



FOR IMMEDIATE RELEASE:

March 29, 2019

ADVOCATES CHEER AS ONE DAY TO PROTECT NEW YORKERS ACT PASSES IN NY BUDGET DEAL

The new law will protect immigrant New Yorkers from harsh immigration consequences by reducing the maximum sentence for Class A misdemeanors by one day.

New York — The Immigrant Defense Project (IDP), The Fortune Society, immigration and legal advocates, and community members today celebrated the passage of the One Day to Protect New Yorkers Act in the 2019 New York State budget. This change protects thousands of New Yorkers from being torn away from their communities due to immigration detention, denial of necessary immigration relief, and deportation. Assemblymember Marcos Crespo and State Senator Jessica Ramos introduced and championed the bill earlier this session, and the bill passed in the Executive Budget late Sunday. The law is effective immediately.

IDP, The Fortune Society, and the Kathryn O. Greenberg Clinic at the Cardozo School of Law, were among the coalition of advocacy and community groups that worked for three years to win the fight to pass this vital legislation. This law reduces the maximum sentence for Class A misdemeanors by one day, ensuring many immigrant New Yorkers will no longer be subject to the extraordinary, harsh, and disproportionate consequences for these convictions under federal immigration law. This law benefits people with legal immigration status, including green card holders, and undocumented immigrants. Regardless of whether someone was convicted of a misdemeanor recently or decades ago, the one year maximum sentence for misdemeanor offenses can automatically trigger detention and deportation or close off eligibility for relief, even if someone was not sentenced to a single day in jail.

“In the face of cruel and escalated threats to immigrants, we applaud the leadership of New York for taking a firm stand against the devastation caused by ICE’s cruel and inhumane detention and deportation system by passing One Day for New Yorkers,” said **Mizue Aizeki, Acting Executive Director of the Immigrant Defense Project**. “Thanks to the work of advocates and immigrant communities, this legislation will ensure New Yorkers no longer need to worry that ICE will rip them away from their loved ones and communities. ICE will not be able to throw them into a cruel immigration system that systematically deprives people of their human rights. One Day moves us forward in the fight against criminalization, and towards more freedom and power for New York’s vital communities.”

“As the daughter of two immigrant New Yorkers and the leader of an agency serving over 7,000 people impacted by the legal system annually, I am filled with immense hope for the thousands of lives now safeguarded from harm needlessly inflicted by extreme collateral consequences,” said **JoAnne Page, President and CEO of The Fortune Society**. “New York State has a reputation as an innovator and model in legal system best practices, I hope the passage of One Day to Protect New Yorkers will serve as a national roadmap for reform. We applaud and thank the Cuomo administration, the legislators in both houses, and our ally advocates- together we brought this critical change to protect immigrant communities across the finish line.”

“The One Day to Protect New Yorkers Act reduces the sentencing for certain class A misdemeanors by just one day. This avoids triggering automatic deportation proceedings for many of our state's immigrants, including those who are undocumented, asylum seekers, and green card holders” said **State Senator Jessica Ramos**. “Immigrants are our neighbors and our family, and they make up the vibrant fabric of our communities. By passing the One Day Bill in the 2019-2020 budget, New York is vowing to protect our immigrants and keep New York families together.”

“After carrying this bill for years, I would like to thank our partners in the senate for fighting for this issue and Governor Cuomo for supporting it in the state budget. While the Trump administration focuses on harshly criticizing immigrant rights, the New York State Legislature and Governor Cuomo have shown support this budget cycle for the immigrant community. By reducing the maximum misdemeanor sentence from 365 to 364 days, immigrants, from green card holders to undocumented individuals, no longer have to fear detention by ICE and almost imminent deportation. One Day for New Yorkers gives judges more discretion when delivering sentences for misdemeanors therefore giving families the ability to stay together. In addition, this legislation will allow for more plea agreements which will result in savings of court time and resources, as well as savings in time and resources for the free legal service community,” said **Assemblymember Marcos Crespo**.

“The passage of this bill is a critical win for immigrant communities across the state, who are suffering from the Trump administration’s attempts to use every possible excuse to tear apart families,” said **Javier H. Valdés, Co-Executive Director of Make the Road New York**. “We applaud Senator Ramos and Assemblymember Crespo for their leadership in the legislature and thank the Immigrant Defense Project for their strong advocacy to make it happen.”

“This legislation is an example of one of the important steps that states can take to ensure that noncitizens are not disproportionately penalized for interactions with the criminal justice system simply because of their immigration status. We applaud State Senator Jessica Ramos and State Assembly Member Marcos Crespo for their leadership,” said **Lindsay Nash, Assistant Clinical Professor of Law, Co-Director, Kathryn O. Greenberg Immigration Justice Clinic of the Benjamin N. Cardozo School of Law**.

