Toolkit to Challenge Gang Allegations against Immigrant New Yorkers

Table of Contents
2019
Table of Contents

Introduction

I. Preventing & Protecting against Gang Allegations

II. Challenging & Defending against Gang Allegations

III. Unreliability of Gang Allegations & Aggressive Police Practices

Acknowledgments
Introduction

The City University of New York (CUNY) School of Law’s Immigrant and Non-Citizen Rights Clinic (INRC) has created a web-based Toolkit to help challenge gang allegations against immigrant New Yorkers, particularly those vulnerable to aggressive enforcement efforts on Long Island.

The Toolkit to Challenge Gang Allegations against Immigrant New Yorkers (“Toolkit”) contains pro se materials and practice guides for immigration practitioners that can be used to assist individuals facing gang allegations in proceedings before immigration court, when submitting applications to USCIS, and in schools.

The Toolkit is a compilation of resources aimed at preventing and protecting against gang allegations, challenging and defending against gang allegations in immigration proceedings, and documenting the unreliability of gang allegations and aggressive police practices.

**Toolkit Highlights**

**Swept Up in the Sweep: Impact of Gang Allegations on Immigrant New Yorkers**

Published in May 2018, *Swept Up in the Sweep: The Impact of Gang Allegations on Immigrant New Yorkers* is a report that examines and documents how the government uses overbroad gang allegations to deport and detain Latinx communities in New York State. Through an extensive field study, the report shows how Immigration and Customs Enforcement (ICE), with other federal agencies and law enforcement, uses arbitrary methods to profile immigrant youth of color to allege gang affiliation. The report was written in collaboration with the Immigrant and Non-Citizen Rights Clinic (INRC) at the CUNY School of Law and the New York Immigration Coalition (NYIC).

**Strategies For Suppression or Termination in the “Gang-Related” Immigration Enforcement Context**

Published in June 2019, *Strategies For Suppression or Termination in the “Gang-Related” Immigration Enforcement Context* is a practice note to help practitioners move to terminate removal proceedings by motion to suppress due to egregious or widespread Fourth Amendment violations or due to regulatory violations arising out of “gang-related” enforcement. This practice note was written by the Immigrant and Non-Citizen Rights Clinic (INRC) at the CUNY School of Law.
Evidentiary Objections to Challenge Commonly Introduced Evidence Used in Support of Gang Allegations

Published in July 2019, *Evidentiary Objections to Challenge Commonly Introduced Evidence Used in Support of Gang Allegations* is a practice note containing tips and strategies for raising evidentiary objections when DHS introduces evidence to support gang allegations in immigration proceedings. This practice note was written by the Immigrant and Non-Citizen Rights Clinic (INRC) at the CUNY School of Law.

Long Island Directed Referral List

The *Long Island Directed Referral List (English) | (Spanish)* is a list of legal and community organizations in New York serving Long Island residents that may be useful for individuals facing gang allegations. It includes immigrant rights, students and youth advocacy, public defense, legal services, and various community support organizations.
1. **Preventing & Protecting against Gang Allegations**

This section includes guides, know your rights materials, template letters, and other practice-oriented materials related to preventing and protecting against gang allegations, particularly in the immigration context.

## Filling out Immigration Forms


## Sensitive Locations


## Preventing & Protecting against Gang Allegations

### Schools

8. CUNY School of Law, INRC, [Template Letter for Students and Parents to Give to Schools Regarding Rights with Police in Schools](2019).  
   [Spanish] | [English]

9. CUNY School of Law, INRC, [Template Letter for Students and Parents to Give to Schools Regarding Rights during Enrollment and Registration](2019).  
   [Spanish] | [English]

10. CUNY School of Law, INRC, [Know Your Rights When Interacting With Law Enforcement at Home, on the Streets, or in Schools](2019).  
    [Spanish] | [English]

11. CUNY School of Law, INRC, [My School Thinks I Am in a Gang](2019).  
    [Spanish] | [English]


13. New York Civil Liberties Union, [Know Your Rights When Facing a Suspension](2015).

14. Long Island Advocacy Center (LIAC), [Student Suspension LIAC Fact Sheet].

15. Long Island Advocacy Center (LIAC), [Links/Law/Info](http://www.theliac.org/links--laws-info.html).


17. [Select Gang-Related School Suspension Decision],  
   Appeal of LL, Decision No. 15,835 (Oct. 1, 2008) (“a student’s mere reference to MS-13, without more, does not constitute an ‘activity, affiliation and/or communication in connection with a ... gang.’”).
I. Preventing & Protecting against Gang Allegations

Home Raids and Community Arrests


21. American Civil Liberties Union, *What to do if you are an Immigrant Stopped by Law Enforcement Agents.*

II. Challenging & Defending against Gang Allegations

This section includes materials specific to challenging and defending against gang allegations in immigration proceedings.

