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Immigrant Defense Project and the ICE Out of Courts Coalition Celebrates Signing of Protect Our Courts Act

With Governor's Signature, New Law Prohibits ICE From Using Courts to Trap Immigrant New Yorkers

NEW YORK— With Governor's Cuomo signing the Protect Our Courts Act (S425/A2176) into law today, New York has taken a momentous step to stop Immigration and Customs Enforcement (ICE) agents from surveilling, arresting and terrorizing immigrant New Yorkers at courthouses. The bill, championed by Senator Brad Holyman and Assemblymember Michelle Solages, was passed by the New York State Assembly and Senate in late July.

Increasingly, ICE has taken advantage of the court system to surveil and target immigrants. The new law prohibits ICE from making civil arrests of people attending New York state courthouses without a judicial warrant. While Colorado and Washington already have similar laws on the books, New York's law is the most expansive—protecting people not just at the courthouse, but travelling to and from court and providing a clear protocol for court staff managing ICE policing at the courthouse.

For over three years, IDP and allies in the ICE Out of Courts Coalition campaigned to fight back against ICE using courthouses as a means to trap immigrant New Yorkers. Beginning in 2017, IDP began tracking ICE raids at NY courthouses and documented an [alarming 1700% increase in ICE courthouse arrests](#) under the Trump administration. ICE increased its use of courthouses to surveil, arrest and terrorize immigrants as part of its [efforts to undermine protections](#) for immigrants in New York State.

ICE's terror tactics didn't start with Trump but they intensified under his administration, especially in states that offered protection for immigrant communities. While we wait to see the changes the Biden administration will make, we know that this law offers vital protection for our immigrant communities.

"Over the past several years, IDP has closely monitored and documented ICE's practices of terrorizing New Yorkers through the thousands of raids ICE conducted in communities and public spaces, including courthouses," said **IDP Interim Executive Director Mizue Aizeki**. "For too long, ICE has conducted raids with impunity—misleading people by using ruses pretending they are local police, catching people off guard in their homes in the early morning, and taking advantage of the court system to advance its deportation agenda. ICE thrives by vilifying and criminalizing immigrants, and New York stands tall in



fighting back against a politics of hate and harm. Today, the ICE Out of Courts Coalition celebrates the years of steadfast advocacy that paved the path for this victory against the constant threat of ICE surveillance and destructive policing. We thank Senator Hoylman and Assemblymember Solages for their leadership in passing this legislation, and Governor Cuomo for signing it into law. ”

Today’s signing builds on last year’s victory when the New York State Office of Court Administration (OCA) announced new court rules prohibiting ICE from arresting individuals in state courthouses without a judicial warrant or judicial order, just weeks after the ICE Out of Courts Coalition issued its report [Safeguarding the Integrity of Our Courts: The Impact of ICE Courthouse Operations in New York State](#). The campaign notched another win earlier this year when New York State Attorney General Letitia James [won a lawsuit](#) against the Trump Administration over its illegal policy of making ICE arrests at state courthouses. Protect Our Courts now ensures these protections are a permanent part of New York State Law.

“Our courthouses must be sanctuaries of justice but arrests by Immigration and Customs Enforcement skyrocketed 1,700% in and near courthouses since 2016. We can’t continue to permit our courts to become hunting grounds for federal agents attempting to round-up immigrant New Yorkers. The Protect Our Courts Act will bar ICE from making warrantless, civil arrests of immigrants in or near a courthouse and give New Yorkers the peace of mind to attend judicial proceedings without fear of prosecution and deportation, whether litigants, witnesses or family members.” **said Senator Brad Hoylman**, “I’m extremely grateful to Senate Majority Leader Andrea Stewart-Cousins for making immigrant rights’ a priority issue for the Senate, Assembly sponsor Michaelle Solages and Governor Andrew Cuomo for signing this important bill into law, along with the wide range of coalition of advocacy organizations that fought for this bill, including the Immigrant Defense Project, Make the Road New York and the New York Immigration Coalition. I’m also thankful to Attorney General Tish James for her successful legal challenge to ICE’s despicable courthouse arrest practices.”

