



# State of New York

## Executive Chamber

No. 170

### EXECUTIVE ORDER

#### STATE POLICY CONCERNING IMMIGRANT ACCESS TO STATE SERVICES

**WHEREAS**, New York State will remain true to the ideals that founded this country, and will continue to welcome immigrants as a source of energy, and celebrate them as a source of revitalization for our State; and

**WHEREAS**, New York State's residents make up one of the nation's most diverse communities, as over 4.3 million immigrants reside within the State and over twenty percent of the State's population is foreign-born; and

**WHEREAS**, immigrants residing in New York State are an essential part of the economic fabric of this State, as over 29% of all business owners in New York are foreign-born, such businesses generate millions of dollars in total net income, and the combined purchasing power of immigrant communities exceeds \$165 billion dollars; and

**WHEREAS**, the reporting of unlawful activity by immigrant witnesses and victims is critical to strengthening ties between immigrants and law enforcement, reducing crime, and enhancing the State's ability to protect the safety of all of its residents; and

**WHEREAS**, the New York State Constitution and the New York State Human Rights Law protect individuals from discrimination on the basis of national origin in the areas of education, benefits, employment, housing, and public accommodation, and the State is committed to enforcing those protections to the fullest extent of the law; and

**WHEREAS**, State government has a responsibility to ensure that services are provided equally, and consistent with civil rights laws, to all individuals eligible to receive them; and

**WHEREAS**, access to State services is critical to the vitality and well-being of immigrant communities and their continued integration into the State's economic, civil, and cultural life; and

**WHEREAS**, providing State services to immigrant communities is necessary to meet the needs of the State's diverse population, to maintain public confidence in State government and its agencies, and to comply with State and Federal civil rights laws; and

**NOW, THEREFORE, I, ANDREW M. CUOMO**, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and laws of the State of New York, do hereby order as follows:

A. Definitions

1. "State entity" shall mean (i) all agencies and departments over which the Governor has executive authority, and (ii) all public benefit corporations, public authorities, boards, and commissions, for which the Governor appoints the Chair, the Chief Executive, or the majority of Board members, except for the Port Authority of New York and New Jersey.

2. "Alien" shall mean any person who is not a citizen or national of the United States.
3. "Illegal activity" shall mean any unlawful activity that constitutes a crime under state or federal law. However, an individual's status as an undocumented alien does not constitute unlawful activity.

B. Agency and Authority Responsibilities Respecting the Privacy of Personal Information

1. No State officers or employees, other than law enforcement officers as provided in B.3 *infra*, shall inquire about an individual's immigration status unless:
  - a. The status of such individual is necessary to determine his or her eligibility for a program, benefit, or the provision of a service; or
  - b. The State officer or employee is required by law to inquire about such individual's status.
2. No State officers or employees, including law enforcement officers, shall disclose information to federal immigration authorities for the purpose of federal civil immigration enforcement, unless required by law. Notwithstanding such prohibition, this Order does not prohibit, or in any way restrict, any state employee from sending to, or receiving from, federal immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of any individual, as required by law.
3. No law enforcement officers shall inquire about an individual's immigration status unless investigating such individual's illegal activity, provided however that such inquiry is relevant to the illegal activity under investigation. Nothing in this section shall restrict law enforcement officers from seeking documents for the purpose of identification following arrest.
  - a. This prohibition against inquiring into status includes, but is not limited to, when an individual approaches a law enforcement officer seeking assistance, is the victim of a crime, or is witness to a crime.
  - b. Law enforcement officers may not use resources, equipment or personnel for the purpose of detecting and apprehending any individual suspected or wanted only for violating a civil immigration offense. Law enforcement officers have no authority to take any police action solely because the person is an undocumented alien. This includes identifying, questioning, detaining, or demanding to inspect federal immigration documents.



BY THE GOVERNOR

  
Secretary to the Governor

GIVEN under my hand and the Privy Seal of the  
State in the City of Albany this fifteenth  
day of September in the year two  
thousand seventeen.

