

**New York City Council**  
**Committee on Immigration and Committee on the Justice System**  
**Oversight - ICE Out of New York Courts, April 10, 2019**  
**Testimony of Mizue Aizeki, Acting Executive Director, Immigrant Defense Project**

Thank you to the Committee on Immigration and Committee on the Justice System for giving me the opportunity to speak about the critical and urgent issue of Immigration and Customs Enforcement (ICE) arrests in courthouses. I am the Acting Executive Director of the Immigrant Defense Project (IDP), which works to expand and protect the rights of people caught in the intersection of the criminal legal and immigration systems. IDP has been tracking ICE enforcement operations in New York for a number of years, and we have specifically monitored ICE presence and activity in and around courthouses since the beginning of 2017.

In our January 2019 report, *The Courthouse Trap: How ICE Operations Impacted New York Courts in 2018*,<sup>1</sup> IDP documented a 1700% increase in ICE courthouse arrests and sightings over the last two years. This astronomical rise has been accompanied by an increase in use of force tactics by ICE officers. IDP has documented ICE's increased use of violent force to conduct arrests, including slamming family members against walls, dragging individuals from cars, and even pulling guns on people leaving court. Another significant trend is that ICE has been expanding its practice of arresting individuals outside of the courthouse. ICE is still operating inside courthouses (which includes ICE arrest squads sitting in court part and conducting surveillance throughout court), but they are increasingly arresting people as they are leaving court.

The report highlights stories such as this: a block away from the Brooklyn criminal court, two plain-clothes agents grabbed a young man who was attending court with his mother and dragged him towards an unmarked car. His mother thought her son was being kidnapped, and the agents refused to identify themselves as ICE when she asked. As the mother cried for help, a third plain-clothes ICE officer pushed her against a wall, repeatedly told her to "shut up," and physically blocked her from going over to the unmarked car where her son had been pushed inside.

These are typical ICE tactics. ICE officers often work in teams of 3 or 4 people, with reports of up to 10 agents for a single arrest. They are plain-clothed, often do not identify themselves, and aggressively arrest their targets and rip them away from loved ones without explanation. IDP has documented hundreds of such cases during the past two years.

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<sup>1</sup> <https://www.immigrantdefenseproject.org/wp-content/uploads/TheCourthouseTrap.pdf>

This morning, our coalition of more than 100 organizations across New York State issued a new report measuring the harmful impacts of ICE's increased courthouse arrests: *Safeguarding the Integrity of Our Courts; The Impact of ICE Courthouse Operations in New York State*.<sup>2</sup> Other members of the ICE Out of Courts Coalition will speak today about the report findings on the widespread impact of ICE's aggressive courthouse operations, including the widespread chilling effect, which discourages victims, witnesses, and defendants from seeking legal protections.

ICE has sent a clear message to immigrant communities and the jurisdictions that safeguard their rights that nobody is safe, not even in a courthouse—not those who are required by law to attend, and not those who are seeking protection from the courts.

ICE has ignored the numerous public calls made by judges, district attorneys, attorneys general, and anti-violence advocates across the country to end courthouse arrests. Last December, close to 70 judges and former chief justices from 23 states, sent a letter to ICE broadly condemning courthouse arrests and calling on ICE to end this practice.<sup>3</sup> Instead, ICE has doubled down on this policy, escalating courthouse arrests and spreading its disruptive and harmful tactics throughout New York State.

Since ICE has made clear that it does not see itself as accountable to anyone, waiting for ICE to change its own courthouse policy is foolish at best and at worst, dangerously complicit. Today, immigrants are being forced to weigh things like their physical safety, their financial well-being (in the case of fraud), compliance with court dates, fines, and fees, and support of their families, against the possibility of ICE arrest, immigration detention, and permanent separation from their families. This will also happen tomorrow, and the next day, and the next, exacerbating panic and calcifying mistrust, until the state legislature decides to do something about it.

IDP thanks the City Council for recognizing this urgency and considering the proposed resolution in support of the Protect Our Courts Act. This bill responds to ICE's unlawful courthouse arrest practice by requiring a judicial warrant or court order for a civil arrest of someone attending court. This requirement aligns with existing New York law, which already places significant limitations on civil arrest of people attending court. Because ICE has stated that no group of immigrants, even vulnerable ones, is off limits, the bill protects litigants, witnesses, and those who accompany these individuals to court. The bill also authorizes judges to issue orders to ensure that this privilege against civil arrest is not violated.

New York and federal law contain multiple provisions for individuals and the state attorney general to bring suit for a number of different civil rights violations, and the Protect Our Courts Act does the same. This bill makes sure that if federal agents willfully violate the

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<sup>2</sup> <https://www.immdefense.org/ice-courts-nys/>

<sup>3</sup> <https://www.scribd.com/document/395488473/Letter-From-Former-Judges-Courthouse-Immigration-Arrests>

law, there is a cause of action for that violation. These enforcement provisions provide meaningful resolutions, and meaningful recognition of immigrants' rights under the law.

The bill also ameliorates the confusion and chaos caused by the disruptions to court function caused by ICE enforcement. It creates a clear protocol for court staff to follow regarding civil immigration enforcement operations and requires law enforcement agents to present a judicial warrant or court order if entering a courthouse with respect to a civil immigration violation. The bill also provides instructions on how to implement and staff this provision, which will ease the execution of this policy while providing much needed clarity and standard guidance on managing federal immigration enforcement in courthouses.

Thank you for your attention to this issue. The Protect Our Courts Act would provide critical protections to immigrant communities and restore non-discriminatory access to the courts in New York State. We thank the committees for your consideration of this critical matter and your ongoing commitment to the well-being of all New Yorkers.