

Memorandum in Support

COMMITTEE ON IMMIGRATION REPRESENTATION

ISSUE: DIGNITY NOT DETENTION

Immigration # 2

September 23, 2021

A. 7099-A
S. 7373

By: M. of A. Reyes
By: Senator Salazar

Assembly Committee: Correction
Senate Committee: Rules
Effective Date: Immediately

AN ACT to to amend the correction law, in relation to enacting the "Dignity Not Detention Act".

LAW AND SECTIONS REFERRED TO: Section 2 of the correction law.

THE COMMITTEE ON IMMIGRATION REPRESENTATION SUPPORTS THIS LEGISLATION

The Committee on Immigration Representation strongly supports the Dignity Not Detention Act, legislation that will support New York State's national leadership in advancing policies that support and welcome immigrant communities and promote an end to the inhumane detention of people in immigration proceedings.

The Dignity Not Detention Act

The Dignity Not Detention Act would end contracts between New York localities and federal immigration enforcement authorities for the purpose of civil immigration detention. Immigration detention has always been inhumane and harmful, resulting in the separation of families and the disruption of economies while subjecting people to a loss of liberty in conditions that undermine human dignity and lack basic healthcare protections.¹ During COVID-19, the harm of these facilities was laid bare, as inadequate

¹New York Lawyers for the Public Interest, "Still Detained and Denied: The Health Crisis in Immigration Detention Continues," 2020, <https://www.nylpi.org/resource/still-detained-and-denied-the-health-crisis-in-immigration-detention-continues/>; Human Rights Watch, "Systemic Indifference: Dangerous & Substandard Medical Care in US Immigration Detention," 2017, <https://www.hrw.org/report/2017/05/08/systemic-indifference/dangerous-substandard-medical-care-us-immigration-detention#>; American Civil Liberties Union, "Fatal Neglect: How ICE Ignores Death in Detention," 2016, <https://www.aclu.org/report/fatal-neglect-how-ice-ignores-death-detention>; U.S. House of Representatives, Committee on Oversight Reform and Subcommittee on Civil Rights and Civil Liberties, "The Trump Administration's Mistreatment of Detained Immigrants: Deaths and Deficient Medical Care by For-Profit Detention Contractors," 2020,

sanitary supplies, insufficient testing, lack of personal protective equipment, and the impossibility of social distancing in facilities combined with frequent transfers of infected people by Immigration and Customs Enforcement (ICE) officials between facilities led to repeated outbreaks that cost lives and promoted the virus's spread.² Even now, as rates of infection are going down across New York and the entire country, we are seeing an increase in COVID-19 positivity rates in immigration detention facilities.³ Deaths in ICE detention have, however, long preceded the COVID-19 pandemic.⁴

New York's investment in legal representation and other social services for immigrants through the Liberty Defense Project and other programs underscore the senselessness of continued immigration detention. Data shows that nearly all people with legal representation who gain release from detention appear in immigration court to fight their cases.⁵ Moreover, these facilities serve to advance extreme racial inequities as they disproportionately detain Black immigrants and other immigrants of color.⁶

With the passage of the Dignity Not Detention Act, New York has an opportunity to prevent its localities from profiting off of these harmful facilities that undermine our state's safety, public health, and policy goals.

<https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-09-24.%20Staff%20Report%20on%20ICE%20Contractors.pdf>; Cora Currier, "Letters from ICE Detainees Expose Desperate Prison Conditions amid Coronavirus Pandemic," *The Intercept*, July 27, 2020, <https://theintercept.com/2020/07/27/ice-detention-coronavirus-letters/>.

² Dennis Kuo, Noelle Smart, Zachary Lawrence, and Adam Garcia, "The Hidden Curve: Estimating the Spread of COVID-19 among People in ICE Detention," Vera Institute of Justice, 2020, <https://www.vera.org/the-hidden-curve-covid-19-in-ice-detention>; Gregory Hooks and Bob Libal, Hotbeds OF Infection, "How ICE Detention Contributed to the Spread of COVID-19 in the United States," Detention Watch Network, December 2020, <https://www.detentionwatchnetwork.org/pressroom/releases/2020/hotbeds-infection-new-report-details-contribution-ice-s-failed-pandemic>.

³ Noelle Smart and Adam Garcia, "Tracking COVID-19 in Immigration Detention: A Dashboard of ICE Data," Vera Institute of Justice, 2020, <https://www.vera.org/tracking-covid-19-in-immigration-detention>.

⁴ See ICE's *Detainee Death Reporting*, U.S. Immigration and Customs Enforcement, "Detainee Death Reporting," <https://www.ice.gov/detain/detainee-death-reporting>.

⁵ Ingrid Eagly, Esq. and Steven Shafer, Esq., "Measuring In Absentia Removal in Immigration Court," American Immigration Council, 2021, <https://www.americanimmigrationcouncil.org/research/measuring-absentia-removal-immigration-court>; Vera Institute of Justice, "Rising to the Moment: Advancing the National Movement for Universal Representation over Three Years of the SAFE Initiative," 2020, <https://www.vera.org/publications/rising-to-the-moment-for-universal-representation>.

⁶ Juliana Morgan-Trostle and Kexin Zheng, "The State of Black Immigrants—Part II: Black Immigrants in the Mass Criminalization System," Black Alliance for Just Immigration and NYU School of Law Immigrant Rights Clinic, 2016, <http://baji.org/wp-content/uploads/2020/03/sobi-fullreport-jan22.pdf>.