



# Executive Order 13 Audit

Report of Audit Findings & Recommendations

*Friday, May 22, 2026*

## INTRODUCTION

New York City is a proud city of immigrants. Nearly 40% of the city's population is foreign-born. This figure exceeds 60% when including the children of immigrants. This remarkable tapestry comprises teachers, doctors, business owners, street sweepers, deliveristas, taxi drivers, mayors, and other public servants alike—all New Yorkers.

For decades, City leaders have recognized that the safety and well-being of all City residents are intertwined, regardless of immigration status. This recognition has led to the passage and implementation of local laws and guidance that aim to strengthen trust in City agencies, personnel, and property. This trust is the central purpose of key laws and policies that ensure all City residents—regardless of immigration status—can seek medical care without fear, report crimes without being turned over to non-local law enforcement, and rest assured about how the City uses and shares their information with other government stakeholders.

Today, with dramatic and evolving shifts in the federal government's approach to immigration enforcement, New Yorkers have seen their family, friends, and neighbors fall prey to Immigration and Customs Enforcement (ICE) in their homes, outside in our communities, and at immigration court. ICE continues to separate families, return New Yorkers at risk of persecution and harm to danger in their home countries or even in third countries, and hold New Yorkers in dangerous conditions at distant, out-of-state detention facilities.

At ICE's Lower Manhattan Office on Elk Street, media reporting describes the stories of at least 15 people who were arrested over the course of one day in 2025 at routine and mandatory ICE check-ins.<sup>1</sup> A home health aide from Guyana was arrested by masked agents as the friend accompanying her to the appointment looked on in fear. A mother and her child were walked out of the building, handcuffed by ICE agents, as other family members nervously awaited their own fate inside. Some made it out without arrest. Many, like a Venezuelan woman whose daughter-in-law was arrested during the appointment, wondered how they would tell their loved ones what happened when they returned home without them.

Between January 20, 2025, and March 10, 2026, ICE arrested 5,567 individuals in the New York City area—a 71% increase compared to the same number of days at the end of the previous administration.<sup>2</sup> ICE conducted over half of these arrests at immigration court at 26 Federal Plaza. About 15% of arrests were tied to Alternatives to Detention (ATD), ICE's

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<sup>1</sup> Gwynne Hogan, *ICE Turns Required Check-Ins Into Arrest Dragnet in Lower Manhattan*, THE CITY, June 3, 2025, <https://www.thecity.nyc/2025/06/03/ice-arrest-dragnet-manhattan>.

<sup>2</sup> The Deportation Data Project dataset that these statistics are drawn from categorizes arrests by Area of Responsibility (AOR), the geographic region that each ICE Enforcement and Removal Operations field office manages. The New York City AOR includes the five boroughs and surrounding counties. Within each AOR, the data is further broken down by office or facility. The numbers cited here are drawn from the total number of cases that ICE has labeled "New York, NY, Docket Control Office," the narrowest available filtering of data to just New York City and are therefore a helpful rough estimate but not exact. <https://deportationdata.org/index.html>.

electronic monitoring program—indicating such arrests were made at check-ins for individuals who were complying with requirements of their supervision.

Moreover, in this climate, other federal agencies not historically focused on civil immigration enforcement—such as Homeland Security Investigations (HSI) and the Office of Refugee Resettlement (ORR)—are now playing a greater role in civil immigration enforcement, helping expand the dragnet that could ensnare New Yorkers.

On February 6, 2026, Mayor Mamdani issued Executive Order 13 (EO 13), *Protecting New Yorkers from Abusive Immigration Enforcement*, which established the Interagency Response Committee (IRC) to coordinate the City’s response to crises and mandated concrete actions to strengthen New York City’s compliance with local laws. The IRC is chaired by the First Deputy Mayor, in direct consultation with the Chief Counsel to the Mayor and City Hall, the Special Advisor for Strategic Coordination and Operations to the First Deputy Mayor, and the Commissioner of the Mayor’s Office of Immigrant Affairs (MOIA), with support from the Corporation Counsel and the Law Department.

EO 13 directed a public safety audit of six City agencies—the Administration for Children’s Services (ACS), Department of Correction (DOC), Department of Probation (DOP), Department of Health & Mental Hygiene (DOHMH), Department of Social Services (DSS), and the New York Police Department (NYPD)—and recommended the voluntary participation of New York City Health + Hospitals (H+H). On May 7, 2026, the Mayor received this audit.

## EXECUTIVE SUMMARY

The EO 13 audit required a review of agency compliance with all relevant policies and protocols related to civil immigration enforcement, including under New York City Administrative Code §§ 9-131, 9-205, 10-178, and 14-154, and directed agencies to present recommendations to the Mayor about how to strengthen their implementation of the relevant local laws by May 7, 2026.

