

Index No. 154909/2025

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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THE COUNCIL OF THE CITY OF NEW YORK,

*Plaintiff-Petitioner,*

For a Judgment Under Articles 30 and 78 of the Civil Practice Law and Rules,

—against—

MAYOR ERIC ADAMS, IN HIS OFFICIAL CAPACITY AS MAYOR OF THE CITY OF NEW YORK, RANDY MASTRO, IN HIS OFFICIAL CAPACITY AS FIRST DEPUTY MAYOR, AND THE NEW YORK CITY DEPARTMENT OF CORRECTION,

*Defendants-Respondents.*

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BRIEF OF AMICI CURIAE THE LEGAL AID SOCIETY, OFFICE OF THE NEW YORK CITY PUBLIC ADVOCATE, BRONX DEFENDERS, BROOKLYN DEFENDER SERVICES, IMMIGRANT CHILDREN ADVOCATES' RELIEF EFFORT, IMMIGRANT DEFENSE PROJECT, LATINOJUSTICE, MAKE THE ROAD NEW YORK, NEW YORK CIVIL LIBERTIES UNION FOUNDATION, NEIGHBORHOOD DEFENDER SERVICE OF HARLEM, NEW YORK COUNTY DEFENDER SERVICE, NEW YORK LEGAL ASSISTANCE GROUP, NEW YORK IMMIGRATION COALITION, QUEENS DEFENDERS, AND UNLOCAL

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**TABLE OF CONTENTS**

TABLE OF AUTHORITIES..... ii

PRELIMINARY STATEMENT ..... 1

STATEMENT OF INTERESTS OF *AMICI CURIAE*.....2

ARGUMENT .....2

    I. THE HISTORY OF ICE ON RIKERS REVEALS ICE ROUTINELY VIOLATED THE RIGHTS OF INCARCERATED NEW YORKERS AND THEIR FAMILIES BEFORE THE PASSAGE OF THE SANCTUARY LAWS.....3

    II. THE CURRENT FEDERAL ADMINISTRATION’S UNPRECEDENTED IMMIGRATION POLICIES WOULD CAUSE EVEN GREATER HARMS TO NEW YORKERS TODAY THAN DURING THE PRE-SANCTUARY LAW ERA, IF ICE IS ALLOWED BACK ON RIKERS. ....6

        A. The Federal Administration Ignores Due Process and Unlawfully Deports People. ....6

        B. Under This Federal Administration, There Is No Separation Between Criminal Law Enforcement and Civil Immigration Enforcement Being Carried Out By Various Federal, State, and Local Government Agencies.....9

        C. The Federal Administration’s Use of Data Aggregation for Immigration Enforcement Will Make All DOC Information Systems Vulnerable to This Purpose. .... 11

    III. THE FEDERAL GOVERNMENT’S REFUSAL TO FOLLOW LAWS AND COURT ORDERS, AND LOCAL AGENCIES’ DEMONSTRATED WILLINGNESS TO VIOLATE THE SANCTUARY LAWS, UNDERSCORE THE IMPOSSIBILITY OF GUARDRAILS IF ICE IS ALLOWED BACK ON RIKERS..... 14

    IV. ALLOWING EXECUTIVE ORDER 50 TO STAND WILL IRREPARABLY HARM NEW YORKERS IN DOC CUSTODY, THEIR FAMILIES AND COMMUNITIES, AND PUBLIC TRUST IN LOCAL GOVERNMENT. .... 17

CONCLUSION .....22

CERTIFICATE OF WORD COUNT COMPLIANCE .....25

**TABLE OF AUTHORITIES****Cases**

<i>A.A.R.P. v. Trump</i> , 145 S. Ct. 1034 (2025) .....	7
<i>Abrego Garcia v. Noem</i> , No. 25-1345, 2025 WL 1134112 (4th Cir. Apr. 7, 2025) .....	8
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<i>Conn. Dep't of Env't. Prot. v. OSHA</i> , 356 F.3d 226 (2d Cir. 2004) .....	21
<i>Doe v. Mattis</i> , 928 F.3d 1 (D.C. Cir. 2019).....	19
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<i>Faiveley Transp. Malmo AB v. Wabtec Corp.</i> , 559 F.3d 110 (2d Cir. 2009).....	17
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<i>G.F.F. v. Trump</i> , --- F. Supp. 3d ----, 2025 WL 1301052 (S.D.N.Y. May 6, 2025) .....	7
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<i>Huisha-Huisha v. Mayorkas</i> , 27 F.4th 718 (D.C. Cir. 2022) .....	19
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<i>J.A.V. v. Trump</i> , --- F. Supp. 3d ----, 2025 WL 1257450 (S.D. Tex. 2025).....	7
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<i>J.G.G. v Trump</i> , --- F. Supp. 3d ----, 2025 WL 1119481 (D.D.C. Apr. 16, 2025).....	9
<i>J.G.G. v Trump</i> , 1:25-cv-00766 (D.D.C. Mar. 15, 2025).....	7
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<i>Make the Rd. N.Y. v. Pompeo</i> , 475 F. Supp. 3d 232 (S.D.N.Y. 2020) .....	21
<i>Mills v. Dist. of Columbia</i> , 571 F.3d 1304 (D.C. Cir. 2009).....	21
<i>Mullins v. City of N.Y.</i> , 626 F.3d 47 (2d Cir. 2010) .....	17
<i>Nobu Next Door v. Fine Arts Hous.</i> , 4 N.Y.3d 839 (2005).....	2

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(D.D.C. June 17, 2020).....20

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*State of N.Y. v. Dep’t of Just.*, 951 F.3d 84 (2d Cir. 2020).....22

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*United States v. Carson*, 52 F.3d 1173 (2d Cir. 1995) .....18

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*Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7 (2008).....18

**Statutes**

50 U.S.C. § 21 .....6

50 U.S.C. § 24 .....6

8 U.S.C § 1306 .....9

8 U.S.C § 1324 .....10

8 U.S.C § 1325 .....9

8 U.S.C. § 1229 .....4

8 U.S.C. § 1324 .....11

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## PRELIMINARY STATEMENT

New York City's sanctuary laws protect the legal rights of immigrant New Yorkers and ensure that city resources are used to help all New Yorkers thrive. These legal protections prohibit our local government and the federal government from colluding in furtherance of civil immigration enforcement and deportation. But the current federal administration seeks to dismantle sanctuary protections, and it has repeatedly used the pretext of criminal enforcement to carry out its mass deportation agenda. The Mayor's collaboration with the federal administration in Executive Order 50 ("EO 50") is nominally limited to criminal enforcement, but its civil immigration enforcement aims could not be clearer. EO 50 will give the federal government unfettered physical and informational access to those in the custody of the New York City Department of Correction ("DOC"). That access will be used for immigration enforcement against incarcerated people, their families, and communities.

