

Memorandum in Support

COMMITTEE ON IMMIGRATION REPRESENTATION

ISSUE: NEW YORK FOR ALL ACT

Immigration # 1

June 8, 2021

S. 3076-A

By: Senator Salazar

A. 2328-A

By: M. of A. Reyes

Senate Committee: Codes

Assembly Committee: Rules

Effective Date: Immediately

AN ACT to amend the criminal procedure law, the executive law, the general municipal law and the correction law, in relation to prohibiting and regulating the discovery and disclosure of immigration status; and to repeal certain provisions of the correction law relating thereto.

LAW AND SECTIONS REFERRED TO: Section 20 of the criminal procedure law.

THE COMMITTEE ON IMMIGRATION REPRESENTATION SUPPORTS THIS LEGISLATION

The Committee on Immigration Representation strongly supports the New York for All Act, legislation that will support New York State’s national leadership in advancing policies that support and welcome immigrant communities and curtail the use of state resources for federal immigration enforcement purposes.

The New York for All Act

The New York for All Act would place strict limits on how public officials in our state may engage in immigration enforcement or interact with immigration authorities. Many immigrant New Yorkers live in fear of interacting with government agencies — whether at a routine traffic stop, responding to a Census worker’s inquiry, or visiting a public hospital for care. Data has shown that undocumented immigrants are apprehensive of seeking medical care and avoid hospitals whenever possible, which is particularly problematic during COVID-19.¹ Moreover, when law enforcement officials collaborate with federal immigration authorities, they subject immigrant New Yorkers – disproportionately Black immigrants and other immigrants of color – to an unfair double punishment that New York’s criminal legal system does not contemplate.

¹ Kathleen R. Page, M.D., and Alejandra Flores-Miller, “Lessons We’ve Learned — Covid-19 and the Undocumented Latinx Community,” *New England Journal of Medicine*, 2021, <https://www.nejm.org/doi/full/10.1056/NEJMp2024897>.

New York's scarce local resources should be used to build trust and promote access to justice and needed resources, not to perform federal immigration enforcement. When immigrants in our communities can have confidence that their public officials will not subject them to immigration enforcement, everyone benefits from increased public safety and access to public services. Data shows that crime and poverty are lower and income is higher in places where officials do not divert resources to carrying out immigration enforcement.² The New York State Attorney General adopted a policy to keep ICE away from courthouses because it erodes public trust and safety while unfairly weaponizing our justice system.³ The NY for All Act would do the same for law enforcement and other public officials.

Immigrants of color continue to be unfairly criminalized in unjust policy and rhetoric that closely links criminality with immigration status. The collaboration of state and local law enforcement authorities with immigration enforcement unfairly perpetuate that criminalization, subjecting immigrants of color, particularly Black immigrants, to higher rates of immigration detention and deportation as a result of contact with criminal law enforcement. New York for All would begin to erode the harmful links between our criminal legal system and the federal immigration system, supporting a transformation in our immigration policy that promotes safety and equity.

Based on the foregoing, the NYSBA's Committee on Immigration Representation **SUPPORTS** this legislation.

² American Immigration Council, "Sanctuary Policies: An Overview," 2020, <http://ftp.iza.org/dp12413.pdf>; <https://www.americanimmigrationcouncil.org/research/sanctuary-policies-overview>

³ Press Release, "Attorney General James Wins Lawsuit Against Trump Administration's Illegal Policy of Making ICE Arrests at State Courthouses," June 10, 2020, <https://ag.ny.gov/press-release/2020/attorney-general-james-wins-lawsuit-against-trump-administrations-illegal-policy>.