The federal government's intensified approach to civil immigration enforcement in our City— together with concerns elevated by the Department of Investigation (DOI), advocates, journalists, and other stakeholders— informed a robust audit process intended to understand: (1) all City agency interactions with federal immigration authorities; (2) the shifting enforcement landscape; and (3) immediate and long-term recommendations to bolster relevant City policies and protocols. Among other things, the multi-agency audit process revealed that federal immigration authorities have heightened their targeting of City shelters, drastically increased their issuance of detainer requests to DOC and NYPD, and engaged in other aggressive and misleading tactics.

In completing their audits, agencies focused on reviewing their key policies, protocols, and trainings, directly responding to issues and gaps that the IRC identified through data analysis, research, and engagement with internal and external stakeholders. The audit also directed participating agencies to develop recommendations regarding:

- **Improved Tracking:** Enhancing internal processes to document requests from federal immigration authorities.
- **Comprehensive Reporting:** Increasing compliance with requirements under local laws to report such requests and agency responses.
- **Enhanced Review:** Strengthening procedures for making determinations on requests for information and assistance from federal immigration authorities in compliance with our local laws.
- **Transparency:** Ensuring all New Yorkers can access updated policies and protocols as well as quarterly reports on requests from federal immigration authorities.
- **Compliance:** Bolstering regular audits for compliance and training standards to ensure these policies and protocols are effectively put into practice.

**On May 7, 2026, the Mayor received the audit. The Mayor reviewed the audit, including the proposed recommendations submitted by the agencies, and adopted the following recommendations:**

### ***1. Updates to Agency-Specific Policies & Protocols***

Participating agencies submitted recommendations specific to their policies and protocols to the Mayor for adoption, in consultation with the IRC. Each agency's key recommendations are summarized in a detailed chart in *Section III* of the report. The IRC will now work with agencies to implement these updates to their policies and protocols. When finalized, these updated agency policies and protocols will be published through each agency's website as required under EO 13.

The following are examples of proposed recommendations submitted by agencies and adopted by the Mayor after his review:

Agency	Recommendation
ACS	ACS will strengthen its practice of reviewing determinations for seeking orders of protection, if the safety of the children and/or caregiver can be met otherwise, when there are potential negative immigration consequences for the parent.
DSS	DSS will revise protocols and training on access to City property and lots, drawing from lessons learned through the audit of incidents of unauthorized ICE entry in 2025.
NYPD	NYPD will establish protocol requiring that the Communications Division notify Operations of any 911 calls related to the presence of federal immigration authorities or immigration matters. Operations will notify Department leadership and a Legal Bureau executive. A patrol executive will be sent to the scene. NYPD will also track these requests.
H+H	H+H will develop materials, policy, and/or guidance that addresses protocols for when ICE brings an individual to H+H facilities for medical care.

**2. Updates to Citywide Guidance on Reporting Requests for Information & Assistance from Federal Immigration Authorities**

In addition to individual agency audits, the IRC reviewed historic reporting data, including unreported incidents, and identified significant gaps in City agency reporting on interactions with federal immigration authorities. The First Deputy Mayor will, in his capacity as Chair of the IRC, issue updated guidance to City agencies on the reporting requirements under N.Y.C. Admin. Code §§ 9-131, 9-205, 10-178, and 14-154. This updated guidance will ensure reporting accounts for *all* agency interactions with federal immigration authorities, particularly given the changing nature of immigration enforcement on the ground.

**3. Updates to Citywide Guidance on Non-Local Law Enforcement Access to City Property & Lots**

As part of the audit process, the IRC also engaged in a comprehensive review of incidents involving federal immigration authorities that occurred since January 2025 at shelters, foster care centers, and other City property and assessed protocols across agencies relating to access to City property and lots. Based on this review, the IRC and the Law Department made recommendations to update citywide best practices and guidance on non-local law enforcement access to City property and lots, which were adopted by the Mayor. The IRC and the Law Department will jointly issue this updated guidance to inform the subsequent development of revised agency-specific protocols and trainings.

# I. KEY FINDINGS

## *City Agency Interactions with Federal Immigration Authorities*

Since January 2025, City agencies have reported increased interactions with federal immigration authorities. The following examples illustrate recent interactions between federal immigration authorities and City agencies.

