



40 West 39th Street, Fifth Floor, New York, NY 10018

Tel: 212.725.6422 • Fax: 800.391.5713

www.ImmigrantDefenseProject.org

June 22, 2017

Via E-Mail and First Class Mail

Hon. Janet DiFiore
Chief Judge
Office of Court Administration
25 Beaver Street
New York, NY 10004

RE: Escalation in ICE Arrests in New York State Courts

Dear Judge DiFiore:

We are a group of 110 legal services organizations, domestic violence and victims services groups, and community based organizations that work with immigrant and citizen New Yorkers who depend on access to our state courts. We write to express our outrage at last Friday's events, where agents from U.S. Immigration and Customs Enforcement (ICE) came to a Human Trafficking Intervention Court to arrest a young woman who was appearing before the court. By doing so, ICE has again shown disregard for the functioning of the courts. It also reinforces the message that no immigrant is safe in the New York State court system, a feeling that is deepening in the communities we serve. As the Chief Judge of the New York State Courts, we ask that you take immediate steps to protect immigrant New Yorkers and their families, and restore trust in the State court system.

As a coalition, we last wrote to you on April 10 to express our concerns about ICE's increased presence in and around the courts, which we have witnessed since the beginning of 2017, when President Trump took office. In the intervening months, the problem of ICE arrests in our courts has only worsened. We have now confirmed 38 arrests or attempted arrests in courts around the State since the beginning of the year. In recent weeks, the pace of arrests has significantly increased, with at least 10 arrests or attempted arrests occurring last week alone. ICE has also expanded its courthouse raid practice to target immigrants appearing in our family courts, in the youth parts of our criminal courts designed to help youthful offenders rehabilitate, and our problem-solving courts.

Last Friday, ICE exhibited extreme disregard for the integrity of the court system by targeting a young woman in the Human Trafficking Intervention Court in Queens, a court that has been hailed as a national model for trafficking victims. The young woman had no prior criminal history and was facing misdemeanor charges stemming from her status as a victim of

human trafficking. Nevertheless, three plainclothes ICE agents targeted her for arrest at her court appearance while her family waited in the courtroom. This squad of agents then moved on to arrest three other people appearing for criminal court in Queens that day.

We regularly work with immigrants, and the family members of immigrants, who need access to the New York State court system for critical reasons, including obtaining orders of protection, defending against criminal charges, and seeking protection against abusive employers and landlords. ICE's exploitation of the court system has made it increasingly difficult to tell the individuals and families that we work with that our courts are a safe space. The immigrants who we work with now often express fear of going to court, of filing petitions seeking protection from the court, and of testifying as complaining witnesses.

Far from backing down from the courthouse arrest practice, in response to widespread criticism and requests to desist, ICE's leadership in the Department of Homeland Security (DHS) has doubled down. After public outcry over the arrest of a transgender woman, a survivor of domestic violence who sought an order of protection in a Texas court, DHS officials publicly declared that even the victims and witnesses of crimes were fair game in the courts. Friday's attempted arrest brings DHS's promise into sharp focus. And despite requests from other state chief justices and state and local elected officials, federal immigration authorities have refused to designate state courts as "sensitive locations" that would be protected from federal immigration enforcement.

In the face of ICE's reckless disregard for public safety and access to justice, as Chief Judge, it is imperative that you take all the steps necessary to stop federal immigration agents from using our court system to trap immigrants for arrest, detention, and deportation. As organizations that work daily with immigrant communities throughout New York State, we are witnessing ICE's presence erode trust in the court system and undermine equal access to justice. Without your intervention, this phenomenon will only worsen, endangering all New Yorkers and the integrity of our court system itself.

Thank you for your attention to this important issue.

Sincerely,

Adhikaar (Statewide)
African Communities Together (Statewide)
African Services Committee (Bronx County)
AIDS Health Care Foundation (NYC)
Albany Law Clinic & Justice Center, Immigration Law Clinic (Capital Region)
Appellate Advocates (Kings, Queens, and Richmond Counties)
Asian American Legal Defense and Education Fund (AALDEF)(Statewide)
Atlas: DIY (NYC)
Brooklyn Bar Association Volunteer Lawyers Project (Kings County)
Brooklyn Defender Services (Kings County)
Bronx Defenders (Bronx County)

