



Mayor's Office of  
Immigrant Affairs  
Bitta Mostofi  
Commissioner

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Testimony of Commissioner Bitta Mostofi  
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Before a hearing of the New York City Council Committee on Immigration:

**“Oversight – Abolish ICE”**

Thank you to Speaker Johnson, Chair Menchaca and the members of the Committee on Immigration for convening this hearing. My name is Bitta Mostofi and I am the Commissioner of the Mayor's Office of Immigrant Affairs (MOIA). This testimony will address the calls to abolish Immigration and Customs Enforcement (ICE) as well as Intro. 1092.

I will begin my testimony by discussing what we mean when we say "Abolish ICE." Just today, the Trump Administration announced its intent to circumvent the rules and laws protecting immigrant children and expand family detention as a replacement for the family separation policy. An immigration enforcement system that subjects children to long-term detention is an intolerable system. Reforming our broken immigration system is absolutely necessary in a society that values justice and human rights. This is a historic moment, one in which people across the nation have begun to see the problems created by a broken agency and by immigration laws that desperately need reform.

Then I will turn to the separate question of Intro. 1092. As you know, this Administration strongly supports restrictions on cooperation with immigration enforcement except in cases of public safety and national security threats. That is why we worked with the City Council to pass the detainer laws in 2014, as well as Local Law 228 of 2017. We are interested in working with the Council to craft legislation that recognizes the City's intergovernmental cooperative efforts to support important public safety and national security work, while furthering the goal of keeping City agencies out of the business of immigration enforcement.

### **Concerns about the current scheme of immigration enforcement**

The de Blasio Administration has always believed that immigration enforcement is the responsibility of the federal government. Together with the City Council and advocates, the City removed ICE's presence from Rikers, passed laws sharply limiting cooperation with federal immigration authorities where legitimate public safety and national security considerations are met, and has continued to push for immigration reform. Relatedly, in July, the City filed a lawsuit against the Department of Justice (DOJ)—*City of New York v. Sessions*—challenging federal efforts to condition Byrne JAG funding, a state and local public safety grant, on cooperation with immigration enforcement. Also, in collaboration with the Council, we have poured tremendous time and energy into making sure that our City services and programs are accessible to our immigrant communities, including through the largest municipal investment in immigration legal services, the creation of IDNYC, and the expansion of language access requirements. These policies help ensure that New York City, the ultimate city of immigrants, is also the safest big city in America.

It is abundantly clear that we need wholesale reform of ICE. The branch of ICE that conducts immigration enforcement in the interior of the country, Enforcement and Removal Operations, or "ICE ERO," has caused great harm in our communities. In the New York City area, civil immigration arrests increased by 67% in the eight months after President Trump's inauguration compared to the same period in the previous year, and arrests of individuals with no criminal

convictions increased by 225%.<sup>1</sup> Moreover, ICE ERO has shown that it simply does not care about the human consequences of its actions. As just one example, ICE ERO agents have arrested people in and around courthouses across New York City, despite knowing that these arrests make immigrants, including witnesses and victims, afraid to come to court. Despite complaints from advocates, the City, Council members, and district attorneys, ICE ERO has brazenly continued this practice. ICE ERO's practices make New York City less safe. By instilling fear about engaging with the court system and by targeting immigrants regardless of public safety considerations, the federal government is undermining the public safety, health, and wellbeing of all New Yorkers.

Given this context, the only logical conclusion is that we must replace our immigration enforcement system with something more reasoned and humane. We need a fair immigration enforcement system that simultaneously promotes public safety and national security, not one that could ever countenance separating children from families.

Any reform of ICE should provide a mandate that includes prioritized enforcement: focusing enforcement resources on the advancement of public safety and national security. As one example of how ICE has failed in this regard, ICE is responsible for administering this country's immigration detention system. But ICE detains immigrants without any consideration for whether they pose a public safety risk, and this includes the detention of families and children. Just today, for example, the Trump Administration announced its intention to change the rules to allow for the long-term detention of children. This is not what a humane immigration system looks like.

Along with prioritization, immigration enforcement should be accompanied by a duty to ensure that all those who are in need of humanitarian protection or other forms of relief have a fair opportunity to seek that relief. A humane immigration enforcement system should be focused on making sure people fleeing violence or with claims of persecution have a chance to make those claims.