### *In-Person Interactions*

Between January and August 2025, the Department of Homeless Services (Homeless Services) reported a dramatic increase in immigration enforcement at City shelters (since then, however, Homeless Services has indicated that the rate of activity has decreased).<sup>3</sup> Recent incidents have included:

- Homeland Security personnel have sought specific clients, in some instances presenting subpoenas, and in other instances, presenting administrative warrants (which do not authorize access to shelters). In two instances, federal immigration authorities presented judicial warrants (which are legally binding and signed by a judge). In one of these instances, the subject individual was arrested. In the other, the subject individual was no longer at the shelter.
- In February 2025, seven HSI officers carrying guns and wearing facemasks entered a shelter to detain a client, pushing past a shelter staff member who was attempting to take and send to agency counsel a picture of a warrant the officers presented for counsel's opinion of the warrant's validity and the officers' authorization to enter.
- Ten times in April 2025, officers from ICE, HSI, and other federal law enforcement agencies, including the Federal Bureau of Investigation (FBI) and the Drug Enforcement Agency (DEA), visited shelters. These officers' requests ranged from asking to conduct "wellness checks" on children to other inquiries about specific clients. In some instances, officers pushed past shelter staff. In other cases, officers showed up in plainclothes requesting information and left when denied access or information without legal authorization.
- Between May and August 2025, officers from ICE, HSI, and, in one instance, the U.S. Marshals Service, visited shelters 13 times. In one of these instances, in June 2025, Homeland Security personnel initially identified themselves as FDNY officers. After a City employee asked them to provide identification, they acknowledged they were with Homeland Security.

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<sup>3</sup> Several incidents listed here were not included in published MOIA reporting during FY25 and FY26 as they were raised by agencies to MOIA after the relevant reports were published or surfaced through the agency audit process. Going forward, MOIA and the IRC will work to revise previously published reports and issue unpublished reports per the updated guidance on reporting. The changes implemented in this guidance are described in more detail below.

### *Other Agency Interactions with Federal Immigration Authorities*

Moreover, additional reported City agency interactions with federal immigration authorities capture the current breadth of immigration enforcement requests to City agencies:

- ICE's ATD electronic monitoring program requested access to a temporary migrant shelter managed by H+H as a partner in the City's response for asylum seekers, outside of H+H's standard facilities or operations. Access was not provided.
- ACS received a request for information about the location of a minor in agency juvenile justice custody. ACS did not provide information in response to the request.
- ICE attempted to conduct a "wellness check" on a minor in ACS custody.
- The Taxi and Limousine Commission (TLC) received a request from HSI for a TLC license application. This request was denied.
- U.S. Citizenship and Immigration Services (USCIS) asked a Department of Environmental Protection (DEP) employee to help the agent locate another DEP employee. The individual named, however, was not a DEP employee.
- ICE agents asked to use the bathroom at a DOP location in Brooklyn, then attempted to look through the sign-in book. Staff intercepted them, and after asking for identification which indicated they were ICE agents, escorted them out.

### *Detainer Requests*

In 2025, DOC received 895 requests for civil immigration detainers from ICE, requesting DOC to notify the Department of Homeland Security of release dates and to detain the individuals for up to 48 hours after their release time. This number represented an **over 120% increase** compared to 2024.

Only where authorized under certain exceptions pursuant to City laws, DOC responded to 2.7% (24) of these requests by providing notification of an individual's release and facilitating their transfer to ICE custody (DOC did not keep anyone detained beyond the term of their sentence).

The NYPD received 3,672 requests for civil immigration detainers in FY25, up from only 99 requests in FY24. The agency did not transfer any individuals in response to these requests. DOP received zero requests in 2025. ACS received one detainer request in 2025, which it declined to honor in compliance with City laws.

### *Other Interactions with Federal Immigration Authorities Reviewed by the Department of Investigation (DOI)*

In addition to the interactions discussed above, in 2025, DOI published two reports outlining previously unreported interactions between federal immigration authorities and the NYPD or DOC.

First, a September 2025 [report](#) found that there was at least one instance in which a DOC investigator complied with a request for information from HSI relating to civil immigration enforcement for two individuals in DOC custody and violated City law and DOC policy in doing

so.<sup>4</sup> The DOC investigator placed an alert on two DOC detainees based on HSI's request and helped ICE track the release of one of the detainees, leading to this individual's arrest upon their release from Rikers. However, DOI concluded the failure was not intentional and recommended improved training and protocols, which DOC has since adopted.

Most recently, a December 2025 [report](#) discussed five previously unreported instances where NYPD officers interacted with federal agents.<sup>5</sup> DOI concluded that one of these instances, in which an NYPD officer honored a request related to civil immigration enforcement from HSI, violated NYPD policy and local law. The NYPD took action to remove the officer from his task force assignment, and the officer is facing disciplinary action.

NYPD and DOC are implementing recommendations from DOI in response to these incidents, and the EO 13 audit process was more broadly informed by the findings and recommendations that DOI outlined in these reports.

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<sup>4</sup> Department of Investigation Report on the Department of Correction, September 25, 2025, <https://www.nyc.gov/assets/doi/reports/pdf/2025/38DOC.Release.Rpt.09.25.2025.pdf>.

<sup>5</sup> Department of Investigation Report on the New York Police Department, December 3, 2025, <https://www.nyc.gov/assets/doi/reports/pdf/2025/49NYPD.SanLawsRelease.Rpt.12.03.2025.pdf>.

