

Our entire community prospers when all residents, regardless of immigration status, feel safe taking their kids to school and reporting crimes to law enforcement. Many members of the immigrant community often feel unsafe interacting with state and local government agencies for fear that this will lead to interaction with Immigration and Customs Enforcement (ICE). This information sheet details ways that residents can get involved in local efforts.

What is the Westchester County Immigrant Protection Act?

The Westchester County Immigrant Protection Act (IPA) was signed into law on March 20, 2018. The IPA was specifically designed to comply with federal law and to make all Westchester residents safer by increasing trust between communities and county law enforcement. The IPA outlines what information county law enforcement will require from those they interact with and how this information is shared with federal law enforcement. It states that County employees shall not inquire as to immigration status or detain a person based solely on immigration status. It also states that County agencies and employees shall not perform the duties of Federal Immigration Authorities, engage in the enforcement of federal immigration law, or accept requests by Federal Immigration Authorities to assist in the enforcement of federal immigration laws. More information about the IPA is available [here](#).

Does the IPA apply to all law enforcement officials in Westchester?

No, the IPA only applies to County employees. In terms of law enforcement, the IPA applies to Westchester County Department of Public Safety employees. The IPA does not apply to the dozens of local police departments that provide law enforcement for municipalities across the county.

What can I do to ensure that my municipality is taking steps to safeguard immigrants?

There are two main ways that you can advocate on this important issue. First, let your New York State senator and assembly member know that you support New York for All (S.987 / A.5686), which is a piece of legislation that would broadly prohibit state and local officers in New York from enforcing federal immigration laws, funneling people into ICE custody, and sharing sensitive information with federal immigration authorities.

Second, you can find out if your municipality has any local legislation or resolution on the books that outlines what local law enforcement will require from those they interact with and how this information is shared with federal immigration authorities. If your municipality does not have this on the books, you can get involved in the process to get that done. Turn the page for details.



Specific examples and steps to pass local resolutions or policies:

There are a variety of potential policies municipalities can take to safeguard immigrants, many of which have already been implemented by municipalities in Westchester. Two examples include the Westchester County Immigrant Protection Act (“Westchester IPA”) and the Village of Irvington’s Statement of Policy on Immigration Enforcement and Discrimination (“Irvington Policy”). Both of these were passed during the first Trump Administration and created various protections for immigrants, including:

1. Prohibiting municipal police from inquiring about an individual’s immigration status (Westchester IPA at § 3, Irvington Policy at p. 1);
2. Forbidding police from stopping, questioning or interrogating an individual solely because of an individual’s immigration status or because of a civil immigration detainer (Westchester IPA at § 6, Irvington Policy at p. 1);
3. Forbidding police from performing the functions of a federal immigration officer or otherwise engaging in the enforcement of federal immigration law (Westchester IPA at § 13, Irvington Policy at p. 1);
4. Forbidding the municipality from transmitting any information concerning individual immigrant status to the federal government unless required by law (Westchester IPA at § 7 & 8, Irvington Policy at p. 3);
5. Forbidding use of the municipality’s resources for detecting or apprehending individuals based on their citizenship status (Westchester IPA at § 9, Irvington Policy at p. 1);
6. Mandating that municipal services are available to all regardless of immigrant status (Westchester IPA at § 2).

Some of these policies should be adopted via legislation, but others can be adopted unilaterally by mayors/supervisors/police departments. The Westchester IPA and Irvington Policy can serve as a starting point for passing a policy in an individual municipality. In addition, here is legal guidance from the NYS Attorney General regarding ICE civil detention requests.

If you received a printed copy of this document instead of a digital, here are the links for additional information:

IPA: <https://humanrights.westchestergov.com/resources/immigrant-protection-law>

Irvington: <https://www.irvingtonny.gov/DocumentCenter/View/8290/Board-of-Trustees-Policy-on-Immigration-Enforcement-and-Discrimination?bidId=>

AG Guidance: <https://ag.ny.gov/sites/default/files/francis-sj-dearcolleague-letter.pdf>