

Key Findings

ICE in NYS Courts Legal Service and Advocates Survey

Since the election, Immigration and Customs Enforcement (ICE) has substantially increased the number of immigrants it targets in New York State Courts. In the first six months of 2017, advocates have reported three times as many arrests or attempted arrests than were reported for all of 2016.

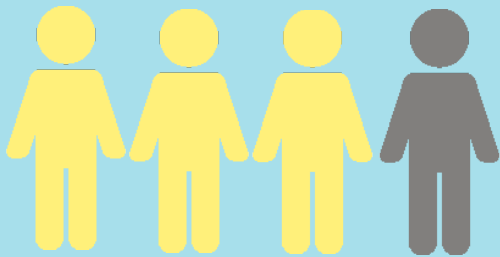
As a result, many advocates are hearing from immigrants that they have a profound fear of going to court. This includes immigrants who need access to the courts for orders of protection, to defend against criminal charges, and to vindicate their rights as tenants.

To better understand these concerns, a coalition of legal services and community based organizations sent out a survey to the field from June 12 - June 23. Two hundred twenty five (225) advocates and attorneys from 31 counties across New York State participated. The participants practice in criminal, family, and civil courts. View more results at www.immdefense.org/ice-courts-survey

1/3

have seen ICE agents
or vehicles in and
around the courts

IMMIGRANTS SCARED TO GO TO COURT



3 OUT OF 4

legal service providers report that clients have expressed **fear of going to court because of ICE**

29%

have worked with immigrants who have **failed to appear in court due to fear of ICE**

WHEN I TOLD MY CLIENT **ICE WAS PRESENT TO ARREST HIM...** TEARS STREAMED DOWN HIS FACE AND HIS HANDS SHOOK WITH FEAR. HE SAID, **“MY CHILDREN, WHAT WILL THEY DO WITHOUT ME?”**

I EXPLAINED TO [MY CLIENT] THAT ICE WAS THERE. SHE BEGAN CRYING AND TREMBLING AND HAD TO BE CALMED BY A FRIEND... **AN INDIVIDUAL SEATED BEHIND US SAID SHE WOULD TELL HER FRIENDS TO NOT COME TO COURT** BECAUSE THEY WOULD BE DEPORTED.



IMMIGRANT
DEFENSE
PROJECT



THE
LEGAL
AID
SOCIETY
MAKING THE CASE FOR HUMANITY



Sanctuary
for Families



CHILLING EFFECT ON SURVIVORS OF VIOLENCE

A third of the survey participants work with survivors of violence

67% have had clients who decided not to seek help from the courts due to fear of ICE

37% have worked with immigrants who have failed to pursue an order of protection due to fear of ICE

“[ONE] CLIENT’S **HUSBAND THREATENED TO CALL IMMIGRATION OFFICIALS SO THAT THEY WOULD “TAKE HER AWAY” ON THE DATE OF HER NEXT COURT APPEARANCE** AND HAVE HER DEPORTED... NOT APPEARING FOR THE NEXT COURT DATE WOULD RESULT IN HER ABUSIVE HUSBAND GAINING CUSTODY OF HER CHILDREN.”

48% have worked with immigrants who have failed to seek custody or visitation due to fear of ICE

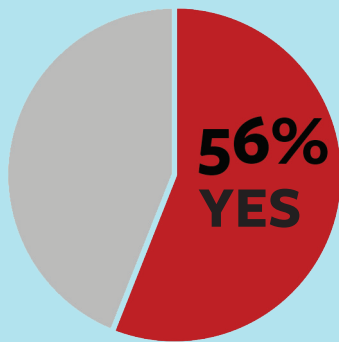
“[MY CLIENT] IS **AFRAID TO GO TO COURT TO SEEK AN ORDER OF PROTECTION** AGAINST HER HUSBAND, WHO ABUSED HER FOR MANY YEARS AND KIDNAPPED THEIR 8 YEAR OLD SON... SHE IS **TERRIFIED THAT BEING IN COURT PUTS HER AND HER FAMILY AT GREATER RISK OF BEING DEPORTED.**”

46% have worked with immigrants who have expressed fear of serving as a complaining witness

TENANTS AFRAID TO GO TO HOUSING COURT

A sixth of the respondents work with tenants in Housing Court

Have clients expressed fear of filing a housing court complaint due to fear of ICE?



“TENANTS REGARDLESS OF STATUS ARE TYPICALLY EXTREMELY SCARED AND SKEPTICAL ABOUT FIGHTING FOR THEIR RIGHTS IN COURT PROCEEDINGS. THIS **FEAR HAS TRANSFORMED INTO CRIPPLING PARALYSIS IN THE WAKE OF ICE ACTIVITY IN NEW YORK STATE COURTS.**”

225 Respondents participated in this survey conducted June 12 - June 23, 2017. They include attorneys and advocates who work with immigrants and family members. The respondents work in criminal, family, housing, employment, education, and immigration law, and practice in criminal, family, and civil courts in New York State. They work in 31 counties from across New York State including all five counties of NYC; Long Island; Westchester; the Capitol Region; Western and Central New York.

For more information contact Lee Wang at lee@immdefense.org or go to www.immdefense.org/ice-courts-survey