



THE COUNCIL OF
THE CITY OF NEW YORK

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SPEAKER

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Via Email

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Mayorkas:

First, we want to congratulate you on your nomination as U.S. Department of Homeland Security Secretary. Given your vast experience, including serving as Director of U.S. Citizenship and Immigration Services (USCIS) and Deputy Secretary of the U.S. Department of Homeland Security (DHS), we believe you are well-positioned to enact swift change and are encouraged by your and President Biden's commitment to dismantling the punitive and inhumane immigration policies of the previous administration.

To be clear, we firmly believe that ICE must be abolished but recognize that some changes may be faster to implement than others. For that reason, as an immediate first step, we respectfully request that Thomas Decker, U.S. Immigration and Customs Enforcement (ICE) New York Field Office Director, be removed from his post at the earliest opportunity.

As briefly summarized below, Director Decker has led an ICE field office whose Enforcement and Removal Operations (ERO) agents routinely engage in dangerous, discriminatory, and legally dubious enforcement activities. Just as we will hold to account the architects of the previous Administration's destructive immigration policies, we must also hold to account those who so zealously implemented them.

In short, we believe Director Decker cannot be trusted to implement – in good faith – the guidelines set forth in President Biden's Executive Order entitled "Review of and Interim Revision to Civil Immigration and Enforcement and Removal Policies and Priorities" issued on January 20, 2021, and the correlating memorandum issued by Acting Secretary of the Department of Homeland Security, David Pekoske.

We wish to highlight that our concern about ICE's willingness to comply with the text or spirit of President Biden's directives does not stem from hypothetical scenarios. Just last week, Javier Castillo Maradiaga, a young New Yorker eligible for the Deferred Action for Childhood Arrivals (DACA) program, was set to be deported in clear violation of the Biden administration's directive to halt deportations for one hundred days. It took significant media attention and advocacy from his attorney, elected officials, and community groups to pressure ICE into compliance – only to have ICE reschedule Javier's deportation for a few days later. Javier remains in limbo and, sadly, his case is just one of the many that demonstrate why we must not take ICE compliance for granted.

As you well know, the previous Administration rejected long-standing immigration policies that prioritized individuals with serious criminal convictions for detention and deportation. Instead, ICE agents were permitted, if not encouraged, to seek out “low hanging fruit” – meaning easily identifiable immigrants that, normally, would not have been a priority for deportation. Nowhere was this more true than in New York City where many of the individuals detained by ICE had long-standing ties to the city, U.S. citizen family members, and clean criminal records. Determined to instill fear in immigrant communities and gain cheap political points by fearmongering, the previous administration frequently expressed that the city had been singled out as a prime target for drastically increased ICE enforcement.

As part of ICE's attack on New York City's immigrant community, and under Director Decker's leadership, ICE agents targeted our city's immigrant neighborhoods for pre-dawn home raids – usually conducted *without* a judicial warrant. ICE agents also frequently misrepresented themselves as local police investigating a crime. Similarly, immigrant small businesses owners experienced ICE agents bursting into their establishments during workplace raids and causing fear and confusion among employees and customers alike. ICE also increased its presence in government locations such as courthouses, a place where all New Yorkers should feel comfortable entering to request orders of protection, settle civil and family disputes, and seek justice.

More egregious still were the reports of Director Decker's agents conducting enforcement activities in violation of ICE's own policies, specifically, their “sensitive locations memorandum.” The memorandum prohibits ICE agents from engaging in enforcement activities in places like hospitals, schools, and places of worship. In fact, just last year, the City Council was forced to hold an emergency hearing on ICE's intimidation tactics and violence after a tourist with a *legal* visa was shot in the face by an ICE agent during an arrest and was subsequently held in de facto detention in his hospital room, with no one allowed to visit to him, including lawyers. Even when lines were not technically crossed, it was clear Director Decker had given the agents under his command *carte blanche* to edge as close to it as possible, effectively producing the same chilling effect that the sensitive locations memorandum expressly seeks to prevent. Unquestionably, ICE's intimidation and physically violent tactics are abhorrent and cannot be left unchecked even one minute longer. Time is of the essence as, clearly, New Yorker's lives hang in the balance.

As President Biden and Congress work to reverse the previous administration's harmful policies and re-envision a more fair and humane immigration framework for our nation, we must ensure that no further harm comes to New Yorkers at the hand of ICE generally,

and Director Decker specifically. Therefore, we respectfully reiterate our request that Director Thomas Decker be dismissed immediately from his post as director of the New York Field Office of U.S. Immigration and Customs Enforcement.

We appreciate your attention to this matter and look forward to working closely with you on reforms that eliminate unnecessary immigration arrests and detentions and remove roadblocks to citizenship and other lawful immigration status.

Sincerely,

Handwritten signature of Corey Johnson in black ink, consisting of stylized initials 'CJ' followed by a horizontal line.

COREY JOHNSON
Speaker

Handwritten signature of Carlos Menchaca in blue ink, consisting of the name 'Carlos' followed by a stylized 'A' and a horizontal line.

CARLOS MENCHACA
Chair, Committee on Immigration