Challenging “Gang-Related” Evidence and Raising Objections


Practice Advisories, Sample Motions & Court Documents

27. CUNY School of Law, INRC, Practice Note, *Strategies for Suppression or Termination in the “Gang-Related” Immigration Enforcement Context* (2019).


II. Challenging & Defending against Gang Allegations

Practice Advisories, Sample Motions & Court Documents (Continued)


    NYCLU Francis Decision Practice Advisory
    NYCLU Francis Decision One Pager (English)
    NYCLU Francis Decision One Pager (Spanish)

34. NYIC, *NYIC Submits FOIA for Operation Matador* (Nov. 27, 2017).

    NYIC FOIA Request CBP – Operation Matador
    NYIC FOIA Request ICE – Operation Matador
    NYIC FOIA Request USCIS – Operation Matador
    NYIC FOIL Request NCPD – Operation Matador
    NYIC FOIL Request NYPD – Operation Matador
    NYIC FOIL Request SCPD – Operation Matador

II. Challenging & Defending against Gang Allegations

Other Guides


III. Unreliability of Gang Allegations & Aggressive Police Practices

This section includes reports and other materials on the impact of gang allegations on immigration outcomes, the ineffectiveness of gang databases, and aggressive policing. It includes overarching, national, and New York metropolitan area-specific materials. These resources may be useful for practitioners seeking to educate themselves, judges, or the public. These resources can also be used as evidentiary exhibits in immigration court proceedings.

Understanding Gang Allegations against Immigrants


III. Unreliability of Gang Allegations & Aggressive Police Practices

Gang Allegations in Schools


Unreliability of Gang Databases & Gang Policing Efforts


Unreliability of Gang Databases & Gang Policing Efforts (Continued)


Acknowledgments

_Toolkit to Challenge Gang Allegations against Immigrant New Yorkers_ is the outgrowth of generations of advocacy by City University of New York (CUNY) School of Law’s Immigrant and Non-Citizen Rights Clinic (INRC) law students, faculty, and staff on behalf of marginalized populations long subjected to discriminatory law enforcement surveillance, racial, ethnic, and religious profiling, and labeling as suspect communities. The result is this web-based Toolkit to help challenge gang allegations against immigrant New Yorkers, particularly those vulnerable to discriminatory gang policing in Long Island.

We thank the immigrant communities of Long Island and the attorneys who serve them for the inspiration for this work.

Authors and Researchers
Maya Leszczynski
Prof. Nermeen Arastu
Prof. Talia Peleg

This Toolkit would not have been possible without the work of the Immigrant and Non-Citizen Rights Clinic (INRC) law students who provided research, reporting, and writing assistance.

Many thanks to the following INRC students for their contributions to this project:

**INRC Class of 2018 Students**
JP Perry, Chris Kovalski, and Reid Miller

**INRC Class of 2019 Students**
Wilkiris Batista, Katherine Dennis, Matias Gonzalez, Bianca Granados, Andrea Natalie, Lea Rios O’Leary-Tagiuri, and Andrea Velasquez.
Acknowledgments

The INRC would also like to thank the following organizations and individuals:

This Toolkit would have never come to fruition without the dedication, diligence, and perseverance of Maya Leszczynski.

Make the Road New York (MRNY), New York Immigration Coalition (NYIC), CUNY CLEAR Project, CUNY Student Advocacy Project (SAP), Paige Austin, Walter Barrientos, Annemarie Caruso, Bernice Cohn, Paul Grotas, Javier Guzman, Anu Joshi, Prof. Babe Howell, Camille Mackler, Judge Paul Schmidt, Amy Taylor, and Glykeria Tsiokanou.

We would also like to thank City University of New York (CUNY) School of Law, Main Street Legal Services, Inc., and the Equal Justice Works AmeriCorps Legal Fellowship Program for their generous support. Thank you to Dean Mary Lu Bilek, Liz Dickinson, and Sr. Associate Dean Donna Lee for their support for our broader vision, this Toolkit, and related projects.

Web & Graphic Design
Elise Hanks Billing
Amina Lulanaj
Amal