Both before and since passage of the sanctuary laws, *amici* have directly observed the egregious and irreparable harms that result from collaboration between our local government and federal immigration authorities. This collaboration subjects New Yorkers to violence and constitutional violations, tears families apart, and erodes public trust and faith in the functions of our local government. This brief draws on legislative history, news reports, individual stories, and our organizations' expertise on the operations of DOC and U.S. Department of Homeland Security's ("DHS") Immigration and Customs Enforcement ("ICE") to show how EO 50 will result in immediate and irreparable harm to New Yorkers and to our city.

### STATEMENT OF INTERESTS OF *AMICI CURIAE*

The 15 *amici curiae* submitting this brief include legal services providers, member-based community organizations, and the Office of the New York City Public Advocate.<sup>1</sup> Together, we represent and support the communities who face the direct consequences of EO 50. We collectively share an interest in ensuring that all New Yorkers, including noncitizens, maintain their due process rights, physical safety, and ability to associate with their families and communities.

### ARGUMENT

*Amici* write in support of plaintiff-petitioner's motion for a preliminary injunction to demonstrate that EO 50 presents a clear "danger of irreparable injury" to New Yorkers absent an injunction enjoining its implementation. *Nobu Next Door v. Fine Arts Hous.*, 4 N.Y.3d 839, 840 (2005). The history of ICE on Rikers, the current unprecedented federal landscape of immigration enforcement, and the culture of collusion between city agencies and ICE, each, and together, demonstrate that the prospect of harm here is both irreparable in nature and severity, and near certain.

When ICE was previously on Rikers, it violated due process and eroded immigrant New Yorkers' rights through illegal and unethical behavior. New Yorkers face even greater harms in today's context because this federal administration has denied individuals *any* right to due process, whisking them away to dangerous foreign prisons without prior hearings and in violation of court orders, using pretextual criminal investigations, and marshaling a panoply of federal, state, and local agencies as tools for immigration enforcement and mass deportations. Recent violations of the sanctuary laws by city agencies demonstrate that if ICE again infiltrates Rikers, the culture of

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<sup>1</sup> More comprehensive statements of interest for each *amici* are included in the Affirmation of Meghna Philip in support of Motion for Leave to File an Amicus Curiae Brief.

collusion that already exists between local agencies and federal authorities will grow exponentially, without the possibility of adequate guardrails.

All of this context demonstrates the need for a preliminary injunction to prevent the abuses that will flow from EO 50. Absent this injunction, New Yorkers who are incarcerated on Rikers Island will suffer irreparable harms, including but not limited to young Latino men being racially profiled, mislabeled as gang-affiliated, and funneled into mass deportations; criminalized noncitizen survivors being permanently divested of opportunities for immigration relief; and disabled people, who are especially vulnerable, being subjected to coercion and violation of rights by ICE. The families and communities of incarcerated people will also suffer irreparable harms, including being swept up in the same unlawful immigration enforcement, separated from family members who are unlawfully detained and removed, and chilled from associating with family members on Rikers. The public's trust in our local government, and in our sanctuary laws, will also be irreparably harmed.

**I. THE HISTORY OF ICE ON RIKERS REVEALS ICE ROUTINELY VIOLATED THE RIGHTS OF INCARCERATED NEW YORKERS AND THEIR FAMILIES BEFORE THE PASSAGE OF THE SANCTUARY LAWS.**

The history of ICE on Rikers Island demonstrates the danger that incarcerated New Yorkers and their families face from EO 50. Before the passage of the 2014 detainer law, ICE had a pervasive presence on Rikers Island, with civil immigration enforcement and DOC's operations openly and inextricably linked. ICE routinely violated the rights of New Yorkers in DOC custody and interfered with the functioning of New York's legal systems.

ICE officers on Rikers would rely on DOC data to “comb through lists of foreign-born inmates, then question, detain and deport about 3,200 of them a year.”<sup>2</sup> ICE officers used “subterfuge” to confuse New Yorkers in DOC custody and extract information from them to use against them in immigration proceedings, without notice of their rights or access to an attorney or interpreter.<sup>3</sup> ICE officials would often fail to identify themselves, even calling their visits “legal visits,” confusing incarcerated people into thinking they were meeting with members of their legal team.<sup>4</sup> During interviews on Rikers, ICE threatened people with indefinite detention or permanent expulsion if they refused to waive their right to due process and consent to voluntary departure<sup>5</sup> from the country.<sup>6</sup> They coerced people into “sign[ing] away their rights in a language they didn’t understand.”<sup>7</sup> Federal authorities showed little discretion in who they chose to deport, and a study at the time suggested that ICE was “simply tagging people who show[ed] up” at Rikers, targeting nearly half of noncitizens detained pre-trial on misdemeanor charges.<sup>8</sup>

People who were subjected to ICE detainers spent “more than twice as long in jail as the average inmate,” likely because raising bail or taking other steps in their cases to be released from Rikers would only result in their being handed over to ICE for detention or removal.<sup>9</sup> ICE’s presence on Rikers therefore further exacerbated the inequities facing low-income immigrants

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<sup>2</sup> Sam Dolnick, *Report Questions the System Used to Flag Rikers Island Inmates for Deportation*, N.Y. TIMES (Nov. 10, 2010), <https://www.nytimes.com/2010/11/11/nyregion/11rikers.html>.

<sup>3</sup> Northern Manhattan Coalition for Immigrant Rights, *Deportado, Dominicano, y Humano* (2009), at 14-15, [https://www.law.nyu.edu/sites/default/files/upload\\_documents/Deportado%20Dominicano%20y%20Humano.pdf](https://www.law.nyu.edu/sites/default/files/upload_documents/Deportado%20Dominicano%20y%20Humano.pdf).

<sup>4</sup> Written Testimony of Alisa Wellek on behalf of Immigrant Defense Project, N.Y. City Council Committee on Immigration (Oct. 15, 2014), at 43, <https://legistar.council.nyc.gov/View.ashx?M=F&ID=3294329&GUID=4D2C92A1-D272-4EBD-A87B-F3B4B8B41C3D>.

<sup>5</sup> See 8 U.S.C. § 1229(c).

<sup>6</sup> Written Testimony of Donna Lieberman on behalf of the N.Y. Civil Liberties Union, N.Y. City Council Committee on Immigration (Oct. 15, 2014), at 35, <https://legistar.council.nyc.gov/View.ashx?M=F&ID=3294329&GUID=4D2C92A1-D272-4EBD-A87B-F3B4B8B41C3D>.

<sup>7</sup> Wellek Written Testimony (Oct. 15, 2014), at 43.

<sup>8</sup> Dolnick, *Report Questions the System Used to Flag Rikers Island Inmates for Deportation*.

