
The Undersigned Organizations Comprise the ICE Out of Courts Coalition and Support the Protect Our Courts Act

As members of the ICE Out of Courts Coalition, we write today in support of the Protect Our Courts Act ([A.11013/S.08925](#)), a bill that will ensure access to state court proceedings for all regardless of immigration status. For the past year, we have seen an unprecedented escalation in Immigration and Customs Enforcement (ICE) using the New York State courts to effectuate civil immigration arrests. Squads of federal immigration officers have preyed on our clients, members, and community as they attend state court proceedings, undermining the effective functioning and constitutional underpinnings of the courts, and threatening public health and safety of all New Yorkers. We applaud the Assembly and Senate for taking this first step towards ending this unlawful practice and restoring nondiscriminatory access to legal proceedings.

Our coalition is comprised of more than 100 organizations and entities from across New York State. We are community-based organizations, unions, civil legal services providers, public defenders, family defenders, victim rights advocates, law schools, and civil rights and liberties groups. Together, the legal service providers in the coalition provide the bulk of indigent legal representation and advocacy in New York State. We practice in criminal, family, civil, and administrative courts. Our clients include adults, children, and families; citizens and noncitizens; workers; survivors of violent crime; people accused of crime; and people experiencing discrimination. Our clients are citizens, noncitizens, and mixed-status families and communities. Many of us represent immigrants in federal immigration proceedings relating to deportation, detention, and applications for immigration benefits.

Since January 2017, we have watched federal immigration officers stalk our immigrant clients to their state court dates, where they arrest them, and then either place them in civil immigration detention and civil deportation proceedings, or immediately deport them. These arrests mark the resurgence of a long-defunct practice of civil arrests in courthouses—a practice legislatures and courts have regulated for more than a century. The recent spate of civil arrests started immediately after President Trump’s inauguration and has escalated dramatically over the past 18 months. It is now a daily phenomenon in New York State courts that groups of plainclothes ICE agents roam courthouses looking for immigrants to arrest. Members of our coalition documented a 1200% increase in courthouse arrests from 2016 to 2017; in 2018, the pace of arrest is already higher than in 2017.

There are no boundaries or limits to the categories of immigrants ICE will target for arrest at a state court appearance. Our clients disappeared from court have been survivors of violence, youth, people who are mentally ill or homeless, guardians to U.S. citizen children,

people who are LGBT, victims of human trafficking, and asylum seekers. We have stood in hallways as ICE agents have physically separated us from our clients, thrown our clients to the ground, ignored our requests to invoke our clients' rights, ignored our requests for voluntary surrender, and refused to show us warrants or share information about where they are taking our clients. We have watched ICE agents pressure courthouse staff to supply them with information, to give them access to nonpublic areas of courthouses, and to adjust court schedules to facilitate their arrests. For the community-based and membership organizations that are part of our coalition, we have seen the devastating impact on valued members of our community resulting from these courthouse raids.

ICE's courthouse arrest practice is not only an affront to fundamental constitutional rights to due process and to petition the courts, but these raids also have a chilling effect on people's sense of safety in accessing courts. We surveyed 225 legal services providers across New York State to understand and document the extent of the impact of ICE practices on courthouse access. We found a widespread chilling effect due to fear of ICE at the courts: 75% of legal service providers reported that clients have expressed fear of going to court, 48% of providers reported clients have expressed fear of calling the police, and 29% of providers have worked with immigrants who have failed to appear in court due to fear of ICE. For those who work with survivors of violence, fear of ICE has resulted in 67% of their clients deciding not to seek help from the courts and 46% of clients now have a fear of serving as a complaining witness. Those who work with tenants in housing court reported that 56% of clients fear filing a housing court complaint because of ICE presence in the courts.

The Protect Our Courts Act (A.11013) is a crucial step toward restoring courthouse access for noncitizen and mixed-status communities and families across New York State. The bill modernizes New York's Civil Rights Law and Judiciary Law to clarify that warrantless civil arrests of individuals attending state court proceedings as a party or a potential witness, or as a family or household member of a party or potential witness, are unlawful and creates legal mechanisms for enforcing the law if it is violated. This bill will ensure that if federal immigration agents appear at a courthouse to make an arrest for a civil immigration violation that would result in civil detention and deportation proceedings, they will have presented sufficient evidence to a federal judge to authorize such an arrest. The bill also requires New York's Office of Court Administration to put in place procedures for reviewing any judicial warrants and court orders required under the bill. This process would bring civil arrests in and around state courthouses into sync with law enforcement norms that are constitutionally mandated and complied with by criminal law enforcement agencies such as local police and the FBI. Finally, this bill will communicate to immigrant and mixed-status families and communities that the New York State courts are not a part of the federal immigration enforcement regime.

The Protect Our Courts Act (A.11013/S.08925) is a substantial step toward restoring confidence that New York will ensure that access to the courts and justice is available to all.

For more information on the Protect Our Courts Act, please visit

<https://www.immigrantdefenseproject.org/ice-courts/>

Respectfully signed,

Asian American Legal Defense and Education Fund (National)

LatinoJustice PRLDEF (National; Statewide)

Safe Horizon Immigration Law Project (National; Statewide)

Kathryn O. Greenberg Immigration Justice Clinic (National; Statewide)

Immigrant Defense Project (National; Statewide)

New York State Coalition Against Domestic Violence (Statewide)

New York Immigration Coalition (Statewide)

Empire Justice Center (Statewide)

32BJ SEIU (Statewide)

Anti-Defamation League New York (Statewide)

Association of Legal Aid Attorneys – UAW Local 2325 (Statewide)

Prisoners' Legal Services of New York (Statewide)

Rural and Migrant Ministry (Statewide)

New York Coalition Against Sexual Assault (Statewide)

Legal Aid Society of Rochester (multiple counties Statewide)

Mobilization for Justice, Inc. (multiple counties Statewide)

Sylvia Rivera Law Project (multiple counties Statewide)

Central American Legal Assistance (multiple counties Statewide)

Make the Road New York (multiple counties Statewide)

The Door Legal Services (multiple counties Statewide)

CDWBA Legal Project (Capital Region)

Hofstra Law Clinic (Queens, Nassau, Suffolk Counties)

The Legal Aid Society (New York City—all five counties)

New York Lawyers for the Public Interest (New York City—all five counties)

Her Justice (New York City—all five counties)

Sanctuary for Families (New York City—all five counties)

Legal Services Staff Association, NOLSW/UAW 2320 (New York City—all five counties)

New York Legal Assistance Group (New York City—all five counties)

Emerald Isle Immigration Center (New York City—all five counties)

Peter Cicchino Youth Project at the Urban Justice Center (New York City—all five counties)

Youth Represent (New York City—all five counties)

Appellate Advocates (New York City—Kings, Queens, Richmond Counties)

Center for Appellate Litigation (New York City—Bronx and New York Counties)

UnLocal, Inc. (New York, Kings, Bronx, Queens Counties)

The Bronx Defenders (Bronx County)

Neighborhood Defender Service (New York County)

New York County Defender Services (New York County)

Worker Justice Center of New York, Inc. (New York County)

Nassau Legal Aid Society (Nassau County)

Rockland Immigration Coalition (Rockland County)

Brooklyn Defender Services (Kings County)

Wayne County Public Defender (Wayne County)

Safe Against Violence (Delaware County)

Safe Homes of Orange County (Orange and Sullivan Counties)

Columbia County Sanctuary Movement (Columbia and Greene Counties)