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New York State Legislature Fails to Deliver Justice for Immigrants In the Face of Escalating Threats from Immigration and Customs Enforcement (ICE)

ALBANY, NEW YORK-- The New York State legislature has failed to pass the [Protect Our Courts Act](#) to end ICE courthouse arrests, despite consensus by so many that this despicable practice must be stopped. As the Trump administration continues to threaten and inspire fear in immigrant communities, the legislature's inaction is unacceptable.

With broad support in the Senate and Assembly, New York was slated to become the first state in the nation to pass legislation limiting ICE enforcement operations at courthouses. Instead, the call from so many stakeholders--District Attorneys, former judges, and the 120+ organizations in the ICE Out of Courts Coalition--went unanswered. The bill was under consideration until the last day of the legislative session.

In April, as a result of the ICE Out of Courts Coalition's advocacy, the New York State Office of Court Administration issued a directive prohibiting ICE arrests in courthouses without a judicial warrant. The Protect Our Courts Act would have codified these rules and added protections for people arrested attending and leaving courthouses, where ICE operations are most active.

The Immigrant Defense Project (IDP) has documented a 1700% increase in ICE courthouse arrest activity since the Trump administration took office in 2017. IDP has tracked ICE's increasingly aggressive tactics, including assaulting immigrants and their attorneys, and ripping people away from both court proceedings and their loved ones while pretending to be local police.

Our organizations came together to push New York State to act immediately to halt ICE arrests. Although the bill did not pass today, as ICE and the Trump administration continues to threaten and terrorize our communities, we will continue to fight for passage on the first day of the legislative session next year.

“ICE’s practice of exploiting the New York court system to harm our communities and further its mission of surveilling, arresting, detaining, and deporting New Yorkers is well-documented and ongoing. Just this week, while New York legislators were in session and considering passing the Protect Our Courts Act, we received reports of multiple ICE arrests at courthouses in Queens. Despite a broad consensus that this legislation was essential in protecting both New York’s courts and New Yorkers themselves, legislators were unable to act. ICE is unrelenting and we need leadership at the state and local levels to step up and protect our communities. We urge New York legislators to stand up for immigrant communities by passing the Protect Our Courts Act as soon as possible during the next legislative session.” **Mizue Aizeki, Acting Executive Director, Immigrant Defense Project**

“The Long Island 6 had an opportunity to stand by immigrant communities and push for the passage of Protect Our Courts Act. Senator Monica Martinez who represents one of the most diverse districts in Long Island could have fought for immigrants in a time when ICE is threatening to continue to separate families. We will continue to defend immigrant community in NY and hold elected accountable to their lack of actions.” **Natalia Aristizabal Betancur, Co-Director of Organizing, Make the Road New York**

“Access to equal justice was once again deferred for immigrant New Yorkers. Survivors deterred from testifying against abusers. ICE stalking our courthouses and detaining people before proven guilty. Due process and right to a speedy trial denied. The criminal injustice system now remains clinched in the grasp of the deportation machine because of legislative inaction. Our communities and movements will not wait. We will continue to confront ICE around courthouses throughout the state knowing our actions are the only thing contributing to equal access to justice for immigrant New Yorkers.” **Bryan MacCormack, Executive Director Columbia County Sanctuary Movement**

“ICE’s targeting of immigrants at courthouses in the Hudson Valley prompted Ulster County, Newburgh, Poughkeepsie, New Paltz, Middletown, and Beacon to pass resolutions in support of this bill. The legislature missed an important chance to stand up for New Yorkers against ICE’s terror. Even as, just days ago, Trump promised renewed mass raids. But this coalition isn’t going anywhere, and we’re going to demand New York protect its courts in 2020.” **Jonathan Bix, Executive Director, Nobody Leaves Mid-Hudson**

“New Yorkers deserve to know that they can access justice in our court houses safely and without fear of detention and deportation. We are glad that the OCA’s new rules offer some protection, but know that full protection from ICE’s violations of our justice system’s integrity can only come from the Legislature. We will continue to work with fellow advocates for justice to

ensure every New Yorker is able to access the courts.” **Michelle Caldera-Kopf, Senior Attorney and Program Manager, Liberty Defense Project, Empire Justice Center.**

“We are deeply disappointed, but not deterred, by the legislature’s failure to pass the Protect Our Courts Act this session. There is no question that the escalation in ICE arrests in and around New York state courthouses has denied vulnerable victims and witnesses access to justice by deterring them from contacting authorities and accessing courts when needed, such as in the event of a hate crime. With momentum growing to secure these protections in New York and beyond, we will remain steadfast in our commitment to working with the ICE Out of Courts Coalition to ensure equal access to our justice system, regardless of immigration status.”
Evan R. Bernstein, ADL New York/New Jersey Regional Director

“With ICE relentlessly abducting our clients from state courthouses, the state legislature’s failure to pass the Protect Our Courts Act is bitterly disappointing,” said **Janet Sabel, Attorney-in-Chief of The Legal Aid Society.** “We call on Albany to take this up at the very start of the next legislative session. Basic due process dictates that all New Yorkers, including vulnerable immigrants, need to have full and unimpeded access to the courts.”

