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IMMIGRANT RIGHTS ADVOCATES DEMAND END TO ICE RAIDS IN NEW YORK STATE COURTS

In Wake of Gov. Cuomo's Executive Order, Courthouses Remain Unprotected and Immigrants Vulnerable to ICE Arrests

NEW YORK – April 26, 2018 – A coalition of New York-based immigrant rights advocates are calling for an end to Immigration and Customs Enforcement's (ICE) continued courthouse raids that trample the Constitutional rights of immigrant New Yorkers. The demand comes a day after Governor Cuomo issued an [Executive Order](#) to prohibit ICE arrests in state facilities without a warrant and highlighted ICE's unconstitutional practices across the state.

Governor Cuomo condemned the federal immigration agency's reckless conduct, affirming that ICE has no place in state-run facilities and their unlawful raids jeopardize public safety. However, the Executive Order does not extend to courthouses, where ICE routinely violates the state and federal Constitutional rights of immigrants, and arrests have increased by over 1200 percent. It remains up to the State's Judiciary and Legislature to take the next steps to provide meaningful protection to immigrants in our courts.

Although the federal government has the power to enact immigration laws, States have the authority to determine where and how ICE engages in immigration enforcement in local facilities. The State's requirement that ICE obtain a judicial warrant before making an arrest in state facilities is a reasonable solution that, if extended to the courts, would help to ensure that all New Yorkers have equal access to justice.

To learn more about courthouse raids, visit www.immigrantdefenseproject.org/ice-courts/.

Alisa Wellek, Executive Director of the Immigrant Defense Project, said:

“We applaud Governor Cuomo's recognition that ICE's unconstitutional and reckless practices undermine the safety of all New Yorkers. We must stop ICE's widespread campaign of terrorizing New Yorkers attending court. Its devastating impact includes families torn apart, people afraid to go to court, and due process denied. We look forward to working with the Chief Judge and state legislators to end ICE's interference with our judicial system and work towards a true vision of safety and justice.”

Steven Choi, Executive Director of the New York Immigration Coalition, said:

“The next step is to protect our courts where ICE preys on women seeking protective orders, witnesses coming to testify, and people otherwise engaged in the justice system. We commend the Governor for standing up against the Trump deportation machine to protect immigrant New Yorkers at state facilities, but we need to stop ICE where they frequently use their dragnet, thus chilling public safety for all.”

Javier H. Valdés, Co-Executive Director of Make the Road New York, said:

“We're pleased Governor Cuomo is paying attention to the ICE activity that is devastating our communities, but yesterday's announcement unfortunately does nothing to address ICE's unacceptable presence in the courts in our state. It's urgent that OCA issue a court rule to prohibit ICE from making

warrantless arrests on court premises and prohibit court employees from assisting or cooperating with ICE arrests—and, if they will not, that the Governor and the legislature pass legislation to that effect.”

Tina Luongo, Attorney-In-Charge of the Criminal Defense Practice at The Legal Aid Society, and Deborah Wright, President of the Association of Legal Aid Attorneys - UAW Local 2325, said:

“ICE’s presence in our courts undermines our ability to represent our clients and safeguard their Constitutional rights. Immigrants, both people who are accused and witnesses are terrified to appear in court, knowing that ICE is indiscriminately targeting anyone who’s not a US citizen. After detaining our clients through warrantless arrests, ICE has a pattern and practice of failing to produce these individuals for subsequent criminal court hearings. And having an open criminal case prejudices our clients’ ability to seek relief from removal immigration court.”

Lisa Schreibersdorf, Executive Director of Brooklyn Defender Services, said:

“ICE’s increasing use of unlawful arrests and intimidation of our immigrant clients in and around our courthouses have irrevocably compromised the administration of justice. If the people we represent, as well as witnesses and victims of crimes, cannot safely appear in court to participate in the legal process then the integrity of the whole system is undermined. This situation is intolerable. Something must change, and it must change now. We join in Governor Cuomo’s call to get ICE out of state buildings and urge Chief Judge Janet DiFiore and the Office of Court Administration to act to ensure the fair administration of justice in all of our state courts.”