## II. AGENCY AUDITS OVERVIEW

Under EO 13, ACS, DOC, DOHMH, DOP, DSS, and NYPD were required to complete a public safety audit to “ensure compliance with all relevant laws, rules, procedures, guidelines, and reporting requirements related to non-local immigration enforcement, including but not limited to Sections 9-131, 9-205, 10-178, and 14-154 of the Administrative Code, and any other applicable federal, state, or local law.” H+H voluntarily agreed to participate in the audit. While New York City Public Schools (NYCPS) was not included in EO 13, the IRC engaged NYCPS, which affirmatively began their own internal process of reviewing policies and protocols independent of the formal audit process.

Since EO 13 was issued on February 6, 2026, the IRC has worked with the subject agencies to review all policies and protocols related to their interactions with federal immigration authorities.

### **Scope**

Agencies were asked to provide all internal policies and protocols, in effect on April 1, 2026, relating to interactions with federal immigration authorities. The audit included priority areas:

- Review of Internal Policies and Protocols
- Recommended Changes to Policies and Protocols
- Agency-Specific Issues

Agencies were asked to disclose any interactions with federal agencies that were related to immigration such as those with the USCIS Fraud Detection & National Security Directorate (FDNS) and the U.S. Department of Health and Human Services’ Office of Refugee Resettlement (ORR). The goal was to identify all interactions that may relate to civil immigration enforcement, even with agencies that have not historically played a central role in civil immigration enforcement. Agencies were also asked to disclose their interactions with any other federal agencies not identified but that may nevertheless have a nexus to federal immigration enforcement.

### III. AGENCY-SPECIFIC ISSUES & RECOMMENDATIONS

The tables below outline key, agency-specific issues that the IRC directed participating agencies to review in their audits, as well as key recommendations that each agency developed with support from the IRC, which the Mayor reviewed and adopted.

Agencies completed review of all key issues identified in their audit submissions. In some cases, reviews satisfied concerns and did not result in recommendations. In other cases, as a result of their review, agencies developed recommendations that were submitted to and ultimately adopted by the Mayor after his review. And in other instances, the IRC is conducting further assessments and deliberations with agencies as part of an ongoing review process.

#### Key Issues Reviewed

Agency	Key Issues Reviewed
<b>ACS</b>	<ul style="list-style-type: none"> <li>Identifying instances of limited proactive engagement by ACS with federal immigration authorities relating to minors in ACS custody in support of a minor's benefit request (e.g., requesting an A#).</li> <li>Frequency of requests to the Office of Refugee Resettlement (ORR) regarding the transfer of youth from ORR to ACS care.</li> <li>Protocols for reviewing court reports to ensure immigration status is not included.</li> <li>Protocols regarding seeking orders of protection against parents with vulnerable immigration status and consideration of alternatives if the safety of the children and/or caregiver can be met otherwise.</li> </ul>
<b>DOC</b>	<ul style="list-style-type: none"> <li>Protocols for review of cases in which communication with federal immigration authorities may occur.</li> <li>Data-sharing protections in contracts with technology vendors.</li> <li>Policies related to inappropriate communications, responsive to concerns about communications between DOC and immigration officials identified through prior FOIL requests from 2015-2019.</li> <li>Practice of notifying and transferring individuals in custody to ICE.</li> <li>Daily reports sent to ICE regarding national origin of noncitizens admitted into custody who have qualifying "violent or serious convictions," as defined by Section 9-131.</li> </ul>
<b>DOP</b>	<ul style="list-style-type: none"> <li>Compliance with reporting requirements.</li> <li>Inclusion of immigration status in presentencing investigation reports which do not require this information under State regulation.</li> </ul>
<b>DSS</b>	<ul style="list-style-type: none"> <li>Security at shelter entryways and best practices to prevent unauthorized non-local law enforcement access.</li> <li>Recent incident where case manager referred a client to 26 Federal Plaza.</li> </ul>
<b>DOHMH</b>	<ul style="list-style-type: none"> <li>Protocols on designation of public versus nonpublic areas of property.</li> </ul>
<b>NYPD</b>	<ul style="list-style-type: none"> <li>Protocols to assess requests from HSI and other federal law enforcement partners through task forces.</li> <li>Policies to prevent information-sharing with federal immigration authorities, including through technology vendors.</li> <li>NYPD responses to 911 calls relating to ICE and related emergency response procedures.</li> </ul>

<b>H+H</b>	<ul style="list-style-type: none"> <li>• Review of property access guidance, including definitions of public versus nonpublic areas.</li> <li>• Continuing to protect patient privacy as required by HIPAA.</li> <li>• Protocols on care for patients under ICE custody.</li> <li>• Voluntary participation in reporting.</li> </ul>
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**Key Recommendations**

