

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

UNITED STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT, *et al.*,

Defendants

No. 19-cv-8876 (JSR)

**BRIEF OF AMICI CURIAE IMMIGRANT DEFENSE PROJECT AND 44 LEGAL
SERVICES ORGANIZATIONS, PUBLIC DEFENDER ORGANIZATIONS, AND
NON-PROFIT ORGANIZATIONS IN SUPPORT OF PLAINTIFFS**

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INTEREST OF AMICI CURIAE

Immigrant Defense Project (“IDP”) is a nonprofit legal resource and training center dedicated to promoting fundamental fairness for immigrants accused or convicted of crimes. IDP is a leading national expert on issues arising from the interplay of immigration and criminal law. IDP respectfully submits this brief in support of the Plaintiffs’ Motion for Summary Judgment.

Through daily conversations, exchanges, and interviews with the legal community and directly-impacted immigrants throughout New York State, IDP has developed unique insight into the sharp spike in immigration arrests in New York State courthouses and has documented the widespread violation of immigrants’ fundamental rights by Defendant Immigration and Customs Enforcement (“ICE”) courthouse arrests. As an organization committed to fair treatment for immigrants involved in the criminal justice, family court, and child welfare systems, IDP is concerned that the fundamental right to access to the courts, whether as a victim, defendant, witness, supportive family member, or otherwise, is being deeply impaired. The consequential erosion of the public’s ability to participate in judicial processes is, in turn, a serious threat to the integrity of the New York State court system.

In addition to IDP, the following organizations join this brief as *amici curiae*: African Communities Together; African Services Committee; Anti-Defamation League; Appellate Advocates; Bronx Defenders; Brooklyn Community Bail Fund; Brooklyn Defender Services; Center for Appellate Litigation; Center for Safety and Change; Central American Legal Assistance; Columbia County Sanctuary Movement; Day One; Empire Justice Center; Fund for Modern Courts; Her Justice; Hispanic Federation; Immigrant Justice Corps; LatinoJustice PRLDEF; Lawyers for Children; The Legal Aid Society of New York City; The Legal Aid Society of Nassau County; The Legal Aid Society of Suffolk County; The Legal Aid Society of

Westchester County; Legal Services NYC; National Immigration Law Center; Neighborhood Defender Service of Harlem; Neighbors Link; New York Civil Liberties Union; New York County Defender Services; New York City Gay and Lesbian Anti-Violence Project; New York Immigration Coalition; New York Lawyers for the Public Interest; New York Legal Assistance Group; Northern Manhattan Coalition for Immigrant Rights; Northern Manhattan Improvement Corporation; Queens Defenders; Rockland Immigration Coalition; Safe Horizon; Sanctuary for Families; The Door; UnLocal, Inc.; Urban Justice Center; Violence Intervention Program, Inc.; and Yonkers Sanctuary Movement. Their statements of interest are contained in Appendix A.

SUMMARY OF ARGUMENT

Courts cannot function when ICE civilly arrests people entering and exiting courthouses to appear for proceedings. Cases cannot be adjudicated, and New Yorkers cannot freely access their court system in the climate of intimidation perpetuated by ICE. ICE courthouse operations severely disrupt and unfairly interfere with the basic functioning of the courts for countless individuals seeking to exercise their fundamental rights. ICE has skirted New York's efforts to curtail the deleterious effects of its pervasive courthouse arrest practices.

ARGUMENT

I. ICE Courthouse Operations Severely Prejudice New York Courts

Community members and stakeholders, including many of the *amici* organizations, regularly report ICE courthouse arrests to IDP, which compiles the data with that received from the New York State Unified Court System (UCS).¹ IDP routinely analyzes these reports and

¹ Immigrant Def. Project, *The Courthouse Trap: How ICE Operations Impacted New York's Courts in 2018* at 2, 5 (Jan. 2019), www.immigrantdefenseproject.org/wp-content/uploads/TheCourthouseTrap.pdf [hereinafter *Courthouse Trap*]. See also Immigrant Def. Project, *Denied, Disappeared, and Deported: The Toll of ICE Courthouse Operations at New*

identifies trends in ICE courthouse enforcement.² In 2018 and 2019, IDP documented a 1700% increase in ICE courthouse operations over 2016 levels.³ In January 2020, IDP released the following nine key findings on how ICE courthouse operations severely prejudiced New York courts and interfered with individuals' access in 2019: 1) ICE courthouse operations continued at alarming levels despite State efforts to curtail them; 2) ICE made arrests in the immediate vicinity of courthouses and focused on surveillance inside and around courts; 3) ICE skirted the April 2019 UCS Policy ("UCS Policy") and flouted court protocol; 4) ICE intensified its courthouse operations in Long Island and in upstate counties; 5) ICE mounted frightening shows of force at courthouses; 6) ICE continued to refuse to provide basic information or documentation, in contravention of its own regulations; 7) ICE denied access to courthouses, derailed proceedings, and drained available resources; 8) ICE arrested survivors of gender-based violence, a pregnant mother, and individuals with disabilities; and 9) ICE courthouse arrests caused a pervasive chilling effect on survivors, victims, and witnesses, as documented by a nationwide survey.⁴ So far in 2020, ICE courthouse operations have persisted unabated, and these same alarming trends continue.

The number of ICE courthouse operations remains high. In the first ten weeks of 2020, IDP documented 42 courthouse operations.⁵ With an average of 4.2 per week, the rate of ICE sightings and arrests in New York State courts in 2020 is already higher than in 2019 (3.9 per week).⁶ As of March 2020, IDP has documented 18 courthouse arrests for the year. In at least 16

York's Courts in 2019 at 2, 8 (Jan. 2020), www.immigrantdefenseproject.org/wp-content/uploads/Denied-Disappeared-Deported-FINAL.pdf [hereinafter *DDD Report*].

² *Courthouse Trap*, *supra* note 1, at 2-4, 5. See also *DDD Report*, *supra* note 1, at 2-5.

³ *Courthouse Trap*, *supra* note 1, at 3. See also *DDD Report* at 2-3.

⁴ *DDD Report*, *supra* note 1, at 3-5.

⁵ Reports on file with IDP.

⁶ *DDD Report*, *supra* note 1, at 2, 6.

of those arrests, ICE did not present a judicial warrant and made the arrest as the individuals were entering or leaving the courthouse.⁷

ICE courthouse operations drain the time and resources of the courts, legal services providers, and municipalities and change the character of New York State courts into places to fear. For example, on February 26, 2020, at a Village Justice Court in Croton-on-Hudson,⁸ three plainclothes ICE agents stood outside the court, asking at least one individual for his identification as he entered.⁹ A criminal defense attorney from an *amici* organization later observed these ICE officers in the courthouse hallways, near the magnetometers, and outside the courthouse (where she observed ICE tactical gear in the trunk of their vehicle).¹⁰ After the attorney stepped in to provide counsel to an unrepresented individual who appeared to be ICE's target, the ICE officers left without making an arrest.¹¹ That incident prompted staff of Make the Road New York and the Bronx Defenders to go to the courthouse to observe the ICE officers' interactions with those entering and leaving,¹² as well as the Village of Croton-on-Hudson to issue a press statement stating that its police department had not alerted the ICE officers.¹³

⁷ Reports on file with IDP. These reports include sixteen ICE arrests that took place outside of courthouses without judicial warrant, and two arrests that took place inside courthouses with judicial warrants.