Justine Olderman, Executive Director of The Bronx Defenders, said:

“The Bronx Defenders has witnessed firsthand the harm caused by the presence of Immigration Customs Enforcement (“ICE”) officers in our courts, and the chilling effect on people’s confidence to safely enter our courthouses. To protect the foundation of our judicial system, we must ensure courts are safe open spaces for all New Yorkers. We hope Governor Cuomo’s message will be heard and followed by the judiciary so that our immigrant communities can enjoy the full protections of our judicial system and have their day in court.”

Sergio De La Pava, Director of Special Litigation for New York County Defender Services, said:

“While we commend the Governor’s actions, Immigration and Customs Enforcement officers continue to use New York’s courthouses to interrogate and detain some of the state’s most vulnerable residents. This is a consummately misguided practice. The presence of ICE officers in courthouses dissuades immigrants from participating in the criminal justice system and exercising their due process rights and therefore does great harm to the criminal justice system and to our society as a whole. New York must immediately bar ICE agents from using its courthouses.”

Terry Lawson of Bronx Legal Services, Legal Services NYC, said:

“ICE’s presence in the New York State Courts is a problem for all who care about due process and access to courts for all litigants. Our clients cannot go to court to seek orders of protection, to ask for custody of their children, or to prevent their evictions, without a very palpable fear that they will be forever separated from their families. Even if ICE only shows up in certain courts, the effect on all litigants everywhere is undeniable, and no one should be the scapegoats for a policy that denies everyone access to justice.”

Evan R. Bernstein, Regional Director, Anti Defamation League New York, said:

“ADL continues to express alarm over the escalation of ICE in New York courthouses, which exacerbates the fears of immigrant communities to engage with the justice system at a time where there are increased concerns about harassment and hate motivated violence, especially for many immigrant communities. ADL believes that courthouses should be treated as sensitive locations and will continue to work with coalition partners to urge our leaders to help end this practice, which threatens public safety and access to justice for all.”

Amy Barasch, Executive Director of Her Justice, said:

“We applaud the Governor’s strong language condemning the actions of ICE. Many Her Justice clients are foreign-born women living in poverty fleeing abuse, yet due to the presence and behavior of ICE in and around the courts clients tell us they are too afraid to come to court to seek essential help like orders of protection and orders of custody. “

Rick Jones, Executive Director, Neighborhood Defender Service of Harlem, said:

"By targeting our non-citizen clients appearing in the City's Courts, ICE is creating an environment where New York City residents are afraid to enter our courthouses and interact with our justice system. We have seen ICE indiscriminately target clients for arrest and removal. These practices interfere with the City's ability to efficiently and effectively administer justice; they also needlessly and counter-productively rip families and communities apart. We call upon the City to ensure that all New Yorkers, citizens and non-citizens alike, can be able to safely, and without fear, engage with the Courts."

Hector Figueroa, President of 32BJ SEIU, said:

“We Applaud Governor Cuomo’s executive order requiring ICE to have a judicial warrant to enter state property in order to insure the safety and constitutional rights of people in these spaces. We must protect New York’s courts, where ICE has routinely targeted vulnerable immigrants and violated their constitutional rights by arresting them in court. As a labor union representing thousands of immigrant workers, we are greatly disturbed ICE’s counterproductive actions, which disrupt lives, tear apart families and wrongly punish hard-working people, while forcing all immigrants – documented or not – to live in constant fear.”

Theo Liebmann, Co-Chair of the New York State Advisory Council on Immigration Issues in Family Court, said:

“As a lawyer for abused and neglected children for over 20 years, I see all the time how important access to courts is for justice, safety and stability. Unfortunately, unless we can frankly say to our immigrant clients that New York is taking action to keep ICE out of our courts, we will continue to make it harder to help immigrant children and families achieve those basic human goals.”

Juan Cartagena, President and General Counsel of LatinoJustice PRLDEF, said:

“The sanctity of our courts must be maintained in order to ensure that our justice system is not hijacked by fear. ICE officers lurking in the shadows of our courts are like vultures seeking prey who will pounce at the sight of dark skin complexion. LatinoJustice has been fighting for immigrants' rights in the courts and in the streets for decades. We applaud the Governor's Executive Order and stand with our colleagues to demand that ICE be similarly barred from making arrests in our courts unless they have a judicial warrant. The safety of our communities depends on every individual’s ability to access our judicial system.”

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