Agency	Key Recommendations
<b>ACS</b>	<ul style="list-style-type: none"> <li>• Develop a procedure to seek written consent from attorneys for children prior to outreach to immigration authorities on an individual’s case information when the attorneys for children are seeking the information.</li> <li>• Train and require all quality assurance case reviewers to alert Immigration Services and Language Affairs (ISLA) when they find inappropriate reference to immigration status in case reports.</li> <li>• Require annual refresher trainings for all ACS and provider staff on compliance and reporting requirements.</li> <li>• Institute audit procedures that include re-training if violations are found and disciplinary procedures, if appropriate, if there are repeat violations.</li> <li>• Strengthen practice of reviewing determinations for seeking orders of protection, if the safety of the children and/or caregiver can be met otherwise, when there are potential negative immigration consequences for the parent.</li> <li>• Audit court reports to review any improper inclusion of immigration status.</li> </ul>
<b>DOC</b>	<ul style="list-style-type: none"> <li>• Institute enhanced review of requests from federal law enforcement agencies to ensure they are not in furtherance of civil immigration enforcement, including through task forces.</li> <li>• Reinforce procedures for review of relevant documents at or near the time of release from DOC’s custody when making determinations regarding exceptions that permit communication with immigration officials, such as “youthful offender” designations, qualifying convictions, and the relevant time frames. These records would include all internal records and court documents, including securing orders, the Uniform Sentence &amp; Commitment forms, EJustice and NCIC printouts.</li> <li>• Discontinue daily reports sent to ICE regarding national origin of noncitizens admitted into custody who have qualifying “violent and serious convictions,” as defined by Section 9-131, because this reporting is not required by federal, state, or local law or regulation.</li> <li>• Expand quarterly outreach to additional departments at DOC when collecting data on requests for information and assistance as part of internal review.</li> <li>• Audit emails to identify any improper communication between DOC officers and ICE agents.</li> </ul>
<b>DOP</b>	<ul style="list-style-type: none"> <li>• Institute limitations on inclusion of information about immigration status in presentencing investigation reports.</li> <li>• Strengthen internal protocols for documenting, tracking, and publicly posting detainer requests and other requests for information and assistance.</li> </ul>

<b>DSS</b>	<ul style="list-style-type: none"> <li>• Revise incident reports to ensure all incidents and interactions at shelters are reported.</li> <li>• Revise protocols and training on access to City property and lots, drawing from lessons learned through the audit of incidents of unauthorized ICE entry in 2025.</li> <li>• Issue guidance in response to incorrect referral to 26 Federal Plaza with explicit instructions that individuals should not be referred there by case workers but instead be connected to an immigration lawyer.</li> </ul>
<b>DOHMH</b>	<ul style="list-style-type: none"> <li>• Update post-incident protocols, including notification to individuals and counsel when appropriate.</li> <li>• Review facility signage and develop process to audit facility signage.</li> </ul>
<b>NYPD</b>	<ul style="list-style-type: none"> <li>• Institute protocol for notification to the Operations Division of any request, for information or otherwise, in connection with civil immigration enforcement.</li> <li>• Adopt enhanced protocols requiring supervisory and legal review, and written documentation, to ensure federal requests for information unrelated to joint NYPD-federal criminal investigations are not for purposes of civil immigration enforcement. (NYPD already has protocols in place for reviewing requests for information from federal agencies, including requests for information from the Real Time Crime Center.)</li> <li>• Establish protocol requiring that the Communications Division notify Operations of any 911 calls related to the presence of federal immigration authorities or immigration matters. Operations will notify Department leadership and a Legal Bureau executive. A patrol executive will be sent to the scene. NYPD will also track these requests.</li> <li>• Comply with outstanding reporting requirements under §§ 10-178 and 14-154 by June 2026.</li> <li>• Consistent with DOI recommendations, NYPD is conducting an email audit of task force officers to ensure their compliance with the local law. This audit will be completed by the end of June 2026.</li> <li>• After the conclusion of this audit, NYPD will determine the cadence of additional audits.</li> </ul>
<b>H+H</b>	<ul style="list-style-type: none"> <li>• Develop materials, policy, and/or guidance that addresses protocols for when ICE brings an individual to H+H facilities for medical care.</li> <li>• Centralize best practices into materials, policy, and/or guidance that address interactions with federal immigration authorities at system facilities, including requests for information or assistance from federal immigration authorities to H+H.</li> <li>• Revise flowchart and materials on interactions with federal immigration authorities, as needed, before making them available to staff.</li> <li>• Develop training plan for all staff on policies and protocols, including a cadence of training.</li> <li>• Commit to voluntary reporting consistent with requirements in § 10-178, within the parameters of HIPAA and other legal privacy requirements.</li> </ul>

## IV. CITYWIDE RECOMMENDATIONS ON POLICIES & PROTOCOLS

### 1. Reporting Pursuant to Local Laws 58, 59, 226, and 228

Local laws govern City agencies' participation in civil immigration enforcement. These local laws specify the limited circumstances under which agencies may assist or support federal immigration authorities,<sup>6</sup> and, as relevant to this section, establish reporting requirements for requests for information and assistance from federal immigration authorities, including detainer requests.

