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The Immigrant Defense Project is a non-profit organization working to secure fairness and justice for all immigrants in the United States. We aim to abolish a racially biased criminal legal system that violates basic human rights and an immigration system that tears hundreds of thousands of immigrants with convictions from their homes, their families, and their communities. We provide training to immigration attorneys and expert advice to immigrants and their loved ones; we use the federal courts to challenge unfair laws; and we shape just policies through advocacy. Everyday, our efforts lay the groundwork for a future in which the criminal and immigration laws of the United States respect and uphold the human rights of everyone.

In 2014 the Immigrant Defense Project was part of the successful ICE Out of Rikers Campaign. As a result of the campaign, city council passed two bills limiting the city's cooperation with Immigration and Customs Enforcement (ICE), ending the Department of Correction (DOC) and the Police Department's (NYPD) practice of effectuating warrantless arrest of immigrants. These prohibitions were later also extended to the Department of Probation. For years, ICE had been providing the Department of Correction and Police Department with "detainers," which are administrative requests that the city maintain custody of a person to allow ICE time to arrest them. ICE policy was clear that these were not warrants and cooperation with them was voluntary. Nevertheless, before the city's detainer laws, thousands of New Yorkers were taken into ICE custody and deported as a result of detainer requests. In passing New York City Administrative Code 9-131 and 14-154, New York City became an example of how local governments could protect immigrant communities from marginalization and exile.

The Department of Correction and the New York Police Department are not authorized to hold any immigrant for ICE arrest pursuant to a detainer request without a warrant. However the laws went further than just requiring a warrant. The law said that unless a person met the conditions of a narrow "carve out," even with a warrant, the DOC and NYPD were not permitted to deny a person their liberty just because ICE had requested they do so. Since they were passed, the Second Department Appellate Division has confirmed that state and local law enforcement officers lack authority to effectuate civil immigration arrests by holding an individual in custody beyond the time they should otherwise be released.

Over the last five years, the city has used the carve out detailed in the detainer law in ways never intended. When passed, the law affirmed the city's responsibility to protect all immigrants, even those who have been arrested or are in our local jail, from warrantless arrests. But it has

since been used it to mark which immigrants do not deserve the city's services and protection. And now, the rule will expand the group of immigrants deemed disposable by our city government.

In 2017 the de Blasio administration used the carve out to deny some immigrants access to free legal counsel through the New York Immigrant Family Unity Program while they were detained and facing deportation. It followed that by denying all city-funded immigration legal services to those who fall within the carve out. Although the detainer laws originally were created to affirm the right of all New Yorkers, regardless of their place of birth and immigration status, to be free of warrantless arrests, the use of the "carve out" list has gone beyond that. The list has become part of the eligibility criteria for city-funded immigration legal services. Therefore this rule impacts not only those subject to DOC or NYPD custody, but every immigrant who is or could be in need of city-funded immigration legal services. In addition, it impacts all immigration legal service providers who receive funding from the city of New York because it has been made part of the eligibility criteria they must use to screen clients for representation.

Since 2016 when Donald Trump was elected president, the federal government has tried to bar mixed status immigrant families from public housing, deport or deny immigration benefits to people who use the public benefits for which they qualify, and has terrorized immigrant communities with arrest raids while posing as local police. Immigrant communities in New York City are suffering as a result of these attacks and need relief as soon as possible. How will we ensure that immigrant families have safe, stable, secure housing when the federal government has proposed evicting immigrants from public housing? How will we ensure the immigrants have enough food when the federal government has proposed deporting and denying immigration benefits to those who apply for food stamps? How can immigrants feel safe in neighborhoods policed by NYPD when ICE agents impersonate local police regularly? These are the questions we look to our city government to help us answer.

In the face of these pressing, difficult policy questions concerning the health, safety, and stability of every immigrant in the City, the City's power and resources should not be devoted to expanding cooperation between our local police and jails and ICE and broadening the group of people who will not be able to access immigration legal services. Mayor de Blasio has justified policies excluding immigrants from services by saying we have limited resources. Our limited resources should not be used to trigger the rulemaking process to funnel more immigrants into deportation. Mayor de Blasio has also said that few people will be impacted by the expansion. The city should not prioritize helping ICE with a handful of arrests over the work of helping thousands of New York City residents with the day-to-day struggles of living in a country with a federal government that is increasingly hostile to immigrants.

The allocation of city resources and prioritization of work should reflect the needs of New Yorkers. To advance expanding cooperation with ICE, an agency that undermines our values, violates constitutional rights, and threatens residents' safety, is simply incomprehensible at this moment. Instead, the city must build on its record of providing an example to other local

governments of how to support immigrant communities. The Immigrant Defense Project is wholly opposed to any expansion of the carve out and instead, urges City government to work with advocates and immigrant communities to create policies and pass laws that strengthen our immigrant communities in the face of attacks from the federal government.