<sup>9</sup> *Id.*

because, as City Council Member Daniel Dromm stated in support of the 2014 proposed detainer law, most people on Rikers “have not been convicted of any crime,” but are only on Rikers because they cannot afford bail, “[t]hat’s what adds to the unfairness of the implementation of ICE policies.”<sup>10</sup>

The harms of ICE’s presence on Rikers extended beyond the individuals in DOC custody to their families and immigrant communities in New York more broadly. As City Council Speaker and lead sponsor Melissa Mark-Viverito stated in support of the 2014 proposed detainer laws, the bills were about “the dignity of New Yorkers,” “keeping hardworking families together,” “keeping New Yorkers safe and secure,” and “simple fairness.”<sup>11</sup> The Committee Report for the 2017 sanctuary law prohibiting the use of city resources for immigration enforcement documented that the consequences of deportation are devastating for the many mixed-status families in New York City because remaining family members lose a caregiver or breadwinner. Without the protections of the sanctuary laws, immigrants were “essentially . . . forced to retreat even further into the shadows . . . [M]any immigrants will forego their right to vital City services for which they, or their family members, are eligible out of fear of deportation,” which raises “concerns for that family, but also for the community at large.”<sup>12</sup> ICE’s physical presence within DOC clearly eroded community trust.

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<sup>10</sup> Hearing Transcript, N.Y. City Council Committee on Immigration (Oct. 15, 2014), 46:24-47:8, <https://legistar.council.nyc.gov/View.ashx?M=F&ID=3296051&GUID=FB5E947C-77BF-4FEC-8378-209C3AD83C6F>.

<sup>11</sup> *Id.* at 11:13-17.

<sup>12</sup> N.Y. City Council, Committee Report of the Gov’l Affairs & Human Svcs. Divs. (Apr. 26, 2017), at 17-18, <https://legistar.council.nyc.gov/View.ashx?M=F&ID=5131894&GUID=1CC4C3B2-9E4B-4C5C-A82A-2E3E1EAC1965>.

## II. THE CURRENT FEDERAL ADMINISTRATION'S UNPRECEDENTED IMMIGRATION POLICIES WOULD CAUSE EVEN GREATER HARMS TO NEW YORKERS TODAY THAN DURING THE PRE-SANCTUARY LAW ERA, IF ICE IS ALLOWED BACK ON RIKERS.

The prior harms of the ICE presence on Rikers will be magnified if EO 50 is permitted to stand because the current federal administration's approach to immigration enforcement represents a violent departure from the past, including violating the Constitution to enact its mass deportation agenda.<sup>13</sup> With the federal administration having repeatedly demonstrated that it does not believe that due process should be afforded to noncitizens,<sup>14</sup> EO 50 creates a direct pipeline from Rikers Island into this administration's relentless deportation machinery.

### A. The Federal Administration Ignores Due Process and Unlawfully Deports People.

On March 15, 2025, President Trump took the extraordinary step of invoking the archaic wartime Alien Enemies Act (AEA)<sup>15</sup> in the absence of a declaration of war, implausibly alleging an invasion by a "hybrid criminal state" comprised of the Tren de Aragua (TdA) gang and the government of Venezuela.<sup>16</sup> The federal administration then used the AEA to claim, without evidence, that noncitizen Venezuelans over the age of 14 years were TdA members and thus "alien

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<sup>13</sup> See generally New York City Bar Association, *Report on the Trump Administration's Early 2025 Changes to Immigration Law* (Feb. 18, 2025; last updated May 8, 2025), <https://www.nycbar.org/reports/the-trump-administrations-early-2025-changes-to-immigration-law/>; Tara Watson & Jonathon Zars, *100 Days of Immigration Under the Second Trump Administration*, BROOKINGS (Apr. 29, 2025), <https://www.brookings.edu/articles/100-days-of-immigration-under-the-second-trump-administration/>; Brian Bennett, *Trump Set to Ratchet Up His Immigration Crackdown During Next 100 Days*, TIME (Apr. 28, 2025), <https://time.com/7281034/trump-immigration-crackdown-executive-orders/> (noting that "[t]he number of immigration arrests at workplaces has tripled" in Trump's first 100 days and quoting Trump's border czar Tom Homan as saying, "It's going to triple again").

<sup>14</sup> See Stephen Miller, "The right of 'due process' . . .", X (May 5, 2025), <https://x.com/StephenM/status/1919377123266937140>; Amanda Terkel & Lawrence Hurley, *Trump, Asked If He Has to 'Uphold the Constitution,' Says, 'I Don't Know'*, NBC NEWS (May 4, 2025), <https://www.nbcnews.com/politics/trump-administration/trump-asked-uphold-constitution-says-dont-know-rcna204580>.

<sup>15</sup> 50 U.S.C. §§ 21-24.

<sup>16</sup> Proclamation No. 10903, *Invocation of the Alien Enemies Act Regarding the Invasion of The United States by Tren De Aragua*, 90 Fed. Reg. 13033 (Mar. 14, 2025), <https://www.whitehouse.gov/presidential-actions/2025/03/invocation-of-the-alien-enemies-act-regarding-the-invasion-of-the-united-states-by-tren-de-aragua/>.

enemies,” paving the way for their immediate deportation, with no notice or opportunity to respond to these baseless allegations.<sup>17</sup> These individuals were in the midst of their immigration proceedings, with many seeking asylum or other humanitarian protections.

Multiple federal courts – including the United States Supreme Court – have issued orders to reign in these rapid-fire deportations devoid of due process.<sup>18</sup> On May 6, 2025, holding that New Yorkers face irreparable harm under the administration’s invocation of the AEA, the U.S. District Court for the Southern District of New York noted that,

more than 200 [noncitizens] were removed from this country to El Salvador’s Terrorism Confinement Center (“CECOT”), with faint hope of process or return. The sweep for removal is ongoing, extending to the litigants in this case and others, thwarted only by order of this and other federal courts. The destination, El Salvador, a country paid to take our [noncitizens], is neither the country from which the [noncitizens] came, nor to which they wish to be removed. But they are taken there, and there to remain, indefinitely, in a notoriously evil jail, unable to communicate with counsel, family or friends.<sup>19</sup>

This has put those men in grave physical danger, subject to prolonged detention and abuse without return to the United States, even where courts have ordered that they should be.<sup>20</sup> The federal government has even suggested it will attempt to deport U.S. citizens to the same El Salvadoran

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<sup>17</sup> Laura Barron-Lopez, Shrai Popat, Eliot Barnhart, *White House Ignores Court Order and Invokes Alien Enemies Act to Deport Hundreds of Venezuelans*, PBS, (Mar. 17, 2025), <https://www.pbs.org/newshour/show/white-house-ignores-court-and-invokes-alien-enemies-act-to-deport-hundreds-of-venezuelans>.

<sup>18</sup> *See, e.g., A.A.R.P. v. Trump*, 145 S. Ct. 1034 (2025) (“The Government is directed not to remove any member of the putative class of detainees from the United States until further order of this Court.”); *J.A.V. v. Trump*, --- F. Supp. 3d ---, 2025 WL 1257450 (S.D. Tex. 2025) (permanent injunction against use of AEA against district-wide class based on proclamation); *J.G.G. v Trump*, 1:25-cv-00766 (D.D.C. Mar. 15, 2025) (minute order granting temporary restraining order), available at [https://www.courtlistener.com/docket/69741724/jgg-v-trump/?filed\\_after=&filed\\_before=&entry\\_gte=&entry\\_lte=&order\\_by=desc#minute-entry-419399702](https://www.courtlistener.com/docket/69741724/jgg-v-trump/?filed_after=&filed_before=&entry_gte=&entry_lte=&order_by=desc#minute-entry-419399702).