“The failure of the New York legislature to pass the Protect Our Courts Act, which is key to protecting the rights of immigrant New Yorkers, makes us ever more determined in our fight on behalf of immigrant survivors to restore their equal access to justice.” **Evangeline M. Chan, Director, Safe Horizon Immigration Law Project.**

“By failing to pass the Protect our Courts Act this session, the legislature missed a critical opportunity to send a powerful message that New York State values access to justice for all. Instead, immigrant New Yorkers will continue to fear ICE arrests on their way to and from court appearances, and that risk will continue to undermine the goal of fairness and equality in the criminal legal system. We are grateful to the Office of Court Administration for passing their directive prohibiting ICE arrests in court without a judicial warrant, but disappointed in the legislature for not taking the rule a step further to provide more complete protection to immigrant New Yorkers when appearing in our courts. We will continue to fight alongside the other advocates in the Ice out of Courts Coalition to ensure equal access to justice for all in New York.” **Justine Olderman, Executive Director, The Bronx Defenders**

“All New Yorkers have the right to access our courts, safely and free from fear of deportation or detention. We are disappointed in the Legislature’s failure to pass the Protect Our Courts Act. We continue to stand with our partners to advocate to ensure equal access to justice for all New Yorkers, regardless of immigration status.” **Hamra Ahmad, Legal Director, Her Justice**

“New York State had the opportunity to take an important step in protecting immigrants and their families from being sitting ducks for simply adhering to the requirements of our judicial system. Immigrants who are appearing in court for non-immigration related matters—whether it's parents

appearing in family court or an individual seeking a protective court order—deserve to be guaranteed the due process they deserve without the threat of being separated from their families." **Anu Joshi, Senior Director of Policy, New York Immigration Coalition**

"At a time when immigrant children and families are more vulnerable and fearful than ever, we are extremely disappointed that the Legislature failed to pass the Protect Our Courts Act. The threat of ICE arrests in our courts hurts our youngest New Yorkers' ability to seek justice and protection from violence and abuse. The Protect Our Courts Act is absolutely necessary to keep children and families safe. We will continue to work together with our partners to make sure that New York ensures equal access to our justice system." **Karen Freedman, Executive Director, Lawyers For Children**

"Under the Trump Administration, we are experiencing the harshest and most broad-sweeping immigration enforcement regime in modern history, as well as an unprecedented undermining of due process in immigration courts. While OCA's protocol is a significant step in the direction of protecting immigrant New Yorkers from the aggressive ICE enforcement at courthouses, our clients still face serious hurdles to having a fair day in court, as there is still a high risk of ICE arrests as they travel to and from court appearances or enter and exit court buildings. We call on the New York State Assembly and Senate to prioritize the Protect Our Courts Act next session to extend protections beyond the courthouses themselves. We will continue to work with fellow advocates to defend our immigrant communities in New York." **Richard Bailey, Senior Staff Attorney, Immigration Practice, Brooklyn Defender Services**

"Since last year, our members have stood with our clients, engaging in over 20 court walk-outs to protest ICE's presence in the court. Our members have long known that ICE's presence in the Court would only increase as long as the State Judiciary allowed them to conduct their arrests at the expense of our clients' legal rights. We are disappointed that the State Legislature did not pass the Protect Our Courts Act this legislative session, and urge legislators to act quickly during the next session to protect our clients and their right to due process." **Debbie Wright, UAW Region 9A Political Director**

"The Legislature's failure to pass the Protect Our Courts act is a devastating blow to those who believe in the sanctity of our judicial system and those in desperate need of its services. At Sanctuary for Families, 75% of the gender violence and sex trafficking survivors we serve are immigrants who rely on the courts for orders of protection, child custody and support. Some are witnesses in criminal cases against their abusers. ICE in our courthouses and the threat of detention and deportation spreads fear, not justice, and deters many of our clients from seeking the protections that are rightfully theirs. We applaud the Chief Judge's decision to require judicial warrants or judicial orders for ICE arrests in New York State courthouses and call on the Legislature to enact this vital legislation in the next session." **Hon. Judy H. Kluger, Executive Director of Sanctuary for Families**

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