

# NY DIGNITY NOT DETENTION ACT

## FREQUENTLY ASKED QUESTIONS

**ARE OTHER STATES CONSIDERING SIMILAR LEGISLATION?** Similar legislation was successfully passed and signed into law in New Jersey ([S3361](#), [A5207](#)), Maryland ([SB 478](#)), California ([SB 29](#), [AB 103](#)), Washington ([SB 5497](#), [HB1090](#)), and Illinois ([SB0667](#)). The New Mexico legislature is also considering a similar bill ([HB40](#)).

**HOW DOES THIS BILL COMPLEMENT NEW YORK FOR ALL ACT?** The [New York for All Act](#) broadly prohibits state and local law enforcement from funneling people into ICE custody and sharing sensitive information with ICE. The Dignity Not Detention Act gets New York out of the business of immigration detention by prohibiting New York entities and private persons from entering and renewing contracts with ICE. The two bills work together to create a safer New York.

**DOESN'T NEW YORK STATE ALREADY BAN PRIVATE PRISONS?** In 2007, New York passed legislation that prohibits the operation of private prisons in the state and committed itself to end incarceration for profit. That legislation, however, left a loophole that permits private prison companies to continue to contract with ICE and detain immigrant New Yorkers. This bill closes this loophole that has allowed immigrant New Yorkers to be prisoners-for-profit in New York for many years and puts New York back as a leading state in immigrant rights.

**WHY SHOULD NEW YORK END CONTRACTS WITH ICE?** When New York devotes its resources to jailing immigrants for ICE, it is an active participant in anti-immigrant policies. Ending immigration detention in New York will help end family separation by ICE. [Research](#) also shows that the likelihood of ICE arrests increases with ICE detention capacity: immigrants are more likely to be arrested and detained by ICE in counties with more detention beds as well as higher overall jail and prison capacity. By ending its contracts with ICE, New York can play a critical, long-term role in keeping New York families together and strengthening New York communities.

**WHAT ABOUT THE TRANSFERS?** ICE has the inherent authority to detain or release people in its custody. Yet on any given day, regardless of any law or contract termination, ICE abuses its power by quietly transferring people to out of state detention centers. This abusive, retaliatory practice of transferring people out of state is further evidence that New York must end detention contracts with ICE. [In July 2022](#), ICE transferred approximately 70 immigrant New Yorkers detained at the Orange County Correctional Facility in Goshen, New York to Natchez, Mississippi *regardless of any law or contract termination*. New York state cannot continue to risk the possibility of immigrant New Yorkers being transferred out of state, far from their families, communities, and legal support. New York must act now to keep immigrant families together by ending its contracts with ICE and fight for the [just closures](#) of New York's detention facilities.