“JustLeadershipUSA fully supports the One Day for New Yorkers: 364-Day Campaign which would open the door for thousands of people to benefit from discretion from immigration judges and have relief from deportation. Thousands of Black and brown people throughout New York State are targeted by the criminal justice system and are part of families with mixed immigration status that have already been harmed by immigrant jail and deportation. Neither immigration jail nor the deportation that results in lifetime banishment, are punishments that are proportionate to any misdemeanor conviction. But the 365-day sentence from these convictions is what triggers the risk of deportation. This sentence is the bridge between the mass criminalization and mass deportation that has already impacted and harmed New Yorkers. By taking a stand to preserve family unity in the face of immoral systems, New York State ensures that our neighborhoods and communities are be safer, healthier, and more stable.” said **Katie Schaffer, New York State Campaign Associate, JustLeadershipUSA.**

“If New York truly wants to be a sanctuary state to protect immigrants and keep communities whole, passing legislation to shorten the maximum sentence of a Class A Misdemeanor to one day is an absolute necessity” said **Anthony Posada, Supervising Attorney of the Community Justice Unit at The Legal Aid Society.** “In many cases, immigration law renders immigrants – including those here lawfully – deportable based on a conviction that has a maximum jail sentence of at least one year. Several states across the country reduced the maximum allowable jail sentence for misdemeanors by one day from 365 days to 364 days to avoid this outcome – we proudly applaud New York State for doing the same.”

“We applaud New York State for passing the One Day to Protect New Yorkers policy. By reducing the maximum potential sentence on class A misdemeanor offenses by just one day — from 365 to 364 days — the state will help mitigate a host of disproportionate and unintended immigration consequences that inevitably tear New York families apart.” said **Anu Joshi, Senior Director of Immigrant Rights Policy at the New York Immigration Coalition.**

“With the passage of this bill, New York is taking a critical step toward protecting immigrants and their families from the attacks of the federal government, which are growing more ruthless by the day. I congratulate the Immigrant Defense Project, the Fortune Society, and other advocates, as well as Senator Ramos and Assembly Member Crespo on leading this successful campaign to make our state more fair and just,” said **Lisa Schreibersdorf, Executive Director of Brooklyn Defender Services.**

“We applaud New York State's commitment to the One Day to Protect New Yorkers Act. This legislation marks a critical step away from a two-tiered criminal justice system that has a disproportionately harmful impact on non-citizen New Yorkers,” said **Justine Olderman, Executive Director, The Bronx Defenders.**

“Families for Freedom is greatly encouraged by the passage of the ‘One Day to Protect New Yorkers Act,’ given its potentially powerful impact on the lives of our families and communities who could otherwise be subjected to very harsh consequences in immigration proceedings. Its

retroactive component also offers added protection to thousands who may be at risk of being placed into proceedings. We look forward to its speedy implementation" **Donald Anthonyson, Director, Families For Freedom.**

Under the leadership of IDP, and with the support of The Fortune Society, the One Day campaign members have pushed for the One Day law to protect immigrant families who have been devastated by criminal legal system involvement and the threat or realization of immigration detention and deportation as an additional punishment. The human cost that results from an immigrant's conviction of even a misdemeanor offense is astronomical and is felt throughout workplaces, schools, communities, and families across the state.

Under the new law, many immigrant New Yorkers will no longer be subject to deportation. For others, it will mean that immigration judges will now have more discretion in their deportation cases to consider the whole of the person, not just the fact of their past offense. First and foremost, immigrant New Yorkers who are our family members, neighbors, coworkers and friends will get fairer treatment under the law. It will also have benefits for the state's court system—in many cases speeding up legal proceedings, avoiding unnecessary trials, keeping more people out of pretrial detention, and giving prosecutors the discretion to charge people with offenses they deem appropriate and to negotiate pleas and recommend sentences.

This change came with urgency, at a time when the number of people in detention facing removal proceedings are fast outpacing the number of available defense attorneys. When the Executive Office for Immigration Review has opened two new courtrooms to process deportations and plans to increase the number of judges hearing deportation cases later this spring. During a time when witnesses, victims, and people accused of crimes are afraid to access justice due to a 1700% increase in ICE courthouse arrests over the last year. Passing One Day to Protect New Yorkers was a critical step forward, and we look forward to continued collaboration in the fight to protect New Yorkers.

New York now joins 7 other states who have maximum misdemeanor sentences of 364 days to protect their immigrant residents: New Jersey, Illinois, New Mexico, California, Washington and Nevada. Utah passed a 364 day bill on March 25. Colorado's 364 day bill passed its legislature on March 20 and awaits the Governor's signature.

For more information, please visit the Immigrant Defense Project at immdefense.org and the Fortune Society at www.fortunesociety.org.

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About the Immigrant Defense Project

The Immigrant Defense Project (IDP) is a New York-based nonprofit that works to secure fairness and justice for immigrants in the racially-biased U.S. criminal and immigration systems. IDP fights to end the current era of unprecedented mass criminalization, detention and deportation through a multi-pronged strategy including advocacy, litigation, legal support,

community partnerships, and strategic communications. Visit immdefense.org and follow [@ImmDefense](https://twitter.com/ImmDefense).

About The Fortune Society

Founded in 1967, The Fortune Society (Fortune) started when David Rothenberg and passionate formerly incarcerated advocates began speaking out to shape public perception and policy. Guided by people with justice involvement, Fortune expanded its reach beyond community education and advocacy to provide comprehensive reentry services. With over 50 years' experience, Fortune is now one of the nation's leading innovators in advocacy and public policy, while providing holistic and expanding services to over 7,000 people annually. The David Rothenberg Center for Public Policy at Fortune works to build equitable legal systems and alternative approaches to justice, change counterproductive laws and policies, advance effective program models, and shift public perception. Visit fortunesociety.org and follow [@thefortunesoc](https://twitter.com/thefortunesoc).