



Legislative Affairs
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Subject: Protect Immigrant New Yorkers

President Trump has unapologetically made vilifying and targeting immigrants the core of his political identity, overseeing some of the most brutal immigration enforcement tactics in our country's history during his first four years in office. A second Trump administration will not merely be a return to the cruelty of the first – it promises to be far worse. Trump has repeatedly pledged to carry out the largest mass deportation program in the nation's history, threatening that it will be a “bloody story.”¹ His incoming administration is openly planning to rely on extreme and legally dubious tactics to bring deliberate trauma on—and destabilize—immigrants, their families, and their communities. These tactics include plans to marshal the National Guard and deploy military troops domestically to arrest and deport immigrants,² as well as to use local law enforcement to execute his immigration agenda,³ expanding collusion between U.S. Immigration and Customs Enforcement (ICE) and police that has persisted for years. Trump's top advisors have even spoken of deporting U.S.-born citizens in direct violation of the U.S. Constitution.⁴

Immigrants are an invaluable part of New York's social fabric and workforce. Trump's mass deportation agenda threatens to destabilize our economy, rip apart families, and deport pillars of our communities to countries they have never known. New York lawmakers can—and must—take immediate and proactive measures to protect the rights of immigrant residents and create a welcoming environment for everyone. First and foremost, the state legislature must pass the **New York For All Act**⁵ before Trump takes office. This bill would protect people's sensitive information and broadly prohibit the misuse of state and local resources for civil immigration enforcement, ensuring that public employees across the state do not go out of their way to do ICE's job. The legislation would put New York in the

¹ Melissa Gira Grant, *The Incomprehensible Scale of Trump's Deportation Plans*, The New Republic, Oct. 17, 2024, <https://newrepublic.com/article/186641/trump-mass-deportation-plan-incomprehensible-scale>.

² Rebecca Santana, *Trump says he'll use National Guard to deport migrants, doubling down on anti-immigration rhetoric*, Associated Press (April 30, 2024), <https://apnews.com/article/immigration-trump-deport-migrants-national-guard-bdbbc8e78c66adb66047e331ced6c2d3>.

³ *Transcript: Interview with Donald Trump*, Time Magazine (April 30, 2024), <https://time.com/6972022/donald-trump-transcript-2024-election/>.

⁴ Mike Levine, *'Shock and awe': What Trump 'border czar' Tom Homan has said he plans to do starting on Day 1*, ABC News (Nov. 18, 2024), <https://abcnews.go.com/US/shock-awe-trump-border-czar-tom-homan-plans/story?id=115972346>.

⁵ S.987-Gounardes/A.5686-Reyes in the 2023-24 legislative session.

company of other states like California, Washington, Illinois, and New Jersey that have refused to be complicit in mass deportation.

The state must also adopt the **Dignity Not Detention Act**,⁶ which will ban contracts between ICE and local governments to hold people detained for civil immigration violations in county jails. The immigration detention system is rife with abuse, and local jails should not be profiting from mass incarceration of immigrants. Prohibiting these contracts—as several states have already done⁷—is an essential step in making sure New York is not complicit in ICE’s cruelty.

Beyond disentangling itself from immigration enforcement and detention, New York can take affirmative steps to assist residents facing deportation with fighting their cases in court by passing the **Access to Representation Act**.⁸ This bill would guarantee New Yorkers in removal proceedings access to state-funded counsel to fight deportation by expanding on immigration legal services funding that the legislature has provided for several years and giving those litigating prolonged cases the certainty that they’ll have a lawyer by their side.

The legislature must also bring transparency and consistency to the state’s clemency process by passing the **Clemency Justice Act**.⁹ Even low-level criminal convictions may have a decisive impact on a person’s ability to avoid deportation or obtain immigration status. The Clemency Justice Act would ensure that those with an urgent need for clemency, such as a pending deportation proceeding, receive a decision within 90 days.

New York’s legislative leaders have long spoken about the importance of protecting immigrant communities, recognizing the contributions foreign-born New Yorkers make to our economy and social fabric. However, those words have not always been backed up by legislative action. While New York cannot control federal immigration enforcement, it can mitigate the harms to immigrant communities and ensure that it is not a willful participant in ICE’s cruelty. At this critical moment, the legislature must make good on its commitment to protect immigrant New Yorkers and pass legislation to safeguard their rights.

⁶ S.306-Salazar/A.4354-Reyes in the 2023-24 legislative session.

⁷ Legislation similar to the Dignity Not Detention Act has been passed in California, Illinois, Maryland, New Jersey, and Washington.

⁸ S.999.A-Hoylman-Sigal/A.170.A-Cruz in the 2023-24 legislative session.

⁹ S.222.A-Myrie/A.155-Solages in the 2023-24 legislative session.