

WNY REGIONAL IMMIGRATION ASSISTANCE CENTER

MONTHLY NEWSLETTER

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Everything You Need to Know for Your Noncitizen Clients

If your noncitizen client is facing criminal charges or adverse findings in Family Court, please contact the WNY Regional Immigration Assistance Center.

We are funded by the New York State Office of Indigent Legal Services (ILS) to assist mandated representatives in the 7th and 8th Judicial Districts in their representation of noncitizens accused of crimes or facing findings in Family Court following the Supreme Court ruling in *Padilla v. Kentucky*, 559 U.S. 356 (2010), which requires criminal defense attorneys to specifically advise noncitizen clients as to the potential immigration consequences of a criminal conviction before taking a plea. There is no fee for our service. Please consider contacting us, whether you are a criminal defense, appellate or family defense attorney, for any of the following services:

- To receive advisals on plea offers and other dispositions to reduce and alleviate the immigration consequences on a noncitizen's status
- To join you in communicating to your client the aforementioned advisory we have provided
- To assist you by providing language access to communicate with a client who does not speak English when your office does not have such capacity, or provide you with a list of referrals to interpretation/translation services
- To assist you in determining the status of a noncitizen who does not have documentation of that status available
- To communicate our advisory concerning your noncitizen client in writing or orally to opposing counsel or to a court
- To provide CLEs on the immigration consequences of crimes to your defender community
- To participate in case conferences with you and others in your office to discuss noncitizen cases in the criminal justice system
- To refer you to deportation defense services and counsel

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IMPORTANT REMINDER

The WNYRIAC is not funded to represent individuals on immigration cases. Our work with defense attorneys is described on this front page of the newsletter. Please do not refer your clients to us because we will then refer them elsewhere and this can be frustrating for them. If you would like a list of lawyers who handle immigration cases, please email Abbey Alexander at aalexander@labbuffalo.org.

Note that because immigration is civil law, not criminal law, there is no constitutional right to an attorney at government expense and free lawyers are limited, especially as immigration agencies are defunded by the federal government and compete for limited pockets of money to help the poor.

DOJ Challenges New York's Protect Our Courts Act in Federal Lawsuit

By Wedade Abdallah, Managing Attorney, WNYRIAC, Legal Aid Bureau of Buffalo

On June 12, 2025, The U.S. Department of Justice (DOJ) sued New York State regarding the Protect Our Courts Act (POCA), a state law that prohibits civil immigration arrests in or around New York State courthouses without a judicial warrant. N.Y. Civ. Rights Law § 28.1. The DOJ lawsuit also challenges NYS Executive Orders 170 and 170.1. These orders limit civil arrests within certain state facilities and prevent New York government employees from disclosing certain information to immigration authorities.¹ The DOJ argues that these laws pose obstacles to federal immigration enforcement and directly regulate and discriminate against the federal government in contravention of the Supremacy Clause of the United States Constitution.

POCA was signed into law by Governor Andrew Cuomo on December 15, 2020, with the stated purpose of shielding access to justice and participation in the judicial system. At the time of POCA's signing, then Governor Cuomo stated, "This legislation will ensure every New Yorker can have their day in court without fear of being unfairly targeted by ICE or other federal immigration authorities." POCA safeguards court access so that those accused of crimes can fully contest the allegations against them in court regardless of immigration status. It also ensures that noncitizens who are victims of unfair labor practices, domestic violence and other abuses can seek protection from the courts without fear of being arrested on civil immigration violations.

In its lawsuit, the DOJ argues that the immigration authorities' discretion to make arrests, unencumbered by state law, outweighs New York's interest in unrestricted access to the justice system. Federal immigration authorities want to arrest individuals at courthouses because they believe it reduces the risk of flight and is safer for immigration agents because individuals are searched for weapons before entering the courthouse. The DOJ seeks an order declaring POCA as unenforceable and a permanent injunction barring New York from enforcing POCA.

