

ICE Policing and Detention: What Became Law in New York State and What it Means

Advisory for Advocates and Attorneys

On May 27, 2026, the governor signed into law a budget bill passed by the New York State legislature that includes a number of measures related to immigration. These measures address how public employees across the state can and cannot engage in immigration enforcement, collude with ICE, and participate in immigration detention, among other matters. This advisory addresses the impact of these measures on ICE policing and detention and the entanglement between federal immigration enforcement and local and state agencies.

In sum, the law addresses:

- **287(g) Program:** Bans 287(g) agreements¹ (both formal agreements and “informal agreements”) across New York state. Law enforcement agencies with existing agreements will have 90 days to terminate their existing contracts and no law enforcement agencies are permitted to remain, enter in, or renew any agreements. The ban took effect on August 25, 2026.
- **Detention:** Bans intergovernmental service agreements (IGSAs), or any other formal or informal agreement, to house or detain someone for civil immigration violations by November 25, 2026.
- **Schools/School Resource Officers (SROs):** Non-law enforcement state and local agencies are prohibited from using state resources for civil immigration enforcement. This includes school resource officers.
- **Sensitive Locations:** Privately operated facilities deemed sensitive are “empowered to adopt” policies that deny access to immigration authorities to the maximum extent under the law to areas that are not accessible by the general public. This section of the law does not create new rights for facility operators or affirmative mandates for immigration authorities
- **Enforcement:** Creates a new Office of Immigrant Trust (OIT) within the state Attorney General’s office that serves as the primary enforcer of laws pertaining to collusion with immigration authorities.

How do these new laws impact collusion between ICE and New York law enforcement and other public employees?

The new laws enacted in New York impose different levels of restrictions on law enforcement and non-law enforcement employees. These restrictions apply statewide, but do not prevent localities from enacting their own laws that match these restrictions or go farther.

Law Enforcement

Law enforcement agencies are explicitly prohibited from entering into 287(g) agreements, and must have terminated any existing 287(g) agreements by Aug. 25, 2026.² Under the 287(g) program, local officers are formally deputized to perform certain tasks of ICE officers, depending on the model of the program the agency participates in.

Police officers, peace officers, and other law enforcement are not expressly barred from sharing information with or providing ad hoc support to immigration authorities. Officers are also not prohibited from participating in or collaborating with federal law enforcement on purely criminal matters. However, the provision banning 287(g) agreements includes a prohibition on “any formal or informal agreement under which an officer or employee may engage in or assist in immigration enforcement, or otherwise may perform a function of an immigration officer.”

The meaning of “informal agreement” is not defined in the law. Statements made by lawmakers on the record during the bills passage, along with general rules of statutory construction, indicate that informal agreements might include:

- Collusion by local law enforcement with ICE that resembles actions taken under a 287(g) agreement, particularly in jurisdictions that formerly had such agreements in place.
- Patterns of collusion that reflect a regularized practice of collaborating with ICE to enforce civil immigration law, including any written or orally communicated policies directing such collusion.
- Particular instances of collaboration with ICE (even if isolated or infrequent) that are deliberately planned or pre-meditated, especially where evidenced by written or oral communications or documentation.

The full scope of the prohibition on “informal agreements” to collude will likely be developed through litigation, enforcement practices pursued by the Attorney General’s office, and subsequent guidance from state authorities. Community members and advocates who monitor ICE and law enforcement activity should document any instances of collusion they believe meet the criteria above and consider sharing their observations with our organizations or other legal advocacy organizations and the New York Attorney General Office of Immigrant Trust.

The state’s new disentanglement laws do not preempt the Second Department’s holding in [*People ex rel. Wells o.b.o. Francis v. DeMarco*](#)³, which prohibits police and peace officers across the state from making civil immigration arrests or holding people beyond their release time for civil immigration enforcement purposes, absent a judicial warrant. Those restrictions remain in effect.

