



## Memorandum in Support

April 28, 2026

A. 4181  
S. 316

By: M. of A. Reyes  
By: Senator Salazar  
Assembly: Ways and Means  
Senate: Crime Victims, Crime and Correction  
Effective Date: Immediately

AN ACT to amend the correction law, in relation to enacting the “Dignity Not Detention Act”

**LAW AND SECTIONS REFERRED TO:** Section 2 of the Correction Law

The New York State Bar Association supports the Dignity Not Detention Act, legislation that will support New York State’s national leadership in advancing policies that support and welcome immigrant communities and promote an end to the inhumane detention of people in immigration proceedings. In their 2026 Report, adopted by the House of Delegates in April 2026, NYSBA’s Committee on Immigration Representation endorsed this bill and urged its passage.

### *The Dignity Not Detention Act*

The Dignity Not Detention Act would end contracts between New York localities and federal immigration enforcement authorities for the purpose of civil immigration detention. Immigration detention has always been inhumane and harmful, resulting in the separation of families and the disruption of economies while subjecting people to a loss of liberty in conditions that undermine human dignity and lack basic healthcare protections.<sup>1</sup> During COVID-19, the harm of these facilities was laid bare, as inadequate sanitary supplies, insufficient testing, lack of personal protective equipment, and the impossibility of social distancing in facilities combined with frequent transfers of infected people by Immigration and Customs Enforcement (ICE) officials

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<sup>1</sup>New York Lawyers for the Public Interest, “Still Detained and Denied: The Health Crisis in Immigration Detention Continues,” 2020, <https://www.nympi.org/resource/still-detained-and-denied-the-health-crisis-in-immigration-detention-continues/>; Human Rights Watch, “Systemic Indifference: Dangerous & Substandard Medical Care in US Immigration Detention,” 2017, <https://www.hrw.org/report/2017/05/08/systemic-indifference/dangerous-substandard-medical-care-us-immigration-detention#>; American Civil Liberties Union, “Fatal Neglect: How ICE Ignores Death in Detention,” 2016, <https://www.aclu.org/report/fatal-neglect-how-ice-ignores-death-detention>; U.S. House of Representatives, Committee on Oversight Reform and Subcommittee on Civil Rights and Civil Liberties, “The Trump Administration’s Mistreatment of Detained Immigrants: Deaths and Deficient Medical Care by For-Profit Detention Contractors,” 2020, <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-09-24.%20Staff%20Report%20on%20ICE%20Contractors.pdf>; Cora Currier, “Letters from ICE Detainees Expose Desperate Prison Conditions amid Coronavirus Pandemic,” The Intercept, July 27, 2020, <https://theintercept.com/2020/07/27/ice-detention-coronavirus-letters/>.

between facilities led to repeated outbreaks that cost lives and promoted the virus's spread.<sup>2</sup> Deaths in ICE detention have, however, long preceded the COVID-19 pandemic.<sup>3</sup> With the increase of efforts to detain and deport immigrants since the start of 2020, legislation like this is critical to protect New Yorks from such treatment. The 2022 report by the Detention Watch Network Report and the Immigrant Legal Resource Center, "If You Build It, ICE Will Fill It: The Link Between Detention Capacity and ICE Arrests", established that immigrants in counties with detention space and counties with an overall higher carceral capacity are significantly more likely to be arrested and detained by ICE. One of their key findings was that closing detention facilities is a crucial shift to protecting immigrant communities by reducing enforcement, detention, and deportation.<sup>4</sup>

New York's investment in legal representation and other social services for immigrants through the Liberty Defense Project and other programs underscore the senselessness of continued immigration detention. Data shows that nearly all people with legal representation who gain release from detention appear in immigration court to fight their cases.<sup>5</sup> Moreover, these facilities serve to advance extreme racial inequities as they disproportionately detain Black immigrants and other immigrants of color.<sup>6</sup>

It is already illegal in New York state for private enterprises to profit from incarcerating people. New York passed this law because it was widely recognized that it was neither a humane practice nor in the public interest. And yet, the indirect profiteering from the same activity still happens in New York. This legislation reinforces that the state does not tolerate profiting from the incarceration of people held in immigration detention. State and local governments have no obligation to participate in immigration enforcement as the enforcement of civil immigration laws is the exclusive responsibility of the federal government.

With the passage of the Dignity Not Detention Act, New York has an opportunity to prevent its localities and others from profit from these facilities that undermine our state's safety, public

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<sup>2</sup> Dennis Kuo, Noelle Smart, Zachary Lawrence, and Adam Garcia, "The Hidden Curve: Estimating the Spread of COVID-19 among People in ICE Detention," Vera Institute of Justice, 2020, <https://www.vera.org/the-hidden-curve-covid-19-in-ice-detention>; Gregory Hooks and Bob Libal, Hotbeds OF Infection, "How ICE Detention Contributed to the Spread of COVID-19 in the United States," Detention Watch Network, December 2020, <https://www.detentionwatchnetwork.org/pressroom/releases/2020/hotbeds-infection-new-report-details-contribution-ice-s-failed-pandemic>.

<sup>3</sup> See ICE's *Detainee Death Reporting*, U.S. Immigration and Customs Enforcement, "Detainee Death Reporting," <https://www.ice.gov/detain/detainee-death-reporting>.

<sup>4</sup> <https://www.ilrc.org/resources/if-you-build-it-ice-will-fill-it-linkbetween-detention-capacity-and-ice-arrests>

<sup>5</sup> Ingrid Eagly, Esq. and Steven Shafer, Esq., "Measuring In Absentia Removal in Immigration Court," American Immigration Council, 2021, <https://www.americanimmigrationcouncil.org/research/measuring-absentia-removal-immigration-court>; Vera Institute of Justice, "Rising to the Moment: Advancing the National Movement for Universal

Representation over Three Years of the SAFE Initiative," 2020, <https://www.vera.org/publications/rising-to-the-moment-for-universal-representation>.

<sup>6</sup> Juliana Morgan-Trostle and Kexin Zheng, "The State of Black Immigrants—Part II: Black Immigrants in the Mass Criminalization System," Black Alliance for Just Immigration and NYU School of Law Immigrant Rights Clinic, 2016, <http://baji.org/wp-content/uploads/2020/03/sobi-fullreport-jan22.pdf>.

health, and policy goals. Based on the foregoing and the attached report, the New York State Bar Association supports A4181/S.316 and urges the legislature to pass it.