STATE OF NEW YORK

9366

2025-2026 Regular Sessions

IN ASSEMBLY

December 19, 2025

Introduced by M. of A. ROMERO -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law and the executive law, in relation to procedures and restrictions regarding the discovery and disclosure of immigration status by the state and city universities of New York

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 2 of the education law is amended by adding six new subdivisions 25, 26, 27, 28, 29, and 30 to read as follows:

25. "Immigration authorities" means any officer, employee, or government employee who is responsible for enforcement of the federal Immigration and Nationality Act, including any officer or agent of United States Immigration and Customs Enforcement or United States Customs and Border Protection.

26. "Immigration enforcement" means the enforcement of any civil provision of the federal Immigration and Nationality Act or any provision of law that penalizes a person's presence in, entry into, or reentry into the United States.

27. "Immigration law" means any civil provision of the federal Immigration and Nationality Act and any provision of law that penalizes a person's presence in, entry into, or reentry into the United States.

28. "Immigration detainer" means any document, form, or other communication requesting or directing that a New York State University police officer or other government entity detain or maintain custody of an individual, for any period of time, for pickup by or transfer to immigration authorities.

29. "Civil immigration warrant" means any warrant for a violation of civil immigration law that is not issued by a judge appointed pursuant to Article III of the United States constitution or a federal magistrate judge appointed pursuant to 28 USC § 631, and includes any warrant entered into the national crime information center database.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD13377-01-5

30. "University employee" means any individual employed for hire by the State University of New York who performs work on a full-time or part-time basis, any individual employed by the State of New York who performs work on or involving any State University of New York campus, or any individual performing work for the State University of New York under a contract.

§ 2. The education law is amended by adding a new article 128 to read as follows:

ARTICLE 128

PROCEDURES FOR NEW YORK STATE UNIVERSITY POLICE OFFICERS AND EMPLOYEES PERTAINING TO IMMIGRATION ENFORCEMENT

Section 6360. Duties of New York state university police officers and employees; immigration.
6360-a. Direction by immigration authorities.
6360-b. Immigration detainer; questioning, investigation or interrogation prohibited.
6360-c. Inquiry into and collection of information about citizenship or immigration status prohibited.
6360-d. Notification of immigration authorities prohibited.
6360-e. Transfer of custody to immigration authorities.
6360-f. Entry of immigration status into a database.
6360-g. Immigration authorities as interpreters prohibited.
6360-h. Written consent for interview.
6360-i. Receipt of information regarding citizenship.
6360-j. Compliance with court orders and judicial warrants.
6360-k. Application of laws.

§ 6360. Duties of New York state university police officers and employees; immigration. The duties and authority of New York state university police officers and employees shall not include authority to engage in immigration enforcement. New York state university police officers and employees shall not use university resources or public resources for immigration enforcement.

§ 6360-a. Direction by immigration authorities. No New York state university police officer or employee shall be subject to the direction or supervision of immigration authorities. No New York state university police officer or employee shall participate in or be subject to any agreement for the purpose of immigration enforcement.

§ 6360-b. Immigration detainer; questioning, investigation or interrogation prohibited. No New York state university police officer or employee shall question, investigate, or interrogate an individual solely on the basis of an immigration detainer, a civil immigration warrant, or an actual or suspected violation of immigration law.

§ 6360-c. Inquiry into and collection of information about citizenship or immigration status prohibited. 1. No New York state university police officer or employee shall inquire about a person's citizenship, immigration status, nationality, or country of origin, unless required by law or necessary to administer a public program or benefit sought by that person.

2. No New York state university police officer or employee shall collect information regarding citizenship, immigration status, nationality, or country of origin, unless required by law or necessary to administer a public program or benefit sought by that person.

§ 6360-d. Notification of immigration authorities prohibited. No New York state university police officer or employee shall notify or otherwise communicate with immigration authorities regarding:

1. the date, time, or location that an individual will be released from custody;

2. the time, date, or location of an individual's court appearance; or

3. any other information available to officers or employees through or as a result of such employment as a New York state university police officer or employee.

§ 6360-e. Transfer of custody to immigration authorities. No New York state university police officer or employee shall transfer or facilitate the transfer of individuals in their custody to the custody of immigration authorities absent a valid court order or judicial warrant issued by an independent judge appointed pursuant to Article III of the United States constitution or federal magistrate judge appointed pursuant to 28 USC § 631 commanding the arrest of such individual.