Another proposal that has been much discussed in the public discourse is separating the ICE sub-agency that investigates bona fide public safety and national security threats—ICE Homeland Security Investigations (HSI)—out from the umbrella of ICE. ICE HSI's responsibilities include investigating human trafficking, child exploitation, international crime, military-arms proliferation, drug smuggling, and many other serious crimes. In a recent letter to the Secretary of Homeland Security, many of HSI's own leaders have called for its separation from ICE, characterizing the move as one that would promote HSI's ability to conduct investigations against transnational criminal organizations and terrorists. From the City's perspective, this HSI work should continue—they are important criminal law enforcement functions and also include supports for victims of trafficking and other crimes.

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<sup>1</sup> ICE, FY2017 ERO Administrative Arrests, *available at* [www.ice.gov/removal-statistics/2017](http://www.ice.gov/removal-statistics/2017).

I want to take a step back, however, and emphasize that no reform of ICE will be enough to fix our broken immigration system. For decades, Congress has been unable to pass comprehensive immigration reform. We must continue to press Congress to fix our immigration laws and create a system that reflects the need for a path to citizenship for this country's undocumented population, family reunification, protects those fleeing persecution and disaster, and promotes public safety and national security.

### **Intro. 1092**

Turning to the second issue presented today, I want to briefly testify on Intro. 1092.

This Administration strongly believes that the City should not support immigration enforcement except where there are legitimate public safety or national security concerns. For that reason, we worked closely with the Council in creating our detainer laws, which restrict cooperation with federal immigration detainer requests except where an individual represents a public safety threat and the City has received sufficient evidence of probable cause of removability. We also worked with the Council to pass Local Law 228, which largely prohibits the use of City resources for the purposes of immigration enforcement. This is in addition to several other laws we worked together to pass, restricting non-local law enforcement from accessing non-public areas of City property and creating a framework to protect identifying information.

These laws recognize the importance of distinguishing local law enforcement from federal immigration authorities, while allowing cooperation where it advances public safety. This is a priority for this Administration. We believe that all New Yorkers are safer when everyone, including immigrants, feels comfortable interacting with NYPD and accessing City services.

We agree with the bill's goal of ensuring that the City does not act in a way that creates confusion about our role in immigration enforcement. We look forward to working with you to realize that goal while ensuring that the City can continue providing goods and services to agencies engaged in important criminal justice work or counter-terrorism.

Based on our review, we have determined that at present there are two City agreements with the Department of Homeland Security (DHS) that could be affected by the proposed bill. Neither is related to civil immigration enforcement. Recent reporting also mentioned a third agreement, which, as I will explain, is not between the City and DHS.

The first active agreement is an MOU with the NYPD for the use of its Rodman's Neck firing range in the Bronx. This MOU allows ICE HSI to use the firing range for its own training. As I mentioned earlier, ICE HSI conducts various crucial anti-terrorism, anti-trafficking, and criminal justice activities, and it is separate from ICE ERO, which is tasked with civil immigration enforcement. NYPD also has similar arrangements with other City, State, and federal law enforcement agencies that use the range.

The other contract is between the Department of Health and Mental Hygiene (DOHMH) and DHS. The DOHMH Public Health Laboratory is a "host lab" for the DHS Office of Health

Affairs BioWatch program, for purposes of monitoring the air for agents likely to be used in a bioterrorism attack. This contract serves extremely important national security interests, and is unrelated to civil immigration enforcement.

A recent news article on this topic also discussed the Hudson River Park Trust's rental of parking spots to ICE. The Trust is not a City agency and the City does not control or direct its contracts.

We look forward to working with the Council to ensure that the City can continue to work with federal agencies for the purpose of combatting terrorism and engaging in criminal justice work. In addition, we will work with you to ensure that the City may continue to contribute to the many interagency task forces it is a part of that are engaged in crucial criminal justice and national security work.

### **Conclusion**

The de Blasio Administration supports wholesale replacement of ICE, and immigration enforcement more broadly. We need a system that promotes public safety and national security, not a system that characterizes all immigrants as threats.

Similarly, we will continue to work with the Council to ensure Intro. 1092 builds on recent legislation in providing for adequate restrictions on cooperation with civil immigration enforcement while guaranteeing that important counter-terrorism and criminal justice work appropriately continues.

We look forward to speaking further with the Council about these two important issues. I am happy to take any questions.