⁸ Not operated by the New York Unified Court System and therefore, not covered by the April 2019 UCS Directive.

⁹ Immigrant Def. Project, ICEwatch, Courthouse Arrest - Story 1562 [HR], raidsmap.immdefense.org [hereinafter *ICEwatch Raids Map*]. Note that ICEwatch is searchable by entering story number or any other identifying information via the menu search function.

¹⁰ *Id.*

¹¹ *Id.*

¹² Sarah Deri Oshiro (@SarahDeri), Twitter (Feb. 26, 2020 10:07 AM), twitter.com/SarahDeri/status/1232683559556702209. See also Theo Oshiro (@TheoOshiro), Twitter (Feb. 26, 2020 9:54 AM), twitter.com/TheoOshiro/status/1232680230374068224.

¹³ The Village of Croton-on-Hudson, Statement on Homeland Security Presence at Village Court (Feb. 26, 2020), www.crotononhudson-ny.gov/home/news/statement-homeland-security-presence-village-court.

The frequency of ICE arrests and surveillance in and around courts obstructs court personnel and distracts public defenders who are inevitably required to respond to ICE's presence. On February 24, 2020, several public defenders contacted the press to report that ICE agents were present in multiple courtrooms of the Queens County Criminal Court.¹⁴ In light of ICE's presence there, news quickly spread throughout the court, court officials were contacted by the press seeking information, and attorneys were forced to spend additional time and resources to address the fallout.¹⁵ As these and other incidents illustrate, ICE's persistent use of the courts to arrest and surveil people causes substantial disruption and chaos.¹⁶

ICE agents continue to arrest individuals on their way into court—a practice that impacts the court's docket and calendar. For example, in two traffic-related cases, ICE arrested one individual on his way into Newburgh City Court on January 17, 2020,¹⁷ and another outside of Yonkers City Court on November 18, 2019, before they could appear for their cases.¹⁸ The ability of these two individuals to appear for their traffic-related charges, as they were expected to do by the court system, was unnecessarily blocked by ICE arrests on unrelated civil charges.¹⁹ Similarly, on January 24, 2020, a woman walking into White Plains City Court was stopped by plainclothes ICE officers.²⁰ The officers did not allow her to call her lawyer and instead took her

¹⁴ David Brand, *ICE Patrols Queens Criminal Courthouse Without Making an Arrest Monday*, Queens Daily Eagle (Feb. 24, 2020), queenseagle.com/all/ice-agents-patrol-queens-criminal-courthouse. See also *ICEwatch Raids Map*, *supra* note 9, Courthouse Arrest - Story 1500 [PA].

¹⁵ *Id.* Reports on file with IDP.

¹⁶ See, e.g., *ICEwatch Raids Map*, *supra* note 9, Courthouse Arrest - Story 1308 [GL] (Inside a courtroom in Nassau County District Court on November 7, 2019, a man saw a law enforcement officer in the seating area. After court, the man walked across the street to a deli and was grabbed by four ICE agents, including the officer he saw earlier in court.)

¹⁷ *ICEwatch Raids Map*, *supra* note 9, Courthouse Arrest - Story 1532 [EG].

¹⁸ *Id.*, Courthouse Arrest - Story 1474 [SGG].

¹⁹ See *New York v. U.S. Immigration and Customs Enforcement*, 2019 WL 6906274, at *1.

²⁰ *ICEwatch Raids Map*, *supra* note 9, Courthouse Arrest - Story 1519 [SB].

to an unmarked van outside the courthouse, where her sibling, whom ICE had also arrested, was being held.²¹ On February 6, 2020, ICE arrested another man in the parking lot of the Cortlandt Town Justice Court in Westchester County when he appeared for his court appearance.²² Afterwards, an ICE agent entered the courthouse to inform a court official that the man had been detained and would not appear in court that day.²³ ICE's interference in the courts, as described above, results in countless hours lost as people miss their scheduled appearances.²⁴

ICE courthouse operations cause great disruption to New York courts in other ways, including property damage, adjournments, and waste of judicial resources. In July 2019, an ICE agent broke the glass of a Yonkers City Court door with his foot when an individual tried to enter the courthouse. During the arrest, court officers were forced to restrict access to the court, file a police report, and contact building maintenance.²⁵ That broken glass door at the entrance of the courthouse was an irrefutable symbol of the havoc caused by ICE courthouse arrests.

II. The 2018 ICE Courthouse Directive and Defendants' Actions Dramatically Interfere with how New Yorkers Experience and Access State Courts

The inevitable ripple effects of ICE agents stationing themselves in multiple locations in and around courthouses, questioning those entering and leaving the court, and arresting people in plain sight—at times, violently—cannot be ignored. The escalation in ICE's use of force since the 2018 ICE Courthouse Directive is well documented and on the rise. On January 16, 2020,

²¹ *Id.*

²² *Id.*, Courthouse Arrest - Story 1473 [MSQ].

²³ *Id.* The man's attorney subsequently struggled to locate him. Report on file with IDP.

²⁴ See Immigration and Customs Enforcement Enforcement and Removal Operations, ERO FY19 Local Statistics, www.ice.gov/sites/default/files/documents/Report/2019/ero-fy19-localstatistics.pdf (reporting that ICE arrested 592 individuals and removed 374 individuals, all with pending criminal charges.)

²⁵ *ICEwatch Raids Map*, *supra* note 9, Courthouse Arrest - Story 1378 [ALM]. See also *DDD Report*, *supra* note 1, at 12.

two plainclothes ICE officers pushed a man against a van and arrested him after he left Kings County Criminal Court.²⁶ In addition to breaking glass doors,²⁷ ICE has caused injuries when making courthouse arrests. For example, on April 5, 2019, plainclothes ICE agents tackled a man leaving Kings County Criminal Court and pinned him to the sidewalk, scraping and bruising his arm, and six officers handcuffed and placed the man in an unmarked van.²⁸ Alarming, ICE arrests at courthouses have involved the frightening use of weapons. On January 22, 2020, an ICE officer approached a man who had just left Bronx Criminal Court and pushed a gun into his side, saying “Don’t move, ICE,” and held the gun against his body for ten seconds before others arrived.²⁹ ICE’s aggressive and violent tactics taint the public’s experiences with and perceptions of courthouses.

The persistence of ICE courthouse arrests and surveillance combined with reports of ICE use of tactics to intimidate the community—from assault rifles³⁰ to pepper spray³¹ to elite tactical

²⁶ *ICEwatch Raids Map*, *supra* note 9, Courthouse Arrest - Story 1401 [LB].

²⁷ *Id.*, Courthouse Arrest - Story 1378 [ALM]. *See also DDD Report*, *supra* note 1, at 12.

²⁸ *ICEwatch Raids Map*, *supra* note 9, Courthouse Arrest - Story 1170 [GGN]. *See also DDD Report*, *supra* note 1, at 12.

²⁹ *ICEwatch Raids Map*, *supra* note 9, Courthouse Arrest - Story 1416 [LP]. A van then pulled up, the officers pushed the man against the vehicle, searched him, went through his wallet, handcuffed him, and put him inside. *Id.*

³⁰ Annie Correal (@anniecorreal), Twitter (Mar. 4, 2020 11:16 AM), twitter.com/anniecorreal/status/1235237698660708355. *See also* Caitlin Dickerson, Zolan Kanno-Youngs, Annie Correal, ‘Flood the Streets’: ICE Targets Sanctuary Cities With Increased Surveillance, *The New York Times* (Mar. 5, 2020), www.nytimes.com/2020/03/05/us/ICE-BORTAC-sanctuary-cities.html [hereinafter *Flood the Streets*].