Pursuant to Local Laws 58 and 59 (N.Y.C. Admin. Code §§ 9-131 and 14-154), DOC and NYPD must publish annual reports detailing the number of detainer requests received from federal immigration authorities, the agencies' responses to those requests, and the number of individuals transferred to ICE that year. Section 9-131 also requires disaggregating the reporting of any transfers to ICE by qualifying conviction status for a "violent or serious crime" or for a possible match in a federal terrorist screening database.

In 2017, the Council passed Local Law 228 (N.Y.C. Admin. Code § 10-178). Local Law 228 established a citywide reporting requirement on requests for information or assistance from federal immigration authorities. In addition to this broader requirement, Local Law 228 amended §§ 9-131 and 14-154 to require DOC and NYPD to report all requests for information received on individuals in their custody, in addition to detainer requests. Also in 2017, the Council passed Local Law 226 (N.Y.C. Admin. Code § 9-205), extending the detainer reporting requirements to DOP, mirroring the requirements of § 14-154.

The chart below summarizes the relevant reporting requirements under local law, including the year in which they came into effect:

Agency	Detainer Request	Requests for information about individuals in custody	All requests for information or assistance not reported elsewhere
<b>DOC</b>	§ 9-131 (2011)	§ 9-131 (added in 2017)	§ 10-178 (2017)
<b>NYPD</b>	§ 14-154 (2013)	§ 14-154 (added in 2017)	§ 10-178 (2017)
<b>DOP</b>	§ 9-205 (2017)	§ 9-205 (2017)	§ 10-178 (2017)
<b>All other agencies</b>	N/A, reported in § 10-178 (2017)	N/A, reported in § 10-178 (2017)	§ 10-178 (2017)

<sup>6</sup> The audit determined that DOC's practices are in legal compliance with Administrative Code § 9-131. Nonetheless, DOC and the IRC recommend further assessment for consideration of future practices.

## *Updated Recommendations on Reporting*

To ensure agency reporting provides a full accounting of interactions with federal immigration authorities, particularly considering the changing nature of immigration enforcement, the IRC recommended, and the Mayor adopted, the following revisions to strengthen agencies' compliance with the reporting requirements under §§ 9-131, 9-205, 10-178, and 14-154.

### A. What Agencies Should Now Report to MOIA Under § 10-178

To clearly capture the nature of interactions between federal immigration authorities and City agencies, instances previously considered not subject to reporting requirements should now be reported, including: (1) subpoenas and warrants; (2) "non-voluntary" requests for support or assistance with immigration enforcement,<sup>7</sup> including when federal agents enter without making an explicit request; (3) instances where it becomes clear after the initial interaction that a federal agency's request pertains to civil immigration enforcement; and (4) instances where federal agencies commonly tasked with immigration matters, even without an obvious enforcement function, request information or assistance. Agencies should be overinclusive in their reporting to MOIA. The Office of the Chief Counsel to the Mayor and City Hall, MOIA, and the Law Department will work to determine what is reportable.

### B. All Available Details

Agency reports should no longer include "other instances" and instead include detail on these instances if they are considered reportable interactions with federal immigration authorities under the new guidance.

### C. Voluntary Participation from NYC Health + Hospitals & New York City Public Schools

While not required to by local law, H+H and NYCPS agreed to voluntarily participate in reporting consistent with the requirements in § 10-178 going forward and to collect and publish reports on requests for information and assistance they receive from federal immigration authorities in alignment with other City agencies, within the parameters of HIPAA, FERPA, and other legal privacy requirements.

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<sup>7</sup> Section 10-178 defines immigration enforcement as "the enforcement of the civil provisions of the immigration and nationality act; enforcement of any provision of federal law, including but not limited to chapter 3 of title 50 of the United States code and section 1459 of title 19 of the United States code, that penalizes a person being found in, or a person's presence in, failure to depart from, entry into, or reentry into, the United States; enforcement of any provision of federal law that penalizes conduct related to the registration, travel document, or supervision requirements contained in the immigration and nationality act; and enforcement of any provision of federal law where the mayor has determined that such federal law is being used by federal immigration authorities as a proxy for civil immigration enforcement."

D. No Reporting on Detainers Lodged Under § 10-178

NYPD, DOC, and DOP should not submit information about civil immigration detainers lodged as part of their reporting under § 10-178, since they are already reporting this information pursuant to §§ 9-131, 9-205, and 14-154.

