



ALERT: Rikers Transfers and Non-Citizens

On October 13, 2021, Governor Hochul and Mayor De Blasio [announced](#) a plan to transfer the majority of women and Transgender, Gender Non-Conforming, NonBinary, and Intersex (TGNCNBI) people who are incarcerated by DOC at Rose M. Singer Center (RMSC) on Rikers Island to New York State DOCCS facilities (the Bedford Hills Correctional Facility and the Taconic Correctional Facility). The Immigrant Defense Project joins public defenders, organizers and directly impacted people currently at RMSC in condemning this plan and in calling for the Governor and City government to use their existing authority to decarcerate by releasing people from Rikers.

[DOCCS has long collaborated](#) with ICE to facilitate deportation and the State laws governing communication with ICE are different from the City laws. For this reason, there may be significant negative impacts for non-citizens if transferred to DOCCS custody. Counsel will not be notified in advance of a transfer and therefore, must take affirmative steps to protect clients who may face negative consequences as a result of transfer. While transfers have been scheduled, written guidance from DOC has not yet been made publicly available.

Below is a summary of what advocates have learned through conversations with DOC.

Will non-citizens at RMSC be transferred to New York State DOCCS facilities?

The announcement stated that “no current detainees with any pending immigration-related matters will be transferred.” However, DOC is unable to identify all individuals in custody to whom this may apply. While DOC has stated that they will not transfer people who currently have an ICE detainer lodged against them, they are relying on notification from counsel to fully identify people who may face collateral consequences as a result of transfer.

What do I do if my client is a non-citizen at risk of transfer?

Counsel may contact DOC to request that non-citizen clients not be transferred. These requests may be sent to Daniel Ades at daniel.ades@doc.nyc.gov and should include the client’s name, and identifying information such as the NYSID and Book & Case. The request does not need to include confidential information about the client’s immigration status but should identify that the client is at risk of experiencing adverse immigration and/or other collateral consequences. Counsel who do not wish to put their client’s information in e-mail may contact Daniel Ades to inquire about alternative options.

Should I make a no-transfer request for EVERY non-citizen client?

Due to the gravity of the immigration consequences clients may experience if transferred, we recommend making an affirmative request for *every* non-citizen client, including those who have a lodged detainer. Counsel should not rely on an indication of a foreign place of birth or a lodged detainer in the NYC DOC Inmate Lookup Service to assume their clients will not be transferred. In the past, this public database has erroneously indicated that a detainer is lodged even when DOC records do not show a lodged detainer. In addition, DOC has stated it will not rely on the place of birth (“nativity”) information it keeps to determine who should not be transferred.

IDP offers free immigration consults on cases assigned through the 18-b panel. If you represent any non-citizen client on a criminal case in New York City and are assigned counsel, reach out to IDP by filling out our webform at www.immdefense.org/webform, emailing us at attorneyadvice@immdefense.org, or leaving a message at 212-725-6422.