

# NEW YORK CITY'S COLLABORATION WITH ICE HURTS ITS OWN RESIDENTS

## How is New York City Collaborating with ICE?

The Department of Corrections (DOC) allows Immigration and Customs Enforcement (ICE) agents to interview and interrogate people held at the Rikers Island jail facility even though ICE agents are systematically violating detainees' constitutional rights and tearing apart New York families.

Since 2004, an estimated **13,000 New Yorkers have been placed into deportation proceedings** because of the DOC's collaboration with ICE.

## Why this Collaboration is a Problem?

### I. Ignoring the principle "innocent until proven guilty"

- Rikers Island is a city jail, used primarily to hold people as they await trial. As a result, the vast majority of detainees have yet to be convicted and are presumed innocent.
- Even if a person has been wrongfully arrested, New York City allows ICE to interview and detain them, if they are suspected of being non-citizens, ultimately deporting many.
- ICE's dragnet enforcement strategy leads to the deportation of many New Yorkers based solely on technical civil immigration violations.

### II. DOC and ICE deny basic legal rights to people held at Rikers

- DOC makes new detainees available for ICE for interviews hours after they arrive in custody -- before they have had any opportunity to secure counsel for their ICE interrogation.
- During interrogation, ICE does not inform people of their right to remain silent or have an attorney present, as required by law. When people do request to have their lawyers present for interviews, ICE systematically ignores such requests in direct violation of law.
- After an interview, neither DOC nor ICE gives people oral or written notice that a detainer has been placed on them, so they cannot prepare to defend their deportation case.

### III. DOC and ICE use deceptive practices

- DOC routinely misinforms people that they are being taken to legal visits, when in fact they are being taken to ICE interrogations.
- ICE's policy is to have agents in plain clothes conduct the interrogations. The agents do not identify themselves as immigration officers.
- Together, these DOC and ICE policies lead many people to believe they are having confidential conversations with lawyers, when in fact they are speaking to ICE agents trying to deport them.

### IV. DOC often illegally helps channel people directly into the abyss of immigration detention

- DOC regularly violates the law by refusing to release people with expired immigration detainers. By illegally holding people so ICE can take them into immigration detention, DOC significantly compromises people's ability to defend against deportation.
- Once in immigrant detention, people are often transferred to centers in remote locations, such as Texas or Louisiana. They face thwarted access to counsel, documents, records and family members, any of which can be the crucial link to a successful deportation defense.

***BECAUSE OF DOC'S COLLABORATION WITH ICE, THOUSANDS OF NEW YORKERS ARE DEPORTED EACH YEAR, LEAVING NEW YORK CHILDREN DEPRIVED OF THEIR PARENTS AND DEPENDENT ON THE CITY. NEW YORK CITY MUST UPHOLD THE RIGHTS OF ALL OF ITS RESIDENTS AND STOP HELPING ICE BREAK UP NEW YORK FAMILIES.***

For more information, contact the New York City New Sanctuary Coalition:

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# WHAT HAVING I.C.E. IN OUR JAILS DOES TO NEW YORKERS?

## FAMILY DESTROYED AFTER A FIGHT AT A PARTY

In December 2004, a group of New Yorkers originally from Mexico was holding a private party in an apartment. Two men came uninvited and a fight broke out. One man, Alberto, was stabbed. A person at the party panicked and called the police. When the police arrived, they indiscriminately arrested a dozen young men at the scene, including Alberto's brother. Shortly after the arrest, the group of men was taken to Riker's Island, where they were interviewed by ICE agents within one day of arriving. They were held at the jail for three months without being indicted. Even though the District Attorney had no witnesses, he would not drop the charges. Ultimately, the criminal cases were dismissed, yet the men remained in jail on immigration detainers. When they finally entered immigration custody, all but one was ordered deported.

Alberto and his other family members remain shocked. "How could they deport him?" Alberto asks. "We are never calling the police or ambulance again."

## SON TAKEN FROM AILING MOTHER AND JAILED FOR 4 YEARS



*Prince with his mother who he cared for.*

Prince Brown is a 43-year-old Jamaican man who came to the United States more than 20 years ago as a legal permanent resident. In 2000, Mr. Brown served time in the Rikers Island jail for the relatively minor crime of "unauthorized use of a vehicle". One day, a corrections officer told Mr. Brown that he had a "visit" from his attorney. In fact, the officer took him to be interviewed by an immigration officer, who never identified himself. As a result, Mr. Brown was placed in deportation proceedings.

He spent the next four and a half years of his life in immigration detention, at three different facilities, two of which were in Louisiana, thousands of miles away from his family, friends, and legal resources. It was extremely difficult for him to defend his immigration case.

Mr. Brown's case went up to court twice before he won his right to a hearing. The judge cancelled his order of removal from the US and returned his green card in 2007. This victory, however, was bittersweet. Mr. Brown will never get the many years of his life back that he spent in detention. In his own words: "In the United States, the right to a speedy and fair trial is available to its citizens. I believe I am entitled to the same right, but did not get the same respect and dignity."

## CHANGING IN WRONG ALLEY LEAVES TEEN WITH UNCERTAIN FUTURE

V.S. is a young person who was born in Haiti and has lived in New York City for ten years. On her way to school one morning in September 2006, V.S. ducked into an alleyway off of the main street to change her clothes. The police arrived shortly thereafter and arrested her. V.S. was charged with trespass and attempted burglary. Only 17 at the time, this was V.S.'s first interaction with the police. Unable to post bail, she was transferred to Rikers where she was interviewed by ICE agents. Eventually, she ultimately pleaded guilty to "Trespass," which is a violation—not even a crime—and she was not sentenced to any jail time. However, due to her interview which revealed her lack of status, V.S. is now in removal proceedings, facing deportation.