E. Standardize Disaggregation of Detainer Requests in Reporting

Under §§ 9-205 and 14-154, NYPD and DOP are not currently required to disaggregate the number of civil immigration detainers lodged by conviction status and/or possible match in a federal terrorist screening database, whereas DOC is required to do so per § 9-131(f)(4)-(5). These three agencies should standardize their reporting as related to civil immigration detainers and include the disaggregation metrics outlined in § 9-131.

F. Aligning to Quarterly Reporting

Reporting under §§ 9-131, 9-205, and 14-154, which currently only require annual reporting, should be brought under the same timeline, frequency, and process as § 10-178. Agencies will now be required to submit their reports to the Chief Counsel to the Mayor and City Hall, MOIA, and the Law Department according to this calendar below.

Quarter	Period	Agency Reports Due By
Q1	July 1 – September 30	October 10
Q2	October 1 – December 31	January 10
Q3	January 1 – March 31	April 10
Q4	April 1 – June 30	July 10

**2. *Reviewing Protocols on Access to City Property & Lots***

In connection with the EO 13 audit, the IRC also reviewed existing citywide practices and protocols on non-local law enforcement access to City property and lots. This work involved conducting site visits at shelters to more clearly understand how federal immigration authorities have made attempts, some successful, to gain unauthorized access to City property.

After this review, the IRC, with support from the Law Department, made recommendations on updates to citywide best practices and protocols for non-local law enforcement access to City property and lots, which the Mayor adopted. The updated best practices and guidance materials are for all public-facing City employees, defined for this purpose to include contracted and subcontracted personnel acting on behalf of the City. The following is a summary of the updated best practices and guidance:

- **Prior to Arrival of Non-Local Law Enforcement:** Best practices to ensure enhanced review of non-local law enforcement requests to enter City property or lots before they arrive

at or enter the premises, as well as enhanced preparedness if there are verified reports of non-local law enforcement nearby.

- **On Arrival of Non-Local Law Enforcement:** Steps to ensure compliance with proper escalation protocols for requests for access to City property and lots, including guidance to support personnel responding to escalation by non-local law enforcement.
- **On Entry of Non-Local Law Enforcement:** Best practices to mitigate impacts if non-local law enforcement receive authorization to enter City property or lots, as well as guidance to escalate, document, and exercise oversight in response to unauthorized entry. These best practices also include post-incident response recommendations.
- **Presence of Non-Local Law Enforcement in Public Areas:** Steps to take in the event non-local law enforcement authorities are observed in areas of City property which are open to the general public.
- **Addressing City Lots:** Guidance specific to protocols around non-local law enforcement attempts to use City lots as a staging area, processing location, or operations base for civil immigration enforcement operations.
- **Printed Materials & Signage:** Best practices for signage to demarcate public and nonpublic areas of City property, as well as other helpful printed materials to include at entrances to City property where appropriate, such as examples of judicial versus administrative warrants and updated contact information of agency general counsel.
- **Training:** Requirement for training all public-facing City employees, including contracted and subcontracted personnel on these policies.
- **Contracting:** A reminder to agencies that they should update human services contracts to ensure these requirements are included, as required by local law.

### ***3. Protecting New Yorkers' Privacy***

The federal government has worked to expand its access to data about immigrant communities and those seeking access to gender-affirming care to supercharge immigration enforcement and implement restrictive policies on access to care. As a result, immigration enforcement is increasingly reliant on data from government agencies that immigrants rely on to access services and third-party contractors and data brokers who have access to data on our communities. For example, the Centers for Medicare and Medicaid Services (CMS) have entered into a data-sharing agreement with ICE.<sup>8</sup>

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<sup>8</sup> A coalition of 22 states, including New York, filed litigation in a California federal court challenging the Trump Administration's sharing of Medicaid data with ICE. A judge issued a partial injunction against this data-sharing arrangement, prohibiting the sharing of personal data regarding U.S. citizens or lawful permanent residents in the 22 plaintiff states and the transfer of sensitive medical information. However, the court allowed CMS to share with ICE basic biographical, location, and contact data for undocumented immigrants. In late March 2026, plaintiffs moved to enforce the partial injunction, alleging that CMS has shared a massive dataset with ICE beyond the limited parameters of information-sharing allowed under the injunction. The litigation remains ongoing.

In response to these developments, EO 13 called on City agencies to identify their agency privacy officer and directed the Chief Privacy Officer of the City to train agency privacy officers on compliance with the City's Identifying Information Law. As of April 7, 2026, as prescribed in EO 13, 100% of mayoral agencies have received training on Identifying Information Law compliance from the Chief Privacy Officer.

The Identifying Information Law (N.Y.C. Admin. Code § 23-1201 *et seq.*) requires City agencies to submit comprehensive biennial agency reports about their privacy practices with respect to the collection, retention, and disclosure of identifying information. As part of the EO 13 audit process, the IRC worked with the Office of Information Privacy (OIP) to update the biennial report template OIP provides to agencies, which will now require agencies to report all covered technology services agency contracts that include the identifying information rider.<sup>9</sup> The City has not previously tracked agency implementation of this Citywide privacy policy requirement. The updates will also require agency reporting regarding disclosure of identifying information to third parties under such contracts.

