



Section: Command Operations

Procedure No.: 212-66

**MAYOR'S EXECUTIVE ORDER NO. 124
NEW YORK CITY POLICY REGARDING ALIENS**

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PURPOSE

To advise members of the service of the contents of Mayor's Executive Order No. 124, 1989, regarding City Policy concerning aliens.

SCOPE

Many aliens fail to utilize city services out of fear that any contact with government agencies will bring their immigration status to the attention of federal authorities. However, all aliens should be encouraged to use city services to which they are entitled. The city has no obligation to report any law abiding alien to federal authorities and in recognition of this lack of obligation, city agencies will preserve the confidentiality of all information respecting law abiding aliens to the extent permitted by law. City agencies are also prohibited from arbitrarily excluding aliens from eligibility for services which are available to all.

DEFINITIONS

ALIEN - Any person who is not a citizen or national of the United States.

PROCEDURE

To safeguard the confidentiality of information regarding aliens:

**MEMBER OF
THE SERVICE**

1. Transmit information respecting any alien to federal immigration authorities, only when:
 - a. Required by law, or,
 - b. Alien requests, in writing, information be provided, to verify alien's immigration status, or
 - c. Alien is suspected of engaging in criminal activity, including attempts to obtain public assistance benefits through the use of fraudulent documents.

NOTE

Members of the service obtaining information on aliens suspected of criminal activity will comply with normal crime reporting and investigating procedures. In addition, they will notify their commanding officer who will direct that a Typed Letterhead containing the information be prepared and forwarded to the Commanding Officer, Intelligence Division (DIRECT).

**ADDITIONAL
DATA**

The Commanding Officer, Intelligence Division will be responsible for receiving and reviewing information on aliens suspected of engaging in criminal activity. He will determine on a case by case basis what action, if any, regarding notifications to external agencies should be taken. No member of the service will transmit information regarding aliens to any agencies except through the Commanding Officer, Intelligence Division.

This Department will continue to cooperate with federal authorities in investigating and apprehending aliens suspected of criminal activities. However, information regarding aliens who are victims of a crime will not be transmitted.

**RELATED
PROCEDURE**

OLBS Computerized Arrest Notification Printout (P.G. 208-68)

**FORMS AND
REPORTS**

Typed Letterhead



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MAYOR'S EXECUTIVE ORDER NO. 34: CITY POLICY CONCERNING IMMIGRANT ACCESS TO CITY SERVICES			
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INTERIM ORDER 22 s. 03 SUSPENDS AND RENAMES THIS PROCEDURE

1. As a result of changes in Federal Law, Mayor's Executive Order No. 124 of 1989 regarding the City's policy toward aliens and their immigration status has been **REVOKED**. It has been replaced by Mayor's Executive Order No. 34 of 2003, which reaffirms the City's policy of providing essential services to all residents regardless of immigration status, while complying with Federal Law that provides that the City may not prohibit its employees from providing information to the U.S. Bureau of Immigration and Customs Enforcement. (Title 18 U.S.C. § 1373 [a])

Under the new Executive Order, it continues to be the policy of the New York City Police Department not to inquire about the immigration status of crime victims, witnesses or others who call or approach the police seeking assistance. It is incumbent upon the Department to maintain the trust and confidence of all who depend on the services of the Police Department for their safety.

In cases when an alien has been arrested for a criminal offense, it is the policy of the New York City Police Department to provide notification of such arrest to the U.S. Bureau of Immigration and Customs Enforcement. Such notification will be made by the Intelligence Division, based on data retrieved from the On Line Booking System.

2. When preparing the **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)** it is imperative that an arresting officer ask the arrestee his/her citizenship status. If the arrestee indicates that he/she is not a citizen, the arresting officer should indicate same by checking "No" in the box captioned "U.S. Citizen." Additionally, the arresting officer should question the arrestee regarding his/her country of birth. An entry should then be made in the box captioned "State/Country of Birth."

3. Patrol Guide procedure 212-66, "Mayor's Executive Order No. 124 New York City Policy Regarding Aliens" is **REVOKED**.

4. Any provisions of the Department Manual or other Department directive in conflict with the contents of this order are suspended.

BY DIRECTION OF THE POLICE COMMISSIONER

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