<sup>19</sup> *G.F.F. v. Trump*, --- F. Supp. 3d ---, 2025 WL 1301052, at \*1 (S.D.N.Y. May 6, 2025) (granting preliminary injunction against enforcement of AEA based on proclamation).

<sup>20</sup> Michael Rios, *What We Know About the El Salvador ‘Mega Prison’ Where Trump Is Sending Alleged Venezuelan Gang Members*, CNN (Mar. 17, 2025), <https://www.cnn.com/2025/03/17/americas/el-salvador-prison-trump-deportations-gangs-intl-latam/index.html>; Stephen Miller, “The correct process. . .”, X (May 5, 2025), <https://x.com/StephenM/status/1919552517186142262>; Tim Balk, *A Timeline of the Trump Administration’s Use of the Alien Enemies Act*, N.Y. TIMES (Apr. 19, 2025), <https://www.nytimes.com/2025/04/19/us/politics/alien-enemies-act-timeline.html>.

prison.<sup>21</sup> As the Fourth Circuit Court of Appeals described in a ruling about the illegality of these AEA summary removals,

The government is asserting a right to stash away residents of this country in foreign prisons without the semblance of due process that is the foundation of our constitutional order. Further, it claims in essence that because it has rid itself of custody that there is nothing that can be done. This should be shocking not only to judges but to the intuitive sense of liberty that Americans far removed from courthouses still hold dear.<sup>22</sup>

Many of the immigrants sent to El Salvador were engaged with the immigration court process to obtain lawful status, and several already had refugee and temporary protected status.<sup>23</sup>

Alarming, the text of EO 50 explicitly names TdA and Mara Salvatrucha (or MS-13), the same gangs that have been cited in the invocation of the AEA and in the high-profile, unlawful deportation of Kilmar Abrego Garcia.<sup>24</sup> This sets the stage for New Yorkers in DOC custody, as well as people with whom they are alleged to be affiliated, to be subjected to the same unlawful treatment, without any due process, based on information and physical access facilitated by EO 50. The specter of deportations to third countries, including those with long histories of human rights violations and civil unrest, is not limited to the AEA and El Salvador. The federal

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<sup>21</sup> Brian Mann, 'Homegrown Are Next': Trump Hopes to Deport and Jail U.S. Citizens Abroad, NPR (Apr. 16, 2025), <https://www.npr.org/2025/04/16/nx-s1-5366178/trump-deport-jail-u-s-citizens-homegrown-el-salvador>.

<sup>22</sup> *Abrego Garcia v. Noem*, No. 25-1345, 2025 WL 1134112, at \*1 (4th Cir. Apr. 7, 2025).

<sup>23</sup> Sarah Blaskey, Samantha Schmidt, Silvia Foster-Frau, Ana Vaness Herrero, Arelis R. Hernández, María Luisa Paúl & Karen DeYoung, *Trump's 48-Hour Scramble to Fly Migrants to a Salvadoran Prison*, WASH. POST (May 4, 2025), <https://www.washingtonpost.com/immigration/2025/05/04/trump-el-salvador-alien-enemies-act-venezuelans/>.

<sup>24</sup> Alan Feuer & Aishvarya Kavi, *Judge Declines to Remove Order Requiring Return of Deported Migrant*, N.Y. TIMES (May 6, 2025), <https://www.nytimes.com/2025/05/06/us/politics/judge-deportation-el-salvador-venezuelan.html>; Proclamation No. 10903, 90 Fed. Reg.

administration has already deported asylum seekers to Panama,<sup>25</sup> and is in discussions to deport other noncitizens to Libya,<sup>26</sup> and Rwanda.<sup>27</sup>

**B. Under This Federal Administration, There Is No Separation Between Criminal Law Enforcement and Civil Immigration Enforcement Being Carried Out By Various Federal, State, and Local Government Agencies.**

The federal administration is purposefully engaged in mass criminalization of immigrants, their families, and their communities, erasing the barrier between criminal law enforcement and civil immigration enforcement. Whatever the Mayor or DOC might state publicly, this federal administration will weaponize the information it obtains through its presence on Rikers Island for deportations.<sup>28</sup>

The conflation of criminal prosecution and civil enforcement is an express policy aim for the federal administration. President Trump's Securing Our Borders EO expressly directs "[p]ursuing criminal charges against illegal aliens who violate the immigration laws, and against those who facilitate their unlawful presence in the United States."<sup>29</sup> Immigration laws that can be charged criminally include 8 U.S.C § 1325(a) (improper entry to the U.S.); 8 U.S.C § 1306(a) (willful failure to register); 8 U.S.C § 1306(b) (failure to notify of change of address); and 8 U.S.C

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<sup>25</sup> Federico Rios, *No Exit*, N.Y. TIMES (Feb. 23, 2025),

<https://www.nytimes.com/2025/02/23/world/americas/panama-migrants-hotel-photo.html>; Julie Turkewitz, Farnaz Fassihi, & Annie Correal, *Locked in a Jungle Camp, Migrants Deported to Panama Face Uncertain Future*, N.Y. TIMES (Feb. 28, 2025), <https://www.nytimes.com/2025/02/28/world/americas/panama-migrants-deportees.html>.

<sup>26</sup> Eric Schmitt, Hamed Aleaziz, Maggie Haberman & Michael Crowley, *Trump Administration Plans to Send Migrants to Libya on a Military Flight*, N.Y. TIMES (May 6, 2025), <https://www.nytimes.com/2025/05/06/us/politics/trump-libya-migrants.html>.

<sup>27</sup> Igatius Ssuuna, *Rwanda Confirms Early Talks to Host Deported US Migrants*, AP NEWS (May 5, 2025), <https://apnews.com/article/rwanda-us-migrants-f2daf81e53b2dab91eb70c1393a1a4fe>.

<sup>28</sup> This federal administration has a documented history of ignoring legal restrictions to effectuate deportations. See, e.g., *J.G.G. v Trump*, --- F. Supp. 3d. ----, 2025 WL 1119481 (D.D.C. Apr. 16, 2025) (probable cause to find federal government in criminal contempt for transferring class members out of U.S. custody in violation of a court order); Nicholas Riccardi & Regina Garcia Cano, *Trump Administration Departs Hundreds of Immigrants Even as Judge Orders Their Removals Be Stopped*, AP NEWS (Mar. 17, 2025), <https://apnews.com/article/trump-venezuela-el-salvador-immigration-dd4f61999f85c4dd8bcaba7d4fc7c9af>.

<sup>29</sup> Exec. Order 14165, *Securing Our Borders*, 90 Fed. Reg. 8467 (Jan. 20, 2025), at § 2(e), <https://www.whitehouse.gov/presidential-actions/2025/01/securing-our-borders/>.

§ 1324(a) (harboring certain persons). ICE may cloak its actions on Rikers as engaging in only criminal investigation and enforcement, but there would be nothing to stop it from using the information it learns there to also engage in civil immigration enforcement, with targeted noncitizens having no remedy for the resulting harm they would suffer as a result of ICE's subterfuge in violating the City's sanctuary laws.

