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Coalition Warns Governor Hochul's Immigration Package Fails to Protect New Yorkers

Governor Hochul's budget and proposed immigration package would codify qualified immunity in New York for the first time. A coalition of civil rights, community, legal, and advocacy organizations, along with legislators, is demanding that lawmakers eliminate it and pass NY for All.

ALBANY, NY [February 12th, 2026] — Ahead of the Public Protection Budget Hearing, a coalition of legislators and 70 national, statewide, and community organizations, led by the Campaign to End Qualified Immunity in NY, delivered Governor Hochul a letter warning that her proposals to hold ICE accountable while codifying qualified immunity would, in practice, delay or deny justice for those harmed by ICE.

The Governor's budget and matching Program Bill #20 would create a cause of action to sue federal officials and codify qualified immunity – the same legal doctrine that shields public officials from accountability nationwide – in New York State law for the first time.

While recent proposals have moved away from some of the most harmful provisions under consideration, the coalition made clear that any framework claiming to advance accountability — particularly in the context of immigration enforcement — must confront qualified immunity, a core legal barrier that has long denied survivors and families access to justice.

The letter calls on Albany to remove any language that, either explicitly or implicitly, codifies qualified immunity — and to go further by eliminating qualified immunity (S176/A1402) and passing the New York for All Act, which would broadly prohibit local and state law enforcement and other agencies from colluding with ICE.

[Link to full letter and signatory list](#)

Quotes:

“Accountability cannot be built on exemptions,” said **State Senator Robert Jackson**. “If New York truly intends to protect its residents—immigrants and non-immigrants alike—we cannot enshrine into state law the very doctrine that has denied families justice for decades. Qualified immunity does not strengthen public safety; it weakens public trust by placing power above accountability. We should not accept a framework that promises justice with one hand while taking it away with the other. Real protection means ending collaboration with ICE, eliminating qualified immunity, and affirming a simple principle: no one who violates civil rights is above the law. New York must choose courage over convenience—and justice over illusion.”

“With federal agents deployed in cities across the US, it’s urgent that New York move quickly and thoughtfully to protect our constitutional rights.” said **State Senator Zellnor Myrie**. “We must create a pathway for real consequences when officers violate our rights by passing the New York Civil Rights Act, and also continue our fight for accountability by ending qualified immunity.”

“I strongly support creating a clear cause of action that allows New Yorkers to hold federal officers accountable when their constitutional rights are violated. Accountability is essential to rebuilding trust in our institutions. However, the final budget must not codify qualified immunity in statute as it is antithetical to true accountability. This doctrine has developed through decades of judicial interpretation, not enacted law, and remains deeply contested. We can advance accountability without freezing into law a legal standard that has too often denied access to justice in the face of clear violations of our basic civil rights.” said **Assembly Speaker Pro Tempore Pamela Hunter**.

“Governor Hochul’s recently announced public safety proposals mark a step in the right direction towards protecting our immigrant communities and all New Yorkers from ICE and the Trump administration’s authoritarian overreach, but we must continue to push for more,” said **Assemblymember Gabriella A. Romero (D, WFP-Albany, Guilderland, New Scotland)**. “We have a responsibility to take action and pass bold, impactful legislation - my bill, the New York Civil Rights Act, as well as New York for All - that will protect the rights of the people of our state. Alongside this fight, our push to end qualified immunity continues to further ensure that no one is above the law. Meeting the moment we’re in means fighting for accountability, safety, and meaningful paths to justice.”

“Qualified immunity erodes public trust and creates unjust loopholes for misconduct,” said **Council Member Harvey Epstein**. “Qualified immunity protects public officials who violate someone’s civil rights. While Governor Hochul is attempting to hold law enforcement officials accountable, her budget proposal codifies qualified immunity into state law. I stand with the Legal Defense Fund in urging Governor Hochul and the State Legislature to amend the budget proposal to eliminate qualified immunity and ensure that every person is held to the same legal standards under the law.”

