

# New York Considers Limiting Immigrant Detention

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NEW YORK -- The City Council inched closer on Wednesday toward passing two bills that would sharply limit the instances in which New York City detains undocumented immigrants.

At a hearing before the council's Committee on Immigration, neither the mayor's office nor local law enforcement presented major objections to the proposed legislation, which Speaker Melissa Mark-Viverito (D-East Harlem) announced earlier this month. The bills, aimed at easing detention policy in the face of federal inaction on immigration reform, are generally supported by immigrant rights activists and have the backing of many members of the Democrat-packed council.

Under the legislation, New York City would only detain an undocumented immigrant on behalf of Immigration and Customs Enforcement if a judge issues a warrant because the person has a "violent or serious" crime on his or her record from some time within the last five years, or if that person is identified on a terrorism watchlist. ICE would also lose its office at the jail on Rikers Island.

"These bills are simple," Mark-Viverito said during the hearing's opening. "They're about respecting the civil rights and dignity of all New Yorkers. They're about keeping hardworking families together."

Most undocumented immigrants in New York City who face deportation proceedings get referred to federal authorities through "detainers" -- voluntary requests issued by ICE to hold undocumented immigrants for 48 hours after they're picked up by local police for other reasons. In practice, local authorities often detain undocumented immigrants for [far longer periods](#).

Since 2011, [New York City has twice limited the conditions](#) under which it will comply with detainers, but critics argue that a long list of exemptions -- including for people charged with some types of misdemeanors -- water down the legislation in practice.

Maya Wiley, who serves as the mayor's general counsel, said the Bill de Blasio administration supported the principles behind the proposed legislation, but pressed for a more expansive definition of the crimes that could be used to hold an undocumented immigrant in detention for federal authorities.

"We know there are a number of felonies that are not included in the bill," Wiley said, citing examples including tampering with a witness in the first degree and sex trafficking.

Local law enforcement officials who attended Wednesday's hearing did not raise objections to the legislation, and said that police officers would adapt easily to it since they are already accustomed to disregarding ICE detainers in some cases.

Carlos Rodriguez, an activist with the Lower Manhattan Coalition for Immigrant Rights, heaped praise on the bills and told the committee his story of winding up in a detention center in New Jersey facing deportation proceedings after getting picked up on a trespassing charge that was later dropped.

"I'm very grateful the City Council has introduced these bills that would have spared me so much suffering," Rodriguez said.

While advocates generally applauded the proposals, some also said that they don't go far enough.

Abraham Paulos, the director of the New York-based group Families for Freedom, which advocates for families fighting deportation, has worked with a campaign this year to stop all cooperation between New York City law enforcement and ICE.

In his testimony Wednesday, Paulos pointed out that the legislation does not prohibit local law enforcement from sharing personal information with ICE, like phone numbers and addresses, that could be used to apprehend undocumented immigrants after they are released from custody. He also said that ICE might still be allowed to operate at Rikers without an office, and said that the bills should include a system of accountability to address cases in which local law enforcement may violate the new laws.

"We support legislation to get ICE out of Rikers, and we recognize the advocates who helped champion the move. Yet we remain concerned for the safety of immigrant New Yorkers," Paulos said in prepared remarks during the hearing.

In pursuing the legislation, New York is staking out a path similar to California and other jurisdictions that have adopted more open policies toward immigration.

Efforts to pass comprehensive immigration reform in Washington have failed in the face of strong opposition from Republicans in the House of Representatives. Meanwhile, President Barack Obama has publicly backed reform, but his administration has deported a record number of immigrants and expanded programs like Secure Communities that leverage local law enforcement to enforce immigration law.

"New York City has no business expending scarce resources assisting with the enforcement of broken immigration laws," Mark-Viverito said. "If Congress won't act, we must."

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