The federal government's intention to abuse ICE's Rikers presence for civil immigration enforcement is evidenced by its broader aim to deputize various federal, state, and local government employees into agents of immigration enforcement. A wide array of non-immigration federal agencies have already been empowered to enforce immigration laws. This includes not only agencies listed in EO 50 (the Federal Bureau of Investigation; Bureau of Alcohol, Tobacco, Firearms and Explosives; Drug Enforcement Administration; and U.S. Postal Inspection Service), but also the Internal Revenue Service<sup>30</sup> and the State Department's Diplomatic Security Service.<sup>31</sup> "I do not recall ever seeing this wide a spectrum of federal government resources all being turned toward immigration enforcement," stated a former Homeland Security official who has served in both Republican and Democratic administrations. "When you're telling agencies to stop what you've been doing and do this now, whatever else they were doing takes a back seat."<sup>32</sup>

The federal administration is also pressing state and local resources into service. It has tripled the number of 8 U.S.C. § 1357(g) agreements with local law enforcement agencies, deputizing them to carry out immigration enforcement through routine policing, which the

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<sup>30</sup> Tarini Parti & Richard Rubin, *DHS Seeks to Deputize IRS Officers to Help with Deportation Effort*, WALL ST. J. (Feb. 10, 2025), <https://www.wsj.com/politics/policy/trump-irs-officers-ice-deportations-ed87c4b5>.

<sup>31</sup> Dep't of Homeland Security, Press Release: ICYMI: Secretary Noem Deputized State Department Officials as Immigration Officers (Feb. 20, 2025), <https://www.dhs.gov/news/2025/02/20/secretary-noem-deputized-state-department-officials-immigration-officers>.

<sup>32</sup> Brad Heath, Joshua Schneyer, Marisa Taylor, Sarah N. Lynch & Mike Spector, *Exclusive: Thousands of Agents Diverted to Trump Immigration Crackdown*, REUTERS (Mar. 22, 2025), <https://www.reuters.com/world/us/thousands-agents-diverted-trump-immigration-crackdown-2025-03-22/>.

Department of Justice, federal courts, and researchers have found lead to racial profiling.<sup>33</sup> The MOU proposed by EO 50 between DOC and ICE is a stark example of the federal administration co-opting state and local resources for civil immigration enforcement, as directed by President Trump's Securing Our Borders EO<sup>34</sup> and his Protecting the American People Against Invasion EO.<sup>35</sup> Underlying the proposed MOU lies the implicit threat of criminal prosecution of state or local officials who do not sufficiently cooperate.<sup>36</sup>

**C. The Federal Administration's Use of Data Aggregation for Immigration Enforcement Will Make All DOC Information Systems Vulnerable to This Purpose.**

All noncitizens in DOC custody will be endangered if ICE is allowed to access information from DOC's databases under EO 50. DHS and the Department of Governmental Efficiency (DOGE) are already consolidating information about noncitizens nationally by updating and streamlining the Systematic Alien Verification for Entitlements (SAVE) database. According to DHS, the SAVE "overhaul eliminates fees for database searches, breaks down silos for accurate results, streamlines mass status checks, and *integrates criminal records, immigration timelines, and addresses*. Automatic status updates and a user-friendly interface will empower federal, state, local, territorial, and tribal agencies to prevent noncitizens from exploiting taxpayer benefits or voting illegally."<sup>37</sup> In addition, Palantir Technologies obtained a \$30 million contract in April 2025

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<sup>33</sup> Watson & Zars, *100 Days of Immigration Under the Second Trump Administration*.

<sup>34</sup> Exec. Order 14165, 90 Fed. Reg., at § 2(f).

<sup>35</sup> Exec. Order 14159, Protecting the American People Against Invasion, 90 Fed. Reg. 8443 (Jan. 20, 2025), at §§ 6, 11, 18,

<https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/>.

<sup>36</sup> U.S. Dep't of Justice, Off. of Deputy Att'y General, Memorandum: Interim Policy Changes Regarding Charging, Sentencing, and Immigration Enforcement (Jan. 21, 2025), at 3, <https://static.politico.com/66/35/5a5563a1441faa1680058a5a3d1b/memorandum-from-the-acting-deputy-attorney-general-01-21-2025.pdf>. Prosecution may proceed under statutes including 8 U.S.C. § 1373 (impeding information collection), 8 U.S.C. § 1324 (harboring), and 8 U.S.C. § 1373 (prohibiting or restricting communication).

<sup>37</sup> Dep't of Homeland Security, Press Release: DHS, USCIS, DOGE Overhaul Systematic Alien Verification for Entitlements Database (Apr. 22, 2025), <https://www.dhs.gov/news/2025/04/22/dhs-uscis-doge-overhaul-systematic-alien-verification-entitlements-database> (emphasis added).

to develop an “ImmigrationOS” surveillance platform for ICE, to (1) streamline the identification and apprehension of “violent criminals,” gang members, and visa overstays; (2) accurately track and report self-deportations with “near real-time visibility;” and (3) make deportation logistics more efficient by improving how individuals are identified and removed from the U.S.<sup>38</sup> Confidential Internal Revenue Service data on taxpayers is already, for the first time, being used for immigration enforcement.<sup>39</sup>

Information collected by DOC and shared with ICE for ostensibly criminal investigation and enforcement would feed into these civil immigration enforcement systems. When a person enters DOC custody, their file includes but is not limited to: an arraignment and classification intake form summarizing pedigree information; initial classification reports based on interviews; arraignment screening forms that generally include information about a person’s national origin, address, and community contacts; rap sheets; court orders; and medical releases.<sup>40</sup> The DOC Correction Intelligence Bureau (“CIB”), which EO 50 specifically directs ICE to “coordinate with” as a prospective partner, interviews each incarcerated person when processed through intake into DOC custody, and purports to monitor gang activity within DOC facilities. CIB’s operational directives, made available to *amici* in prior litigation, state that CIB oversees both “suspected and validated members” of alleged “Security Risk Groups” (“SRGs”), “through the collection, cataloging, and on-going evaluation of information regarding these groups and their members as

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<sup>38</sup> SAM.gov, Investigative Case Management – Additional Capabilities, Award Details (Apr. 11, 2025), <https://sam.gov/opp/f71acee6010c423db4902446a59a690c/view>; Fed. Procurement Data Sys., Transaction Information, Award ID 70CTD022FR0000170, <https://www.fpds.gov/common/jsp/LaunchWebPage.jsp?command=execute&requestid=278930866&version=1.5>.

<sup>39</sup> Andrew Duehren, *Top I.R.S. Officials Said to Resign After Deal to Give ICE Migrants’ Data*, N.Y. TIMES (Apr. 8, 2025), <https://www.nytimes.com/2025/04/08/us/politics/irs-ice-tax-data-deal.html>. A partially executed memorandum of understanding between the IRS and ICE, dated April 7, 2025, is available at <https://storage.courtlistener.com/recap/gov.uscourts.dcd.278147/gov.uscourts.dcd.278147.31.1.pdf>.

