



BROOKLYN  
DEFENDER  
SERVICES



## NYIFUP Memorandum in Support of the Dignity Not Detention Act

The New York Immigrant Family Unity Project (NYIFUP) provides legal representation to people targeted for deportation. Through this innovative program, funded by the New York City Council, The Bronx Defenders, Brooklyn Defender Services and The Legal Aid Society jointly provide legal representation and supportive services to immigrants, and have represented thousands of people detained in inhumane and unnecessary incarceration while they await the outcome of their immigration court cases.

It is based on these years of providing legal representation to detained New Yorkers that NYIFUP supports the **Dignity Not Detention Act** *Reyes(A. 7099A)/Salazar(bill no. pending)*.

This Act aims to stop localities in New York from profiting from the incarceration of immigrants in city or county jails, and as a result, to decrease ICE family separation in New York State and shrink ICE's detention footprint nationwide. Multiple jails across New York have lucrative contracts with ICE to incarcerate people because they were not born in the United States, including county jails like the Orange County Correctional Facility where many of our clients are currently detained.

We, as attorneys, paralegals, social workers, and other staff working directly with those harmed by this system, are adamantly opposed to ICE incarceration. ICE incarceration separates families, and in doing so, deprives people of contact with their loved ones, and of support from a wage-earner or caretaker. It also traumatizes, isolates, and dehumanizes people who experience it, and their families and communities more broadly. ICE detention at facilities like the Orange County Correctional Facility deprive people of meaningful access to their attorneys due to dysfunctional video conference systems. Orange and other county jails that contract with ICE fail to provide rehabilitative or educational programming for people as well as adequate health care, thereby causing long-term physical, emotional, and psychological damage to immigrant New Yorkers. As attorneys who work every day with incarcerated New Yorkers facing deportation, we have witnessed how ICE incarceration serves no purpose other than to pressure people who are exercising their rights to remain in the United States to cease fighting and accept deportation. We must end ICE detention, which includes local jail contracts with ICE, and we believe that getting New York State out of the business of immigrant detention will curtail ICE enforcement by limiting available local detention bedspace.

We understand that ICE will retain its existing authority to transfer detained immigrant New Yorkers to facilities across the country, to jails that are potentially farther from their families and in jurisdictions with limited access to free legal representation. Indeed, ICE's national and unilateral transfer power underscores the importance of coordinated state and federal strategies for immigration decarceration and universal representation for everyone facing deportation. NYIFUP's endorsement of the Dignity Not Detention is one part of our advocacy for federal and state initiatives to realize these goals. We believe that using states' power to reduce ICE's detention capacity represents one critical component of a multi-pronged approach to end immigration detention nationwide.

The entire deportation process, from the moment of arrest to the inhumane treatment of detained individuals, from start to finish, must end. New York should refuse to provide space for ICE to continue to detain people and should immediately pass the Dignity Not Detention Act. This measure marks a critical step towards ending the incarceration of people based on where they were born.