The IRC asked several agencies to consider in their audits specific technologies and vendors which may have been at risk of data-sharing with federal immigration authorities, given the way their systems operate or data-sharing partnerships between local, state, and federal partners in other parts of the country. For the technologies and vendors reviewed, the audit confirmed agencies include the necessary identifying information law rider and contract provisions pertaining to data sharing limitations as required by the local law.

Going forward, the IRC will continue to review contracts and data-sharing agreements between City agencies and third parties to ensure these contracts are in compliance with local law and to ensure unauthorized data-sharing does not put New Yorkers at risk.

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<sup>9</sup> The Identifying Information Rider is a standard document related to the protection of identifying information. The Identifying Information Rider supplements the City Standard Human Services Contract, the Discretionary Fund Contract for human services less than \$100,000, other human services contracts, and other contracts for services designated by the Chief Privacy Officer (which include technology services contracts that involve sensitive identifying information).

## V. NEXT STEPS

To continue implementing EO 13, the IRC and City agencies will take the following next steps:

### **1. Reporting**

- MOIA and the Law Department will review and post unpublished new and revised reports to ensure they are aligned with the IRC's updated guidance on reporting.
- All City agencies will update their internal process for documenting, tracking, and reporting requests for information and assistance, including detainer requests, and provide an update on this process to the Office of the Chief Counsel to the Mayor and City Hall, MOIA, and the Law Department. H+H and NYCPS will be encouraged to submit as well.

### **2. City Property & Lots**

- All City agencies will submit their updated agency-specific policies and protocols on access to property and lots to the IRC leadership and the Law Department, in alignment with the updated citywide best practices and protocols, as appropriate for their specific conditions and personnel safety needs. This submission should include a description of training plans for public-facing City employees, including contracted and subcontracted personnel. H+H and NYCPS will be encouraged to submit as well.
- All City agencies will publicly post their agency-specific updated policies and protocols on non-local law enforcement access to City property and lots.
- All City agencies will disseminate updated policies and protocols and train public-facing City employees, including contracted and subcontracted personnel.

### **3. Updated Policies & Protocols**

Pursuant to § 2(b) of EO 13, ACS, DOC, DOHMH, DOP, DSS, and NYPD will publish their updated policies and protocols on interactions with federal immigration authorities.

### **4. Updated Training**

In their audit responses, agencies subject to the audit presented recommended updates to training for City employees, including contracted and subcontracted personnel. All City agencies will ensure that these revised training procedures are implemented.

### **5. Mechanisms for Ongoing Review**

ACS, DOC, DOHMH, DOP, DSS, and NYPD shall continuously review and update their policies and protocols as needed. The IRC will review quarterly reporting to ensure that the updated policies and protocols, tracking mechanisms, and trainings are effective. Once a quarter, after reviewing and publishing reports, MOIA will brief the IRC on how the revised guidance is affecting updated reporting and interactions between City agencies and federal immigration authorities across agencies.

Consistent with EO 13's directive to continuously review agency policies and protocols, NYPD, in partnership with the IRC, will assess whether there are any updates to policy or procedure to

be made in light of the incident involving ICE at Wyckoff Heights Medical Center that occurred on Saturday, May 2, 2026, just prior to the submission of the audit to the Mayor.

In addition, the IRC will engage other agencies that were not required to participate in the audit to review their policies and protocols governing interactions with federal immigration authorities and to develop response protocols in the event of escalations in federal immigration enforcement. For example, this engagement will include continued voluntary conversations with NYCPS, as well as engagement with the Department of Youth and Community Development (DYCD), which the IRC engaged on policies and protocols in response to learning of potential non-local law enforcement interactions at youth shelters that are contracted through the agency.

## ***6. Public Education and Outreach***

Section 5 of EO 13 outlined employee and public education requirements. These requirements include developing and disseminating:

- Information on how to manage interactions with non-local law enforcement seeking assistance or information for the purpose of conducting immigration enforcement.
- Training materials and courses for public-facing City employees or contractors likely to encounter representatives of non-local law enforcement agencies.
- Materials to inform members of the public about local laws and policies regarding access to City property and information.

All three of these EO directives are satisfied by ongoing efforts to ensure City employees are adequately trained on the City's policies and protocols relating to interactions with federal immigration authorities and ensuring policies and protocols are publicly available.

Finally, Section 5 of EO 13 directs the development and dissemination of information about individuals' rights and options. The IRC is working closely with MOIA and the Office of Mass Engagement (OME) to support ongoing Know Your Rights work and to develop other public engagement programming around the City's policies and protocols on these issues.