§ 6360-f. Entry of immigration status into a database. No New York state university police officer or employee shall enter a person's immigration status into any database maintained by any government entity unless required or necessary to administer a public program or benefit sought by such person.

§ 6360-g. Immigration authorities as interpreters prohibited. No New York state university police officer or employee shall use immigration authorities as interpreters for law enforcement matters relating to individuals being interviewed, interrogated, investigated, or taken into custody.

§ 6360-h. Written consent for interview. 1. In any instance in which immigration authorities are permitted access to an individual in the custody of a New York state university police officer or employee for the purpose of being interviewed, the officer or employee shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that they may decline to be interviewed or may choose to be interviewed with their attorney present. The written consent form shall be provided in English, Spanish, and the five other most widely spoken languages among students attending the state university of New York.

2. After providing an individual in custody with a written consent form pursuant to subdivision one of this section, an officer or employee shall keep a written record of whether the individual declined an interview, consented to an interview, or asked for an attorney to be present at the interview, and whether an interview occurred. The office or agency employing such officer or employee shall maintain all such written records and shall compile an annual summary identifying the number of requests for interviews received and whether each individual declined the interview, consented to the interview, or asked for an attorney to be present at the interview, and how many interviews occurred. Such summary shall not include the personally identifiable information of any individual in custody, and shall be a public record.

§ 6360-i. Receipt of information regarding citizenship. The provisions of this article shall not prohibit New York state university police officers or employees from sending or receiving information regarding an individual's citizenship or immigration status to or from any local, state, or federal agency.

§ 6360-j. Compliance with court orders and judicial warrants. The provisions of this article shall not prohibit officers or employees from complying with valid court orders or judicial warrants issued by an independent judge appointed pursuant to Article III of the United States constitution or federal magistrate judge appointed pursuant to 28 USC § 631.

§ 6360-k. Application of laws. The provisions of this article shall apply notwithstanding any other provisions of state or local law and shall not be construed to in any way expand the authority of state employees to participate in immigration enforcement.

§ 3. The education law is amended by adding a new article 128-A to read as follows:

ARTICLE 128-A
RESTRICTIONS ON IMMIGRATION ENFORCEMENT BY UNIVERSITY EMPLOYEES

Section 6365. Restrictions on immigration enforcement by university employees.

§ 6365. Restrictions on immigration enforcement by university employees. 1. No university employee shall use university resources, including but not limited to time spent while on duty or any state university property, for immigration enforcement purposes.

2. No university employee shall disclose to immigration authorities an individual's personally identifiable information, including, but not limited to, a person's name, social security number, physical description, home address, telephone number, financial information, medical information, place of employment or education.

3. No university employee shall inquire about or collect evidence regarding a person's citizenship, immigration status, nationality, or country of origin, unless required by law or necessary to administer a university program or benefit sought by that person.

4. No university employee shall question, investigate, or interrogate an individual solely on the basis of an immigration detainer, a civil immigration warrant, or an actual or suspected violation of immigration law.

5. No university employee shall permit non-local law enforcement agencies to access non-public areas of property or facilities owned by or under the control of the state unless presented with a judicial warrant signed by a judge or independent magistrate authorizing a search or seeking the arrest of an individual present at the time the judicial warrant is presented.

6. No university employee shall enter a person's immigration status into any database maintained by any state entity unless required or necessary to administer a public program or benefit sought by that person.

7. No university employee shall use immigration authorities as interpreters for law enforcement matters relating to individuals such entities or employees interact with as part of their employment duties.

8. All requests for assistance made by immigration authorities to university employees acting in the course of their duties and all other communications between university employees and immigration authorities shall be recorded. Each university campus shall issue an annual report listing the number of such requests or communications and stating the content and outcome of each request or communication, which shall be promptly delivered to the office of the attorney general and which shall be a public record.

9. This section shall not prohibit university employees from sending or receiving information regarding an individual's citizenship or immigration status to or from any local, state, or federal agency.

10. The provisions of this article shall not prohibit university employees from complying with valid court orders or judicial warrants issued by an independent judge appointed pursuant to Article III of the

United States constitution or federal magistrate judge appointed pursuant to 28 USC § 631.

11. The provisions of this article shall apply notwithstanding any other provisions of state or local law and shall not be construed to in any way expand the authority of state employees to participate in immigration enforcement.