Non-Law Enforcement

The new state laws impose more far-reaching prohibitions on state and local government agencies and their employees generally⁴. The entities covered are far-reaching, and include all state agencies under the governor's control, the state education department, SUNY and CUNY schools, most state public benefit corporations (except for the Port Authority), and nearly all state and local government offices, in addition to contractors. However, these restrictions explicitly exclude police officers, peace officers, and civilian employees of law enforcement agencies.⁵

Non-law enforcement government employees are prohibited from:

- Using government resources, including their time on duty, for immigration enforcement.
- Sharing personally identifiable information with immigration authorities, including individuals' addresses.
- Questioning or interrogating people solely for immigration enforcement purposes or based on a civil immigration detainer or administrative warrant.
- Inquiring about a person's immigration status, citizenship, nationality, or country of origin, unless necessary to administer a public program or benefit they are seeking or registering someone to vote.
- Allowing immigration authorities to access non-public areas of government property.
- Using immigration authorities as translators.

These restrictions are subject to exceptions when immigration authorities present a judicial warrant (different from an ICE administrative warrant) or a court order issued by an Article III judge or magistrate.

How do these laws regulate immigration detention within New York?

New York's new laws largely end local governments' direct role in facilitating immigration detention, and require that public input be considered whenever a private immigration detention facility is contemplated.⁶

The new law expressly bans intergovernmental service agreements (IGSAs), or any other formal or informal agreement, to house or detain someone for civil immigration violations. Any facilities with active detention contracts are required to completely end them by November 25, 2026. This provision does not prohibit the federal government from continuing to operate their ICE detention centers, including the Buffalo Federal Detention Center in Batavia, and the ICE units at the Metropolitan Detention Center in Brooklyn. These provisions do not prohibit hospitals and other health care facilities from providing in-patient care to people in ICE custody.

Localities are also barred from providing financial benefits for establishment of an immigration detention facility. Local governments also cannot approve zoning variances or permits for the construction or lease of a facility for civil immigration detention without first giving 180 days notice to the public and holding at least two public hearings.

How does this legislation impact collusion between ICE and schools and school resource officers?

In addition to the restrictions applicable to all state and local government entities, the state's new laws specifically place restrictions on how schools and school employees can collude with ICE.⁷ Notably, these restrictions expressly apply to school resource officers (SROs) in addition to teachers and other school staff, making this one of the few parts of the new laws that restrict informal collusion by law enforcement.

School employees and SROs are prohibited from:

- Using school resources or their time on duty for immigration enforcement purposes.
- Disclosing or threatening to disclose records or information about a student or parent's⁸ actual or perceived immigration status to anyone, including immigration authorities.
- Disclosing a student or parent's personally identifiable information to immigration authorities.
- Inquiring or collecting information about a student or parent's immigration status, nationality, or national origin, unless necessary to administer a public program or benefit.
- Designating immigration status, citizenship, nationality, or national origin as directory information.
- Allowing immigration authorities to access non-public areas of school property.

These restrictions are subject to exceptions to comply with judicial warrants or court orders issued by Article III judges or magistrates.

The new laws also ensure that immigrant students are able to access public schools free of discrimination. The law guarantees that students shall not be denied enrollment at any school in the state on account of their or their parent's actual or perceived immigration status, and that schools may not take actions that have the intent or effect of denying students or parents the benefits of school programs on that basis. Schools may not put in place enrollment or registration procedures that have the intent or effect of delaying enrollment of non-citizen students.

How does this legislation protect “sensitive locations”?

In addition to the access limitations for state and local government property and schools noted above, the new package of laws includes a section pertaining to privately run “sensitive locations.”⁹ These include child care facilities licensed by the Office of Child and Family Services or Mental Health Services, legally exempt child care providers, health care institutions, private schools, colleges, houses of worship, housing accommodations, summer camps, senior centers, parks and playgrounds, and polling sites.

This section of the law does not create new rights for facility operators or affirmative mandates for immigration authorities. Rather, it provides that privately run sensitive locations are “empowered to adopt” policies to deny access to immigration authorities “to the maximum extent allowable under law.” Operators will not be held liable for adopting such policies.

This section of the law specifically applies to private entities. As noted above, other parts of the legislative package restrict access to many non-public areas of government property by immigration authorities without a judicial warrant, with exclusions for law enforcement.

