



The Protect Our Courts Act is Now Law in New York State!

Community FAQ

What is the Protect Our Courts Act?

The Protect Our Courts Act, also known as **POCA**, is a new law in New York State that keeps Immigration and Customs Enforcement (ICE) officers from making civil arrests in and around New York State Courts, including City and other Municipal Courts.

What problem does it solve?

Over the past decade, ICE has strengthened its ties to local police and prison systems. This trend is clear in New York State, where ICE has escalated its community raids, including arrests and surveillance at courthouses. Through our hotline, the **Immigrant Defense Project (IDP)** has been receiving troubling reports of ICE making courthouse arrests, [noting a 1700% increase in arrests](#) and attempted arrests between 2017 and 2018.

This practice not only led to cruel and troubling stories of ICE creating courthouse traps that led to people getting arrested at courthouses, but also created fear within immigrant communities where many people ended up avoiding going to courts for various reasons.

In response, IDP and partners drafted the [Protect Our Courts Act \(POCA\)](#), a piece of legislation that makes sure that **everyone in New York has equal access to our state courthouses**.

How did POCA become a state law?

The #ICEOutOfCourts Coalition was born in 2017 and through coalition efforts led by IDP, POCA was introduced in the NYS legislature. POCA finally passed in July 2020 with overwhelming and bipartisan support, and in December 2020 Governor Cuomo signed it into law!

How are people now protected?

In New York State, ICE can no longer arrest people at state, city and municipal courthouses, and they can no longer arrest people going to or leaving from state, city and municipal courthouses without judicial warrants.

What's a judicial warrant?

A judicial warrant is a warrant signed by a judge. ICE typically doesn't have a signed judicial warrant. They typically do have administrative warrants, which are warrants signed by their own supervisors. However, without a judicial warrant, ICE cannot arrest people at courts, or people going to or leaving courts.

Can ICE arrest me at a courthouse from now on?

No. Now without a judicial warrant, ICE cannot arrest anyone at any state, city or other municipal courts.

Can ICE use courthouses as surveillance from now on?

ICE officers now have to identify themselves to court personnel if they come to a courthouse. They also have to state their reason for being at the courthouse, including if they are there to surveil, observe, or arrest a particular person. Court personnel are also required to communicate ICE’s intent to surveil, observe, or arrest someone to the judge. However, ICE can still surveil people outside of the courthouse building, even though they cannot make an arrest without a judicial warrant.

Are all the courthouses included under POCA?

No, federal courts, including immigration courts are not included in the protections offered by POCA. However, state, city and other municipal courts are protected under POCA. These can include, criminal courts, family courts, and traffic courts, to name a few.¹

Can I be arrested by ICE going to or leaving court?

POCA protects people going to and leaving state, city and municipal courts.

How can I prove I was on my way to court or leaving court?

Usually courts have records of people attending court for various reasons. It is always good to keep documents from court that list your court date, such as an appointment notice. If an ICE agent stops you on your way to or from court, stay silent, do not say your name or anything else, and ask, am I free to go? You can also tell the agent “I am going to attend (or I am leaving) court” but do not provide other information about your court appearance and remain silent.

Check out IDP’s [Know Your Rights resources](#) for more information on what to do if ICE approaches you on the street.

What happens if ICE arrests me or tries to arrest me at court from now on? Or if I am going to or leaving court?

The New York State Attorney General is authorized to bring legal action if the Protect Our Courts Act is violated. You can consult a lawyer about your options if ICE violates your rights under POCA. You can contact your local public defender office, or if you are in removal proceedings, consult with an attorney about challenging the removal proceedings based on the violation of your rights.

¹ Some courts included in the protections of the Protect Our Courts Act are: the New York Supreme Court, Appellate Division; Supreme Court, County Court, Family Court, Surrogate’s Court, Court of Claims, NYC Criminal Court, NYC Civil Court, District Court (Nassau and Suffolk Counties), Justice Court (including “Town Court” and “Village Court”), Traffic Violations Bureau, NYC Office of Administrative Trials and Hearings (OATH), such as the Taxi and Limousine Tribunal.