



For Immediate Release

July 22, 2020

For more information contact:

Rachel Cohen, rachel@immdefense.org, Immigrant Defense Project

Immigrant Defense Project Celebrates the Passage of the Protect Our Courts Act

New York State Legislature Passes Momentous Legislation: ICE Cannot Use Courts to Trap Immigrant New Yorkers

NEW YORK—The Immigrant Defense Project (IDP) applauded the passage of the Protect Our Courts Act (S425/A2176), which sends a clear message to Immigration and Customs Enforcement (ICE), a federal agency that continues to terrorize communities, that it is the true threat to our towns and cities. The Protect Our Courts Act will bar Immigration and Customs Enforcement (ICE) agents from making civil arrests of people attending New York state courthouses unless they have a judicial warrant.

As part of its efforts to undermine protections for immigrants in the state, ICE has increasingly used courthouses to surveil, arrest and terrorize immigrants. Beginning in 2017, IDP began tracking ICE raids at NY courthouses and documented an alarming 1700% increase in ICE courthouse arrests and attempted arrests across New York State under the Trump administration.

IDP and allies in the ICE Out of Courts Coalition have campaigned steadily over three years to fight back against ICE using courthouses as a means to trap immigrant New Yorkers. Today's legislative win 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.

The campaign notched another win last month 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.

The ICE Out of Courts Coalition welcomed today's historic action by the legislature and applauded Senator Brad Hoylman and Assemblymember Michaelle Solages for championing the Protect Our Courts bill in Albany. The passage of this bill ensures that New Yorkers are permanently protected from this harmful ICE practice by codifying the legal privilege from civil arrest at the heart of last month's federal

court order. The bill also creates avenues for anyone arrested by ICE at a courthouse to hold the agency accountable.

“Over the past few years, ICE has repeatedly sent a clear message that it would stop at nothing to achieve its cruel, dehumanizing and destructive criminalizing and deportation agenda. In response to our coalition’s work documenting and illustrating the devastating impacts of ICE’s activities, New York’s courts and legislature have taken decisive action to protect our rights,” said **Mizue Aizeki, Deputy Director of the Immigrant Defense Project**. “By passing the Protect Our Courts Act, New York’s message to ICE is loud and clear—ICE is the threat and its harmful practices must stop,”

As courts begin to reopen while communities of color are still fighting the health and economic impacts of the COVID-19 pandemic, the Protect Our Courts Act is vital to the protection of the immigrant communities hit hard by the virus. ICE policing at courts would only add another layer of distress to undocumented immigrants who seek access to the courts for housing rights, to defend themselves, and to seek protection.

Prior to the COVID-19 outbreak, ICE targeting of NYC included a 400% increase in raids reports to IDP in the first 11 weeks of 2020 compared to the last 11 weeks of 2019. IDP also released a [report](#) earlier this year detailing how ICE expanded its courthouse operations under the Trump administration. ICE tactics in 2020 were among the most aggressive and militarized IDP has seen in recent years, and as the state begins to reopen following the height of the pandemic, ICE raids are picking back up. The federal government has also deployed ICE officers to cities and towns in militarized and violent operations against protestors in recent weeks.

With the bill passed by both the Senate and Assembly, the Protect Our Courts Act now awaits Governor Cuomo’s signature.

Senator Brad Hoylman said, "Donald Trump’s heartless immigration policy is a cruel perversion of justice. We cannot allow our courthouses to become a hunting ground for federal agents attempting to round up immigrant New Yorkers. Already, ICE arrests in or around courthouses in New York have spiked by 1,700% since Donald Trump took office. The Protect Our Courts Act, which I’m proud to sponsor with Assemblymember Solages, will get ICE out of our courthouses and make our justice system more just. It will allow all New Yorkers to attend judicial proceedings, whether as a litigant, witness or family member. I’m grateful to Senate Majority Leader Andrea Stewart-Cousins for working with us to pass this crucial legislation, and thankful to the advocates and immigrant New Yorkers , including the Immigrant Defense Project, who made a clear, compelling moral case for why New York must pass this bill."

