

**Congress of the United States**  
**Washington, DC 20515**

May 13, 2011

Honorable Andrew Cuomo  
Governor of New York  
State Capitol  
Albany, NY 12224

Dear Governor Cuomo:

We are writing to urge you to rescind New York's Memorandum of Agreement and withdraw from the Immigration and Customs Enforcement's (ICE) Secure Communities program. Our concern with New York's ongoing involvement in the Secure Communities program comes from the damage that it is causing in our city and communities. New York City and New York State have a proud history as a welcoming place for people from all over the world to live; voluntarily participating in ICE's Secure Communities program tarnishes that heritage.

Last year, New York joined Secure Communities without a thorough investigation or public review of the possible consequences for the state, including decreased public safety, increased legal and fiscal liabilities and potential violations of New Yorkers' civil rights. Even then, groups such as the American Immigration Lawyers Association (AILA) indicated that there were questions that needed to be asked and pointed out that ICE had identified more than 111,000 criminal aliens in local custody, of whom only about 11,000 (10%) were charged with or convicted of crimes.

As recent press articles in the *New York Times* and *El Diario* illustrate, evidence of the fundamental flaws of the Secure Communities program continues to mount. Illinois, which has witnessed the effects of the program first hand for almost two years, has decided to withdraw from Secure Communities. In his letter to ICE, Illinois Governor Patrick Quinn pointed to "the conflict between the stated purpose of Secure Communities and the implementation of the program." In Illinois, less than 20% of the people ICE deported due to Secure Communities were convicted of a serious crime. The Secure Communities program was advertised as a way to remove alien violent criminals from our country; however, it has been used as a mass deportation immigration enforcement tool.

There is now nationwide condemnation of Secure Communities and of ICE's administration of the program. It has become clear that, during its rollout of the program, ICE made contradictory statements to the public and to government officials about Secure Communities and misled them about the agency's policy on opting-out of the initiative. Representative Lofgren, joined later by Senator Menendez, has called for "thorough

investigations into any misconduct, including possible violations of criminal law," relating to the agencies' deployment of the program.

We also want to bring to your attention that the Congressional Hispanic Caucus (CHC) has urged President Obama to issue an immediate national moratorium on the program until a review is completed. CHC's letter to the President, noted that "[s]ince its inception in October 2008, S-Comm [Secure Communities] has been deployed at a breathtaking pace with apparently little forethought or oversight." As members of the CHC, we fully support these requests for a nationwide freeze.

New York must withdraw from the Secure Communities program: First, ICE promotes Secure Communities as a mechanism to identify and target the most dangerous, violent individuals. However, the numbers show that the program operates as an overbroad immigration dragnet.

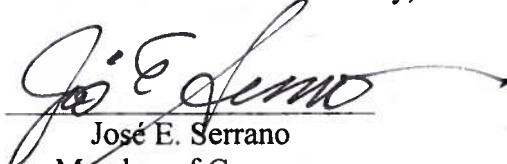
Second, the program makes New Yorkers less safe. When immigrant communities perceive that police are running immigration checks, they are less likely to report crimes or cooperate as victims and witnesses in serious criminal investigations.


Third, Secure Communities undermines the critical work New Yorkers have undertaken for so long to protect due process, end racial profiling and restore trust in the police and our criminal justice system. Under the program, ICE identifies individuals for deportation, before the underlying arrest has been reviewed by the criminal justice system. Because people are placed in immigration detention directly from the criminal justice system, victims of racial profiling or manufactured arrests have little ability to assert their civil rights.

Lastly, the immigration system does not offer due process protections comparable to our criminal justice system. New York cannot participate in a program where immigrants do not have a right to counsel and where detainees are transferred to remote detention centers, severely limiting their access to family and legal counsel. By participating in such a program, New York State is undermining the work it has undertaken to protect the rights of all of its residents.

As a state that upholds and protects civil, immigrant, and human rights, we expect that, with your guidance and leadership, New York will join Illinois in withdrawing from Secure Communities.

Sincerely,

  
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José E. Serrano  
Member of Congress

  
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Nydia M. Velázquez  
Member of Congress