³¹ Senator Zellnor Y. Myrie (@zellnor4ny), Twitter (Mar. 7, 2020 1:24 PM), twitter.com/zellnor4ny/status/1236357130707443714. *See also* Wes Parnell, *ICE Agents Storm Brooklyn Restaurant and Douse Detainee with Pepper Spray*, *New York Daily News* (Mar. 8, 2020), www.nydailynews.com/new-york/nyc-crime/ny-ice-detain-pepper-spray-20200308-7soq22x5tbas7iizdynq763f3i-story.html?fbclid=IwAR2cpkD5jaCTkO5W-SiemY9Q-bnItDAIdlg9nxsq4CyfucLMUwTW6HmUXs.

units³²—has a lasting and deleterious effect on how New Yorkers interact with the courts. While ICE executes its plans to “flood the streets” through Operation Palladium³³ and deploys Border Patrol Tactical Unit (BORTAC) team members from U.S. Customs and Border Protection (CBP),³⁴ the presence of CBP officers has already been reported at New York State courthouses. For example, on January 16, 2020, two CBP agents went to a courtroom in Cohalan Court Complex in Central Islip to speak with an individual following arraignment.³⁵ On March 2, 2020, a CBP officer accompanied an ICE agent at Suffolk First District Court to observe an individual’s court appearance.³⁶ The increasing presence of ICE and CBP officers reinforces the view that courts are an extension of immigration policing, and affects how the public views State officials integral to the courts.³⁷

ICE’s presence in and around courthouses negatively impacts individual decisions about whether to go to court and fight for one’s rights. In a nationwide poll, 60% of respondents avoided attending court as witnesses when they had been a victim of a crime, and 48% of respondents who were court-involved believed that judges helped ICE conduct arrests.³⁸ The

³² *Flood the Streets*, *supra* note 30. See also Caitlin Dickerson, Zolan Kanno-Youngs, *Border Patrol Will Deploy Elite Tactical Agents to Sanctuary Cities*, The New York Times (Feb. 14, 2020), <https://www.nytimes.com/2020/02/14/us/Border-Patrol-ICE-Sanctuary-Cities.html> [hereinafter *BORTAC Report*].

³³ *Flood the Streets*, *supra* note 30.

³⁴ *BORTAC Report*, *supra* note 32.

³⁵ *ICEwatch Raids Map*, *supra* note 9, Courthouse Arrest - Story 1534 [JF].

³⁶ *Id.*, Courthouse Arrest - Story 1549 [LR].

³⁷ See Angela Irvine et al., *The Chilling Effect of ICE Courthouse Arrests: How Immigration and Customs Enforcement (ICE) Raids Deter Immigrants from Attending Child Welfare, Domestic Violence, Adult Criminal, and Youth Court Hearings* at 8-9 (Oct. 2019), static1.squarespace.com/static/58ba8c479f7456dff8fb4e29/t/5dae6ba65642ea5d1cef9705/1571711914510/ice.report.final.21oct2019.pdf [hereinafter *Ceres*].

³⁸ See *id.*

chilling effect in New York courts is substantial.³⁹ In addition to the defendants who are denied access or choose to take a plea that they would not otherwise take, the 2018 ICE Courthouse Directive severely hampers the voluntary attendance of witnesses, survivors, and other petitioners, which impacts the courts' ability to perform basic public functions.⁴⁰ According to *amici* Center for Safety and Change (CSC), which represented MC, a survivor of intimate partner violence detained by ICE on her way into a Rockland County court,⁴¹ ICE is often present outside Rockland County Courthouse on "IDV days" (when Integrated Domestic Violence court cases are heard). The increased ICE presence has led several CSC clients to withdraw requests for orders of protection, and CSC advocates now meet other clients in the community and walk them into Family Court, rather than meeting at the courthouse.⁴² Courts play a critical role in our society: Many people rely on courts to have their cases fairly resolved and depend on them to get safety and protection. ICE's practice of arresting people attending court disrupts and co-opts New York State's judicial system and damages that role every day.

III. ICE Has Flouted and Subverted New York State Court Rules that Seek to Protect the Functioning of New York Courts

ICE has skirted the UCS Policy restricting warrantless arrests inside courthouses by making arrests in the immediate vicinity of the courts. Nearly half of 2019 ICE courthouse operations occurred after April 17, 2019, the date the UCS policy was issued.⁴³ As ICE's own

³⁹ ICE Out of Courts Coalition, *Safeguarding the Integrity of Our Courts: The Impact of ICE Courthouse Operations in New York State* (Apr. 2019), www.immigrantdefenseproject.org/wp-content/uploads/Safeguarding-the-Integrity-of-Our-Courts-Final-Report.pdf.

⁴⁰ *Id.* See also Brief of Amici Curiae Immigrant Defense Project and 40 Legal Services Organizations, Public Defender Organizations, and Non-Profit Organizations in Support of Plaintiffs (Nov. 5, 2019), ECF No. 30.

⁴¹ *Id.* at 10-11.

⁴² Appendix at A6-A7.

⁴³ See *DDD Report*, *supra* note 1, at 9-10.

documents reveal, ICE told its agents, “We can enter the courthouses to observe...we are good to make the arrest outside the courthouse with or without a judicial warrant.”⁴⁴ In September 2019, the New York ICE Field Office Director said, “If we can pick them up at court then that is what we’re going to do” in response to the filing of this litigation.⁴⁵ ICE agents have blatantly ignored the UCS Policy in myriad ways, the most egregious of which occurred at Rockland County Court in November 2019, when ICE agents confronted a man following his court hearing, told him they could not arrest him inside the court, and then escorted him outside, where they handcuffed him.⁴⁶ The ICE officers presented no judicial warrant and, in violation of UCS policy, did not report their presence to court officials—a pervasive trend throughout the State.⁴⁷

CONCLUSION

For the foregoing reasons, *amici curiae* respectfully request that the Court grant the Plaintiffs’ Motion for Summary Judgment.

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Respectfully submitted,

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⁴⁴ *Id.* at 2, 11.

⁴⁵ Dean Meminger and Spectrum News Staff, *ICE Official: Elected Officials Lying About Latest NY Arrests*, Spectrum News (video, 1:50-2:10) (Sept. 27, 2019), www.ny1.com/nyc/all-boroughs/news/2019/09/27/ice--new-york-officials-lying-about-recent-arrest-spree#.

⁴⁶ *ICEwatch Raids Map*, *supra* note 9, Courthouse Arrest - Story 1392 [MP]. *See also DDD Report* at 11.

⁴⁷ *Id.*

Appendix A: Statements of Interests of Amici Curiae

African Communities Together

African Communities Together (ACT) is an organization of African immigrants fighting for civil rights, opportunity, and a better life for our families here in the U.S. and worldwide. ACT empowers African immigrants to integrate socially, get ahead economically, and engage civically. We connect African immigrants to critical services, help Africans develop as leaders, and organize our communities on the issues that matter. Each year we help hundreds of African immigrants with free, high-quality immigration legal services. ACT mobilizes African immigrant communities to speak out on the issues that affect our lives and the lives of our families. We work on the local, state, national, and international level on issues including fair immigration reform, jobs in the African community, and language access. ACT is committed to ensuring access to the courts for all our community members and join this amicus brief to call for an end to harmful ICE practices that endanger that access.

