



FOR IMMEDIATE RELEASE: April 17, 2019

MEDIA CONTACT: Seth Hoy, shoy@lsnyc.org, 513-410-5725 or Rachel Cohen, rachel@immdefense.org, 917-370-8464

BREAKING: Big Victory for Immigrants & Advocates as New York State Courts Prohibit ICE from Arresting Individuals Inside Courthouses Without a Judicial Warrant

NEW YORK--Immigrants, families and advocates are celebrating a huge victory after the New York State Office of Court Administration (OCA) today announced new rules prohibiting ICE from arresting individuals in state courthouses without a judicial warrant or judicial order. Before this rule change, ICE often entered court buildings with only administrative ICE warrants and most often did not show any warrant at all. New York is the first state in the country to make this groundbreaking rule change.

Read the new rules [here](#).

The new rule comes after a two-year community campaign by the [ICE Out of Courts Coalition](#) pushing for court rules and legislation to keep ICE from laying in wait for immigrant survivors of violence, witnesses, defendants and family members in and around courthouses across New York. Just last week, the coalition renewed the call for court rules in an [80-page report](#) measuring the harmful impact of ICE's increased courthouse operations.

"This rule change is a big win for thousands of immigrants and their families across New York State who will no longer be sitting ducks in the courtroom," said **Terry Lawson, Director of the Family and Immigration Unit at Bronx Legal Services, the Bronx office of Legal Services NYC**. "We can now advise the women, men, and children we represent that ICE cannot arrest them in New York State courts without a warrant with their name on it, signed by a judge. We applaud the Office of Court Administration for taking this historic step and hope other state court systems follow suit."

While the new rule makes a huge change inside courthouses across the state, ICE agents can still wait in parking lots or stand outside court buildings to try to pick up immigrant New Yorkers as they attend or leave court. That is why advocates are urging the NY state legislature to pass [the Protect Our Courts Act](#), which would keep ICE out of the area surrounding court buildings so that they cannot prey on immigrant families interacting with the court system.

"For two years ICE has defied the calls from advocates, elected officials, and court practitioners--including judges, defenders and prosecutors--to stop using the courts to target immigrants," said **Immigrant Defense Project Acting Executive Director Mizue Aizeki**. "Today OCA has taken

a significant step towards recognizing the significant harms created by ICE's presence in the courts. The next step is for Albany to pass the Protect Our Courts Act, to end ICE's practice of arresting people as they are coming to and leaving court."

MEDIA AVAILABILITY: Experts are available today to provide additional context and insight on what this rule change means for immigrant clients in New York. Please contact Seth Hoy, shoy@lsnyc.org, 646-442-3575; Rachel Cohen, rachel@immdefense.org, 917-370-8464.

Below are additional statements from ICE Out of Courts Coalition members as well as prosecutors, judges, and elected officials:

"All New Yorkers should be able to access New York State courthouses without fear or intimidation by ICE, which is why OCA's announcement is a critical step forward for our communities" said **Natalia Aristizabal, Co-Director of Organizing at Make the Road New York**. "Our community members have seen an unprecedented increase in ICE raids at the courts, which makes us all less safe. OCA's new rule will significantly limit this dangerous practice. The next step is for New York legislators to pass the Protect Our Courts Act so that all New Yorkers will know, once and for all, that they can access courthouses without fear of ICE."

"OCA's revised protocol requiring ICE to produce a judicial warrant in order to make arrests inside of New York State courthouses is a significant step in the direction of protecting immigrants' rights," said **Richard Bailey, Supervising Attorney, Brooklyn Defender Services' Immigration Practice**. "People must be able to appear in court without fear of warrantless arrests by ICE. However, our clients are still at risk of ICE arrests immediately before and after appearing in court, and we call on the N.Y. State Assembly and Senate to pass the Protect Our Courts Act to extended protections beyond the courthouses themselves."

"No survivor should have to face the threat of deportation for holding an abuser accountable. No abuser should go free because a victim fears ICE," said **Evangeline M. Chan, Director, Safe Horizon Immigration Law Project**. "Today's Directive from the Office of the Chief Administrative Judge will help ensure survivors can seek and access justice."

"We join defenders of immigrants and civil rights in celebrating New York State's new rule to stop ICE from arresting immigrants inside state courthouses without a judicial warrant or order. This stalking of immigrants inside courthouses was a disaster for immigrants and the orderly conduct of court business in New York State," said **Héctor Figueroa, President 32BJ SEIU**. "Arrest rates by ICE inside New York courts have increased nearly twentyfold in two years, making immigrants too afraid to even show up for family issues and other court matters. As one of the nation's largest unions with majority-immigrant membership, we encourage other states to follow the lead of the New York State Office of Court Administration, and we encourage the New York State Legislature to extend this protection by passing the Protect Our Courts Act now."

“This rule provides protections, and a strong statement by OCA, that immigrant New Yorkers must be able to access our courts without fearing widespread presence of immigration enforcement” said **Beth Goldman, President and Attorney-in-Charge of New York Legal Assistance Group**. “Our justice system cannot function equitably if all members of our community cannot safely appear to seek redress and justice. We commend OCA’s passing this rule and are grateful to all who advocated for these safeguards.”

“Sanctuary for Families applauds the Chief Judge’s decision to require judicial warrants or judicial orders for ICE arrests in New York State courthouses,” said **Hon. Judy H. Kluger, Executive Director of Sanctuary for Families**. “The issuance of this directive will go a long way towards easing the destructive chilling effect ICE’s presence has had for undocumented gender violence survivors seeking relief through the judicial system, as well as restoring courthouse access for noncitizen and mixed-status communities and families across New York State.”

“Upstate New York knows far too well the devastating impacts of ICE raids in our courts. From community members with traffic tickets to domestic violence survivors, our community is terrified to go to court,” said **Bryan MacCormack, Executive Director of the Columbia County Sanctuary Movement**. “They call Columbia County Sanctuary Movement for accompaniment because they know we our unwavering support has prevented multiple court raids from occurring. We are now calling on the NYS legislature to follow the OCA and Protect Our Courts.”

“ICE has had a chilling effect on the way our courts are meant to operate. They pit the fear of deportation against our clients' need to exercise their rights in the legal system,” said **Justine Olderman, Executive Director of Bronx Defenders**. “We applaud OCA for taking a critical first step towards safeguarding the integrity of our courts, but there’s more work to be done. To truly reverse the corrosive impact that they have had on our court system, we must pass the Protect Our Courts Act and fully expel ICE from our courthouses. As long as ICE is allowed to attend court and surveil our clients, we cannot assure them that their worst fears won’t be realized simply by attending their court hearing.”

“This new rule will truly help protect immigrant New Yorkers from the pervasive and rampant immigration enforcement at courthouses that we have seen on a regular basis since the start of the Trump administration,” said **Janet Sabel, Attorney-in-Chief of The Legal Aid Society**. “In order for our judicial system to function properly, all immigrants — including our clients who have been accused of a crime, parents appearing in family court, and survivors of abuse, among others — must have unimpeded access to courts. We laud OCA for enforcing the rule that arrests require judicial warrants, and that immigration warrants that do not meet that standard may not be executed within New York’s courts. We also laud all the dedicated advocates who have worked tirelessly to protect our immigrant clients’ right to go to court without fear of immigration authorities. We now call on New York State lawmakers to enact legislation that will effectuate permanent protections for immigrants attending court.”