§ 4. The education law is amended by adding a new article 125-C to read as follows:

ARTICLE 125-C

PROCEDURES FOR CITY UNIVERSITY OF NEW YORK DEPARTMENT OF PUBLIC SAFETY OFFICERS AND EMPLOYEES PERTAINING TO IMMIGRATION ENFORCEMENT

Section 6240. Duties of city university of New York department of public safety officers and employees; immigration.
6240-a. Direction by immigration authorities.
6240-b. Immigration detainer; questioning, investigation or interrogation prohibited.
6240-c. Inquiry into and collection of information about citizenship or immigration status prohibited.
6240-d. Notification of immigration authorities prohibited.
6240-e. Transfer of custody to immigration authorities.
6240-f. Entry of immigration status into a database.
6240-g. Immigration authorities as interpreters prohibited.
6240-h. Written consent for interview.
6240-i. Receipt of information regarding citizenship.
6240-j. Compliance with court orders and judicial warrants.
6240-k. Application of laws.

§ 6240. Duties of city university of New York department of public safety officers and employees; immigration. The duties and authority of city university of New York department of public safety officers and employees shall not include authority to engage in immigration enforcement. City university of New York department of public safety officers and employees shall not use university resources or public resources for immigration enforcement.

§ 6240-a. Direction by immigration authorities. No city university of New York department of public safety officers or employees shall be subject to the direction or supervision of immigration authorities. No city university of New York department of public safety officer or employee shall participate in or be subject to any agreement for the purpose of immigration enforcement.

§ 6240-b. Immigration detainer; questioning, investigation or interrogation prohibited. No city university of New York department of public safety officer or employee shall question, investigate, or interrogate an individual solely on the basis of an immigration detainer, a civil immigration warrant, or an actual or suspected violation of immigration law.

§ 6240-c. Inquiry into and collection of information about citizenship or immigration status prohibited. 1. No city university of New York department of public safety officer or employee shall inquire about a person's citizenship, immigration status, nationality, or country of origin, unless required by law or necessary to administer a public program or benefit sought by that person.

2. No city university of New York department of public safety officer or employee shall collect information regarding citizenship, immigration status, nationality, or country of origin, unless required by law or

necessary to administer a public program or benefit sought by that person.

§ 6240-d. Notification of immigration authorities prohibited. No city university of New York department of public safety officer or employee shall notify or otherwise communicate with immigration authorities regarding:

1. the date, time, or location that an individual will be released from custody;

2. the time, date, or location of an individual's court appearance; or

3. any other information available to officers or employees through or as a result of such employment as a city university of New York department of public safety officer or employee.

§ 6240-e. Transfer of custody to immigration authorities. No city university of New York department of public safety officer or employee shall transfer or facilitate the transfer of individuals in their custody to the custody of immigration authorities absent a valid court order or judicial warrant issued by an independent judge appointed pursuant to Article III of the United States constitution or federal magistrate judge appointed pursuant to 28 USC § 631 commanding the arrest of such individual.

§ 6240-f. Entry of immigration status into a database. No city university of New York department of public safety officer or employee shall enter a person's immigration status into any database maintained by any government entity unless required or necessary to administer a public program or benefit sought by such person.

§ 6240-g. Immigration authorities as interpreters prohibited. No city university of New York department of public safety officer or employee shall use immigration authorities as interpreters for law enforcement matters relating to individuals being interviewed, interrogated, investigated, or taken into custody.

§ 6240-h. Written consent for interview. 1. In any instance in which immigration authorities are permitted access to an individual in the custody of a city university of New York department of public safety officer or employee for the purpose of being interviewed, the officer or employee shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that they may decline to be interviewed or may choose to be interviewed with their attorney present. The written consent form shall be provided in English, Spanish, and the five other most widely spoken languages among students attending the city university of New York.

2. After providing an individual in custody with a written consent form pursuant to subdivision one of this section, an officer or employee shall keep a written record of whether the individual declined an interview, consented to an interview, or asked for an attorney to be present at the interview, and whether an interview occurred. The office or agency employing such officer or employee shall maintain all such written records and shall compile an annual summary identifying the number of requests for interviews received and whether each individual declined the interview, consented to the interview, or asked for an attorney to be present at the interview, and how many interviews occurred. Such summary shall not include the personally identifiable information of any individual in custody, and shall be a public record.

§ 6240-i. Receipt of information regarding citizenship. The provisions of this article shall not prohibit city university of New York department of public safety officers or employees from sending or receiving

information regarding an individual's citizenship or immigration status to or from any local, state, or federal agency.