African Services Committee

African Services Committee was founded in 1981 by an Ethiopian refugee to give a helping hand to other newcomers. Today, African Services Committee is a multiservice, human rights agency based in Harlem and dedicated to assisting immigrants, refugees and asylees from across the globe. Their programs address the needs of newcomers affected by war, persecution, poverty, and global health inequalities. The agency enhances more than 6500 immigrants' and refugees' prospects of success in this country with a free legal services practice, a low fee immigration clinic called the Immigrant Community Law Center (ICLC), an HIV housing program, a rapid diagnostic testing center that offers HIV, STI, TB, viral hepatitis, diabetes, hypertension screening and navigation to care, case management and mental health counseling, a food pantry

and nutrition education program, and an adult literacy program. Many of ASC's immigrant clients need to access the courts in order to enforce their legal rights, divorce, obtain guardianship or custody of minors, protect their right to housing, or a variety of other important legal matters. ICE's presence at various courthouses serves as a deterrence to ASC's immigrant clients from being able to pursue and receive justice or important benefits before the courts because they are worried about being arrested and detained by ICE. ASC does not believe that ICE's presence at courts is appropriate, and that it has been used as an intimidation tactic to deny immigrants their lawful day in court in a variety of non-immigration legal matters.

Anti-Defamation League

ADL (the Anti-Defamation League) is a leading anti-hate organization founded in 1913 with a dual mission to stop the defamation of the Jewish people and secure justice and fair treatment to all. ADL has advocated for fair and humane immigration policies since its founding and has been a leader in exposing anti-immigrant and anti-refugee fervor that has poisoned our nation's debate. In light of this work, ADL is acutely aware of the escalation of Immigration and Customs Enforcement (ICE) arrests in and around New York courthouses, which has had a chilling effect on the reporting of crime and the ability of victims and witnesses to access our justice system. Consistent with its principles and values, ADL accordingly joins this brief.

Appellate Advocates

Appellate Advocates is a non-profit public defender organization which represents individuals who have been convicted of both felonies and misdemeanors in Brooklyn, Queens, and Staten Island and are assigned to our office by the court. In addition to our appellate practice, we also represent defendants in post-conviction relief motions and hearings, often on behalf of non-citizen defendants whose rights were violated when they did not receive legally-mandated advice

about the immigration consequences of their convictions. We also represent victims of human trafficking seeking to vacate convictions related to their victimization. We have an interest in this case because court attendance is essential for both our post-conviction relief and human trafficking clients. With respect to these clients, their criminal convictions – often the very convictions that subject them to immigration consequences – are, by definition, tainted by legal or constitutional defects. Our clients, who have been wrongfully convicted, need to access the courts in order to correct those errors and vindicate their rights. But, as long as ICE is free to use the courts to effectuate arrests, we are obligated to inform them that they risk arrest by ICE if they choose to exercise the rights that are guaranteed to them under the law. The courthouse should be a safe place for everyone, but especially those who have been wronged by the criminal justice system and seek recourse in its error-correcting mechanisms.

Asian American Legal Defense and Education Fund (AALDEF)

The Asian American Legal Defense and Education Fund (AALDEF), founded in 1974, is a national organization that protects and promotes the civil rights of Asian Americans. By combining litigation, advocacy, education, and organizing, AALDEF works with Asian American communities across the country to secure human rights for all. AALDEF advocates for fair immigration policies that recognize the human rights of undocumented immigrants in the United States, promote family reunification, enforce worker protections for all, eliminate racial and ethnic profiling, and end other discriminatory practices that violate due process. We also provide legal assistance to undocumented immigrants who are eligible for visa status as victims of trafficking and crime, as well as individuals who are seeking to adjust their status to lawful permanent residence based on their T or U visa status.

Bronx Defenders

The Bronx Defenders is a public defender non-profit that is radically transforming how low-income people in the Bronx are represented in the legal system, and, in doing so, is transforming the system itself. BxD seeks thoughtful, creative, energetic individuals with a strong commitment to social justice to join our dynamic and diverse staff. Our staff of over 350 includes interdisciplinary teams made up of criminal, civil, immigration, and family defense attorneys, as well as social workers, benefits specialists, legal advocates, parent advocates, investigators, and team administrators, who collaborate to provide holistic advocacy to address the causes and consequences of legal system involvement. Through this integrated team-based structure, we have pioneered a groundbreaking, nationally-recognized model of representation called holistic defense that achieves better outcomes for our clients. Each year, we defend more than 20,000 low-income Bronx residents in criminal, civil, child welfare, and immigration cases, and reach thousands more through our community intake, youth mentoring, and outreach programs. The Immigration Practice of the Bronx Defenders provides advice and counsel to nearly 1,000 non-citizen clients each year throughout the pendency of their cases in both Criminal and Family Court to avoid or mitigate negative immigration consequences and provides removal defense services to hundreds of detained and nondetained immigrants in removal proceedings. Through impact litigation, policy advocacy, and community organizing, we push for systemic reform at the local, state, and national level. We take what we learn from the clients and communities that we serve and launch innovative initiatives designed to bring about real and lasting change.

Brooklyn Community Bail Fund

Brooklyn Community Bail Fund (BCBF) is committed to challenging the racism, inequality, and injustice of the criminal legal and immigration enforcement systems through the payment of bail and bond. BCBF's clients are impacted by ICE courthouse arrests practices in several ways.

Since 2015, BCBF has posted bail for nearly 5,000 New Yorkers facing misdemeanor charges in the New York City criminal courts. Our clients include many non-citizens who express fear of returning to court because ICE may be lurking in or near the court. Over the past year, BCBF has also begun a new program that has bonded out more than 320 New Yorkers who are held in immigration detention facilities. A number of these individuals have ended up in detention and sought BCBF's assistance with paying immigration bond after being apprehended during an ICE courthouse arrest.

Brooklyn Defender Services

Brooklyn Defender Services (“BDS”) is a public defender organization that represents nearly 30,000 low-income residents of Brooklyn and elsewhere each year in criminal, family, civil, and immigration proceedings, providing interdisciplinary legal and social services since 1996. Since 2009, BDS has counseled or represented more than 15,000 clients in immigration matters including deportation defense, affirmative applications, and advisals, as well as immigration consequence consultations in Brooklyn’s criminal court system. Since 2013, BDS has represented more than 1,400 detained immigrants through the New York Immigrant Family Unity Project.

Center for Appellate Litigation

The Center for Appellate Litigation (“CAL”) is a non-profit, public-defense firm. CAL represents indigent defendants in appeals and post-conviction proceedings arising out of

convictions in New York and Bronx counties. CAL represents numerous noncitizen clients in post-conviction proceedings seeking vacatur of prior convictions based on constitutional legal defects. Since the drastic increase of ICE civil arrests in or around courthouses in New York, many of CAL's noncitizen clients have had to weigh the risk of ICE arrest and resulting separation from their homes and families against the opportunity to vindicate their due process rights and claims. CAL believes that all New Yorkers, including noncitizens, should have equal access to our state's judicial system and enjoy equal opportunity to pursue their legal claims. ICE civil arrests at courthouses effectively curtail our noncitizen clients' equal access and opportunity.

