

# NYC TRUST ACT

## Protecting Immigrant New Yorkers and Building Trust

We are fighting for NYC Trust Act (Int 214, Council Member Hanif) in the New York City Council!

### The Problem

New York City has laws in place to limit agencies from sharing information with federal immigration officers under many circumstances. We fought for this to protect New Yorkers from racial profiling and abuses of power, and to foster trust between immigrant communities and local agencies. However, city agencies – especially **the New York Police Department (NYPD) and the Department of Corrections (DOC) – have violated these laws**, resulting in grave harm to immigrants for whom detention and deportation can be very difficult to stop. Yet, there is no way to hold city agencies accountable for infringing on the rights of immigrant New Yorkers!

### City – ICE Collusion Exposed

In February of 2023, the Council detainer oversight hearing revealed that DOC had been overtly colluding with ICE to transfer immigrants from DOC to ICE custody in violation of our laws. Communications obtained through a FOIL request unequivocally showed **clear violations and extreme anti-immigrant sentiment** within the agency with email communications to ICE from the Department of Corrections using the hashtag #teamsendthemback. We have continued to see instances of collusion with blatant disregard for our local laws by city agencies.

### The Solution

Our existing sanctuary protections need to be enforced if we are to have meaningful trust between immigrant communities and government actors. **NYC Trust Act 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 violations 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 DOC, NYPD and all city agencies be held accountable when this happens, ensure compliance, and prevent family separation of immigrant New Yorkers.

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## The Stories

*Rights without remedies are not rights at all*

In December of 2019, **Javier Castillo Maradiaga** was arrested by police on his way to a family birthday party in the Bronx for jaywalking, and was eventually transferred by the **Department of Corrections** to ICE custody in direct violation of our local detainer laws, which bans transfers in most cases. As a result, **Javier was detained by ICE for 15 months** – during which time he was locked up and flown between detention centers around the country, facing imminent deportation before an outpouring of support and robust legal team was able to ensure his release. Then Mayor de Blasio stated that **Javier’s transfer to ICE “was an egregious mistake and a clear violation of local law” – yet Javier could seek no remedy** for violation of his rights.



In September of 2023, a recently arrived migrant and mother “**Jennifer**” was living in city shelter when shelter staff called the **Administration for Children’s Services** to investigate her, initiating a case. In this process, an **ACS case worker provided information about her to ICE in violation of our local laws, leading ICE to detain her** at her next check in. Released on bond, ACS has acknowledged the troubling communication that led to devastating results – yet Jennifer is unable to seek any remedy for her rights being violated.

On February 13, 2024 Officers from the **New York Police Department jointly with ICE** agents executed a disturbing and violent arrest at 4am in The Bronx in a household containing young children. They broke down a door, destroyed the contents of the apartment, and prevented the family from leaving to get food for two days. **Collusion between city agents and ICE sows distrust** between immigrant communities and NYC government actors.

