



August 10, 2021

Contacts:

Emily Whitfield, The Bronx Defenders, ewhitfield@bronxdefenders.org, 917-686-4542

Press Office, The Legal Aid Society, press@legal-aid.org

Daniel Ball, Brooklyn Defender Services, dball@bds.org

*****FOR IMMEDIATE RELEASE*****

NYIFUP Urges Governor Murphy to sign S3361/A5207, Proposed Legislation That Would Prohibit Future ICE Detention Contracts in New Jersey

(New York, NY) - **The Bronx Defenders, The Legal Aid Society, and Brooklyn Defender Services** – New York City’s defender organizations providing free legal representation to detained immigrants through the New York Immigrant Family Unity Project (NYIFUP) – today urged Governor Murphy to sign S3361/A5207, New Jersey legislation that would prevent state, local, and private corrections facilities from entering into new, expanded, or renewed immigration detention agreements with U.S. Immigration and Customs Enforcement (ICE) and released the following statement:

“For the past eight years, NYIFUP has represented immigrants detained in ICE facilities in New York and New Jersey, including the Orange County Correctional Facility (NY), Hudson County Correctional Facility (NJ), Essex County Correctional Facility (NJ), and Bergen County Jail (NJ). We have advocated against the systemic abuses that occur in these four jails and have consistently encountered extraordinary resistance by ICE to the release of medically-vulnerable people throughout the COVID-19 pandemic. Our years of experience working on behalf of detained people in these facilities have made clear to us that ending ICE detention is a moral imperative. Not one person needs to be incarcerated during their removal proceedings. ICE detention is inhumane and unjust. It serves no purpose other than to break the spirit, fortitude, and will of people who are exercising their procedural and substantive due process rights to stay in the United States.



We are disturbed that [legal associations like the New Jersey State Bar Association \(NJSBA\) have urged Governor Murphy to veto legislation aimed at limiting ICE detention](#). NJSBA’s position is detached from the violent realities of ICE detention and cannot be justified in the name of legal service providers representing people detained by ICE in New Jersey. While we believe in the fundamental right to counsel for any person facing deportation from the United States, we are all too familiar with the everyday due process violations inherent in the system of ICE detention. The fundamental lack of due process has only been exacerbated by the COVID-19 pandemic and other public health crises, such as the mumps outbreak at the [Bergen County Jail in 2019](#) that effectively cut off attorney-client communications for weeks. Moreover, fundamental fairness and due process are not protected when ICE engages in the secretive practice of [transferring our clients between detention facilities](#) without prior notice – a routine, dangerous practice that has been going on for years. Instead of transferring people to remote, faraway locations, ICE should release people from its custody as it has the authority to do. Moreover, preliminary data suggests that closing down facilities not only forces ICE to release detained people, but also significantly reduces the arrest, detention, and deportation of immigrants. Detention is not inevitable; it is a policy choice.

For the reasons above, and for reasons previously explained [in our support for the Dignity Not Detention Act in New York](#), we urge Governor Murphy to sign S3361/A5207 into law.”

BACKGROUND: The New York Family Immigrant Unity Project (NYIFUP) is the nation’s first public defender system for immigrants facing deportation—defined as those in removal proceedings before an immigration judge. Funded by the New York City Council since July 2014, the program provides a free attorney to almost all detained indigent immigrants facing deportation at the Varick Street Immigration Court in New York City.