Center for Safety and Change

For 40 years, Center for Safety & Change has offered life-saving and life-changing programs and services to thousands in Rockland County and beyond. Center is the only victim-centered non-profit organization in Rockland County and serves survivors of domestic violence, human trafficking, sexual assault and other serious crimes. Center operates a 24-7 hotline and shelter; provides therapeutic services, case management and support groups for adults and children; provides legal representation in family court, matrimonial and immigration cases; operates the county's rape crisis program which includes forensic services in the hospitals; and houses a prevention and social justice program that sends educators out into the community. Center serves all survivors regardless of immigration status, religion, gender identity, sexual orientation, and race. Approximately 25% of Rockland County is foreign born and more than half of the clients we serve are immigrants. ICE has had a notable presence in Rockland County with raids regularly being conducted in homes, in parking lots outside of businesses in immigrant neighborhoods, outside of justice courts, Rockland County Courthouse, Dept. of Probation and

even near schools. As a result, crime victims are afraid to report to the police or to seek the protection of the courts for fear of being arrested by ICE. Domestic violence victims have withdrawn family offense petitions after witnessing ICE conduct arrests outside of the Rockland County Courthouse. In a similar vein, clients and their neighbors are afraid to go to court to serve as witnesses or to respond if they have been summoned. This interferes with the administration of justice and makes the community at large less safe. Center believes that ICE needs to be banned from conducting immigration enforcement actions at or near the courthouses in order for crime victims to be able to pursue safety and justice.

Central American Legal Assistance

Central American Legal Assistance (CALA) is a Brooklyn based non-profit organization that has been representing immigrants in removal proceedings since 1986. CALA's client population is comprised primarily of trauma survivors from Central and South America who fear persecution or torture in their home countries. Our clients need to be able to safely access New York Courts both as Defendants resolving open criminal matters and also as witnesses. Fear that they may be apprehended by Immigration and Customs Enforcement negatively impacts their ability to resolve criminal matters and to report crimes, seek protection from law enforcement, and support criminal prosecutions as witnesses.

Columbia County Sanctuary Movement

Columbia County Sanctuary Movement organizes with immigrants and allies to collectively support, empower and defend our communities. Our office is located in Hudson, NY and our programming occurs throughout Columbia, Greene, Rensselaer and Albany county. Due to the alarming number of attempted court house raids by Immigration and Customs Enforcement (ICE) CCSM has created a court support program. CCSM refers community members to trusted

attorneys and assists in coordination of their case. This includes, but is not limited to, providing interpreters, transportation, evaluation referrals, gathering of legal documents and physically accompanying community members into court when needed. Since our founding in October of 2016, our community has reported and in several cases CCSM was witness to approximately 15 attempted court house raids throughout Columbia County. To our knowledge a judicial warrant was present in just two of these attempted raids. Our members have been affected in a myriad of ways. Defendants are taken before their right to a hearing, victims are detoured from reporting crimes and there has been an extreme deterioration in trust in law enforcement and the judicial process. This too has affected United States Citizens. US born children have been separated from their parents. Our executive director was pulled over by ICE while providing two community members a ride from court to their attorneys office. ICE tried to intimidate him into relinquishing his 4th amendment rights but he refused. We wholeheartedly support all efforts to halt these unjust practices including the recent OCA directive, pending state legislation and the NY State Attorneys General's current litigation.

Day One

Since its launch in 2003, Day One has become the primary voice of expertise in New York City on the issue of dating abuse and domestic violence among youth. Day One was founded to provide critical education and direct services to New York City's youth. Day One has educated more than 100,000 young people about how to identify and maintain healthy relationships, obtain legal protection when necessary, and assist others experiencing abuse. Day One has trained more than 8,000 professionals to identify relationship abuse among youth and to provide supportive, nonjudgmental guidance to teens. Additionally, we've represented hundreds of young people in court, provided them with individual or group counseling, guided them through

a safety planning process, or counseled them on their legal rights and responsibilities, among other things. Through Day One's leadership programs, students have organized awareness projects that have reached over 6,000 students. We are also involved in a range of community partnerships and policy initiatives to increase young people's rights related to intimate partner violence. As many of Day One's clients are immigrant youth whose experiences intersect with violence, trauma, and the legal system, we support efforts to stop ICE's chilling effect on our clients' ability to seek justice and safety through the courts.

Empire Justice Center

Empire Justice Center is a multi-issue legal services organization for low-income New York families. Our mission is to make the law work for all New Yorkers through a comprehensive approach: we teach the law by providing training, support and technical assistance to legal services and other community-based organizations to strengthen their work; we practice the law by providing direct legal assistance and undertaking impact litigation; and we change the law by engaging in policy analysis, research and advocacy. In the area of immigration, fear of arrests by Immigration and Customs Enforcement agents prevents immigrant clients from appearing in state courts, including coming to court for routine matters in family law or traffic courts. In addition, because interaction in or near state courts with ICE agents can result in removal or indefinite detention, we are unable to advise clients to honor court dates or summons. For those reasons, and consistent with our values of achieving justice for all New Yorkers, we join in the brief.

Fund for Modern Courts

The Fund for Modern Courts is an independent, statewide court reform organization committed to improving the state's judicial system for all New Yorkers. The Fund for Modern Courts was

founded in 1955 by concerned citizens, prominent lawyers, and business leaders. By building relationships with legal service and advocacy organizations, community members, bar associations and state and local governments, Modern Courts works with those who want to ensure an independent, diverse and highly qualified judiciary and provide equal access to justice for all New Yorkers. In light of its commitment to ensuring equal access to justice, in 2017 Modern Courts investigated the impact of ICE enforcement activities and published a report entitled “Protecting the Administration of Justice in New York State: Impact of ICE Arrests on New Yorkers” Access to State Courthouses.” In addition to documenting the relevant factual background, the Modern Courts’ report proposed four new policies and protocols to ameliorate fear and intimidation on the part of immigrants seeking justice that has been caused by substantially increased ICE enforcement in and near state courthouses.

Her Justice

Since 1993, Her Justice has been dedicated to making quality legal representation accessible to low-income women in New York City in family, matrimonial and immigration matters. We recruit and mentor volunteer attorneys from the City’s law firms to stand side-by-side with women who cannot afford to pay for a lawyer, giving them a real chance to obtain legal protections that transform their lives. Our immigration practice focuses on representing immigrant survivors of gender-based violence pursuing relief under the Violence Against Women Act (VAWA) including U nonimmigrant status. Her Justice has appeared before Courts of Appeals and the United States Supreme Court in numerous cases as amicus. As up to 70% of Her Justice clients were born abroad, we have been working to ensure that civil court is a safe place for our clients and all immigrants to access to justice and remedies crucial to their and their

families' well-being. We have long fought against ICE's practices of impeding this right by their presence in our courthouses.

Hispanic Federation, Inc.

Hispanic Federation, Inc. is a nonprofit membership organization that works to empower and advance the Hispanic community through public policy advocacy, leadership development and community revitalization projects. Established in 1990, Hispanic Federation (“HF”) has grown to become one of the premier Latino organizations in the nation. Through its network of nearly 100 affiliated community-based organizations, HF reaches thousands of Hispanics each year. The presence of ICE officers in and around our courthouses creates chaos in an already volatile environment. Individuals experience a level of stress and anxiety which is exacerbated with ICE disrupting court systems. The communities we serve have been increasingly hesitant to show up to their court dates or even cooperate with local police enforcement on ongoing investigations for fear they will be turned over to ICE, instilling a deep level of distrust and fear of law enforcement and courthouses amongst our immigrant communities. This puts our most vulnerable community members at risk of remaining in dangerous situations due to cases left unresolved. Continued presence of ICE around courthouses will prevent access to our justice system that is set in place to ensure proper due process and protect our community.