<sup>40</sup> *Amici* are familiar with the DOC intake paperwork through our advocacy on behalf of people in custody.

well as continuous monitoring . . . of their activities.”<sup>41</sup> CIB therefore documents significant amounts of information about people in DOC custody, including taking photographs, visually observing individuals, and cataloguing information from people’s mail and phone conversations.

The bases for CIB’s classifications of individuals as SRG members can be as vague as observations of tattoos or of “associations with SRG members.”<sup>42</sup> For example, CIB makes subjective determinations of suspected gang affiliation, without due process or opportunity to contest, based on confidential tips and other potentially unreliable information, or disclosures obtained without informed consent. These determinations may be unproblematic when used for one purpose (e.g., determining a safe housing unit), but tremendously prejudicial when used for others (e.g., classifying a person as an Alien Enemy for summary removal with no due process, followed by potentially indefinite detention and torture abroad). An *Alien Enemy Validation Guide* used by the federal administration includes unreliable and subjective factors like tattoos, living or associating with alleged gang members, “law enforcement or intelligence reporting [including Bureau of Prisons and presumably DOC] identifying subject as a member of TdA,” and “self-admission” to a “law enforcement officer.”<sup>43</sup>

More generally, DOC records all phone calls made by incarcerated people to their families and communities outside of the jails, and Securus Technologies, the company with which DOC contracts for its phone system, has been criticized for its problematic surveillance and information gathering about community members whose calls are recorded.<sup>44</sup> The same company runs JPay,

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<sup>41</sup> DOC Operations Order, Mar. 17, 2012, *Monitoring and Managing Security Risk Groups and Watch Groups*.

<sup>42</sup> *Id.*

<sup>43</sup> *Alien Enemies Act: Alien Enemy Validation Guide*, attached as exhibit to Roman Decl. in *J.G.G. v. Trump*, 1:25-cv-00766-JEB (D.D.C. 2025), Dkt. No. 67-21 (Mar. 28, 2025), at 7-8; available at <https://legalaidnyc.org/wp-content/uploads/2025/04/AEA-validation-determination.pdf>.

<sup>44</sup> Graham Rayman, *Millions of NYC Jail Call Recordings Stored in High-Tech System, Violating Civil Liberties: Suit*, N.Y. DAILY NEWS (Apr. 16, 2024), <https://www.nydailynews.com/2024/04/16/millions-of-nyc-jail-call-recording-stored-in-high-tech-system-violating-civil-liberties-suit/>.

the money transfer system by which incarcerated people can receive commissary contributions from their community. And, of course, DOC monitors and documents information about any visitors who come to Rikers to see those in DOC custody.

This copious information would undoubtedly be sought by federal authorities if they are allowed on Rikers. Once information is shared with the federal government, DOC would have no control over how it is used, and it is almost certain that this information would be used for immigration enforcement.

### **III. THE FEDERAL GOVERNMENT'S REFUSAL TO FOLLOW LAWS AND COURT ORDERS, AND LOCAL AGENCIES' DEMONSTRATED WILLINGNESS TO VIOLATE THE SANCTUARY LAWS, UNDERSCORE THE IMPOSSIBILITY OF GUARDRAILS IF ICE IS ALLOWED BACK ON RIKERS.**

Despite sanctuary law protections, the history of collusion between DOC and ICE since 2014, as well as recent sanctuary law violations by city agencies and ICE, foreshadow the egregious violations that will take place if ICE is permitted to reopen an office on Rikers.<sup>45</sup>

Documents obtained in 2023 pursuant to a Freedom of Information Law ("FOIL") request revealed frequent unreported phone communications between DOC officers and ICE, raising serious questions about the unlawful use of DOC resources for immigration enforcement.<sup>46</sup> The FOIL request also revealed communications between DOC officers and ICE reflecting clear disdain by DOC staff for the sanctuary laws and for immigrants in DOC custody. These included back-and-forth email exchanges unlawfully identifying noncitizen New Yorkers to ICE, sending

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<sup>45</sup> See generally Written Testimony (Feb. 15, 2023), <https://legistar.council.nyc.gov/View.ashx?M=F&ID=11672159&GUID=BAF5E784-B6E8-462E-A17A-5832353821A4>.

<sup>46</sup> Written Testimony of the Bronx Defenders (Feb. 15, 2023), at 14, <https://legistar.council.nyc.gov/View.ashx?M=F&ID=11672159&GUID=BAF5E784-B6E8-462E-A17A-5832353821A4>.

updates about their cases and bail statuses to ICE, and signing emails with “#teamsendthemback.”<sup>47</sup>

Although the 2014 detainer laws require ICE to produce a signed judicial warrant for DOC to effectuate a person’s transfer to ICE custody, and although DOC has testified as recently as 2023 that ICE has *never* produced a signed judicial warrant since 2014, DOC has repeatedly facilitated transfers of people to ICE upon their release from Rikers.<sup>48</sup> As recently as March 13, 2025, an incarcerated New Yorker, R.B.,<sup>49</sup> who was scheduled to be released from Rikers was instead taken by DOC officers into a separate cell at the time of his discharge, handing him over to ICE agents who appeared without a judicial warrant. ICE refused to allow him to speak to his family, who were waiting for his release in the Rikers parking lot. They took him into immigration detention, where he remains today. R.B. arrived in New York City from Venezuela, fleeing persecution by both TdA and the Venezuelan government. He now faces baseless allegations by ICE that he is part of TdA, and fears for his life and the possibility of transfer to CECOT. This is but one example of many that advocates have flagged, showing that DOC officers already flout existing legal protections and collude with ICE.

If ICE is allowed directly back on Rikers, this collusion between DOC and ICE will flourish unchecked. When EO 50 was signed, the DOC’s Correctional Officers’ Benevolent Association (COBA) celebrated the announcement, referencing “more meaningful consequences” for people alleged to have committed disciplinary violations while incarcerated.<sup>50</sup> COBA also wrote “if individuals come to our country illegally,” the federal government “should be permitted to do [its]

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<sup>47</sup> *Id.* at 14–15.

<sup>48</sup> *Id.* at 9–11.

<sup>49</sup> Anonymized story of *amici*’s client.

<sup>50</sup> Coba NYC, *Statement from COBA President Benny Boscio Regarding Executive Order 50*, FACEBOOK (Apr. 9, 2025), <https://www.facebook.com/COBANyc/posts/statement-from-coba-president-benny-boscio-regarding-executive-order-50-authorized/1120263236807180/>.

job.”<sup>51</sup> These statements show DOC officers view immigration enforcement as a laudatory consequence of ICE presence on Rikers Island.

The case of Leqaa Kordia reveals a broader culture of collusion between ICE and city agencies. In March 2025, the NYPD provided ICE with sealed arrest record information about Ms. Kordia from an alleged violation related to her participation in a protest.<sup>52</sup> Although her case was quickly dismissed, the NYPD turned this record over to ICE, in response to an information request. The purported reason for this request was to aid in a money laundering investigation, but there was never evidence that Ms. Kordia had participated in any money laundering, and the information shared by the city bore no apparent relation to that allegation.<sup>53</sup> ICE promptly used the information to transfer Ms. Kordia to immigration detention in Louisiana, where she has since suffered a serious decline in health.<sup>54</sup> While this was NYPD, not DOC, there is no reason to believe that DOC will not similarly share information with ICE based on the same pretext of criminal law enforcement, “unrelated” to immigration enforcement. Once the information is in ICE’s hands, DOC has no control over how it is used.