Cardozo School of Law, Kathryn O. Greenberg Immigration Justice Clinic (NYC)
Catholic Migration Services (Kings and Queens Counties)
Center Against Domestic Violence (NYC)
Center for Appellate Litigation (New York and Bronx Counties)
Center on Latino/a Rights and Equality(NYC)
Central American Legal Assistance (NYC)
Columbia County Public Defender (Columbia County)
Columbia County Sanctuary Movement (Columbia County)
Common Justice (Statewide)
Community Development Project of the Urban Justice Center (NYC)
Crime Victim and Sexual Violence Center (Albany County)
Crime Victims Treatment Center (NYC)
Day One (NYC)
Desis Rising Up & Moving (DRUM)(NYC)
Door's Legal Services Center (NYC)
Downstate Coalition for Crime Victims (NYC)
Emerald Isle Immigration Center (NYC)
Empire Justice Center (Statewide)
Genesee County Public Defender (Genesee County)
Greater Rochester Coalition for Immigration Justice (Monroe County)
Harlem Independent Living Center (Manhattan)
HIV Law Project (NYC)
Hispanic Coalition NY, Inc. (Statewide)
Housing Court Answers, Inc. (NYC)
ICE-Free Capital District (Capital Region)
Immigrant Defense Project (Statewide)
Immigrant Justice Corps (Statewide)
Immigration Equality (Statewide)
Journey's End Refugee Services (Erie County)
Kids for College (Statewide)
KIND, Inc. (Kids in Need of Defense (Statewide)
Kite's Nest (Columbia County)
Korean Community Services of Metropolitan New York (Greater NYC Metro Area)
La Colmena (Richmond County)
Labor-Religion Coalition of New York State (Statewide)
LatinoJustice PRLDEF (Statewide)
Latinos Unidos of the Hudson Valley (Hudson Valley)
Lawyers For Children, Inc. (NYC)
LGBT Bar Association of Greater New York (LeGaL)(Greater NYC Metro Area)
Legal Aid Society (NYC)
Legal Aid Society of Nassau County (Nassau County)
Legal Aid Society of Rochester (Rochester County)
Legal Project (Albany)
Legal Services NYC (NYC)
Legal Services of the Hudson Valley (Hudson Valley)
Legal Services Staff Association, NOLSW/UAW 2320 (NYC)

Levy Davis & Maher LLP (NYC)
LifeWay Network, Inc.(Greater NYC Metro Area)
Long Island Immigrant Alliance (Long Island)
Long Island Wins (Long Island)
Lutheran Social Services of New York (Statewide)
Make the Road New York (NYC and Long Island)
Masa (Bronx County)
MFY Legal Services, Inc. (NYC)
MinKwon Center for Community Action (NYC)
Monroe County Conflict Defender Office (Monroe County)
Mount Sinai Beth Israel Victim Services (NYC)
Mount Sinai Human Rights Program (NYC)
My Sister's Place (Westchester County)
National Organization for Women New York (NYC)
Neighborhood Defender Service of Harlem (Manhattan)
New York City Anti-Violence Project (AVP) (NYC)
New York City Refugee and Asylee Health Coalition (NYC)
New York County Defender Services (NYC)
New York Lawyers for the Public Interest (NYC)
New York Legal Assistance Group (NYC)
Nixon Peabody LLP (NYC)
Northeast NY Coalition for Occupational Safety and Health (Statewide)
Northern Manhattan Coalition for Immigrant Rights (NYC)
NY- NELA (Statewide)
NYCLU-Suffolk Chapter (Suffolk County)
Office of the Appellate Defender (NYC)
OLA of Eastern Long Island (Long Island)
Prisoner Legal Services (Statewide)
Queens Law Associates (Queens County)
Regional Immigration Assistance Center, Hudson Valley Region (Hudson Valley)
Regional Immigration Assistance Center, Region 2 (Central New York)
Rockland Immigration Coalition (Rockland County)
Rural and Migrant Ministry (Statewide)
Safe Against Violence (Delaware County)
Safe Horizon (NYC)
Safe Passage Project (NYC)
Sanctuary for Families (NYC)
Sauti Yetu Center for African Women and Families (NYC)
SBK Social Justice Center Inc. (Columbia County)
Sosa Law (NYC)
St. Vincent de Paul Legal Program, St. John's University School of Law (Queens County)
Statewide Coalition Against Domestic Violence (Statewide)
Statewide Coalition Against Sexual Assault (Statewide)
Statewide Youth Leadership Council (Statewide)
STEPS to End Family Violence (NYC)
Sylvia Rivera Law Project (NYC)

Ulster County Defender (Ulster County)
UnLocal, Inc. (NYC)
Urban Justice Center (NYC)
Violence Intervention Program (NYC)
Wayne Action for Racial Equality (Wayne County)
WESPAC Foundation (Westchester County)
Worker Justice Center of NY, Inc. (Kingston, Rochester, and Albany Counties)
Youth Represent (NYC)

cc: Hon. Lawrence K. Marks