



Mayor's Office of
Immigrant Affairs
Bitta Mostofi
Commissioner

February 28, 2020

Testimony of Commissioner Bitta Mostofi
NYC Mayor's Office of Immigrant Affairs

Before a hearing of the New York City Council Committees on Immigration and Hospitals

Oversight – ICE's Escalated Attacks on NYC Policies Protecting Immigrants

Thank you to Chairs Menchaca and Chair Rivera and the members of the Committees on Immigration and Hospitals. My name is Bitta Mostofi and I am the Commissioner of the Mayor's Office of Immigrant Affairs (MOIA).

My testimony today will discuss the dramatic increase in ICE enforcement in New York City and the devastating impact such enforcement has had on immigrant families and communities, as well as on the City's interests in public safety, public health, and the general wellbeing of all of our residents. The Trump Administration's cynical fear-mongering and out-of-control enforcement has created tremendous confusion and terror among immigrant communities, to the detriment of all New Yorkers. In our ultimate city of immigrants, we stand with our three million foreign-born residents, and our one million New Yorkers living in mixed-status families.

I want to thank the Chairs and the Committee members for their leadership in addressing this important issue and convening today's oversight hearing.

Escalation in Enforcement

Taking a step back, I often speak about New York City as the ultimate city of immigrants. What I mean by this is not just that there are many immigrants in New York City, but also that immigrants are deeply entwined into the fabric of every New Yorker's life. Nearly 60% of New Yorkers live in households with at least one immigrant, including over one million New Yorkers who live in mixed-status households (in which at least one person is undocumented).¹ Of the one million New Yorkers, 277,000 are children, and most of those children are U.S.-born citizens.²

Imagine the effect that a single arrest by ICE's enforcement arm would have on these families. The reality is that many of the children in mixed-status households are more vulnerable than children in other households, facing higher levels of linguistic isolation, overcrowded housing, and rent-burdened households.³ For children in these households, a single immigration arrest may have ripple effects that disrupt their entire lives.

But ICE simply does not care about the repercussions of these arrests on the fabric of our city. They are ignoring the fact that indiscriminate, deprioritized enforcement is not only morally repugnant, but also threatens the public safety of everyone. Study after study has shown what New Yorkers know from experience: immigrants make our cities stronger, and building relationships with immigrant communities make us all safer.⁴ But despite the moral and practical reasons to support our immigrant communities, ICE continues to seek to tear our families apart.

¹ NYC Mayor's Office of Immigrant Affairs. "State of our Immigrant City," 2019, *available at* https://www1.nyc.gov/assets/immigrants/downloads/pdf/moia_annual_report%202019_final.pdf.

² *Ibid.*

³ *Ibid.*

⁴ *E.g.*, Tom Wong, Facts still matter: Data shows sanctuary cities keep communities safer, The Hill, *available at* <https://thehill.com/opinion/immigration/481851-facts-still-matter-data-shows-sanctuary-cities-keep-communities-safer>.

Nationally, ICE arrests are significantly higher under President Trump as compared to under President Obama.⁵ This is true in New York City as well. In Federal Fiscal Year (FFY) 2019, ICE total arrests in the New York City area increased by over one third (34 percent) when compared to the final year of the Obama Administration (FFY 2016).⁶ Moreover, the Trump Administration has more than tripled the arrest of long-term residents with no criminal convictions in the New York area,⁷ contrary to their claims that they are fulfilling a public safety mandate.

In combination with a trend of cruel and truly appalling incidents, it is clear that the federal government is committed to a strategy designed to instill fear in our City. We have seen an uptick in reports of arrests in January of this year, including so-called “collateral arrests” where ICE makes arrests of those who are not the original enforcement target. ICE agents routinely separate families – including pregnant women and their partners, children and their parents, brothers and sisters. They violate the principles of due process by arresting immigrants going to and from court. And recently, as you know, ICE shot a man in the face during an arrest. These are not the actions of an agency committed to public safety. These are the actions of an immoral, reckless agency that has been used repeatedly to advance the political and racist interests of President Trump, whose legitimacy must be questioned.

ICE has also singled out New York City in their rhetoric. Since the beginning of this year, ICE and Trump Administration officials have escalated their attacks on New York City, spreading misinformation and lies about how immigration enforcement and public safety interact. As an example of the ludicrous acceleration of this rhetoric, CBP announced that they would send members of their Border Patrol Tactical Unit (BORTAC), a special team meant to deal with high-risk situations, to so-called sanctuary cities. New York City remains the safest big city in the country. Sending additional CBP officers into New York City is not only a reckless use of resources, but also reveals a deeply concerning shift of resources toward interior enforcement.

City Interests

MOIA has worked with City agencies and the Council to ensure that all New Yorkers can access a variety of services, regardless of immigration status. Local laws guarantee access to language access, prohibit the use of City resources for immigration enforcement, and protect personal information collected by the City. These immigrant-inclusive laws and policies are rooted in common sense and in social science research. We know that immigrant New Yorkers, including undocumented immigrants, are key participants in the city’s economy, paying taxes⁸ and engaging in the labor force.⁹ We also know that the research consensus is that there is no

⁵ Fact Sheet: ICE Enforcement in New York City (January 2020), *available at* <https://www1.nyc.gov/assets/immigrants/downloads/pdf/enforcement-factsheet-2020-01-22.pdf>.