“The American judicial system was founded on the ideals of equity and equal accessibility to justice for all. The Protect Our Courts legislation is simply reaffirming our commitment to those very principles,” said **Assemblymember Michaelle Solages, Chair-elect of the New York State Black, Puerto Rican,**

Hispanic & Asian Legislative Caucus. “We have seen Federal ICE agents make a concerted effort to use courthouses as a means of entrapment, which in turn has created a hostile environment for individuals seeking recourse from New York courts. I am grateful for the diligent efforts of the Immigrant Defense Project, New York Immigration Coalition, 32BJ, and other advocates in prioritizing these critical protections for all New Yorkers.”

Steve Choi, Executive Director of the New York Immigration Coalition, said, “With ICE’s unfettered authority growing amidst this pandemic, it is clear that nothing except the force of law will stop this administration from terrorizing our immigrant communities. We thank Assemblymember Solages and Senator Hoylman for championing this vital piece of legislation ensuring that all New Yorkers can exercise their right to due process freely, safely and without fear. The legislation will ensure that the courts cannot continue to be used as another front in this administration’s attacks on immigrant New Yorkers.”

“The passage of the Protect Our Courts Act will protect immigrant New Yorkers, who will be able to access our courts safely without fear of being detained and separated from their loved ones,” said **Theo Oshiro, Deputy Director of Make the Road New York.** “ICE’s presence in our courthouses wreaked havoc on our judicial system and blocked immigrants from equal access to due process. Today’s victory is crucial to continue to protect and defend immigrants against the Trump administration’s out-of-control deportation machine. We thank lead sponsors Senator Hoylman and Assemblymember Solages for their leadership in passing this bill in both houses, and we urge the Governor to sign it immediately.”

“We congratulate our state legislature for passing the Protect Our Courts Act into law, providing much needed legal protection for our immigrant brothers and sisters as they avail themselves of our court system to defend their rights. This will cement into law the principle that all New Yorkers should be able to use our courts safely, without fear that they may be detained by immigration enforcement, or deported, as they stand up for their rights to combat domestic violence, fight to stay in their homes, or bear witness to a crime,” said **Kyle Bragg, President of SEIU 32BJ.**

“We applaud the Assembly and Senate for passing this crucial legislation to keep noncitizen New Yorkers safe from abduction by ICE in and around courthouses, and on their way to and from the courts,” said **Hasan Shafiqullah, Attorney-in-Charge of the Immigration Law Unit at The Legal Aid Society.** “ICE’s enforcement actions targeting the courts have sown fear in immigrant communities, interfered with access to the courts, and undermined due process. We now call upon Governor Cuomo to sign this legislation without delay.”

We applaud the New York State Senate and Assembly for standing with immigrants and passing the Protect Our Courts Act (POCA), which will keep ICE from using our courts as a trap to arrest non-citizen New Yorkers," said **Sarah Deri Oshiro, Managing Director of the Immigration Practice for the Bronx Defenders**. "In passing POCA, New York lawmakers recognize that everyone, regardless of immigration status, should have equal access to the legal system, and that no one should fear that their presence at a court appearance could result in detention, deportation, and permanent separation from loved ones. Today New York stands with immigrant New Yorkers against ICE's harmful and predatory practices. We hope POCA paves the way for other states to afford the same protections to immigrants nationwide."

Nyasa Hickey, Director of Immigration Initiatives, Brooklyn Defender Services, said, "Brooklyn Defender Services thanks the New York State legislature for passing the Protect Our Courts Act, which forbids ICE from making arrests of immigrants in or near the courts. All New Yorkers, whether a defendant, witness, or party to a case, must have equal access to the courts, regardless of their immigration status. This bill makes clear that ICE's practice of stalking immigrants on their way to or from the courts is illegal and interferes with due process."

