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Immigration

New York to Sue DHS

Legal Update

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By Immigration Group

This article was prepared with the assistance of ABIL, the Alliance of Business Immigration Lawyers, of which Loan Huynh, Fredrikson Immigration Department Chair, is a member.

The Department of Homeland Security (DHS) informed the New York State Department of Motor Vehicles on February 5, 2020, that New York residents are no longer eligible to apply for or renew their enrollment in Trusted Traveler Programs. Acting Secretary Chad F. Wolf explained that the suspension was in response to New York State's implementing the Driver's License Access and Privacy Act ("Green Light Law"), which prohibits the New York Department of Motor Vehicles from sharing information with DHS, which the agency said prevented DHS from fully vetting New York residents.

New York's Attorney General Letitia James immediately announced plans to sue the Trump administration for "unfair targeting." Also, the chairs of the Oversight and Homeland Security committees of the House of Representatives, and several others, sent a letter to DHS to express opposition to the "senseless, retaliatory decision." They requested documentation of the rationale for the decision and its economic impact, noting that a driver's license is not required to participate in Trusted Traveler Programs and disputing DHS's statements that the action was due to security concerns. New York's Governor Andrew Cuomo said, "This is unbounded arrogance, disrespect of the rule of law, hyper-political government, and this is another form of extortion."

U.S. Customs and Border Protection runs Trusted Traveler Programs that permit expedited processing into the United States, like Global Entry (international), FAST (commercial truck drivers entering and exiting), SENTRI (entering from Canada and Mexico) and NEXUS (entering from Canada), all of which are included in the ban on New York residents.

Additional Information

- CNN article, "New York DHS Global Entry"
- New York Times article, "Green Light Law Global Entry"