

New York state sues Trump administration over suspension of Trusted Traveler programs

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New York Attorney General Letitia James announced on Monday that the state would sue the Customs and Border Patrol (CBP) and the Department of Homeland Security (DHS) for its revocation of the Trusted Traveler programs for residents of New York State. The programs allow pre-approved members “to use expedited lanes at the U.S. airports, and when crossing international borders,” according to the DHS website. The suit challenges the constitutionality of the government’s maneuver against residents of the state.

New Yorkers are no longer eligible to participate in most of the Trusted Traveler programs, including Global Entry (entry from abroad); NEXUS (entry from Canada); SENTRI (entry from Canada and Mexico) and FAST (for truck drivers entering the US from Mexico).

TSA Pre-Check is the only Trusted Traveler program that is not suspended, but the DHS has indicated that it too may face the chopping block.

Ken Cuccinelli, acting DHS deputy secretary, said “Roughly 175,000 New Yorkers will be kicked out of Trusted Traveler programs and won’t be able to renew.” He added that “no others will be able to join”.

In addition, a further 80,000 people whose applications had been approved or were being processed will be removed from the program. This suspension makes it more difficult for the city’s frequent travelers including truck drivers traveling to and from Canada and Mexico to conduct their business. The suspension is effectively a sanction against the state’s economy by the federal government.

The Trump administration suspended the program as a part of its intensified attack on Democratic Party-controlled sanctuary cities and states. The measure

against New York is a direct response to the state legislature’s passage of the Green Light law, which allows undocumented immigrants to obtain a driver’s license.

To date, fifteen states and the District of Columbia have passed green-light laws. New York, however, has an additional measure which prevents federal authorities from accessing Department of Motor Vehicle (DMV), records such as drivers’ licenses, adding a layer of difficulty for federal authorities to capture undocumented immigrants.

DHS Acting Secretary Chad Wolf said of the Green Light law, “An aspect of the law which I’m most concerned about is that it prohibits the DMV from providing ICE [Immigration and Customs Enforcement] and CBP with important data used in law enforcement, trade, travel, and homeland security. ICE uses the information as they investigate and build cases against terrorists, and criminals who commit child sexual exploitation, human trafficking, and financial crimes. Unfortunately, because of this law, they can no longer do that.”

According to researchers at Syracuse University, the majority of those detained by ICE have no criminal conviction and under the Trump administration, from 2016-2018, those without a criminal past increased from 55 to 62 percent of detainees. Of those detainees without criminal records are thousands of children.

The Trump administration has continuously spewed lies and falsifications in its fascistic war on immigrant workers. In his State of the Union speech, President Donald Trump blamed the death of an elderly woman on New York City’s sanctuary-city policies, saying “Just 29 days ago, a criminal alien freed by the

sanctuary city of New York was charged with the brutal rape and murder of a 92-year-old woman. The killer had been previously arrested for assault, but under New York's sanctuary policies, he was set free. If the city had honored ICE's detainer request, his victim would be alive today."

By exploiting this tragedy and suspending the Trusted Traveler programs for New York residents, the Trump administration is attempting to eliminate the sanctuary city status of New York City and further dismantle the democratic rights of every person living in the United States. Sanctuary cities are areas which more closely follow the US Constitution's right to due process, which prevents authorities from detaining anyone who is not suspected of committing a crime. Under US law, undocumented immigration status is not a criminal but a civil violation.

While these measures ensure the police and other local government agencies withhold cooperation with the detention and deportation of immigrants, they do nothing to block the operations of ICE agents and other federal officials and contain many loopholes.

Significantly, there has been no serious opposition from the Democratic Party to this latest attack by Trump. The response from the Democrat mayor of New York City, Bill de Blasio, was to glorify the New York Police Department (NYPD). De Blasio tweeted "Every time @realDonaldTrump opens his mouth he lies so I'm never surprised, but to exploit the murder of a 92-year-old woman in a craven attack on the extraordinary work the NYPD has done to protect our city is as loathsome as it gets. He's a corrupt disgrace."

Despite the mayor's bluster, the de Blasio administration has done little to defend immigrants. A report by the Immigrant Defense Project noted that court police officers in New York City are still collaborating with ICE to conduct arrests. This has contributed to a 1,700 percent increase of arrests outside of courtrooms from 2016-2018, largely of immigrants who came into court for minor infractions.

New York's Democratic governor, Andrew Cuomo, has likewise offered almost no resistance to Trump. After the Trusted Traveler program's suspension was announced, Cuomo tweeted that he was "still waiting for a day and time to have a real meeting to have a substantive discussion about these serious issues" with the Trump administration. The Democratic Party,

holding office in sanctuary cities targeted by the Trump administration, has not only been unable to stop attacks on immigrants but has played critical roles in enabling them.

The recently failed impeachment trial of the president pressed by the Democrats did not raise one of his crimes against immigrants as a cause of his removal from office but instead focused on tilting the administration toward a more aggressive policy toward Russia.

In June, a majority of Democrats voted in favor of giving the Trump administration \$4.6 billion in funding for immigrant concentration camps. Democratic Congresswoman and Democratic Socialists of America member Alexandria Ocasio-Cortez voted to bring the bill to the floor of the House for a vote, thus playing a critical role in its passage.

It is notable that the arguments of the suit against the Trump Administration, promoted by state Attorney General James, a fixture of the Brooklyn Democratic Party, are thoroughly reactionary and are couched in the language of national security. The suit appeals to the 2004 Intelligence Reform and Terrorism Prevention Act, enacted in the aftermath of the September 11, 2001 attacks, saying, "[t]he process of expediting known travelers across the borders of the United States can permit inspectors to better focus on identifying terrorists attempting to enter the United States."



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