

**Testimony of
Hispanic Federation**

**Submitted by
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**Before the New York City Council
Committee on Immigration**

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Speaker Mark-Viverito, Chairman Menchaca, Councilmember Dromm and Members of the Committee on Immigration:

My name is Jessica Orozco, Director of Immigration and Civic Engagement for Hispanic Federation. Hispanic Federation is the premier Latino membership organization in the nation founded to address the many inequities confronting Latinos and the nonprofits that serve them. For more than 20 years, Hispanic Federation has provided grants, administered human services and coordinated advocacy for our broad network of agencies that serve more than 2 million Latinos in areas of health, education, economic empowerment, immigration and civic engagement.

To begin, I wish to thank you for the opportunity to testify today. Before you are several pieces of proposed legislation restricting the conditions under which local law enforcement complies with immigration detainers. Specifically, local law enforcement would only be permitted to honor immigration detainers if accompanied by a warrant from a federal judge, and also only if the individual has not been convicted of a “violent or serious” crime during the last five years or was listed on a terrorist database. Federal law does not require that local law enforcement comply with an immigration request to hold persons beyond the time when they are otherwise eligible for release. As such, we ask you to support Int. No. 0486-2014 and Int. No. 0487-2014.

Summary

An immigration detainer (also known as an “ICE hold” or an “ICE detainer”) is a notice issued by Immigration and Customs Enforcement (“ICE”) to a state or local law enforcement agency or detention facility. The purpose of an immigration detainer is to notify the agency that ICE is interested in a person in the agency’s custody, and to request that the agency hold that person for up to 48 hours, excluding weekends and federal holidays, after the person is otherwise entitled to be released from the criminal justice system, giving ICE extra time to decide whether to take the person into federal custody for administrative proceedings in immigration court. Despite statements made by the Department of Homeland Security (“DHS”) to enforce immigration laws

in a targeted manner that prioritizes those who present serious threats to public safety and our nation's security, immigration detainers issued by ICE can be and have been issued on individuals never actually charged with or convicted of a crime.

DHS Initiated Removal Proceedings Against Many Who Presented no Threat to Public Safety or National Security

In just the past two years, ICE has issued nearly half a million requests for state and local police to hold people in jail, without a warrant or the guarantee of a prompt hearing.¹ Of those, 14,584 immigration detainers were issued in New York. Many of these individuals – at least 50 percent nationally and 48 percent in New York - pose no danger to the community and have never been convicted of a crime in their lives. Yet, counties and cities continue to spend millions of their tax dollars to comply with the federal government's request to incarcerate people who are not public threats.

Research by government and nongovernment organizations demonstrate that the immigration enforcement system is not acting pursuant to defined priorities by DHS. With the lives of so many individuals and their families at stake, as well as the broader impact on the community, Hispanic Federation supports state and local efforts to push back against civil immigration detainers issued by ICE.

State and Local Involvement in Immigration Enforcement Undermines Immigrant Communities' Trust in Local Law Enforcement and Community Safety

Law enforcement officials, mayors and governors across the state and the country have expressed concern that when local law enforcement agencies are involved in immigration enforcement, immigrants will avoid coming forward to seek protection, report crimes, and cooperate in investigations out of fear that any contact with local law enforcement will result in their deportation or that of others. Everyone in the community is less safe when people are afraid to report crimes or suspicious activity. Because immigration detainers undermine community trust in local law enforcement, Hispanic Federation supports the proposed legislation.

Detainers Incur Costly Expenses to Counties and Cities

Immigration detainers impose substantial cost on local communities that are not reimbursed by the federal government. By prolonging detention for people who are otherwise eligible for release, detainers raise the cost of incarceration for local facilities. For example, in Los Angeles County, a study estimated that the "Los Angeles County taxpayers spend over \$26 million per year to detain immigrants for ICE."² In addition, local enforcement agencies that honor immigration detainers risk legal costs defending detainer-related lawsuits, which are becoming increasingly frequent with increase success for plaintiffs.

¹ See TRAC Immigration, "Targeting of ICE Detainers Varies Widely by State and by Facility," available at <http://trac.syr.edu/immigration/reports/343/>.

² See Justice Strategies, "The Cost of Responding to Immigration Detainers in California," available at <http://www.justicestrategies.org/sites/default/files/publications/Justice%20Strategies%20LA%20CA%20Detainer%20Cost%20Report.pdf>.

Conclusion

With this proposed legislation, New York will demonstrate respect for civil rights, increase public safety and restore local government control. Hispanic Federation commends the New York City Council and the Committee on Immigration for taking a step in the right direction and urges the Mayor and the City Council to safeguard the rights and safety of New Yorkers by adopting a broad policy prohibiting New York agencies from imprisoning anyone based solely on an ICE detainer request.