Nothing suggests that federal immigration officials would even remotely adhere to any careful criminal/civil line-drawing in an MOU. The Trump Administration has repeatedly and openly acted with deliberate lawlessness. Whether ignoring court orders to turn planes full of AEA

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<sup>51</sup> *Id.*

<sup>52</sup> Jake Offenhartz, *NYPD Shared a Palestinian Protester’s Info with ICE. Now It’s Evidence in Her Deportation Case*, AP NEWS (May 2, 2025, 11:12 PM), <https://apnews.com/article/nypd-ice-leqaa-kordia-trump-palestinian-protests-90c6f446f431e8cec23a93172e1eb0b8>.

<sup>53</sup> Maria Cramer & Chelsia Rose Marcus, *Why Did the N.Y.P.D. Hand Over a Sealed Arrest to Homeland Security?*, N.Y. TIMES (May 6, 2025), <https://www.nytimes.com/2025/05/06/nyregion/nypd-ice-deportation-case-sealed-records.html>.

<sup>54</sup> Gwynne Hogan, *Criminal-Probe Pretext for NYPD ICE Cooperation Alarms Immigrant Advocates*, THE CITY (May 7, 2025, 2:42 PM), <https://www.thecity.nyc/2025/05/07/leqaa-kordia-jessica-tisch-homeland-security-investigations/>; Offenhartz, *supra* note 51.

deportees around<sup>55</sup> or bring back wrongfully-deported people,<sup>56</sup> calling for the impeachment of federal judges who dare to uphold the law,<sup>57</sup> or repealing disfavored regulations by diktat (“Notice and comment is unnecessary because I am ordering the repeal”),<sup>58</sup> the administration has repeatedly shown a callous disregard for the rule of law. We can expect the same on Rikers.

#### **IV. ALLOWING EXECUTIVE ORDER 50 TO STAND WILL IRREPARABLY HARM NEW YORKERS IN DOC CUSTODY, THEIR FAMILIES AND COMMUNITIES, AND PUBLIC TRUST IN LOCAL GOVERNMENT.**

A court may grant a preliminary injunction whenever a defendant “is about to do ... an act in violation of the plaintiff’s rights.” C.P.L.R. § 6031. It is often necessary to speak in terms of what *will* happen should the relief not be granted, as courts have repeatedly recognized in explaining the irreparable harm standard: “The standard for preliminary injunctive relief requires a *threat* of irreparable harm, not that irreparable harm already have occurred.” *Mullins v. City of N.Y.*, 626 F.3d 47, 55 (2d Cir. 2010).<sup>59</sup> In determining whether this threat is likely, a party’s previous behavior is highly relevant. *See, e.g., SEC v. Cap. Growth Co., S.A. (Costa Rica)*, 391 F. Supp. 593, 598 (S.D.N.Y. 1974) (“[A] reasonable likelihood of future violations and thus a likelihood of irreparable harm . . . may be inferred from these past violations...”). While past

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<sup>55</sup> Katherine Faulders, Alexander Mallin & Peter Charalambous, *Trump Administration Likely Acted in Contempt of Court by Not Turning Around Deportation Flights, Judge Says*, ABC NEWS (Apr. 16, 2025, 9:31 PM), <https://abcnews.go.com/Politics/trump-administration-acted-contempt-court-turning-deportation-flights/story?id=120870498>.

<sup>56</sup> Hugo Lowell & Léonie Chao-Fong, *Judge Rebukes Trump Officials for Not Securing Return of Wrongly Deported Man*, THE GUARDIAN (Apr. 15, 2025, 6:47 PM), <https://www.theguardian.com/us-news/2025/apr/15/trump-administration-kilmar-abrego-garcia-deportation>.

<sup>57</sup> Megan Messerly and Kyle Cheney, *Trump calls for impeachment of judge who tried to halt deportations*, POLITICO, Mar. 18, 2025, <https://www.politico.com/news/2025/03/18/trump-impeachment-judge-deportations-00235173>.

<sup>58</sup> Exec. Order No. 14264, *Maintaining Acceptable Water Pressure in Showerheads*, 90 Fed. Reg. 15619 (Apr. 9, 2025) at § 2, <https://www.whitehouse.gov/presidential-actions/2025/04/maintaining-acceptable-water-pressure-in-showerheads/>.

<sup>59</sup> The First Department regularly relies on and cites federal jurisprudence on the question of irreparable harm. *See, e.g., Mabry v. Neighborhood Def. Serv., Inc.*, 930 N.Y.S.2d 193, 194 (1st Dept 2011) (citing *Stewart v. U.S. Immigr. & Naturalization Serv.*, 762 F.2d 193, 199-200 (2d Cir. 1985)); *Inveso Institutional (N.A.), Inc. v. Deutsche Inv. Mgmt. Ams., Inc.*, 904 N.Y.S. 2d 46, 47 (1st Dept 2010) (citing *Faiveley Transp. Malmö AB v. Wabtec Corp.*, 559 F.3d 110, 118 (2d Cir. 2009)).

conduct alone is insufficient to demonstrate this likelihood, “[c]ourts are free to assume that past misconduct is highly suggestive of the likelihood of future violations.” *Henrietta D. v. Bloomberg*, 331 F.3d 261, 290 (2d Cir. 2003) (quoting *United States v. Carson*, 52 F.3d 1173, 1183-84 (2d Cir. 1995)).<sup>60</sup>

Here, both the federal government’s ongoing merger of criminal and civil immigration enforcement to conduct unconstitutional mass deportations, as well as the history of constitutional violations and harms on Rikers Island facilitated by ICE’s presence there, demonstrate that irreparable harm from EO 50 is all but certain. Given the federal government’s recent history of ignoring even direct court orders, injunctive relief is especially warranted. *See J.B. v. Onondaga Cnty.*, 401 F. Supp. 3d 320, 344-45 (N.D.N.Y. 2019) (concluding irreparable harm is likely to result because “the Court must consider whether government will comply with its legal obligations voluntarily and ... [g]iven its persistence so far, the Court finds that the County will continue to disregard class members’ constitutional rights no matter how clearly they are elucidated”).

