

## Memorandum in Support

April 29, 2026

S. 2235-B  
A. 3506-B

By: Senator Gounardes  
By: M. of A. Reyes  
Senate Committee: Codes  
Assembly Committee: Codes  
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 New York State Bar Association hereby **SUPPORTS** this legislation.

The bill seeks to enhance public safety, build trust between immigrant communities and local authorities, and reaffirm New York's leadership in advancing policies that welcome and protect immigrants. The Committee on Immigration Representation's 2026 Report, adopted by NYSBA's House of Delegates, calls for the support of this legislation. This memorandum outlines the legal and policy justifications for the passage of the New York for All Act, detailing the harmful effects of local and state collaboration with federal immigration enforcement, the benefits of disentangling state resources from federal immigration authorities, and the precedents set by other states that are implementing similar policies.

### *The New York for All Act*

The New York for All Act amends the New York State Criminal Procedure Law, Executive Law, General Municipal Law, and Correction Law to prohibit the use of state and local government resources for immigration enforcement; restricts the disclosure of sensitive information to U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP); prohibits Immigration and Nationality Act § 287(g) agreements, which deputize local law enforcement officers to enforce federal immigration law; requires ICE and CBP to obtain a judicial warrant before accessing non-public areas of government property; and establishes reporting requirements and oversight by the New York Attorney General to ensure compliance. This legislation is essential to safeguarding the rights of all New Yorkers and preventing the misuse of state and local resources for federal immigration enforcement.

Immigrant New Yorkers are invaluable members of their communities, contributing to the state's economy, culture, and every aspect of society. Many, however, live in fear of arrest, detention, and deportation due to the entanglement of local law enforcement with ICE. This fear prevents individuals from accessing critical public services, reporting crimes, and participating fully in their communities. ICE has built a vast deportation infrastructure that depends heavily on cooperation from state and local authorities. Programs such as Secure Communities and 287(g) agreements facilitate the transfer of individuals from local law enforcement custody into ICE detention, often without due process. These programs disproportionately target Black and Brown immigrants and undermine trust in law enforcement. Key statistics highlight the danger of this collaboration: between 1995 and 2019, the number of individuals in immigration detention grew from fewer than 8,000 to approximately 56,000.<sup>1</sup> Since 2019, ICE has issued over 267,000 detainers and extended detention of individuals in local custody to facilitate federal immigration enforcement. Studies show that ICE collaboration results in racial profiling, as local law enforcement officers disproportionately target immigrants for stops and arrests in counties with high levels of ICE cooperation.<sup>2</sup> Efforts to limit local cooperation with ICE have been challenged. In 2011, then-Governor Andrew Cuomo sought to withdraw New York from Secure Communities, but federal policy dictated that participation was mandatory.<sup>3</sup>

The anti-immigrant policies of the second Trump administration have supercharged the cruel and dehumanizing immigration detention and deportation regime already in place. Legislative and policy changes made over several decades—under the leadership of both political parties—have created a civil immigration system that functions more like the criminal legal system; people are torn from their families and placed in county jails and private prisons for years while they navigate a byzantine immigration court process. The first Trump administration further expanded ICE's authority, rescinded protections for certain immigrant groups, implemented more restrictive asylum policies, and encouraged and incentivized state and local cooperation with federal immigration authorities, making the need for state-level protections even more urgent.

President Trump's January 20, 2025 [Securing Our Borders](#) Executive Order (EO) mandates state and local cooperation with DHS immigration enforcement efforts.<sup>4</sup> His January 20, 2025 [Protecting The American People Against Invasion](#) EO provides for the sharing of information

---

<sup>1</sup> ACLU, Human Rights Watch, and the National Immigrant Justice Center, *Justice-Free Zones: U.S. Immigration Detention Under the Trump Administration*, p. 14,

[https://www.hrw.org/sites/default/files/supporting\\_resources/justice\\_free\\_zones\\_immigrant\\_detention.pdf](https://www.hrw.org/sites/default/files/supporting_resources/justice_free_zones_immigrant_detention.pdf)

<sup>2</sup> See U.S. Immigration and Customs Enforcement, *ICE Annual Report: Fiscal Year 2022*, Dec. 30, 2022, <https://www.ice.gov/doclib/eoy/iceAnnualReportFY2022.pdf>.

<sup>3</sup> N.Y.S. Governor, *Governor Cuomo Suspends Participation in Federal Secure Communities Program*, June 1, 2011, <https://www.governor.ny.gov/news/governor-cuomo-suspends-participation-federal-secure-communities-program>

<sup>4</sup> Executive Order: *Securing Our Borders*, January 20, 2025, at § 2(f), <https://www.whitehouse.gov/presidential-actions/2025/01/securing-our-borders/>

among the federal government and state and local governments,<sup>5</sup> and directs DHS to establish Homeland Security Task Forces in each state.<sup>6</sup>

Under 28 CFR § 65.83, the federal government can request states and localities to assist with immigration enforcement. Accordingly, on January 23, 2025, DHS Acting Secretary Huffman issued a [Finding of Mass Influx of Aliens](#),<sup>7</sup> pursuant to 28 CFR § 65.83, alleging that a mass influx at the southern border is endangering the lives, property, safety, or welfare of residents of all 50 states.