Immigrant Defense Project

Immigrant Defense Project (“IDP”) is a nonprofit legal resource and training center dedicated to promoting fundamental fairness for immigrants accused or convicted of crimes. IDP is a leading national expert on issues that arise from the interplay of immigration and criminal law. Since 1997, IDP has provided expert legal advice, training and publications on such issues to criminal defense, family defense, and immigration lawyers; criminal court, family court, and Immigration

Court judges; and noncitizens. Through daily conversations, exchanges, and interviews with criminal and family defense lawyers and directly-impacted immigrant community members throughout New York State, IDP has developed unique insight into the sharp spike in immigration arrests in New York State courthouses, and has documented the widespread violation of noncitizens' fundamental rights by ICE courthouse arrests. IDP has been widely cited about this trend of ICE enforcement, and has testified about this issue before the New York City Council. As an organization committed to fair treatment for immigrants involved in the criminal justice, family court, and child welfare systems, IDP is concerned that the fundamental right to access to the courts, whether as a victim, defendant, witness, supportive family member, or otherwise, is being impaired. This chilling effect on people's ability to participate in the court system is, in turn, a serious threat to public safety and to the integrity of the New York State court system.

Immigrant Justice Corps

The first and only fellowship of its kind, Immigrant Justice Corps identifies promising young lawyers and advocates passionate about immigration, places them with not for profit organizations where they can make the greatest difference, and supports them with training and expert insights as they provide direct legal assistance to low income immigrants. Our fellows' clients must be able to use the state court system without fear of immigration enforcement so they can assert their right to due process and seek protection when needed for themselves and their families. ICE presence in the courts harms and destabilizes the immigrant communities IJC fellows serve.

LatinoJustice PRLDEF

LatinoJustice PRLDEF, founded as the Puerto Rican Legal Defense & Education Fund in 1972, is a national non-profit civil rights legal defense fund who has advocated for and defended the constitutional rights of all Latinos to ensure their equal protection under the law. LatinoJustice which champions an equitable society through advancing Latino civil engagement, cultivating leadership, and protecting civil rights and equality, has both brought and supported law reform litigation challenging discriminatory federal immigration enforcement policies and practices that adversely impact Latino immigrants' rights.

Lawyers for Children

Lawyers For Children ("LFC") is a not-for-profit legal corporation dedicated to protecting the legal rights of individual children in New York City and compelling system-wide child welfare reform. Since 1984, LFC has provided free legal and social work services to children in more than 30,000 court proceedings involving foster care, abuse, neglect, termination of parental rights, adoption, guardianship, custody and visitation. This year, our attorney-social worker teams will represent children and youth in close to 3,000 court cases in New York City Family Courts. LFC's clients include U.S.-born and immigrant children, and children with immigrant family members, caretakers and legal guardians. Through our Immigration Rights Project, two attorneys and a masters-level social worker who have a particular expertise in issues affecting immigrant youth provided advocacy for immigrant clients who are seeking Special Immigrant Juvenile Status ("SIJS") and have been found by the Family Court to have been abused, abandoned and/or neglected. LFC's insight into the issues raised in the instant case is borne of more than thirty years' experience representing children in New York courts.

The Legal Aid Society of New York City

The Legal Aid Society of New York City (LAS) provides legal services to low-income clients in New York City. LAS handles approximately 300,000 cases a year in city, state, and federal courts. LAS's Immigration Law Unit provides comprehensive immigration representation, including challenging removal proceedings and detention to prevent the separation of immigrant families, and assisting clients with affirmative applications. As New York City's primary public defender, LAS defends the rights of the accused and incarcerated, regardless of immigration status. LAS represents an individual and five organizations in an action challenging USICE's policy and practice of surveilling and making civil immigration arrests without judicial warrants of people coming to, attending or returning from court (*Doe et al. v. USICE et al*, 19-cv-8892-AJN).

The Legal Aid Society of Nassau County

At the Nassau County Legal Aid Society we represent indigent defendants in criminal court, many of whom are noncitizens. We have seen firsthand the chilling impact ICE's presence in NY courts has had on noncitizens who have contacts with the criminal justice system. We have received numerous reports from our criminal attorneys that their noncitizen clients refused to attend, or were anxious to attend criminal court for fear of ICE arrest. Courts cannot properly serve their integral purpose when defendants do not feel safe to avail themselves of their rights in court. We support the efforts to have ICE be prohibited from making these disruptive and improper arrests.

The Legal Aid Society of Suffolk County

Established in 1964, The Legal Aid Society of Suffolk County provides zealous, holistic criminal defense, certain family court representation, and social work assistance to eligible Suffolk

County residents. As defenders, our focus centers on the well-being of our clients, legal and otherwise. Through a combination of high quality courtroom advocacy and a client-centered community approach, The Legal Aid Society of Suffolk County strives to safeguard the rights of the indigent and assure equal access to justice. Our goal of equal access to justice includes the right of our numerous noncitizen clients to defend themselves in court, without fear of courthouse arrests by ICE. ICE's practices in and around our courthouses have long served as an impediment to justice and a harm to our communities.

The Legal Aid Society of Westchester County

The Legal Aid Society of Westchester County is the primary public defender for those accused of felonies in Westchester County. We also represent clients on post conviction cases where the Westchester conviction is the basis of the removal proceeding or affects relief in Immigration Court. Most of these cases involve minor crimes, misdemeanors. About 30 percent of our clients are non-citizens. We appear on behalf of clients in 41 local courts in Westchester County as well as the County and Supreme Courts. The arrests by ICE of clients at or near the courthouses places a strain on our ability to represent our clients because the ICE detention centers are one hour or more from our office in White Plains, New York. Moreover, the ICE detention centers at Bergen and Hudson Correctional Facilities in New Jersey do not have video conferencing to our knowledge. Another logistical problem is that our town and village courts are not courts of record for which the clients can be produced from federal detention pursuant to New York CPL Section 580.30.

Legal Services NYC

Legal Services NYC is one of the largest civil legal service providers in the country, with over 500 staff that help over 100,000 low-income New Yorkers annually in a wide range of services,

including immigration, housing, and education law. For many years, LSNYC has helped domestic violence victims seek legal protections in NY courts. LSNYC also helps thousands of clients in NY Housing Court and NY Family Court. The potential for ICE to conduct arrests near NY courthouses is a concern for many LSNYC clients and affects our work in many NY courts. It also affects our work with LSNYC clients who are victims of domestic violence. For these reasons, LSNYC has a strong interest as amicus curiae in this case.

National Immigration Law Center

The National Immigration Law Center (NILC) is the primary national organization in the United States exclusively dedicated to defending and advancing the rights and opportunities of low-income immigrants and their families. Over the past 35 years, NILC has won landmark legal decisions protecting fundamental rights, and advanced policies that reinforce our nation's values of equality, opportunity, and justice. NILC engages in lawsuits, policy advocacy, and communications work to defend the fundamental and constitutional rights of all Americans, including low-income immigrants and their families. This work has included working with individuals who have been directly affected by immigration enforcement policies, including arrests at or near courthouses, and defending due process for all individuals. NILC engages in this work to help empower these communities to be able to secure equal access to justice and the courts in ways that ensure that all people who live in the United States have an equal opportunity to have their day in court.

