New York Sues DHS over Prohibition on New Yorkers’ Inclusion in Trusted Traveler Programs

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New York residents were singled out by the Trump Administration in response to New York’s Green Light Law. That law, which went into effect in December 2019, gave undocumented residents the right to apply for drivers’ licenses. It also prevented the Department of Motor Vehicles (DMV) from releasing their database information to Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) unless the agencies presented a court order. Thirteen states have passed similar laws but so far only New York has been targeted for punishment.

The Trusted Traveler Programs include Global Entry, SENTRI, NEXUS and FAST (Free and Secure Trade). The first three are programs that allow registered individuals who have been pre-vetted to return to and enter the United States more efficiently. FAST provides expedited entry for low-risk commercial carriers. Ken Cuccinelli of both USCIS and DHS expects that this ban will ultimately affect more than 200,000 New Yorkers. Attorney General James stated the new policy “will negatively impact travelers, workers, commerce, and our economy . . .”

The Administration contends that the Green Light law makes it impossible for DHS to review information necessary to approve individuals for Trusted Traveler Programs. Others, such as New York Governor Andrew Cuomo, question that explanation. Indeed, Governor Cuomo said that there is “no rational basis for this ban.” “Time and time again,” he said, “President Trump and his Washington enablers have gone out of their way to hurt New York and other blue states whenever they can as punishment for refusing to fall in line with their dangerous and divisive agenda.”

New Yorkers with currently valid Trusted Traveler status will be able to continue to use that status, but once expired, will not be able to renew. As of this date, registration in TSA Pre-Check is not affected.

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