⁶ *Ibid.*

⁷ *Ibid.*

⁸ Institute on Taxation and Economic Policy. “Undocumented Immigrants’ State & Local Tax Contributions,” 2017, *available at* <https://itep.org/undocumented-immigrants-state-local-tax-contributions-2017/>.

⁹ NYC Mayor’s Office of Immigrant Affairs. “State of our Immigrant City,” 2019, *available at* https://www1.nyc.gov/assets/immigrants/downloads/pdf/moia_annual_report%202019_final.pdf.

association between immigrant-friendly policies and higher crime,¹⁰ and that some studies show that crime is lower in counties with these kinds of policies.¹¹ And immigrants who interact with and seek help from the City contribute to the public health and wellbeing of the city as a whole.

But the actions of ICE's enforcement arm have threatened the relationship between the City and our immigrant communities. For the City, which has invested millions of dollars into ensuring that immigrants feel safe interacting with City agencies and getting the help they need, ICE's actions are exacerbating an already difficult time for our immigrant families. This escalation of enforcement is not happening in a vacuum. In conjunction with the changes to the public charge rule, attacks on asylum and family reunification, and barriers to naturalization, ICE's indiscriminate immigration enforcement is creating an atmosphere of reluctance to engage with the City as a whole.

City response

At this time of tremendous fear for our immigrant communities, MOIA and our partners in government and in the community are working to mitigate the harms caused by the federal government in a variety of ways, focused on connecting community members to information about their rights and legal assistance.

The City has been proud of our historic investments in immigration legal services over the last several years, made in partnership with the City Council and New York's first-class legal services providers. As ICE continued to target our immigrant communities in new and concerning ways, MOIA has also worked with legal service providers at Make the Road New York, Unlocal, the New York Legal Assistance Group, and Catholic Charities, the Office of Civil Justice, and the New York State's Office of New Americans to respond to emerging and urgent needs, investing \$1 million for rapid response to support immigrants facing imminent detention and deportation and expanding capacity for our ActionNYC hotline. This investment was a continued effort to improve access to immigration legal services through innovative solutions and in response to widespread fear and concern in immigrant communities.

Similarly, MOIA has focused on providing crucial information to immigrant New Yorkers so that they know that they have rights. A variety of teams within MOIA conduct or work with community partners to conduct KYRs forums, including partners like African Communities Together, Academy of Medical & Public Health Services, Jacob Riis Settlement, MASA, Mixteca, Center for Family Life, Damayan, Lutheran Social Services of NY, and UnLocal. These forums provide New Yorkers with information about their rights and how they can get help. Moreover, MOIA uses these forums as well as direct outreach to help immigrant New Yorkers as they respond to confusing and urgent federal policy changes and confront ICE enforcement in their neighborhoods. MOIA regularly works with community partners and our

¹⁰ Tom Wong, Facts still matter: Data shows sanctuary cities keep communities safer, *The Hill*, available at <https://thehill.com/opinion/immigration/481851-facts-still-matter-data-shows-sanctuary-cities-keep-communities-safer>.

¹¹ Tom Wong, The Effects of Sanctuary Policies on Crime and the Economy, available at <https://www.americanprogress.org/issues/immigration/reports/2017/01/26/297366/the-effects-of-sanctuary-policies-on-crime-and-the-economy/>.

elected leaders in supporting impacted communities after a raid or attempt, and a key part of this work involves distributing know-your-rights materials and conducting presentations.

As I mentioned above, MOIA is also committed to ensuring that immigrant New Yorkers can access and continue to access critical City services. This foundational commitment, which I know that Council shares, is what drives our work to craft inclusive laws and policies. We regularly work with our agency partners and City Hall to make sure there is awareness across the City about the City's laws regarding requests from non-local law enforcement agencies, and to protect New Yorkers' privacy and the safety and well-being of all New Yorkers to the utmost of our ability. We will always be the ultimate city of immigrants, and the recent decision by the Second Circuit won't change that: in fact, Officer Eddie Byrne's legacy reminds us that building strong relationships with immigrant communities keeps all New Yorkers safe.

Last, MOIA focuses on advocacy around overbroad ICE enforcement and efforts to provide more analysis and information about the impact to New Yorkers. Earlier this year, we shared our analysis of federal data on immigration enforcement through a fact sheet available on our website and shared with community partners and elected leaders. We work closely with our 200+ member strong Cities for Action coalition to share best practices and come together to advocate on behalf of our members' interests in safe, inclusive localities. We also work closely with our Federal Legislative Affairs team in D.C. to engage members of our Congressional delegation about federal developments that impact immigrant New Yorkers.

Conclusion

ICE's attacks on New York City reveal the ignorance in the White House. But the City and MOIA remain committed to protecting and serving all of our residents, regardless of where they were born. Together, in partnership with the community and the Council, we can strengthen and support our fellow New Yorkers in this time of crisis.

I want to especially thank Chair Menchaca and his team for their work and collaboration with my team, in response to individual community or family needs.

Thank you to the Chair and members of the Committee for calling this hearing. I look forward to answering your questions.