Neighborhood Defender Service of Harlem

Neighborhood Defender Service of Harlem (NDS) is a community-based public defense office serving the residents of Northern Manhattan. NDS's unique holistic defense model provides clients with zealous, client-centered advocacy in a wide array of legal issues. As a result, NDS

advocates for clients in courthouses across New York City including criminal court, family court, housing court, and civil court, as well as in immigration proceedings. NDS has a strong interest in protecting the rights of its clients and all New Yorkers to access the courts without fear, regardless of race, income, or immigration status.

Neighbors Link

Neighbors Link is a holistic organization that utilizes education, empowerment and employment in our mission, to strengthen the whole community through the healthy integration of immigrants. Our strategies to educate, empower and employ families include a Worker Center, English as a Second Language (ESL) education, workforce development, parent education, early childhood programs, academic support for school-age children of immigrants and legal services and advocacy. Our legal department, the Neighbors Link Community Law Practice, provides direct representation for individuals and families in all aspects of immigration relief. Many times this immigration relief requires our clients to engage with New York state court system.

However, since ICE's policy of courthouse arrests our clients are afraid to use this system. They are afraid that by seeking custody of their child or filing for an order of protection they open themselves up to ICE enforcement. This limits their ability to seek immigration relief and to avail themselves of opportunities for stability and security.

New York City Gay and Lesbian Anti-Violence Project

New York City Gay and Lesbian Anti-Violence Project is a non-profit organization founded in 1980 that empowers lesbian, gay, bisexual, transgender, queer (LGBTQ) and HIV-affected communities and allies to end all forms of violence through organizing, education, counseling, direct legal representation, and advocacy. AVP's legal services include immigration support for LGBTQ immigrants. AVP is also the convener for the National Coalition of Anti-Violence

Programs, which addresses the needs of LGBTQ communities nationally, including LGBTQ immigration support.

New York Civil Liberties Union

Amicus curiae the New York Civil Liberties Union (“NYCLU”) is a nonpartisan, non-profit membership organization with approximately 190,000 members statewide and serves as the New York State affiliate to the American Civil Liberties Union. The NYCLU’s mission is to defend and promote the fundamental principles and values embodied in the United States and New York State Constitutions. In furtherance of its mission, the NYCLU litigates, advocates, and educates on a wide range of civil rights issues impacting New Yorkers — citizens and non-citizens alike. The NYCLU frequently serves as counsel or amicus in litigation concerning New Yorkers’ access to courts and vital government services. See, e.g., *Kearns v. Cuomo*, 1:19-CV-902 (W.D.N.Y. filed Jul. 8, 2019) (amicus in case challenging the State of New York’s recently enacted law providing undocumented New Yorkers access to driver’s licenses); *De Jesus Martinez v. Nielsen*, 341 F. Supp. 3d 400, 411 (D.N.J. 2018) (counsel in case challenging ICE’s detention of petitioner at his immigration interview where he was seeking relief from removal), appeal dismissed sub nom. *Martinez v. Sec’y, United States Depart*, No. 18-CV-3478, 2019 WL 2064450 (3d Cir. Feb. 15, 2019); *Hurrell-Harring v. State*, 15 N.Y.3d 8, 27 (2010) (counsel in case on behalf of indigent criminal defendants challenging the State of New York’s failure to provide meaningful and effective assistance of counsel). By impeding access to courthouses throughout New York State, the ICE policy at issue here deprives millions of immigrant New Yorkers of equal access to our justice system, and threatens the NYCLU's ability to vindicate its clients' rights in court.

New York County Defenders Services

New York County Defender Services (“NYCDS”) is a public defender office in Manhattan that represents approximately 15,000 clients annually. In addition to direct representation of indigent criminal defendants, NYCDS engages in extensive law reform and policy work centered around protecting and expanding the rights of our vulnerable client communities. Because many of NYCDS’s clients are foreign-born, we have a particular interest in preventing ICE arrests in and around the courthouse that would interfere with their ability to exercise their constitutional rights.

New York Lawyers for the Public Interest

For more than four decades New York Lawyers for the Public Interest (NYLPI) has been a leading civil rights and legal services advocate for New Yorkers seeking to oppose being marginalized on the basis of race, poverty, disability, and immigration status. Through our community lawyering model, we bridge the gap between traditional civil legal services and civil rights, building strength and capacity for both individual solutions and long-term impact. NYLPI has a long commitment to immigrant justice. NYLPI’s Health Justice Program brings a racial justice and immigrant rights focus to health care advocacy in New York City and State. Through the UndocuCare program, NYLPI provides representation to undocumented immigrants who are experiencing health emergencies and need better health care. NYLPI also has a Medical-Legal Community Partnership that connects detained immigrants to volunteer medical professionals in order to advocate for better medical care in detention. ICE enforcement actions at courthouses in New York State harm our clients’ lives and have a chilling effect on the ability of our clients and their families to access justice. NYLPI advocated for a client who fell victim to these tactics while reporting to traffic court. Before the client could appear at his hearing, he was detained by

ICE, and subsequently denied adequate medical care. We have spoken with family members who fear obtaining legal guardianship over their ill loved ones because they are undocumented and expect to be detained at the courthouse. We have heard clients express their fear of cooperating with law enforcement and going to the courthouse because they dread that ICE will detain them. These practices harm our client's civil cases, they inhibit courts from accomplishing their roles, and they risk the safety of families and communities across New York.

New York Legal Assistance Group

Founded in 1990, the New York Legal Assistance Group (NYLAG) is a leading not-for-profit civil legal services organization advocating for adults, children, and families that are experiencing poverty or have low income. We tackle the legal challenges and systematic barriers that threaten our clients' economic stability, well-being, and safety. We are committed to diversity, equity, and inclusion and constantly improving how we respond to systemic issues of racism that affect our clients in their pursuit of justice. We address emerging and urgent needs with comprehensive, free civil legal services, direct representation, impact litigation, policy advocacy, financial counseling, medical-legal partnerships, and community education and partnerships. Last year, we affected the lives of 90,800 people, 35,900 of whom are immigrants. The Immigrant Protection, Domestic Violence Law, and LegalHealth Units in particular, provide substantial assistance to immigrant individuals and families throughout New York City. Core objectives at NYLAG include helping clients obtain access to justice through in court litigation and advocacy. Specifically, the Immigrant Protection and LegalHealth Units provide free legal consults and workshops for immigrants in their communities, as well as representation in a variety of immigration matters. The Immigrant Protection Unit serves particularly vulnerable populations, and LegalHealth primarily represents immigrants who are chronically or seriously

ill. Clients often have concurrent cases in State Courts in New York, through which we do advocacy on behalf of clients. The Domestic Violence Law Unit represents survivors of intimate partner violence and sexual assault, providing representation in Family and Supreme Court, and advocacy in pending criminal proceedings in which they are the protected party. Whether survivors feel safe engaging with systems impacts their willingness to seek court intervention or continue with court cases, without which their rights under the law and their physical safety may be at grave risk. NYLAG therefore is in a unique position to provide information relevant to the case to the court, and has a strong interest in the outcome of this proceeding.

