



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, NY 10007

EXECUTIVE ORDER No. 34

May 13, 2003

**CITY POLICY CONCERNING IMMIGRANT ACCESS TO CITY SERVICES**

WHEREAS, approximately forty percent of persons who live in New York City are foreign-born; and

WHEREAS, immigrants have made significant contributions to every facet of the City's economic, educational and cultural life; and

WHEREAS, access to City services by the immigrant communities of New York City is essential to the well-being of those communities and their continued integration into the City's life; and

WHEREAS, meeting the needs of the City's immigrant population is important to maintaining public trust and confidence in city government and its agencies; and

WHEREAS, the city's commitment to protecting its residents and visitors is furthered by the reporting of crimes by immigrant witnesses and victims; and

WHEREAS, the voters of the city of New York reaffirmed the City's commitment to serving immigrant communities by making the Mayor's Office of Immigrant Affairs a Charter Agency in the November 2001 referendum; and

WHEREAS the U.S. Supreme Court has declared that children of aliens have a right to a free public education; and

WHEREAS, the City's Human Rights Law protects aliens from discrimination in the areas of employment, housing and public accommodations, and the City is committed to enforcing those protections to the maximum extent permitted by federal law; and

WHEREAS, the public health, safety and general welfare of the City will be furthered by promoting access to City programs, services and activities by all residents;

NOW, THEREFORE, by virtue of the power vested in me as the Mayor of the City of New York, it is hereby ordered:

Section 1. Executive Order No. 124, dated August 7, 1989, is hereby revoked.

Section 2. Definitions. As used herein,

a. "Alien" means any person who is not a citizen or national of the United States

b. "Line worker" means a person employed by any City agency whose duties involve contact with the public

c. "Manager" means a person employed by any City agency whose duties involve supervising a line worker who has contact with the public.

d. "Illegal activity" means unlawful activity but shall not include mere status as an undocumented alien. [[As Amended September 17, 2003](#)]

Section 3. Information Respecting Aliens.

a. A City officer or employee, other than law enforcement officers, shall not inquire about a person's immigration status unless:

(1) Such person's immigration status is necessary for the determination of program, service or benefit eligibility or the provision of City services; or

(2) Such officer or employee is required by law to inquire about such person's immigration status.

[[As Amended September 17, 2003](#)]

Section 4. Law Enforcement Officers.

a. Law enforcement officers shall not inquire about a person's immigration status unless investigating illegal activity other than mere status as an undocumented alien.

b. Police officers and peace officers, including members of the Police Department and the Department of Correction, shall continue to cooperate with federal authorities in investigating and apprehending aliens suspected of criminal activity.

c. It shall be the policy of the Police Department not to inquire about the immigration status of crime victims, witnesses, or others who call or approach the police seeking assistance.

[[As Amended September 17, 2003](#)]

Section 5. Availability of City Services to Aliens. Any service provided by a City agency shall be made available to all aliens who are otherwise eligible for such service to aliens. Every City agency shall encourage aliens to make use of those services provided by such agency for which aliens are not denied eligibility by law.

Section 6. Agency Policies, Procedure and Training. City agencies may develop individual policies, procedures and training programs, consistent with this Executive Order, to ensure the proper and timely administration of health, safety and education programs, and social services

Section 7. Office of Immigrant Affairs. City agencies shall work with the Office of Immigrant Affairs in the development of policies, procedures and training programs for managers and line workers to ensure the proper implementation of this Executive Order.

Section 8. Effective date. This order shall take effect immediately.

Michael R. Bloomberg  
Mayor



Section: Command Operations		Procedure No.: 212-66	
<b>MAYOR'S EXECUTIVE ORDER NO. 34: CITY POLICY CONCERNING IMMIGRANT ACCESS TO CITY SERVICES</b>			
DATE ISSUED: 01/01/2000	DATE EFFECTIVE: 01/01/2000	REVISION NUMBER:	PAGE: 1 of 1

***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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