"The individual rights granted to all New Yorkers by the United States Constitution should not be dependent upon who holds the office of the presidency. There is a real and tangible fear amongst the immigrant community that the courts are not safe from ICE intervention, often creating a dangerous barrier for justice,” **stated Assemblymember Michaelle Solages, Chair-elect of the New York State Black, Puerto Rican, Hispanic & Asian Legislative Caucus**. "The Protect of Courts Act reaffirms our commitment to the principles of justice that our courts were founded on. All New Yorkers regardless of income, race, religion, or immigration status should have the opportunity to use the court system to advocate for themselves and their interests. This bill would not have crossed the finish line without my partner, Senator Hoylman, Governor Andrew Cuomo, and the immense efforts of all of the advocacy organizations that make up the Justice Roadmap Coalition, specifically the Immigrant Defense Project and the New York Immigration Coalition. This victory is for every person seeking justice in a New York court of law."

"During the last few years, not even New York's courthouses were free from ICE's terror campaign against immigrant communities," said **Murad Awawdeh, interim Co-Executive Director of the New York Immigration Coalition**. "But, here in the Empire State, we don't tolerate bullies. Working with our



partners in the immigrant rights movement, NYIC fought for all New Yorkers' right to enjoy due process freely, safely, and without fear. We thank Assemblymember Solages and Senator Hoylman for championing this vital piece of legislation. Governor Cuomo's signing of this bill sends a clear message that ICE's intimidation tactics are not welcome in New York."

"Today marks a critical win for immigrant New Yorkers. By putting an end to Immigration and Customs Enforcement (ICE) presence at our courthouses, our communities will now have full equal access to our courts," said **Javier H. Valdés, Co-Executive Director at Make the Road New York**. "Over the past years, we have fought against unlawful arrests that threatened vulnerable individuals and compromised the safety of all New Yorkers. The Protect Our Courts law is crucial to protect our communities, safeguard our courthouses, and continue to defend immigrants against the Trump administration's deportation machine."

Hon. Judy Harris Kluger, executive director of Sanctuary for Families said, "Today, we join our coalition partners in celebrating Governor Cuomo's signing of the Protect our Courts Act. ICE's presence at courthouses across the State has forced countless survivors of abuse and exploitation to make the impossible choice between their safety and potential deportation. While we may never know the true cost of ICE's policies these last four years, we are thrilled to see immigrants' access to justice permanently protected and enshrined in New York State law. We thank Senator Hoylman and Assemblywoman Solages for championing the rights of all New Yorkers and seeing this legislation into law."

"Today Governor Cuomo made sure that our courthouses aren't a target for ICE's deportation machine, and sent a message that New York protects its immigrant families. ICE's malicious practice of arresting people at courthouses was just one cruel part of the Trump administration's anti-immigrant project. With this law in place, immigrant communities will be more able to seek justice and defend their rights without fear of profiling and arrest." **Said Donna Lieberman, Executive Director of the NYCLU**.

"Thank you Governor Cuomo for signing the Protect Our Courts Act and taking this important stand for immigrants in New York against ICE's predatory tactics," **said Rosa Cohen-Cruz, Policy Counsel to the Immigration Practice at The Bronx Defenders**. "The Protect Our Courts Act ensures that immigrants will have the same ability to navigate their legal cases without looming fear of ICE arrests and permanent separation from loved ones. We thank Assemblywoman Solages and Senator Holyman for listening to advocates and impacted people and being champions of this crucial legislation, and we applaud Governor Cuomo for signing it into law today."

"We congratulate Governor Cuomo on signing into law the Protect Our Courts Act, providing much needed legal protection for our immigrant brothers and sisters standing up for justice in our courthouses. Immigration enforcement has no place in our courthouses, and all New Yorkers should feel secure to partake of their rights to bear witness to a crime, combat domestic violence or fight to stay in their homes, without fear of being detained or deported," **said Kyle Bragg, President of 32BJ**.

"As our state's legislature grows more diverse and inclusive, our policies must transform as well. I applaud the New York State Legislature for passing POCA and Governor Cuomo for signing it into law to provide much-needed protections to our state's immigrant community. Our state took a necessary step to



provide basic protections for immigrants in and around our state's judicial facilities regardless of who is in the White House. This will help safeguard immigrant families who could be needlessly torn apart without these protections, ensure all New Yorkers are provided the justice they deserve when going to the courthouse, and make our communities safer. It's my hope that Governor Cuomo and other elected officials in New York and Washington continue fighting for immigrants who are a part of the fabric of our country and who are vital to our ongoing COVID-19 recovery efforts." **said Eddie A. Taveras, New York State Immigration Director, FWD.us**

"LatinoJustice joins with IDP and our allies in the ICE Out of the Courts Coalition in applauding Governor Cuomo's signing of the *Protect Our Courts Act* which will provide immigrant New Yorkers appearing in and going to court with the broadest protections in the country from ICE's warrantless arrest practices that greatly compromised their ability to safely appear and participate in legal proceedings, a cornerstone of the American justice system" said **Jose Perez, Deputy General Counsel at LatinoJustice PRLDEF**. "POCA's passage is the culmination of several years of persistent advocacy by a broad range of immigrants' rights groups and partners led by IDP that documented the devastating impacts of ICE's rogue enforcement practices."