Northern Manhattan Coalition for Immigrant Rights

Northern Manhattan Coalition for Immigrant Rights (NMCIR) is a highly respected community-based non-profit organization that provides quality immigration-related legal and education services. Its mission is to educate, defend and protect the rights of immigrants. Founded in 1982, NMCIR has provided legal and educational services, including ESOL and civics instruction, for over 36 years. NMCIR currently serves over 8,000 families each year. Many of our clients are deterred from attending court--whether to respond to allegations against them, support family members in judicial processes, seek help against domestic violence abusers, or testify as witnesses and thereby assist in the justice process--due to ICE courthouse operations. With the threat of ICE detention, the price of accessing justice becomes too high for them to bear. In addition, ICE courthouse operations feed into a general fear of law enforcement among the communities we serve, leaving them without recourse or means of enforcing their rights.

Northern Manhattan Improvement Corporation

Northern Manhattan Improvement Corporation (NMIC) is a nonprofit organization founded in Washington Heights in 1979 with a mission to serve as a catalyst for positive change and

sustainability in the Heights and surrounding neighborhoods. NMIC's presence as the largest community-based organization in upper Manhattan has made it a pillar of the community, with a high level of social capital and neighborhood trust. NMIC now serves over 14,000 clients from throughout the five boroughs annually and has a staff of over 150 full and part time employees. NMIC offers a variety of services ranging from crisis-mitigation such as eviction prevention, intervention for domestic violence survivors, and food pantry assistance, to those that support self-sufficiency such as ESOL and GED classes, a weatherization unit for underserved residential buildings, benefits access and ongoing case management. NMIC's Legal, Organizing and Advocacy Unit represents and counsels a high volume of low-income immigrant New Yorkers in proceedings at our Housing and Family Courts. ICE's troubling pattern of conducting arrests at Courthouses is disruptive to State legal processes and has a chilling effect on our community. Immigrant New Yorkers should not have to fear detention and deportation for exercising their rights in our legal system. NMIC therefore has a strong interest as *amicus curiae* in this case.

Queens Defenders

Founded in 1996, Queens Defenders (formerly Queens Law Associates) is one of two public defender organizations in Queens, New York. ICE's presence at the Queens County Criminal Court negatively impacts our criminal case representation in a variety of ways. Queens Defenders' immigration attorneys frequently recommend at-risk clients accept plea agreements at arraignments to avoid returning to court. In many cases, these clients could have received a form of a dismissal (i.e. CPL § 30.30 dismissal, adjournment in contemplation of dismissal (ACD)) at a subsequent adjournment date. Additionally, Queens Defenders' clients in ICE detention receive worse plea offers from the Queens County District Attorney's office. This is

because clients in detention cannot access programs that are contingent on receiving ACDs or non-criminal dispositions such as disorderly conduct violations. These programs include assistance for anger management, parenting skills, sex-offenders, and alcohol and substance abuse.

Rockland Immigration Coalition

The Rockland Immigration Coalition is a non-partisan multi-disciplinary volunteer organization that believes immigrants are an essential part of our community. For the past twenty years, the Coalition has actively provided community education, conducted outreach efforts in various immigrant communities, run legal and community identification clinics, raised funds to help with emergencies (such as earthquake in Haiti), and pursued legislation and policies that ensure equal justice for immigrants. Over the past two years, the Coalition has received a steady stream of reports of ICE presence outside of justice courts and in various neighborhoods throughout the county. As a result, immigrants are afraid of seeking the help of the courts or law enforcement for fear of being deported or setting into motion the deportation of family members or neighbors. Coalition has turned its efforts toward bearing witness at the justice courts and initiating a rapid response network to help immigrants get connected to legal counsel when they are picked up by ICE, and to help provide for their loved ones who are left behind and traumatized and often struggling to pay for basic needs. The Coalition firmly believes that ICE should not be able to subvert the integrity of the court system to carry out immigration enforcement actions – this phenomenon is destabilizing to our community.

Safe Horizon

Safe Horizon is the nation's leading victim assistance organization based in New York City. For over three decades, Safe Horizon's Immigration Law Project has assisted thousands of low-

income immigrant survivors of crime, abuse, violence, trafficking and torture seek safety and protection under our immigration laws. In the past, our clients have had access to the courts to report crimes, obtain orders of protection, serve as witnesses and otherwise assist in the investigation or prosecution of a crime without fear of deportation. However, since 2017, ICE's enforcement activities in and around courthouses have effectively silenced these immigrant victims and witnesses—we have heard from our clients that they are now afraid to go to court to exercise their rights and to participate in the justice process—and given abusers the power to act with impunity. That is why this practice must end.

UnLocal, Inc.

UnLocal, Inc. is a community-centered non-profit organization that provides direct immigration legal representation and community education to New York City's undocumented immigrant communities. UnLocal recognizes the needs of all immigrants and tailors its programming to identify specific gaps in services that are not sufficiently provided elsewhere. UnLocal accomplishes its mission through its two main programs: the Legal Representation Program and the Community Education Program. Of UnLocal's hundreds of clients, many need access to the civil legal system in matters outside of their immigration cases. ICE enforcement at courthouses has proved to have a chilling effect on our clients accessing those crucial civil remedies. We've been told by many that they are scared to enter the courthouse. We look forward to a day when our clients are not at risk of ICE enforcement at courthouses and may safely participate in the exercise of their rights.

Violence Intervention Program, Inc.

The Violence Intervention Program, Inc. (VIP) partners with Latina/o/x communities to end gender-based violence. Created as a grassroots response to domestic and sexual violence, VIP

has always centered survivors in its leadership and has worked to create a community of staff that reflects the rich national, ethnic and racial diversity of the communities it serves. VIP operates three community-based social service programs, two residential shelter and housing programs, a 24/7 hotline, innovative economic justice and sexual violence programs, and a robust communications and outreach team. Established in East Harlem in 1984, the organization has grown, and now operates five locations across heavily immigrant neighborhoods in East Harlem, Bronx and Queens. The majority of VIP's clients are immigrants to the United States, who find themselves navigating unfamiliar systems during crisis. VIP runs three community-based social service programs and two residential shelter and housing programs. In 2017, VIP launched its Economic Justice and Survival Program, with an emphasis on small business and worker's cooperatives owned by immigrant survivors of DV/SV. Through funding from the Fund for Me Too Movement and Allies in 2019, VIP launched its Sexual Violence Project, specializing in addressing complex sexual trauma experienced by immigrant survivors and connecting them to online tools and technologies to help them reclaim their survival stories. For the past three years, anti-immigrant rhetoric and escalating tactics to arrest, detain and deport immigrants has created a stark chilling effect among those who are suffering domestic violence here in New York City. Options to address that daily violence have always included seeking civil and criminal court-issued protective orders, where victims may also request additional relief such as custody of their children, child support and other protections that help to protect themselves and their children against violence. With the increased presence of Immigration and Customs Enforcement seeking to arrest immigrants in courthouses, this option has failed survivors who fear unintended consequences for seeking protection from abusive partners. Increased risk of ICE engagement has led to decreased safety for immigrants suffering domestic and sexual

violence at the hands of intimate partners and family members. For this reason, VIP supports the relief sought in the attached complaint, seeking to end the tactics that have functionally weakened protections for victims of domestic violence.

Yonkers Sanctuary Movement

Yonkers Sanctuary Movement is a grassroots organization that educates and mobilizes immigrants and allies in Yonkers, New York to keep immigrant families safe from detention and deportation, and to fight for justice for the undocumented community of Yonkers. ICE's presence in and around courthouses creates a climate of fear that prevents victims of crimes from seeking justice.