ICE Out! NYC

Cut Ties with ICE

Cut Ties with ICE is a campaign to restrict our City from conspiring with U.S. Immigration and Customs Enforcement (ICE) in the detention and deportation of our communities.

We're fighting for passage of legislation in the New York City Council to:

1. Limit the New York Police Department's (NYPD) ability to hold people on immigration detainers.

   Intro 1077

2. Limit communication between the NYC Department of Correction (DOC) and ICE.

   Intro 1078

3. Create a way for immigrant New Yorkers harmed by violations of the detainer laws to seek justice.

   Intro 209

New York City has for decades had policies and laws in place to limit city agencies from collaborating with ICE and federal immigration agencies. In 2014, the City Council passed laws limiting when the NYPD and DOC will collaborate with ICE. However, those laws are riddled with confusing language that has allowed the city to keep funneling people to ICE custody. With ICE attacks on New Yorkers mounting and growing more violent by the day, now is the time for New York to Cut Ties with ICE completely and make sure our laws have teeth. This package will ensure our city stands for trust, accountability and due process for all.

A detainer (or "immigration hold") is a tactic ICE uses to ask a City agency to help them arrest someone.

These are NOT signed by a judge and there is NO requirement to comply with them.

City agencies →  → **ICE**



INTRO 1077

The Problem: State law prohibits any law enforcement agency from holding a person past their release date for ICE, unless ICE presents a warrant signed by a federal judge—something that never happens. Yet, current City law claims NYPD may detain a person for ICE without a warrant if they have certain prior convictions and reentered the country after a prior removal, or they are a match on an inaccurate government watch list. This problematic language invites the NYPD to detain people contrary to New York state law.

The Solution: This bill will prohibit the NYPD from holding a person for ICE without a warrant signed by a federal judge, bringing the local law in line with state law and closing this gap in New York City's laws.

INTRO 1078

The Problem: DOC staff continue to facilitate the transfer of people into immigration detention by informing ICE when they will be released, so ICE can come pick them up. DOC believes they may conspire with ICE if a person has certain felony convictions or is a match on an inaccurate government watch list, even when ICE doesn't have a warrant signed by a federal judge. This keeps the city in cahoots with ICE despite the promise of our sanctuary laws, punishes people with ICE arrest because of past contact with a racist criminal legal system, and tears apart families and creates long-lasting trauma.

The Solution: This bill makes crystal clear that DOC cannot transfer people into ICE custody or communicate with ICE about a person for purposes of ICE enforcement unless there is a warrant signed by a federal judge.

INTRO 209

The Problem: When the detainer laws are violated, there is currently no way for ordinary New Yorkers to hold officers and agencies accountable for infringing on their rights and trust that there is a process for investigation and oversight of our laws overseen by a judge.

The Solution: This bill will create a "private right of action"—which allows a private person to take legal action to enforce their rights — so that people wronged by the City's violation of these laws can seek justice in court, including the payment of money. Immigrant New Yorkers and their communities suffer long-term harm when New York City agencies ignore and misinterpret local detainer laws. This bill would make sure that a court facilitates investigation of a possible violation of our laws to determine whether one has taken place, that officers and city agencies such as DOC, NYPD, and DOP face consequences when there is a violation, and better ensure compliance to prevent family separation of immigrant New Yorkers.

Join us!

IDP Immigrant Defense Project · Make the Road New York · The Legal Aid Society · Justice in Every Borough. · UnLocal · Community Immigration Legal Services & Education · NYCDS · Brooklyn Defenders · DRUM · JFREJ Jews For Racial & Economic Justice · NYCLU ACLU of New York · NYIC · Takeroot Justice · The Bronx Defenders · FFF Families for Freedom · Cardozo Law · Benjamin N. Cardozo School of Law · Yeshiva University · Kathryn O. Greenberg Immigration Justice Clinic · Envision Freedom Fund · African Communities Together