



For Immediate Release

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Federal Judge Rules ICE Cannot Make Courthouse Arrests in New York

New York Attorney General Leticia James and Brooklyn District Attorney Eric Gonzalez Win Summary Judgment: ICE Cannot Use Courts to Trap Immigrant New Yorkers

NEW YORK—The Immigrant Defense Project (IDP) applauded the federal court ruling, the [first permanent injunction](#) in the country barring Immigration and Customs Enforcement (ICE) agents from making any civil arrests at New York state courthouses, and also bars civil arrests of anyone required to travel to a New York courthouse as a party or witness to a lawsuit.

In September, New York Attorney General Letitia James along with Brooklyn District Attorney Eric Gonzalez, filed a lawsuit in the United States District Court for the Southern District of New York (SDNY) against ICE, challenging the legality of the agency’s practice of making civil immigration arrests in and around New York State courthouses. In March 2020, IDP filed an [amicus brief](#) in support of the Attorney General, cited by Judge Jed S. Rakoff in his decision.

With [ICE deployed to New York State](#) as reinforcements for local police repression of protests, and as New York courthouses reopen in the wake of the devastating COVID-19 pandemic, the landmark decision sends a strong message for ICE to end its illegal practice of relying on courthouses to target immigrants. Judge Rakoff issued a grave warning: “It is one thing for the state courts to try to deal with the impediments brought on by a pandemic, and quite another for them to have to grapple with disruptions and intimidations artificially imposed by an agency of the federal government in violation of long-standing privileges and fundamental principles of federalism and of separation of powers.”

Advocates welcomed the victory and said that this ruling clears the way for New York to ensure that New Yorkers are permanently protected from this harmful ICE practice by passing the **Protect Our Courts Act (S425/A2176)**, which will codify into law what this litigation decision has established and ensure that anyone arrested by ICE at a courthouse in the future has recourse to hold the agency accountable. This bill has the majority of support in both chambers.

“It has been affirmed by the federal court: ICE courthouse arrests are illegal. Immigrants and advocates have spoken out to show the devastating impact of ICE’s reign of terror at our courthouses, and the injustice was clear to the federal court,” **said Immigrant Defense Project’s Deputy Director Mizue Aizeki**. “This decision is a clear sign to the New York State legislature that Albany must pass the Protect Our Courts Act and sign it into law this session. We need to ensure that if ICE tries to continue its courthouse arrests, there will be recourse and accountability as provided in this bill.”

“Judge Rakoff’s decision today validates the central premise of the Protect Our Courts Act: all New Yorkers, regardless of their immigration status, must be able to safely attend court proceedings. Whether someone is a litigant or a witness, they should be able to participate in the judicial system without fear of arrest or deportation,” **said Senator Brad Hoylman**. “To permanently ensure the safety of all New Yorkers, this principle must be codified into law. That’s why I’m proud to sponsor the Protect Our Courts Act with Assembly Member Michaelle Solages, legislation that’s supported by a strong majority of the New York State Senate. I’m committed to working with my colleagues to advance this crucial legislation.”

“Our legal system is based on equity and equal accessibility to justice for all individuals regardless of immigration status. U.S. judge Jed S. Rakoff’s ruling reaffirms the fact that ICE should not be interfering with our State judicial system,” **stated Assemblywoman Michaelle Solages**. “However, we cannot stop there. The New York State Legislature must codify these protections into law. Enacting the Protect Our Courts Act will prohibit ICE from arresting immigrants outside of our courthouses. From ICE raids to administrative rule changes, we have seen a concerted effort on the federal level to spread fear in immigrant communities across our country. I am proud to continue working alongside the New York State Senate, Immigrant Defense Project, SEIU 32BJ, and all of the other advocates to ensure that our courts remain safe spaces for all New Yorkers seeking justice.”

The Protect Our Courts Act (S425/A2176) is vital to the protection of the immigrant communities hardest hit by the COVID-19 pandemic. Prior to the COVID-19 pandemic, ICE had clearly targeted NYC—ICE raids in NYC increased 400% in the first 11 weeks of 2020 compared to the last 11 weeks of 2019. IDP released a [report](#) earlier this year detailing how ICE expanded its courthouse operations under the Trump administration at a rate of 1700% more arrests than in 2016. ICE policing at NYS courts only adds another layer of distress to undocumented immigrants who seek access to the courts.

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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).