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Elected Officials, Advocates, and Public Defenders Gather to Introduce Groundbreaking New Bill to Protect Immigrants from Unlawful ICE Arrests at Courthouses

The Protect Our Courts Act would prohibit federal immigration agents from making arrests without a judicial warrant and is the first-of-its-kind nationally

NEW YORK – June 5, 2018 – New York Assemblymembers Michaelle Solages, Carmen De La Rosa, Inez Dickens, Councilmember Carlos Menchaca, District Attorney Cy Vance Jr., advocates, and public defenders convened today in NYC and Albany to support the introduction of the Protect Our Courts Act ([A11013](#)). The groundbreaking new bill would prohibit Immigration & Customs Enforcement (ICE) agents from making civil arrests at New York State courthouses without a judicial warrant or court order. The protection extends beyond courthouse walls, and applies to arrests of individuals going to or leaving a court as well. To date, the bill offers the most comprehensive regulations on ICE courthouse arrests in the U.S.

Sponsored by Assemblymember Michaelle Solages, the Protect Our Courts Act upholds a pillar of our democracy – equal access to our judicial system, regardless of immigration status – and will protect any party in a court proceeding in New York State, including victims, witnesses, and defendants attending a variety of courts, such as family and housing court.

Since the beginning of 2017, there has been an unprecedented 1200% increase in ICE courthouse arrests across New York State, effectively disrupting court functions, sowing fear in immigrant communities seeking justice, and undermining public safety. In fact, a statewide [survey](#) conducted by the Immigrant Defense Project found that more than two-thirds of advocates working with survivors of violence said they have clients who have decided not to seek help from the courts due to fear of ICE. Another [report](#) from the ACLU found that courthouse arrests were deterring immigrants from reporting crimes.

New York is leading the way in providing meaningful protection to its immigrant communities. In April, Governor Andrew Cuomo signed an Executive Order banning ICE arrests in state-run buildings without a judicial order. The Protect Our Courts Act follows suit by helping ensure access to courts for all New Yorkers.

To learn more about courthouse raids, visit www.immigrantdefenseproject.org/ice-courts/. For an FAQ on the bill and stories of people impacted, visit <https://www.immigrantdefenseproject.org/ice-courts-nys/>. Photos available upon request.

Assemblymember Michaelle C. Solages, said:

“Residents of our State rely on the court system to address important legal issues that affect our communities. All New Yorkers regardless of income, race, religion or immigration status should have the opportunity to use the court system to advocate for themselves and their interests. Federal immigration agents searching and detaining immigrants inside our courts, deters individuals from interacting with the court system which in turns has a chilling effect on our rights. I join the Immigrant Defense Project, SEIU 32BJ and all other advocates to ensure that our courts remain safe for all New Yorkers.”

Assemblymember Ron Kim, said:

“While President Donald Trump and ICE continue to target and punish law abiding immigrants, here in New York, we stand strong together to protect all New Yorkers. I look forward to working closely with my colleagues to get ICE out of our courts. I applaud the Immigrant Defense Project, and Assemblymember Michaelle Solages efforts to bring this timely and meaningful legislation to protect the integrity of our court system in New York.”

Assemblymember Harvey Epstein, said:

“Emboldened by Donald Trump’s xenophobia, ICE has accelerated the contemptible tactic of courthouse arrests, which pervert the course of justice for immigrant and undocumented New Yorkers and have a chilling effect on victims and witnesses attending proceedings. New Yorkers, regardless of immigration status, should not be afraid to seek justice.”

Assemblymember Dan Quart, said:

“ICE has no place in our courts -- their presence severely threatens equal access to justice,” said Assemblymember Dan Quart. “Everyone, regardless of their immigration status, should feel safe to seek help from the legal system. New York’s state court system should not be used as a tool by ICE agents to arrest and deport people. As federal authorities ramp up their enforcement of deportation orders, we must work together on the state level to ensure immigrants are not fearful of entering a courtroom.”

Senator Marisol Alcantara, said:

“The use of ICE agents to engage in courthouse arrests is a damaging and dreadful act. It is damaging and dangerous to our immigrant communities, as local law enforcement needs the cooperation and engagement of those immigrant communities to keep us all safe. The federal governments attacks on immigrants does not reflect New York values, which are embodied by the Statue of Liberty, which calls for America to be a welcoming beacon for those yearning to breathe free. ICE agents who have neither a judicial warrant, nor court order, should not be permitted to make court house arrests in New York State.”

Public Advocate Letitia James, said:

“Safe and universal access to the court of law is key to a fair, democratic society and a basic requirement in the vindication of individual rights. ICE’s indiscriminate campaign of courthouse arrests puts all New Yorkers at risk and goes against everything we stand for. The Protect Our Courts Act is a thoughtful and commonsense update of longstanding Civil Rights Law, made necessary by an unprecedented attack on our immigrant communities and our judicial system. I thank Assembly Member Solanges and the Immigrant Defense Project for their leadership, and look forward to working with them as we continue this fight against unjust courthouse arrests.”