"We want to hold ICE accountable — but we reject the false choice the governor is forcing on us: protect immigrant communities from ICE or protect New Yorkers who have long borne the brunt of civil rights abuses. We demand both," said **Katerina Siira, Co-Lead of EndQINY**.

"While we appreciate Governor Hochul's intention to protect New Yorkers from federal agents violating our rights, we urge her to remove the enshrinement of defense doctrine of qualified immunity from her proposal. Qualified Immunity serves only to protect bad actors from accountability. New Yorkers deserve true access to justice and that can only be accomplished by ensuring that qualified immunity is not codified into state law and is in fact ended in our state as laid out in S176 / A1402." said **Amanda Jack, Director of Policy, The Legal Aid Society**

"We cannot codify a shield for law enforcement and, at the same time, pretend to hold law enforcement accountable. As long as qualified immunity exists, and as long as it is in this proposal, law enforcement accountability will be imperiled in New York," said **Kevin E. Jason, Deputy Director of Strategic Initiatives at the Legal Defense Fund**. "No one is above the law. Our immigrant communities must be protected and legal barriers that immunize law enforcement officers must be dismantled. We urge Governor Hochul to amend her proposal by removing the shield of qualified immunity."

"New York must take real action now to protect immigrant New Yorkers - by passing the New York for All Act to broadly prohibit our local and state agencies from colluding with ICE and by ensuring there is a pathway to take action when law enforcement officials of any kind violate New Yorkers' rights," said **Yasmine Farhang, Executive Director of the Immigrant Defense Project**. "Albany's inaction on New York for All has allowed for rampant collusion between local and state law enforcement with ICE, causing irreparable harm to New Yorkers who have been racially profiled and funneled to detention and deportation. Our leadership cannot wait a moment longer to protect the rights, safety, and dignity of all New Yorkers."

"Ending qualified immunity will curb misconduct and violence in Immigration Enforcement. The safety and effectiveness of federal immigration enforcement depend on trust from the communities it impacts, and trust cannot exist without accountability. As long as qualified immunity functions as an absolute shield, that trust is undermined. The credibility of ICE, like any law-enforcement body, is built on accountability, not immunity. When the law protects power instead of people, it's not justice, it's a failure of the law, and it's time to change it", said **Leah Nelson, representative from Westchester Coalition For Police Reform**.

"New Yorkers seeking relief when their civil rights are violated by federal agents or local law enforcement are too often stymied by qualified immunity defenses. Governor Hochul's proposal intended to hold ICE accountable misses the mark by enshrining those same defenses into law and ensuring that accountability can never be won. Justice demands an end to qualified immunity," said **Danya Jefferson, community leader at VOCAL-NY**.

“New Yorkers deserve legal recourse when ICE agents violate our rights, but any proposal that codifies qualified immunity doesn’t deliver true accountability—just the illusion of it,” said **Alissa Johnson, Legal Fellow at the Surveillance Technology Oversight Project.**

“We’re calling for this bill to be fixed, not rushed, because justice delayed is harm, but justice compromised is not justice at all,” said **Kevin Hunte, The Gathering for Justice.”**

“As the Trump administration continues to trample on people’s constitutional rights nationwide, state lawmakers must ensure New Yorkers have a way to hold federal agents accountable. But true accountability requires ending qualified immunity — not enshrining it into law,” said **Medha Raman, Legal Fellow at the New York Civil Liberties Union.** “Governor Hochul must amend her proposal by removing qualified immunity defenses that have historically blocked New Yorkers from accessing justice, even in some of the most egregious cases of law enforcement misconduct. Anything less will leave New Yorkers’ rights vulnerable to abuse and government misconduct unchecked.”

“New Yorkers shouldn’t be told they have access to accountability while the law quietly protects people who violate their rights,” said **Andrew Case, Supervising Counsel at LatinoJustice PRLDEF.** “Putting qualified immunity into law would weaken accountability at a time when our communities, especially our immigrant community, need real access to justice. True public safety means ending cooperation with ICE and making sure no one is above the law.”

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