§ 6240-j. Compliance with court orders and judicial warrants. The provisions of this article shall not prohibit officers or employees from complying with valid court orders or judicial warrants issued by an independent judge appointed pursuant to Article III of the United States constitution or federal magistrate judge appointed pursuant to 28 USC § 631.

§ 6240-k. Application of laws. The provisions of this article shall apply notwithstanding any other provisions of state or local law and shall not be construed to in any way expand the authority of state employees to participate in immigration enforcement.

§ 5. The education law is amended by adding a new article 125-D to read as follows:

ARTICLE 125-D
RESTRICTIONS ON IMMIGRATION ENFORCEMENT BY CITY UNIVERSITY OF NEW YORK EMPLOYEES

Section 6242. Restrictions on immigration enforcement by city university of New York employees.

§ 6242. Restrictions on immigration enforcement by city university of New York employees. 1. No city university employee shall use city university resources, including but not limited to time spent while on duty or any city university of New York property, for immigration enforcement purposes.

2. No city university employee shall disclose to immigration authorities an individual's personally identifiable information, including, but not limited to, a person's name, social security number, physical description, home address, telephone number, financial information, medical information, place of employment or education.

3. No city university employee shall inquire about or collect evidence regarding a person's citizenship, immigration status, nationality, or country of origin, unless required by law or necessary to administer a university program or benefit sought by that person.

4. No city university employee shall question, investigate, or interrogate an individual solely on the basis of an immigration detainer, a civil immigration warrant, or an actual or suspected violation of immigration law.

5. No city university employee shall permit non-local law enforcement agencies to access non-public areas of property or facilities owned by or under the control of the state unless presented with a judicial warrant signed by a judge or independent magistrate authorizing a search or seeking the arrest of an individual present at the time the judicial warrant is presented.

6. No city university employee shall enter a person's immigration status into any database maintained by any state entity unless required or necessary to administer a public program or benefit sought by that person.

7. No city university employee shall use immigration authorities as interpreters for law enforcement matters relating to individuals such entities or employees interact with as part of their employment duties.

8. All requests for assistance made by immigration authorities to city university employees acting in the course of their duties and all other communications between city university employees and immigration authorities shall be recorded. Each city university campus shall issue an

annual report listing the number of such requests or communications and stating the content and outcome of each request or communication, which shall be promptly delivered to the office of the attorney general and which shall be a public record.

9. This section shall not prohibit city university employees from sending or receiving information regarding an individual's citizenship or immigration status to or from any local, state, or federal agency.

10. The provisions of this article shall not prohibit city university employees from complying with valid court orders or judicial warrants issued by an independent judge appointed pursuant to Article III of the United States constitution or federal magistrate judge appointed pursuant to 28 USC § 631.

11. The provisions of this article shall apply notwithstanding any other provisions of state or local law and shall not be construed to in any way expand the authority of state employees to participate in immigration enforcement.

§ 6. The executive law is amended by adding a new section 63-e to read as follows:

§ 63-e. Immigration status reports and databases. 1. The office of the attorney general shall review all reports provided to it pursuant to articles one hundred twenty-five-C, one hundred twenty-five-D, one hundred twenty-eight and one hundred twenty-eight-A of the education law and prepare an annual summary of such reports, which shall also identify any alleged omissions or discrepancies in the reported information and any information that may indicate a violation of state law. Such summary shall be a public record.

2. The office of the attorney general shall establish a system to solicit and receive complaints from the public about improper use of resources by state or local entities or employees for immigration enforcement and improper sharing of information by state or local entities or employees with immigration authorities. The attorney general shall investigate all such complaints to determine whether a violation of state law occurred, and may bring civil actions against the state university of New York, the city university of New York, their campuses, or employees acting in their official capacity in the name of the people of the state of New York to obtain appropriate equitable or declaratory relief if the attorney general determines that a violation of state law occurred.

3. For any databases operated by the state university of New York or the city university of New York state and local law enforcement agencies, including databases maintained for the agency by private vendors, the attorney general shall, by the first of January following the effective date of this section, in consultation with appropriate stakeholders, publish guidance, audit criteria, and training recommendations aimed at ensuring that such databases are governed in a manner that limits the availability of information contained therein, to the fullest extent practicable and consistent with federal and state law, to anyone or any entity for the purpose of immigration enforcement. All state and local law enforcement agencies are encouraged to adopt necessary changes to database governance policies consistent with such guidance.

§ 7. This act shall take effect immediately.