"By signing the Protect Our Courts Act, Governor Cuomo has helped move New York closer to that all important goal of equal justice under law," **said Frankie Miranda, President and CEO of Hispanic Federation**. "This law provides safe access to courthouses and the due process it promises to some of the most vulnerable in our state. Immigrants and their families can now be assured that in New York they can securely avail themselves of the processes which are meant to protect us all."

Hasan Shafiqullah, Attorney-in-Charge of the Immigration Law Unit at The Legal Aid Society, said: "Today marks a new day for all New Yorkers seeking to participate in our judicial system. Our clients and all those who attend court can now do so without fear of ICE's inhumane and unconstitutional enforcement. We thank the Governor for enacting the Protect Our Courts Act and standing up for immigrant communities across the state."

"Brooklyn Defender Services applauds Governor Cuomo and the state legislature for ensuring that New York State courts cannot be used as a stalking ground for ICE's deceptive and inhumane arrest practices," **said Nyasa Hickey, Director of Immigration Initiatives for Brooklyn Defender Services**. "We hope that our state's leadership on the Protect Our Courts Act will pave the way for other states to take steps to protect the rights and due process of immigrants with similar legislation. ICE's practices of using ruses, arresting immigrants without judicial warrants, and using the criminal legal system as a means to arrest and lock up people in dangerous detention centers must be abolished."

"The signing of POCA marks significant progress towards the decriminalization of our communities. At Her Justice, we serve women living in poverty in New York City by providing free, critical legal representation. We know that this bill is an essential component to making justice accessible to all. The signing of POCA allows our clients, over 50% of whom are immigrants, to attend court and access justice without fear of arrest." **said Amy Barasch, Esq., Her Justice Executive Director. of HER Justice**



"We applaud the Governor for signing the landmark Protect Our Courts Act into law. With the passage of this law, New York has sent a clear signal that our courts are safe places where anyone, regardless of immigration status, can access justice. Our clients, survivors of violence and abuse, no longer have to fear going to court to report a crime or seek protection from their abusers because of ICE." said **Evangeline M. Chan, Esq., Director, Immigration Law Project at Safe Horizon**

"ICE has successfully terrorized our non-citizen clients in and around city courthouses for many years now," said **Stan Germán, Executive Director of New York County Defender Services**. "Multiple clients were aggressively taken into ICE custody without a valid judicial warrant, simply because they appeared in court as required by law. We thank the Governor Cuomo for signing the Protect Our Courts Act which will end this unlawful practice and ensure that our courts can be freely entered by all New Yorkers, regardless of immigration status. The courts have already ruled that ICE cannot abduct people from our courts without a judicial warrant. It's time for New York law to enshrine these protections for all."

"My community can finally seek justice without fear of retribution via ICE courthouse raids. It has been a long road full of accompaniment, family separation and intervention in multiple courthouse raids, but the Protect Our Courts Act is finally law. We must continue to fight to end local cooperation with ICE at all levels!" Said **Gloria Martinez, Co-founder and Co-Chair, Columbia County Sanctuary Movement**

"Upstate New Yorkers can rest more easily knowing that these protections are now enshrined in law," said **Jonathan Bix, Executive Director of Nobody Leaves Mid-Hudson**. "We thank Governor Cuomo for taking an important stand against ICE's interference in the state's court system."

"We thank Governor Cuomo for signing the Protect Our Courts Act into law today. These protections will put an end to ICE's campaign of terror and intimidation outside our New York State courthouses, which for too long has kept immigrants and their families from participating in our legal system. With today's signing, Governor Cuomo has reaffirmed New York's commitment to the immigrants in our communities. The Workers Circle is proud of the work we have done to advance this legislation which today becomes law," said **Ann Toback, CEO of the Workers Circle**.

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The Immigrant Defense Project (IDP) is a New York-based nonprofit that works to secure fairness and justice for immigrants in the racially-biased U.S. criminal and immigration systems. IDP fights to end the current era of unprecedented mass criminalization, detention and deportation through a multi-pronged strategy including advocacy, litigation, legal support, community partnerships, and strategic communications. Visit www.immigrantdefenseproject.org and follow [@ImmDefense](https://twitter.com/ImmDefense).