



**Mayor's Office of
Immigrant Affairs**

**Nisha Agarwal
Commissioner**

March 15, 2017

Testimony of Commissioner Nisha Agarwal

NYC Mayor's Office of Immigrant Affairs

Before a hearing of the New York City Council Committee on Immigration:

“Oversight – The Impact of New Immigration Enforcement Tactics on Access to Justice and
Services”

Thank you to Speaker Mark-Viverito, Chair Menchaca, Chair Espinal and the members of the Committee on Immigration. My name is Nisha Agarwal and I am the Commissioner of the Mayor's Office of Immigrant Affairs (MOIA). This testimony will provide an overview of MOIA's work with a number of our agency and community partners following recent announcements on immigration enforcement from the Federal government and subsequent levels of elevated concern and fear among immigrant New Yorkers. Our approach has been guided by Mayor de Blasio, who has affirmed our resolve to remain a safe and welcoming city for all New Yorkers and that we will not be directed by misguided policies in Washington that aim to harm immigrants, their families, and their children.

Background

Since coming into office, the President signed and put into effect three executive orders on immigration that have already had significant impact and could further impact New York City in different ways. The first two executive orders, regarding border security and enforcement in the interior, were signed on January 25, 2017. Amongst other changes, these orders provide new enforcement priorities for Immigration and Customs Enforcement (ICE) to follow and direct the federal government to take action against so-called "sanctuary cities." These enforcement priorities were further reiterated and detailed in guidance memoranda issued last month by the Secretary of the Department of Homeland Security, John F. Kelly. The third executive order, initially released January 27, 2017 and most recently replaced with a new order signed March 6, 2017, temporarily suspends entry to the United States of foreign nationals from several majority-Muslim countries and also suspends the refugee resettlement program for four months.

Impact on New Yorkers of Recent Immigration Announcements

These Federal developments have prompted great concern among immigrant communities, with significant impacts.

In recent weeks, we have noted reports of increased enforcement activity nationally and locally. Some of these reports have turned out to be rumors that were not substantiated. Other reports of specific enforcement activity have been verified. The immediate impact of these reports and rumors has been to create a significant level of fear and confusion among immigrant communities.

In addition, the initial implementation of the so-called "travel ban" led to a period of chaos at JFK airport for travelers and their families and loved ones, as well as among impacted stakeholders from communities to City agencies to employers in various industries.

We have accordingly seen a sharp increase in the need for accurate, reliable information, as well as a growth in demand for legal services. Recent conditions have also created an increased susceptibility to immigration fraud and exploitation amongst the City's immigrant community. Unscrupulous individuals have shown willingness to take advantage of immigrants' fear and uncertainty to provide unauthorized legal assistance, discourage the enforcement of their rights, and even in one widely reported case, extort them for money by posing as immigration enforcement agents.

The current environment therefore creates challenges for the City and a risk that members of the immigrant community, particularly undocumented families, may become less willing to engage with the City in ways that can put all of us at greater risk. For example, a misperception that immigration enforcement activities are being carried out by "the police" may discourage immigrant New Yorkers from reporting crime or working with law enforcement, eroding trust and impacting public safety.

The City's Response

Understanding this landscape of actions and their ramifications, the Administration has dedicated efforts towards a multifaceted response. MOIA has worked closely with the NYPD, other City agencies, the City Council, and community partners to respond and assist.

We have done this work in several ways:

First and foremost, an essential response has been information distribution and briefings. In this climate of confusion it has been of paramount importance to make sure that key stakeholders, local leaders, and directly impacted communities are armed with accurate information. We have worked to provide timely and reliable briefings for our sister agencies, faith leaders and communities, and CBO partners about the President's executive orders. We have also conducted outreach to affected communities and distributed various resources such as a comprehensive one-pager in collaboration with the Speaker, translated into ten distinct languages, outlining city services and resources available to New Yorkers regardless of status. This one-page fact sheet provides information on how to access free, trusted immigration legal help through ActionNYC, as well as IDNYC, the City's municipal ID program, and other core services. MOIA has also participated in over 200 hundred Know Your Rights forums since the inauguration, designed to engage directly with community members and answer any questions they may have. These forums are conducted in partnership with our agency colleagues, Council members in their districts as well as with state and federal elected partners, legal service providers, and CBOs and have been consistently well attended.

Through these methods, we have sought to communicate that City services, including education, health care, emergency food and shelter, and a range of others, are still broadly available to all, irrespective of immigration status. In addition, the City's robust privacy and confidentiality laws remain firmly in place, ensuring that no City officials including NYPD officers inquire about immigration status when New Yorkers seek help, except in narrow circumstances. In addition, we continue to have the strongest human rights laws in the country to protect individuals against any form of harassment, discrimination, or other crimes perpetrated on the basis of religion, national origin, immigration status, or race.