The Acting Deputy Attorney General's January 21, 2025 memorandum [Interim Policy Changes Regarding Charging, Sentencing, and Immigration Enforcement](#)<sup>8</sup> directed the establishment of a Sanctuary Cities Enforcement Working Group, targeting cities with sanctuary policies. The [Protecting The American People Against Invasion](#) EO directs the restriction of federal funds for sanctuary cities,<sup>9</sup> and the [Interim Policy Changes Regarding Charging, Sentencing, and Immigration Enforcement](#) calls for prosecution of resistant state/local officials under statutes such as 18 U.S.C. § 371 (conspiracy to commit offense or defraud the US, 8 U.S.C. § 1324 (harboring), and 8 U.S.C. § 13 (impeding information collection by DHS).<sup>10</sup>

New York should not spend law enforcement dollars on enforcing civil immigration enforcement. All levels of government rely on public trust and credibility to function effectively. State and local agencies especially depend on the willingness of residents to provide necessary information, come forward with issues and concerns, and communicate openly with public servants performing their duties. When large segments of the population feel it is unsafe to interact with their government, the core missions of those agencies are undermined, negatively impacting the entire community.

The chilling effect imposed by local collusion with ICE impacts everything from schools to public safety to health care. Statewide prohibitions on working with ICE can help mitigate these harms. Statistical analyses show that counties that restrict interaction with ICE have lower crime rates and higher median household incomes, lower unemployment, and less poverty.<sup>11</sup> One comparative study looked at counties before and after implementing such policies and found that they decreased

---

<sup>5</sup> Executive Order: *Protecting The American People Against Invasion*, January 20, 2025, at § 18, <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/>

<sup>6</sup> *Id.* at § 6.

<sup>7</sup> DHS Acting Secretary Huffman, *Finding of Mass Influx of Aliens*, January 23, 2025, [https://www.dhs.gov/sites/default/files/2025-01/25\\_0123\\_finding-of-mass-influx-of-aliens.pdf](https://www.dhs.gov/sites/default/files/2025-01/25_0123_finding-of-mass-influx-of-aliens.pdf)

<sup>8</sup> Deputy Acting Attorney General Memorandum *Interim Policy Changes Regarding Charging, Sentencing, and Immigration Enforcement*, January 21, 2025, <https://static.politico.com/66/35/5a5563a1441faa1680058a5a3d1b/memorandum-from-the-acting-deputy-attorney-general-01-21-2025.pdf>

<sup>9</sup> *Supra* note 26, at § 17.

<sup>10</sup> *Supra* note 56, at page 3.

<sup>11</sup> Tom K. Wong, Center for American Progress, *The Effects of Sanctuary Policies on Crime and the Economy*, Jan. 26, 2017, <https://www.americanprogress.org/issues/immigration/reports/2017/01/26/297366/the-effects-of-sanctuary-policies-on-crime-and-the-economy/>.

deportations spurred by local arrests without an increase in crime.<sup>12</sup> Keeping state and local authorities out of immigration enforcement benefit not only immigrants – but everyone in their community.

New York has already adopted various sanctuary policies.<sup>13</sup> By passing the New York for All Act, we would strengthen those protections and join the growing number of states that have recognized the need to protect immigrants from harm. California and Washington have passed comprehensive legislation to restrict authorities within those states from collaborating with ICE. Illinois, Colorado, and Vermont have also enacted limitations of their own; Oregon first enacted a prohibition on using public resources for immigration enforcement in 1987.<sup>14</sup> While these measures cannot eliminate the harms ICE has wrought on communities, they will ensure that New York does not abet them.

Based on the foregoing and the attached report, the New York State Bar Association supports this legislation and urges its passage by the legislature.

---

<sup>12</sup> See David K. Hausman, Bill Lane Center for the American West, Stanford University Department of Political Science, *Sanctuary policies reduce deportations without increasing crime*, Sep. 11, 2020, available at <https://www.pnas.org/content/117/44/27262#sec-6>.

<sup>13</sup> The New York State sanctuary policies include:

- Executive Order 170, State Policy Concerning Immigrant Access to State Services, September 15, 2017, [https://www.governor.ny.gov/sites/default/files/atoms/files/EO\\_%23\\_170.pdf](https://www.governor.ny.gov/sites/default/files/atoms/files/EO_%23_170.pdf)
- Executive Order 170.1, Amendment to Executive Order 170 - State Policy Concerning Immigrant Access to State Services and Buildings, April 5, 2018, [https://www.governor.ny.gov/sites/default/files/atoms/files/EO\\_170.1.pdf](https://www.governor.ny.gov/sites/default/files/atoms/files/EO_170.1.pdf)
- Protect Our Courts Act, Senate Bill S425A, 2019-2022 Session, <https://www.nysenate.gov/legislation/bills/2019/S425>
- Green Light Law (N.Y. Veh. & Traf. § 201.12), which allows undocumented individuals to obtain New York State driver's licenses if they are otherwise eligible for licenses
- *The People, ex rel. Wells v. DeMarco*, 168 A.D.3d 31 (2d Dept 2018)(unlawful for New York state and local officers – including police, sheriffs, and corrections officers – to detain people for civil immigration violations because New York law does not authorize them to enforce civil immigration law), <https://casetext.com/case/people-v-demarco-32>. For a discussion of the case, see <https://www.nyclu.org/uploads/2018/01/NYCLU-Francis-Decision-Practice-Advisory-202516.pdf>
- NYS Unified Court System Chief Administrative Judge Hon. Joseph A. Zayas, and Hon. Norman St. George, Memorandum, Protocols Governing Activities in Courthouses by Law Enforcement Agencies, February 6, 2025, <https://legalaidnyc.org/wp-content/uploads/2025/02/ProtocolGoverningLawEnforcementActivities.pdf>

<sup>14</sup> Cal. Gov't Code § 7284-7284.12; Wash. Rev. Code Ann. § 10.93.160; 5 Ill. Comp. Stat. Ann. 805/15; Colo. Rev. Stat. Ann. § 24-76.6-102; Vt. Stat. Ann. tit. 20, § 4651-4652; Or. Rev. Stat. Ann. § 181A.820.