



Legislation Text

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Preconsidered Res. No. 66

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S. 7373/A. 7099-A, prohibiting governmental entities from entering into agreements to house individuals in immigration detention facilities.

By Council Members Hanif, the Public Advocate (Mr. Williams), Krishnan, Cabán, Rivera, Restler, Joseph, Sanchez, Louis, Hudson, Narcisse, De La Rosa and Abreu

Whereas, The U.S. Immigration and Customs Enforcement agency (ICE) was created in 2003 under the Department of Homeland Security in response to the September 11 terrorist attacks; and

Whereas, Instead of directing its resources towards preventing terrorism, ICE has allocated most of its \$8 billion budget to focus primarily on the detention and removal of undocumented immigrants living in the U.S.; and

Whereas; Section 287(g) of the U.S. Immigration and Nationality Act authorizes the deputizing of local officers to perform the functions of immigration officers, under the direct supervision of ICE; and

Whereas, The Transactional Records Access Clearinghouse reports that since 2003, ICE has issued more than 2.5 million detainer requests to local law enforcement; and

Whereas, In 2017, New York City passed a law prohibiting the use of city resources for immigration enforcement; and

Whereas, The Second Department Appellate Division held in a 2018 lawsuit that police and peace officers have no authority under New York state law to make immigration arrests, including by holding people at the request of ICE who would otherwise be released; and

Whereas, In 2020, the New York Attorney General's office issued a letter stating that this restriction on police and peace officers applies even where a 287(g) agreement is in place; and

Whereas, the New York Civil Liberties Union reports that local law enforcement across New York State continue to work with immigration authorities and unlawfully hold individuals for ICE; and

Whereas, Entanglement between federal immigration enforcement and local and state entities erodes trust between immigrant communities and local authorities; and

Whereas, Differing local laws and policies about engaging in immigration enforcement has led to confusion and has kept immigrant New Yorkers in fear; and

Whereas, Research from the Center for American Progress published in 2017 showed that counties that restrict local interactions with ICE had lower crime rates while experiencing higher median household incomes, lower unemployment and lower poverty rates; and

Whereas, A 2020 comparative study from the Stanford University Department of Political Science found that countries that disentangled local authorities from federal immigration enforcement experienced decreased deportations without increases in crime; and

Whereas, The Dignity Not Detention Act, S. 7373, introduced by Senator Julia Salazar and pending in the New York State Senate, and companion bill A. 7099-A, introduced by Assembly Member Karines Reyes and pending in the New York State Assembly, would prohibit county jails, correctional facilities and all government entities in New York from entering into detention agreements with ICE, as well as ending any existing contracts and prohibiting any future such agreements; now, therefore, be it

Resolved, That the Council of the city of New York calls on the New York State Legislature to pass, and the Governor to sign, S. 7373/A. 7099-A, prohibiting governmental entities from entering into agreements to house individuals in immigration detention facilities, and requiring governmental entities to terminate existing contracts for the detention of individuals in immigration detention facilities.

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