

May 10, 2011

Governor Andrew Cuomo  
State Capital  
Albany, NY 12224

Dear Honorable Governor Cuomo,

As organizations dedicated to working with victims of domestic violence and human trafficking, we are writing to urge you to end Secure Communities (S-Comm) in New York State. From our vast experience working with crime victims, we know that New York's participation in S-Comm, or any proposal to involve local police in immigration enforcement activities, negatively impacts immigrant crime victims and witnesses. These types of programs heighten victims' fear of police, may put victims themselves in deportation proceedings, and will prevent immigrant survivors from being able to access the services and protections available to them. For this reason, we oppose New York's participation in S-Comm and urge you to rescind the Memorandum of Agreement between New York and ICE.

We are concerned that the state's current entanglement with ICE threatens the safety of victims of domestic violence, tears families apart, and compromises public safety for all New Yorkers. S-Comm endangers all New Yorkers by deterring immigrant community members from participating in police investigations, particularly in domestic violence situations. Calls reporting domestic violence sometimes result in the arrest of both parties present. Because of ICE's entanglement with law enforcement, even the wrongful arrest of victims of domestic violence can result in their detention and deportation. According to ICE's own assessment, it is inappropriately detaining many of its civil detainees, including people seeking protection under the Violence Against Women Act (VAWA). As a result, many immigrants already do not seek police intervention when abusive relationships develop for fear that they will be swept away by an unjust system. These fears have only increased with the implementation of S-Comm.

Furthermore, protection under VAWA is only one potential form of relief for victims of domestic violence. They may also be eligible for cancellation of removal, adjustment of status to legal permanent residence, and various persecution-based forms of relief such as asylum, withholding of removal, and protection under the Convention Against Torture. However, we cannot effectively advocate for victims of domestic violence when New York jails and prisons work with ICE to transfer them to immigration detention centers thousands of miles away from New York State. Therefore, many of these people will not have access to legal representation or social services throughout their detention and deportation proceedings. A direct result of this interagency cooperation is that many New Yorkers are deported when they should return home to their families and receive the services they require.

In addition to fearing their own deportation, victims of domestic violence may be reluctant to seek police intervention and services because they fear the deportation of their spouses or partners. While many of our clients seek assistance to end a violent situation and may want to pursue criminal charges, the end result they seek is rarely the permanent exile of their partner and the ensuing financial and emotional hardship on their family. In order to keep their partner out of a broken deportation system, many victims are reluctant to seek help. This allows the abuse to escalate while victims continue to distrust the City's safety nets.

We agree with the leaders in the New York law enforcement community, including former Manhattan District Attorney Robert Morgenthau and NYPD Commissioner Kelly, who have spoken

out about the risks to public safety resulting from law enforcement's entanglement with ICE. When immigrant communities fear the police, they will be less likely to seek the aid of law enforcement and participate as witnesses in criminal cases. In a state that is home to so many immigrants, the culture of fear created by S-Comm creates an unacceptable risk to all New Yorkers.

Please take the necessary steps to keep our communities truly secure. We urge you to use the State's limited resources to keep New York families together, promote public safety, and protect the rights of our most vulnerable residents by rescinding the S-Comm MOA and stopping S-Comm's implementation in New York immediately. If you have any questions or would like to discuss this further, please contact Marisol Arriaga at the Legal Aid Society, Civil Division at 646-340-1950 or email [maarriaga@legal-aid.org](mailto:maarriaga@legal-aid.org).

Sincerely,

The Arab-American Family Support Center

Good Shepherd Services, Safe Homes Project

inMotion, inc.

Legal Aid Society, Civil Practice

Legal Services NYC

Legal Services Staff Association, a unit of UAW 2320

National Asian Pacific American Women's Forum (NAPAWF)

New York Asian Women's Center

Northern Manhattan Improvement Corp.

Safe Horizon

SAKHI for South Asian Women

STEPS to End Family Violence

UAW Local 2325 - Assoc. of Legal Aid Attorneys

Urban Justice Center, Domestic Violence Project

Urban Justice Center, Sex Workers Project

Violence Intervention Project, Inc.