NYC Councilmember, Chair Immigration Committee Carlos Menchaca, said:

“I stand in support of the Protect Our Courts Act and the leadership of Assemblywoman Michaelle Solages and community groups to ban ICE out of our courthouses. ICE must go through the rigorous process of obtaining a judicial warrant as required under our Constitution. In a dangerous move, our New York City Mayor Deblasio has decided that some immigrants are worthy of legal representation and some are not and Chief Judge Janet Difiore has refused to act even though she has the authority to ban ICE from disrupting

judicial proceedings. Both need to understand that they are standing in the way of justice and facilitating the emerging deportation machine President Trump has been setting up since day one in office.”

Manhattan District Attorney Cy Vance, Jr. said:

“Deporting New Yorkers who show up to court is antithetical to our values and detrimental to our public safety. The fear of unjust deportation stops crime victims from coming forward, and stops defendants from responsibly attending their court dates. I thank Assembly Member Solages for her work on this bill and urge the legislature to pass it immediately, because all New Yorkers have the right to safely access our courts, whether they are documented or undocumented under federal law.”

Brooklyn District Attorney Eric Gonzalez, said:

“I have been calling on ICE for months to treat our courthouses as sensitive locations and to stop arresting people inside those buildings. These actions jeopardize public safety by instilling fear in immigrant communities, which makes victims and witnesses afraid to come forward to report crimes, and unable to get justice. Keeping Brooklyn safe and strengthening community trust in law enforcement are my top priorities as Brooklyn DA, and ICE’s actions undermine those important goals. I support the efforts to end this misguided practice.”

Bronx District Attorney Darcel D. Clark, said,

“I endorse the Protect Our Courts Act because, as the Bronx District Attorney, I encourage people to report crimes so that they can be processed through the criminal justice system. If a victim or witness who is essential to the prosecution of a heinous case is arrested by Immigration and Customs Enforcement when he or she shows up at the courthouse, we cannot go forward with the case, resulting in cases being dismissed and dangerous individuals being released back into the community. This could have a chilling effect on getting witnesses to assist in our cases, potentially resulting in a threat to public safety. We need everyone to cooperate in our fight to keep the streets of the Bronx safe.”

Brooklyn Borough President Eric L. Adams, said:

“ICE’s overaggressive behavior in and around our courts has been counterproductive to public safety in our city and our state. I am grateful to Assembly Member Solages, our public defenders, and the broad coalition of community advocates who are putting the public’s safety first as they put the Protect Our Courts Act forward.”

Bronx Borough President Ruben Diaz Jr., said:

“ICE’s presence in the New York State Court System has a chilling effect on justice. The agency’s presence in our courts is preventing the fair adjudication of cases within our system, and is an affront to the concept of impartial justice. I support Assembly Member Solages efforts to remove ICE from the New York State Court System, and I will continue to work with immigration advocates, attorneys and others to protect our immigrant community from needlessly splitting up families through detention and deportation.”

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

“For too long, ICE has been allowed to roam free in our courthouses and use them as hunting grounds for immigrants. The Protect Our Courts Act is a groundbreaking bill that will help ensure equal access to courts and protect the constitutional rights of all New Yorkers. We applaud Assembly Member Solages for taking this courageous stance in defense of our courts.”

Héctor Figueroa, President of 32BJ SEIU, said:

“We are heartened by the bill introduced by Assemblymember Michaëlle Solages to put an end to the presence of ICE agents in courthouses. Instead of serving justice, increased and aggressive ICE enforcement in and near courtrooms denies justice to victims of domestic violence and of violent crimes, and terrorizes

witnesses of crimes into staying silent. This doesn't just hurt immigrants, it hurts all of us and makes us less safe."

Judge Judy Harris Kluger, Executive Director of Sanctuary for Families, said:

"At Sanctuary for Families 75% of the gender violence and sex trafficking survivors we serve are immigrants. Our vulnerable clients rely on the courts for orders of protection, child custody and support and are often witnesses in criminal cases against their abusers. Yet, the very presence of ICE in our courthouses and the threat of detention and deportation deters many of them from ever coming to court and seeking the protections that are rightfully theirs. We applaud Assemblywoman Solages for crafting this measure and urge all of our legislators and Governor Cuomo to make sure this measure becomes law before end of session."

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

"The sanctity of our courts must be maintained in order to ensure that our justice system is not hijacked by fear. ICE officers lurking in the shadows of our courts are like vultures seeking prey who will pounce at the sight of dark skin complexion. LatinoJustice has been fighting for immigrants' rights in the courts and in the streets for decades. We applaud the bill introduced by Assembly Member Solanges and call upon the State Senate and the Governor to join their State Assembly colleagues to take prompt legislative action to ensure that ICE is barred from making arrests in our courts unless they have a judicial warrant. The safety of our communities depends on every individual's ability to access our judicial system."

