



**BROOKLYN  
DEFENDER  
SERVICES**



September 11, 2018

Hon. Thomas A. DeGise  
Hudson County Executive  
583 Newark Avenue  
Jersey City, NJ 07306

Dear County Executive DeGise:

**As supervising attorneys representing detained immigrants facing deportation through New York City's pioneering New York Immigrant Family Unity Project (NYIFUP), we respectfully implore you to postpone the vote on a resolution phasing out the contract with Immigration and Customs Enforcement (ICE).** Neither we nor the people we represent were consulted on this resolution and while there are local interests involved, the consequences of passing it would extend far beyond Hudson County.

Funded by the New York City Council, NYIFUP guarantees a free attorney to indigent people in immigration detention and subject to deportation proceedings at the Varick Street immigration court and a small number of New York residents with hearings at the Elizabeth immigration court. This includes the majority of people detained at Hudson County's jail, as well as many detained in the jails in Bergen and Orange Counties and some in Essex County.

**NYIFUP representation has increased the likelihood of detained people winning their cases by a factor of 12 – from 4% to 48%.** In addition to saving people from deportation, family dissolution, and in many cases death in their country of origin, this program has shown that nearly half of the people arrested and detained by ICE have a legal claim to remain in their homes and communities here under the law. Without an attorney, the vast majority of people in immigration detention, including U.S. citizens wrongfully arrested by ICE, are deported. That is why NYIFUP has been replicated in a growing number of jurisdictions across the country. Unfortunately, these programs are being undermined by well-intentioned efforts to close the local detention centers where they operate.

To be clear, we strongly support the movement to abolish ICE and believe there is no place for the jailing of asylum-seekers, longtime community members, or anyone else based on birthplace in a just society. The civil and human rights violations perpetrated by ICE against immigrants and people of color are longstanding and well-documented. To us, abolishing ICE is about a fundamental transformation of our immigration system into one that truly respects human rights and the ideals of liberty and equality. That said, ending contracts for ICE detention in jails near large immigrant communities where attorneys are provided for free – while ICE continues to

make arrests in these communities – will do far more harm than good and we question whether directly impacted people were engaged in this decision. Hudson County and other local governments have local control over jail contracts with ICE, but they do not have any control over what will happen to detained people if these contracts are terminated. That is up to ICE.

People who would otherwise be detained near their families and communities would instead be moved, likely hundreds or thousands of miles away, and quite possibly to remote private prisons where neither attorneys nor vigilant community members and clergy would be able to advocate for their rights and safety. Those with open cases and scheduled hearings – people who will have suffered weeks or months of detention awaiting this opportunity to fight for their freedom and right to remain in their community – would be severed from their support networks and attorneys and their cases will be derailed.

Certainly, reallocating revenue from the contract with ICE toward better serving people caught in the web of immigration detention, as local advocates and elected officials have called for, is something we support, but phasing out the contract itself is the wrong move.

**Local counties are in a strong position to help prevent ICE arrests in the first place, but deciding whether and where people already arrested by ICE are detained is entirely under federal control.** Local law enforcement can have a meaningful impact in combating ICE's deportation machine, as even without 287-g agreements, fingerprints, arrest and court records, personal information, and court dates shared with the Department of Homeland Security and ICE very often lead to detention.

In the short term, in addition to redirecting revenue from the contract with ICE, Hudson County and New Jersey could together take a number of urgent and necessary steps to help protect immigrants and fight back against the vicious policies and tactics of the Trump Administration. This effort, which should directly and meaningfully involve impacted people, could include: improving jail conditions; providing programming in the jail that can strengthen the ability to defend against deportation; ending the criminalization of behaviors linked to mental health disorders or substance use, which puts immigrants with and without lawful status on ICE's radar and at serious risk of deportation; legalizing marijuana, which is among the top convictions underlying ICE arrests and deportation proceedings; covering the exorbitant costs of immigration fees; allowing undocumented students to obtain state financial aid for college; providing drivers licenses for all qualified drivers; using creative approaches to help ensure access to health care for all people regardless of immigration status; and much more.

By ending the contract with ICE, whether tomorrow or in 2020, the County would be harming detained people and others arrested by ICE in the New York City metropolitan area.

Our country must fundamentally transform its immigration system to recognize the humanity of all people, including by repealing the laws that created our current mass immigration detention

system. While we fight toward that end, we must proceed responsibly and do no harm – at least not without the leadership of directly impacted people making decisions for themselves.

If you have any questions, or wish to discuss this matter further, please contact Jared Chausow at Brooklyn Defender Services at (718) 254 0897 or [jchausow@bds.org](mailto:jchausow@bds.org).

Sincerely,

Andrea Sáenz  
Supervising Attorney, Immigration Practice  
Brooklyn Defender Services

Sarah Deri Oshiro  
Managing Director, Immigration Practice  
The Bronx Defenders

Hasan Shafiqullah  
Attorney-in-Charge, Immigration Law Unit  
The Legal Aid Society