Injunctive relief is necessary to protect people currently incarcerated on Rikers Island from the irreparable harms of unlawful immigration removals and physical danger. The people in DOC custody most vulnerable to these harms include young Latino men, who are at immediate risk of being racially profiled and targeted by DOC and ICE as being members of TdA or MS-13, and subjected to removal under the AEA without due process. These include *amici*’s clients like R.B., *supra*, who was, in March of this year, improperly turned over, without any judicial authorization, by DOC to ICE. ICE incorrectly alleged R.B. was affiliated with TdA, based on his Venezuelan

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<sup>60</sup> Though the court in *Henrietta* granted a permanent injunction after a trial, the Supreme Court has explained that “[t]he standard for a preliminary injunction is essentially the same as for a permanent injunction,” except for requiring actual, rather than likely, success on the merits. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 32 (2008).

national origin and observations of tattoos on his body, when in fact R.B. fled Venezuela because of persecution by TdA. Clients like R.B. face the irreparable harms of wrongful removal, with no recourse, to life-threatening conditions, persecution and torture at CECOT or in other countries that the federal government designates as partners in its mass deportation project. And even where the government acknowledges “administrative error” such as with Mr. Abrego Garcia, the mistake would likely be irreversible. *See G.F.F. & J.G.O. v. Trump*, No. 1:25-cv-02886-AKH, Opinion and Order Granting Preliminary Injunction, Doc. 84 at \*20 (S.D.N.Y. May 6, 2025) (“Petitioners would be removed from the United States to CECOT, where they would endure abuse and inhumane treatment with no recourse to bring them back. If that is not irreparable harm, what is?”); *Huisha-Huisha v. Mayorkas*, 560 F. Supp. 3d 146, 172 (D.D.C. 2021), *aff’d in part, rev’d in part, and remanded on other grounds*, 27 F.4th 718 (D.C. Cir. 2022) (“Unlike economic harm, the harm resulting from expulsion from the United States pursuant to an unlawful policy likely cannot be remediated after the fact.”); *see also Doe v. Mattis*, 928 F.3d 1, 22 (D.C. Cir. 2019) (finding irreparable harm likely to result from transfer of a dual citizen to an unidentified country since he would be in the custody of that country “without any continuing oversight by—or recourse to—the United States.”). Even short of wrongful removal from the country, people in DOC custody are at risk of wrongful prolonged detention, either by DOC beyond their release dates, or in immigration detention. *See Velasaca v. Decker*, 458 F. Supp. 3d 224, 240–41 (S.D.N.Y. 2020) (“[T]he deprivation of [a noncitizen’s] liberty is, in and of itself, irreparable harm.”).

Compounding the irreparable harm, vulnerable people who have pathways to lawful permanent residency would be forever unable to continue pursuing those pathways if they were subjected to unlawful removals. *See Villavicencio Calderon v. Sessions*, 1:18-cv-05222-PAC, Opinion and Order, Doc. 31 at \*3 (S.D.N.Y. 2018) (“Justice demands that Petitioner be accorded

an opportunity to pursue the relief the law allows. Anything less would violate the APA and the U.S. Constitution. So long as Petitioner is pursuing the relief the law allows, he may not be removed.”). *Amici* represent incarcerated young people from Central and South America who are eligible for Special Immigrant Juvenile Status (SIJS) for young noncitizens under the age of 21 who were abused, neglected, or abandoned by one or both parents. If they become targets of ICE enforcement and unlawful deportation, these young people will be permanently divested of the opportunity to obtain SIJS, which requires presence in the U.S. *Amici* represent numerous other criminalized victims and survivors of violence, including victims of domestic violence and trafficking, who are eligible for T or U visas. T visas are available to noncitizen trafficking victims, and U visas are available to noncitizen victims of certain crimes who assist law enforcement agencies in investigating or prosecuting those crimes. *Amici* have successfully represented incarcerated clients whose cases have been dismissed or convictions overturned because of their histories of trauma, and who have successfully obtained T and U visas. But if currently incarcerated victims of violence are wrongfully removed by ICE, they will be unable to obtain T visas, which require their presence in the U.S.; or U visas, which would require them to have the ability to cooperate with law enforcement agencies.

Other particularly vulnerable groups include incarcerated people with disabilities, including serious mental illness or substance use disorders, who will be further harmed by the due process violations and ICE interrogations outside the presence of counsel. *Amici* represent many disabled people who will be at high risk of coercion or subterfuge, and violations of their rights to counsel and to due process, during interviews with ICE officers. *See S. Poverty L. Ctr. v. U.S. Dep't of Homeland Sec.*, No. 18-760 (CKK), 2020 WL 3265533 at \*32 (D.D.C. June 17, 2020) (“To begin with, Plaintiff has sufficiently demonstrated a likelihood of success on the merits for

its Fifth Amendment substantive due process claim, and “[i]t has long been established that the loss of constitutional freedoms, ‘for even minimal periods of time, unquestionably constitutes irreparable injury.’”) (quoting *Mills v. Dist. of Columbia*, 571 F.3d 1304, 1312 (D.C. Cir. 2009)); *Conn. Dep’t of Env’t. Prot. v. OSHA*, 356 F.3d 226, 231 (2d Cir. 2004) (“[W]e have held that the violation of a constitutional right triggers a finding of irreparable injury.”).

The families and communities of people in DOC custody, who are clients and members of *amici* organizations, will also be irreparably harmed by the consequences of EO 50. The children and family members of people in DOC custody who are summarily deported will themselves be irreparably harmed – by separation from their family, or by being swept up in the same immigration consequences themselves. See *Make the Rd. N.Y. v. Pompeo*, 475 F. Supp. 3d 232, 268 (S.D.N.Y. 2020). Even where immigrants in DOC custody may not be directly targeted by ICE, they, as well as their families and communities will be irreparably harmed by the chilling of their ability to associate with one another through visits to Rikers, and phone calls, for fear of potential immigration targeting and consequences. See *Stilp v. Contino*, 613 F.3d 405, 409 (3d Cir. 2010) (“The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.”) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)).

Finally, there will be irreparable harm to the public’s trust in government, and in the guarantees of our local laws. New Yorkers impacted by the near-certain and severe immigration consequences of an ICE presence on Rikers will lose faith in New York City’s government, and will stop availing themselves of city resources or benefits, relying on local law enforcement, or participating in local political processes. See *City of Chi. v. Sessions*, 321 F. Supp. 3d 855, 877-78 (N.D. Ill. 2018) (“[T]his Court finds that Chicago’s compliance with the Conditions [undermining Chicago’s sanctuary policies] would damage local law enforcement’s relationship with immigrant

communities and decrease the cooperation essential to prevent and solve crimes both within these communities and Chicago at large. Trust once lost is not easily restored, and as such, this is an irreparable harm for which there is no adequate remedy at law.”); *see also State of N.Y. v. Dep’t of Just.*, 343 F. Supp. 3d 213, 243-44 (S.D.N.Y. 2018), *rev’d on other grounds*, 951 F.3d 84 (2d Cir. 2020).

### **CONCLUSION**

Any actions in furtherance of EO 50 would tear a hole through the fabric of New York City’s sanctuary laws, and the resulting unlawful deportations, violence to individuals, family separations, and erosion of public trust, would be both inevitable, and impossible to repair. *Amici* urge this Court to issue a preliminary injunction to prevent these irreparable harms and protect New York City’s immigrant communities.

Dated: May 12, 2025  
New York, N.Y.

Respectfully submitted,

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Dated: New York, New York  
May 12, 2025

*/s/ Meghna Philip*

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Meghna Philip