Zachary Ahmad, Policy Counsel, New York Civil Liberties Union, said, "ICE's malicious practice of arresting people at courthouses strikes at the heart of the due process rights our court system is built to protect. Allowing this practice to continue would have a chilling effect that would prohibit people from seeking justice in the courts for reasonable fear of profiling and arrest. Today the New York State legislature made sure that our courthouses aren't a target for the federal government's deportation forces."

"LatinoJustice applauds the New York legislature's action today passing the Protect Our Courts Act as a long overdue step to protect immigrant New Yorkers. POCA's passage is the culmination of three-plus years of persistent and tireless advocacy by the Immigrant Defense Project in partnership with a broad range of community and law enforcement partners" said **Jose Perez, Deputy General Counsel at LatinoJustice PRLDEF**. "POCA affords immigrant residents attending court proceedings broader legal protections from ICE's rogue immigration enforcement practices which greatly compromised their ability to safely appear and participate in the legal process, and thereby irrevocably compromising the integrity of our justice system. We join our fellow Keep ICE Out of the Courts Coalition members in calling upon Governor Cuomo to immediately sign the bill."

“The constitutional right for all New Yorkers to access the courts regardless of immigration status is paramount to the safety and dignity of our most vulnerable community members,” said **Frankie Miranda, President of Hispanic Federation**. “That is why the passage of the Protect Our Courts Act is so vital. The measure limits how, when, and where immigration enforcement can conduct arrests, while empowering individuals to seek orders of protection, defend themselves against criminal charges, or assert their rights as tenants. This legislation is greatly needed, especially in these times of national crises and uncertainty, while members of our community are constantly under attack by the White House. We applaud the New York state legislature for this major step forward in securing protections for immigrants.”

“Sanctuary for Families applauds the New York State legislature on its passage of the Protect Our Courts Act, an important and long-awaited piece of legislation. ICE’s growing presence in our courthouses over the last few years has been a heavy burden on the shoulders of many of our immigrant clients who risked deportation when considering going to court for an order of protection against an abuser or to settle a custody dispute. POCA’s passage ensures that our clients will no longer be forced to make this impossible choice, preserving the sanctity of our system of justice for those who are most vulnerable. ICE courthouse arrests jeopardized the safety and security of all New Yorkers, and we are thrilled that its specter will no longer keep people from utilizing the often life-saving services the court can provide,” said **Hon. Judy Harris Kluger, executive director of Sanctuary for Families**, a leading New York advocate and service provider for survivors of domestic abuse, sex trafficking and related forms of gender violence.

Amy Barasch, Executive Director of Her Justice, said, “Her Justice is grateful that the NYS Legislature recognizes that fear of arrest and deportation is a profound barrier to access to justice. All of our clients are women living in poverty, and about 52% are foreign-born and raising children; with ICE patrolling in and around the courts, they have been too afraid to seek financial and safety protections for themselves and their children. The Protect Our Courts Act will help us make sure that the same vital legal remedies are truly available to all of our clients.”

“For far too long courts in Columbia County and throughout New York State have been used as a predatory hunting ground for ICE to separate families. POCA is one of several ways NYS has sought to halt this malicious practice and the only which will provide a pathway for accountability if ICE continues it. We call on the Senate and Governor to act swiftly to make this law a reality.” said **Bryan MacCormack, Executive Director of the Columbia County Sanctuary Movement**

Eddie A. Taveras, New York State Immigration Director at FWD.us, said, “The rise in ICE arrests in New York courthouses over recent years as a result of the Trump Administration’s anti-immigrant agenda is extremely distressing and undermines both the safety of immigrants who report crimes and grievances, as well as our judicial system. The passage of the Protect Our Courts Act is welcomed news, as it will allow immigrant New Yorkers to access the courts without fear of illegal ICE arrests, making all New Yorkers – regardless of immigration status – safer and more secure. This bill is immensely important to combatting over-policing in our state, particularly among Black immigrant communities who are disproportionately affected by the incarceration pipelines. We urge Governor Cuomo to sign this bill without hesitation, especially amidst the COVID-19 pandemic, during which time many immigrants have been left behind.”

###

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).