What is the new “trust office” at the Attorney General’s office and what will they do?

The newly enacted laws create an Office of Immigrant Trust (OIT) within the state Attorney General’s office that serves as the primary enforcer of laws pertaining to collusion with immigration authorities. The OIT is charged with receiving complaints about violations of these laws, and has the authority to bring civil actions against violators, enter into settlements, and seek monitoring. Individuals can contact the [New York Attorney General’s office](#) to submit complaints about alleged violations of these local laws to the OIT.

The OIT’s enforcement powers differ with respect to state and local entities. For state agencies under the executive control of the governor, or any entity entitled to representation by the Department of Law or subject to Court of Claims jurisdiction, the OIT must first refer a complaint to the governor for review. The governor can then choose whether or not to refer the complaint back to the OIT for further investigation and possible action. This effectively gives the governor the ultimate say over whether investigations into state agencies materialize. No such restrictions apply to localities; the OIT is free to investigate and take action within its authority if it determines it has cause to do so.

When investigating complaints, the OIT is specifically empowered to issue subpoenas, examine witnesses, remove documents and records by an agency under investigation, and visit and inspect local correctional facilities, including by interviewing people detained there. If it believes there are grounds to do so, the OIT can commence civil litigation against a municipal or (with the governor’s approval) state entity seeking an injunction to halt certain activity by the agency and/or a judgment by the court that the entity’s activities are unlawful.

The OIT can also seek assurances that the entity will stop its unlawful activities, and can ask a court to impose a monitoring period wherein the OIT has a degree of oversight over the entity. The OIT is not positioned to represent individual plaintiffs in a lawsuit against a state or local entity.

The Attorney General is also charged under these new laws with developing guidance (in consultation with “appropriate stakeholders”) for state agencies and localities, and their vendors, to protect information in state databases from being used for immigration enforcement purposes to the greatest extent possible. This guidance is non-binding, and must be completed by January 1, 2027.

Will there be any more legislation on these issues?

The proliferation of collusion between law enforcement and ICE via the police-to-deportation pipeline continues to be one of the most imminent threats to the safety of immigrant New Yorkers. As ICE and CBP continue to rely on local and state law enforcement to search for, arrest, and deport New Yorkers, the need for clear guardrails to prohibit the entanglement between local law enforcement and ICE is urgent and long overdue. Several other states have passed statewide protections that broadly prohibit law enforcement from being diverted to carry out a cruel and inhumane federal deportation agenda. A chart illustrating where New York’s laws fall in the police-to-deportation pipeline compared to other states can be found [here](#). The New York for All Act remains the only legislative solution that would put an end to this widespread collusion and get New York state out of the business of funneling people into deadly ICE detention facilities and deportation.

We encourage advocates and attorneys to share stories and cases of collusion to help fuel efforts to disentangle these systems. The [New York ICE Collusion Watch Map](#) will continue to expose and document these violent patterns across the state as the fight for critical protections to protect the safety, rights, and dignity of **all** New Yorkers continues.

Endnotes

- 1 A 287(g) agreement is an agreement in which a local jurisdiction enters into a contract with ICE to have law enforcement officers deputized with authority to enforce immigration laws. The program has three levels: Warrant Service Officer and Jail Enforcement Model in jails, and Task Force model which involves local police conducting immigration arrests/raids in public. Predictably, the 287(g) program has been rife with issues of racial profiling and abuse of authority.
- 2 N.Y. Exec. Law § 170-k(2)(i).
- 3 *People ex rel. Wells o.b.o. Francis v. DeMarco*, 168 A.D.3d 31 (2d Dept 2018).
- 4 See N.Y. Exec. Law Article 15-AA
- 5 N.Y. Exec. Law § 319(1)-(2); N.Y. Gen. Mun. Law N.Y. § 996(5)-(6).
- 6 N.Y. Exec. Law § 170-k(2)-(3).
- 7 N.Y. Education Law § 3201-b.
- 8 While this advisory uses the term “parent” for simplicity, the law covers anyone in a parental relationship with the student.
- 9 N.Y. Civil Rights Law § 29.