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

"ICE's increasing presence in our courthouses is a Trump tactic to instill fear in immigrant communities - and it undermines the very integrity of our justice system. America will not be safer or greater if people cannot come forward to report crimes, bear witness at trial, and seek the protection of the law, for fear of deportation. New York State should require ICE to get nothing less than a full judicial warrant before they try to use our courts to do ICE's dirty work. I applaud Assemblywoman Michaelle Solages for introducing this vital bill and urge the Legislature to take action to ensure every New Yorker has equal access to justice."

Tina Luongo, Attorney-in-Charge of the Criminal Defense Practice at The Legal Aid Society, said:

"ICE's presence in our courts undermines our ability to represent our clients and safeguard their constitutional rights," "Immigrants, both people who are accused and witnesses, are terrified to appear in court knowing that ICE is indiscriminately targeting anyone who's not a U.S. citizen. Enough is enough. We laud Assembly Member Michaelle C. Solages for introducing this important legislation that addresses a crisis that has plagued our courts since January 2017."

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

"ICE's increasing arrests and intimidation of our immigrant clients in and around our courthouses has compromised the administration of justice. If the people we represent, as well as witnesses and victims of crimes, cannot safely appear in court to participate in the legal process then the integrity of the whole system is undermined. We strongly support the Protect Our Courts Act, legislation introduced by Assembly Member Michelle Solages to end ICE arrests without judicial warrants in our courts."

Sarah Deri Oshiro, Managing Director of the Immigration Practice of The Bronx Defenders, said:

"The presence of Immigration Customs Enforcement (ICE) officers in our courthouses has had a chilling effect on the ability of people to seek justice in our courts. We applaud Assemblywoman Solages for introducing this piece of legislation, which will be an important step towards ensuring that our immigrant communities can enjoy the full protections of our judicial system."

Anne Erickson, President and CEO of Empire Justice Center, said:

“Empire Justice Center applauds bill sponsor, Assemblymember Michaelle Solages, and the many co-sponsors of the Protect our Courts Act for taking steps to ensure that immigrant families in New York have their day in court. Everyday, our attorneys represent undocumented immigrants who must balance the fear of being torn away from their families, without due process, with the responsibility of showing up in court like any other New Yorker. It is in every New Yorker’s interest to protect the integrity of our state’s court processes and guarantee access to justice for all, as required in our state constitution. Passage of this bill will send a message that New York cares for its people and for our values.”

Luis Bautista, Staff Attorney at Make the Road New York, said:

“ICE is seeking every tool at its disposal to tear apart immigrant families, including stalking them in and around courthouses. We support the Protect Our Courts Act because it will protect and safeguard communities across New York State from ICE's reckless practices at the courts, while guaranteeing equal and safe access to New York State Courts for all.”

Evan Bernstein, New York Regional Director of the Anti-Defamation League, said:

“ADL welcomes the introduction of the Protect Our Courts Act (A11013), which would ensure equal access to our state courthouses, regardless of immigration status. We remain deeply concerned about the escalation of Immigration and Customs Enforcement (ICE) enforcement in New York state courthouses. The practice has a chilling effect and denies vulnerable victims and individuals access to justice by deterring them from contacting authorities and accessing courts when needed, such as in the event of a hate crime. This legislation would represent a significant step in ensuring that all community members, regardless of immigration status, can access the justice system without fear of deportation.”

Karen Freedman, Executive Director, Lawyers For Children, said:

“Every day thousands of vulnerable children seek justice in our courts and depend on them to provide safety from violence and abuse. This bill is critical in ensuring that all New Yorkers can access justice without fear. We join a wide coalition of advocates in calling on the New York State Legislature to demonstrate our state’s leadership and values, and pass the Protect our Courts Act.”

Andrea Callan, Program Director at Worker Justice Center of New York, said:

“New York’s courthouses should not be a place where our immigrant residents fear going because they are concerned that they will be arrested by federal immigration authorities as a consequence. It is crucial that we ensure that courthouses are safe and accessible for all New Yorkers to conduct their judicial business, whether that be serving as a witness, securing a court order for one’s own protection, or utilizing our court system to remedy any number of other grievances for which a person may petition the court. Threats of federal immigration enforcement action at our state’s courthouses serves to further push our immigrant neighbors into the shadows and deny access to the services and protections only our courts can provide. WJCNY fully supports and encourages the passage of Assembly bill 11013.”

Khalil A. Cumberbatch, Associate Vice President of Policy of The Fortune Society, said:

“The Fortune Society applauds the courageous actions of immigrant advocates, public defenders, and elected officials, especially Assembly Member Michaelle Solages, who seek to protect immigrants in state court buildings from warrantless arrest by Immigration and Customs Enforcement officers. At the very least, ICE in the courthouse interrupts the legal and due processes. At worst, it becomes an out-and-out threat to justice. Immigrants seeking protection from the court, those who are victims or witnesses, and those who go to court to prove their innocence should be able to enter the courthouse without fear of immigration-related jeopardy. Knowing first-hand the harm that immigration detention and the threat of deportation can do to a family, I am proud to stand with this coalition and demand an end to this injustice.”

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