Second, MOIA has led coordination efforts to share information and take collective action on behalf of affected immigrants, demonstrating our continued commitment to serving and protecting immigrant communities even in the face of threats from the federal government. In response to initial implementation of the travel ban, we participated in a rapid response effort to coordinate on-the-ground support at JFK airport for families and travelers, working closely with volunteer attorneys and members of Congress to advocate with federal officials for the release of those detained and share information with family members and loved ones.

Third, we have partnered with City agencies to amplify their messages and affirmations on the City's commitment to all New Yorkers. This commitment has been reflected across City government. For example:

- Under the leadership of Commissioner O'Neill, the NYPD has publicly reinforced their commitment to neighborhood policing and maintaining strong ties with immigrant communities throughout the five boroughs. They have spoken out clearly and on multiple occasions that their role is not to enforce federal immigration law. In addition, the Police Department has also spoken out regularly on their work through the Hate Crimes Task Force to counter instances of discrimination and bias crime.
- The Chancellor of the Department of Education issued an open letter on January 30, 2017 to community members, affirming that schools remain open and accessible to all.
- The New York City Health + Hospitals Corporation issued a similar letter in December 2016 to members of its community.
- On December 1, 2016, the Department of Consumer Affairs (DCA), MOIA, and Make the Road New York, as well as elected officials, advocacy groups, and legal service providers shared information along the 7 line in Queens, the country's most diverse county, during the morning commute to educate New Yorkers about immigration services fraud and to "*PROTECT yourself, REPORT fraud, and SEEK help.*"

- On February 8, 2017, DCA, the City Commission on Human Rights (CCHR) and MOIA held a #OneNewYork Day of Action: Protecting Our Muslim Communities to remind fellow New Yorkers, especially those hailing from Muslim communities, that the City is committed to protecting the rights of all New Yorkers where they live, work and shop, and also offers a variety of services to those in need, regardless of immigration status or ethnicity. Teams from the City, as well elected officials and volunteers from the Arab American Association of New York, Council on American-Islamic Relations – New York, Muslim Community Network, Council of Peoples Organization, Make The Road New York, New York Immigration Coalition, and other community partners, visited 12 subway stations to distribute information in multiple languages during the morning rush hour.
- Throughout December 2016 and January 2017, CCHR convened eight thematic listening sessions with leaders from community-based organizations focusing on workers' rights, LGBTQ rights, racial justice, immigrants' rights, and faith leaders to hear directly about the needs of their communities, create partnerships, and leverage resources. Also in December 2016, the Commission announced an expansion of its Infoline by reallocating existing resources to add additional operators who can help victims of discrimination file claims, inform them of protections under the NYC Human Rights Law, and refer questions on immigration matters to ActionNYC.
- MOIA, CCHR, DCA, and the Mayor's Community Affairs Unit led a Faith in Action weekend on March 3-5 in which we conducted outreach and information-sharing efforts at approximately 50 faith-based congregations across the city.

Finally, MOIA has worked to coordinate with our counterparts in mayoral offices nationwide through the Cities for Action coalition to share information about how federal-level changes are impacting our communities, share best practices, and work together to highlight the concerns and interests of local governments. Cities for Action has released strong statements in response to the executive orders, reiterating our continued commitment to immigrant communities and their integration and inclusion in our cities. Members of the coalition also joined forces with 34 cities and counties, representing 23 million people, to file an amicus brief in the *Darweesh v. Trump* case challenging the President's initial travel ban in a federal court in Brooklyn, supporting the legal effort to extend the hold that was placed on the initial travel ban.

Through these broad categories of response—info-sharing, briefing, outreach, coordination, advocacy—the Administration has aimed to provide a robust array of actions and resources in support of our immigrant communities, who are fundamental to the very fabric of our city.

Conclusion

While this testimony presents a number of actions that the Administration has taken in response to a more enforcement-oriented environment for immigrants and the growing climate of fear, we recognize there are also many challenges left to face.

In the face of this uncertainty we will continue to monitor ICE activity and federal policy changes, to assess and measure their impact on New Yorkers and to provide trusted and reliable information to our colleagues and the communities we work with, and to avail ourselves of every tool at our disposal to protect all New Yorkers.

This is a city of immigrants. Indeed, around 60 percent of New Yorkers are immigrants or the children of immigrants. Our city is richer and stronger because of its diversity, not in spite of it, and we remain fundamentally committed to serving the immigrant communities that make the City so great.

We look forward to continuing this conversation with Council in the coming weeks and working with Council our Agency partners, advocates and others to do this important work.