimated 500,000 of these immigrants are undocumented.¹ While New Yorkers understand that immigrants are a vital part of our city, the first half of the year has proven the Trump administration to be hostile toward immigrants. NYC's status as a sanctuary city still stands, thanks to Mayor de Blasio and the City Council, but this status alone may not be enough to protect the rights of New Yorkers who are targeted by anti-immigrant practices of federal agencies.

Around the country, there have been numerous reports of Immigration and Customs Enforcement (ICE) sending plainclothes agents to local courts to apprehend litigants making court appearances.² By April of this year, ICE had issued to the New York Police Department more than twice as many detainer requests as they had in all of 2016.³ In New York City, ICE

¹"A Budget For The City Of Immigrants." *Make The Road New York*. N.p., n.d. Web. <http://www.maketheroad.org/report.php?ID=4279>

²Semple, Kirk. "Advocates Seek to Make Courthouses Off Limits for Immigration Officials." *The New York Times*. The New York Times Company, 26 May 2014. Web. <https://www.nytimes.com/2014/05/27/nyregion/advocates-seek-to-make-courthouses-off-limits-for-immigration-officials.html>

³Robbins, Liz. "New York's City Council Seeks to Bolster 'Sanctuary City' Status." *The New York Times*. The New York Times Company, 26 Apr. 2017. Web. <https://www.nytimes.com/2017/04/26/nyregion/new-york-city-council-sanctuary-city-bills.html>

has made arrests in courthouses in all five boroughs,⁴ despite the fact that two city laws, Introductions 486-A and 487-A, were passed in 2014 prohibiting the presence of ICE at Rikers Island and all City facilities.⁵

As a result, many immigrant communities are currently living in fear and distrust. Many are avoiding local law enforcement because of rumors of ICE enforcement occurring after interaction with various government agencies, particularly the NYPD. As a result, immigrants are far less likely to trust law enforcement and to report crime or cooperate in the investigation of criminal activity. In particular, given the NYPD's history of surveillance of the Muslim community, which includes blanket suspicionless surveillance of entire mosques, there is particularly deep distrust of local law enforcement amongst Muslim New Yorkers.⁶

Now, more than ever, it is important that the public know what kinds of data the NYPD collects and disseminates, and with whom that information is shared. According to testimony by New York Immigration Coalition's Immigration Policy Manager, Munza Ansari, before the New York City Council Committee on Public Safety, "New Yorkers do not know if the NYPD shares information gathered through surveillance with ICE."⁷ While federal agencies routinely disclose information about new surveillance technologies, there is currently no requirement or incentive for the NYPD to disclose this information to local lawmakers who oversee our police forces.

⁴Letter to Judge DiFiore and Judge Marks. 04 May 2017. *Immigrant Defense Project*. Immigrant Defense Project, 04 May 2017. Web. <https://www.immigrantdefenseproject.org/wp-content/uploads/Letter-to-Judges-DiFiore-and-Marks-05042017.pdf>

⁵"Mayor Bill De Blasio Signs into Law Bills to Dramatically Reduce New York City's Cooperation with U.S. Immigration and Customs Enforcement Deportations." *NYC*. The City of New York, 14 Nov. 2014. <http://www.pr.com/press-release/592845>

⁶*Statement Of Albert Fox Cahn, Esq.* Rep. Council on American-Islamic Relations, 14 June 2017. Web. https://static1.squarespace.com/static/57db6af7f7e0abec41695d80/t/596ccbbaac534a563924501c0/1500302251083/2017-6-13_Post+Act+Testimony+v6+-+FINAL.pdf

⁷*Testimony Of The New York Immigration Coalition: Int. 1482*. Rep. New York Immigration Coalition, 14 June 2017. Web. <https://www.brennancenter.org/sites/default/files/New%20York%20Immigration%20Coalition%20Testimony%20Before%20NYC%20Council-%20June%2014%202017%20%283%29.pdf>

I support the Public Oversight of Technology (POST) Act, which was introduced by Council Members Dan Garodnick and Vanessa L. Gibson and is currently laid over in committee. In short, the POST Act requires the NYPD to develop impact studies and use policies about its surveillance technology -- much like what's already done by the Departments of Justice and Homeland Security for tools like facial recognition software, drones, and stingrays,⁸ (fake cell towers that collect sensitive location and communications data).

According to Council Member Dan Garodnick, the POST Act would provide New York City lawmakers with "a meaningful opportunity to understand and oversee decisions about the NYPD's acquisition and use of new surveillance technologies and provides an opportunity for public engagement."⁹ The Brennan Center, a nonpartisan law and policy institute that seeks to improve our systems of democracy and justice, states that the POST act is "a thoughtful approach to balancing the need for democratic oversight and transparency with the NYPD's legitimate need for operational secrecy."¹⁰

In the face of anti-immigrant policies, undocumented New Yorkers' last line of defense is often an attorney. Only three percent of those who are detained and facing deportation receive favorable outcomes in their cases, but individuals who have a lawyer are six times more likely to prevail in a case, according a 2010 study conducted by the Study Group on Immigrant Representation convened by Judge Robert Katzmann of the U.S. Court of Appeals for the Second Circuit.¹¹ New York has shown leadership in securing counsel with its Immigrant Family

⁸Garodnick, Daniel R. "Surveillance." 21 June 2017. E-mail.

⁹Garodnick, Daniel R. "Surveillance." 16 August 2017. E-mail.

¹⁰"The Public Oversight of Surveillance Technology (POST) Act: A Resource Page." *The Public Oversight of Police Technology (POST) Act: A Resource Page | Brennan Center for Justice*. N.p., 14 July 2017. Web. <https://www.brennancenter.org/analysis/public-oversight-police-technology-post-act-resource-page>

¹¹*Accessing Justice II: Model for Providing Counsel to New York Immigrants in Removal Proceedings*. Rep. New York Immigrant Representation Study Steering Committee, n.d. Web. http://www.cardozolawreview.com/content/denovo/NYIRS_ReportII.pdf

Unity Project, which provides lawyers to low-income people in immigration detention.¹² In its current iteration, the project is funded by the City, except in the defense of anyone convicted of the 170 crimes deemed serious or violent by city law, whose defense is funded by anonymous private donors.¹³ As your City Council member, I will work to continue this program and ensure it is fully funded in the future so that no New Yorker facing deportation goes to immigration court without qualified representation.¹⁴

¹²*Accessing Justice: The Availability and Adequacy of Counsel in Immigration Proceedings*. Rep. New York Immigrant Representation Study Steering Committee, n.d. Web.

¹³Jorgensen, Jillian, and Erin Durkin. "De Blasio, City Council Reach Deal in Immigrant Legal Aid Limits." *NY Daily News*. NYDailyNews.com, 01 Aug. 2017. Web. <http://www.nydailynews.com/new-york/de-blasio-city-council-reach-deal-immigrant-legal-aid-limits-article-1.33732>

¹⁴Fertig, Beth. "When ICE Shows Up in Human Trafficking Court." *WNYC*. WNYC News, 22 June 2017. Web. <http://www.wnyc.org/story/when-ice-shows-court/>
Meminger, Dean. "Advocates Call for Federal Immigration to Get Out of State Courthouses." *TWC News*. Charter Communications, 23 June 2017. Web. <http://www.ny1.com/nyc/all-boroughs/news/2017/06/22/immigration-advocates-push-back-against-ice-raids-after-queens-courthouse-incident.html>