

## ACT 117 - 2025

### BOARD OF LEGISLATORS COUNTY OF WESTCHESTER

Attached in an Act authorizing the County Attorney to take appropriate action, including commencement of a legal action if necessary, relating to the United States Department of Homeland Security's erroneous designation of the County of Westchester as a sanctuary jurisdiction.

In 2017, the President issued Executive Order (EO) 13,768, which was directed at so called "sanctuary jurisdictions," which the administration has repeatedly defined as those jurisdictions that obstruct the enforcement of federal immigration law by failing to comply with 8 U.S.C. § 1373. EO 13,768 threatened to cut funding to states and its subdivisions, unless they comply with federal immigration law, including 8 U.S.C. § 1373, which requires that states and their subdivisions engage in the free exchange of information related to immigration enforcement. Accordingly, the County responded to EO 13,768 in 2018, by passing the Immigrant Protection Act ("IPA"), which required County law enforcement and employees to comply with § 1373 and any other requirements of federal law. The IPA was the result of a policy position that County law enforcement and employees would not assist the federal government with enforcement of federal immigration law, a decision authorized by the 4<sup>th</sup> and 10<sup>th</sup> Amendments to the United States Constitution. Many jurisdictions around the United States passed similar legislation.

The IPA fully complies with federal immigration law and federal criminal law. The IPA neither actively assists the federal government with the enforcement of federal immigration law, a policy decision that the 10<sup>th</sup> Amendment authorizes, nor shields aliens from deportation, especially those who commit crimes. Through bipartisan collaboration in 2018, the IPA was developed to provide required information to the federal government, but also to protect the due process rights of the residents of our County from government overreach.

During the President's first- and second-term in Office, his administration has either attempted to cut off federal funding to States and their subdivisions or has filed lawsuits against states and their subdivisions, seeking court orders to require them to enforce federal immigration law. In fact, after taking office this year, the President signed EO 14,218 and EO 14,287, both of which mirrored EO 13,768, in language and purpose, in that they threaten to withhold federal funds from "sanctuary jurisdictions" that do not actively assist the federal government in enforcing federal immigration law or, in their words, seek to shield aliens from deportation. EO 14,287 required the Attorney General, in coordination with the Secretary of Homeland Security, to publish a list of "jurisdictions that obstruct the enforcement of Federal immigration laws (sanctuary jurisdictions)." The EO then directs federal departments and agencies to identify federal funding that can be suspended or terminated for sanctuary jurisdictions, and requires the Attorney General and Secretary of Homeland Security to "pursue all necessary legal remedies and enforcement measures to end these violations."

On May 29, 2025, the Department of Homeland Security published its list of sanctuary jurisdictions, which included Westchester County. However, by this administration's own definition, the County is not a sanctuary jurisdiction. The County complies with § 1373 by not restricting any agency or employee from providing information that § 1373 requires.

The proposed Act will allow the County Attorney to take action to combat this designation as a "sanctuary jurisdiction." Given the nature of the threat from the federal government—both cutting off federal funds and potential enforcement actions, it is better to take aggressive action now, rather than to wait for funding to be cut off. Other States and localities, such as the County and City of San

Francisco, have taken successful pre-emptive action to prevent federal funds from being cut off on the basis of a sanctuary designation.

The proposed act does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 14, 2025, which is on file with the Clerk of the Board of Legislators.

For the foregoing reasons, the Board of Legislators shall consider this proposed Act.

**ACT NO. 117 - 2025**

AN ACT authorizing the County Attorney to take appropriate action, including commencement of a legal action if necessary, relating to the United States Department of Homeland Security's erroneous designation of the County of Westchester as a sanctuary jurisdiction.

BE IT ENACTED by the Board of Legislators of the County of Westchester, as follows:

Section 1. The County Attorney is hereby authorized on behalf of the County to take appropriate action, including commencement of a legal action, if necessary, against the United States Department of Homeland Security, and/or any other necessary and appropriate parties, relating to the designation of the County as a sanctuary jurisdiction.

Section 2. The County Attorney or his duly designated representative is hereby authorized to undertake such legal proceedings and prepare all documents necessary or desirable to accomplish the purpose of this Act.

Section 3. This Act shall take effect immediately.

STATE OF NEW YORK                    )  
  )    ss.  
WESTCHESTER COUNTY                )

**I HEREBY CERTIFY** that I have compared the foregoing Act, Act No. 117 - 2025, with the original on file in my office, and that the same is a correct transcript therefrom, and of the whole, of the said original Act, which was duly adopted by the County Board of Legislators, of the County of Westchester on June 2, 2025, and approved by the County Executive on June 3, 2025.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 3<sup>rd</sup> day of June, 2025.



Malika Vanderberg

The Clerk of the Westchester County  
Board of Legislators

County of Westchester, New York