In response to the DOJ lawsuit, the New York State Attorney General's Office issued the following statement:

"The Protect Our Courts Act ensures every New Yorker can access our courts and pursue justice without fear, because due process means nothing if people are too afraid to appear in court. Attorney General James will proudly defend this law and all of New York's laws, just as she will continue to defend the rights and dignity of all who call New York home."²

¹ *United States v. State of New York* (June 12, 2025), <https://www.justice.gov/ag/media/1403571/dl>

² *Trump Administration Sues New York over Law blocking immigration arrests at courthouses*, *The Hill*, June 12, 2025. <https://thehill.com/regulation/court-battles/5346692-trump-administration-new-york-hochul-immigration-arrests/#:~:text=%E2%80%9CImmigrants%20make%20New%20York%20great,afraid%20to%20appear%20in%20court.>

As of today, an injunction has not been issued by the district court and POCA remains in effect. We will be sure to keep you updated on new developments as this litigation continues. In the meantime, be sure to contact the WNYRIAC for immigration advice when you are representing a person who was not born in the United States.

Supreme Court Stays Injunction on Third Country Deportations

The U.S. Supreme Court stayed a lower court order which enjoined the government from deporting individuals to third countries where they have no connection. The lower court decided that immigrants must have notice and an opportunity to argue deportation to a third country would put them in danger. For now, the Supreme Court's order appears to eliminate this requirement, while litigation continues. This means that clients with prior removal orders based on criminal convictions may be deported to third countries even if their country of citizenship will not accept them. [Read more here.](#)

Nassau Sued Over ICE Partnership

The Nassau County Police Dept. and the county have been sued by five plaintiffs, including CARECEN, a non-profit that serves immigrants, who are harmed by NCPD's unlawful 287g agreement with ICE. [Read more here.](#) According to the [New York Times](#), "The lawsuit, the first of its kind in New York State, says that the agreement between the county and the federal government violates state law, undermines protections against unreasonable searches and seizures, and promotes racial profiling." Additionally, "...If successful, the suit could threaten similar or future agreements in New York. Two other counties that lean conservative — Broome and Niagara — signed partnerships with ICE this year, joining Rensselaer County, which has had a pact with federal immigration authorities since 2018."

New Travel Ban Restricts Entry From Multiple Countries

On June 4, 2025, President Trump renewed and expanded the nationality-based travel bans from his first term in office ([read here](#)). As of June 9, 2025, most citizens of 19 named countries below are barred from traveling to the United States. Waivers of the ban may be granted on a case-by-case basis. The waivers are discretionary and require a person to prove their admission to the United States serves a compelling national interest.

The ban applies only to individuals outside of the United States. The ban also does not appear to cancel any status that is already valid. This means people from the listed countries who are already lawfully in the United States may remain until the expiration of their status. We recommend that all nationals of the banned countries, including permanent residents and dual citizens, consult with an immigration attorney before traveling as they may not be able to return

once they depart the United States. Those with pending applications may be denied a visa or their applications may remain unadjudicated indefinitely.

Also, although not explicitly included in the ban, Egyptian nationals may also face more scrutiny. The proclamation orders a report on Egypt's screening and vetting capabilities related to security threats.

During Trump's first term, the travel ban led to chaos and court battles. This time, the ban appears more likely to withstand legal challenges: "They seem to have learned some lessons," Stephen Vladeck, a professor at Georgetown, said of the administration. "But a lot will depend upon how it's actually enforced." For now, the ban should be treated as enforceable and in effect.

The countries impacted by the ban are:

- Afghanistan
- Myanmar (Burma)
- Chad
- Republic of Congo
- Equatorial Guinea
- Eritrea
- Haiti
- Iran
- Libya
- Somalia
- Sudan
- Yemen
- Burundi
- Cuba
- Laos
- Sierra Leone
- Togo
- Turkmenistan
- Venezuela

The WNY Regional Immigration Assistance Center

A partnership between the Ontario County Public Defender's Office
and the Legal Aid Bureau of Buffalo, Inc.

