



State of New York

Executive Chamber

No. 170.1

EXECUTIVE ORDER

AMENDMENT TO EXECUTIVE ORDER 170 - STATE POLICY CONCERNING IMMIGRANT ACCESS TO STATE SERVICES AND BUILDINGS

WHEREAS, access to State services is critical to the well-being of immigrant communities and their integration into the State;

WHEREAS, New York State remains committed to welcoming immigrants as vital and respected members of our State;

WHEREAS, pursuant to Executive Order No. 170, it is the policy of the State that State officers or employees shall not inquire about an individual's immigration status unless necessary to determine eligibility for a program, benefit, or provision of a service, or disclose information to federal immigration authorities for the purpose of federal civil immigration enforcement unless required by law;

WHEREAS, the State has a recognized interest in maintaining the safety and security of its facilities to ensure that all residents have equal access to State programs, benefits, and services and must implement policies in furtherance thereof;

WHEREAS, federal immigration authorities have increasingly conducted immigration enforcement activity in sensitive spaces crucial to immigrants' full participation in the economic, civil, and cultural life of the State;

WHEREAS, immigration enforcement activity in these spaces create a chilling effect, preventing immigrants from fully participating in the State;

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 proclaim and order as follows:

A. Definitions

1. "State facility" shall mean any building, or part thereof, owned or leased by any Affected State Entity.
2. "Affected State Entities" 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, Chief Executive, or the majority of the Board Members, except the Port Authority of New York and New Jersey.
3. "Judicial Warrant" shall mean a warrant issued by a magistrate sitting in the judicial branch of local, state, or federal government.
4. "Judicial Order" shall mean an order issued by a magistrate sitting in the judicial branch of local, state, or federal government.

B. Federal Immigration Authorities Access to State Buildings

Civil arrests by federal immigration authorities may only be executed within state facilities when accompanied by a judicial warrant or judicial order authorizing them to take into custody the person who is the subject of such warrant, unless the civil arrest is related to a proceeding within such facility.



BY THE GOVERNOR

G I V E N under my hand and the Privy Seal of the
State in the City of Albany this twenty-
fifth day of April in the year two
thousand eighteen.

A handwritten signature in black ink, appearing to read "Addams".

A handwritten signature in black ink, appearing to read "Mr. C".

Secretary to the Governor