

April 10, 2019, New York, NY – A coalition of more than 100 organizations across New York State issued a [new report](#) today measuring the harmful impact of ICE's increased courthouse arrests on vulnerable New Yorkers' ability to access justice, including survivors of domestic and sexual violence, victims of human trafficking, single mothers, and immigrant youth

The report, which surveyed judges, district attorneys, public defenders, elected officials, and legal advocates from across the state, documents irrefutable evidence of ICE's devastating impact on New York State courts, including a 90% drop in calls made to immigrant hotlines reporting crimes in certain locations; a 100% decline in U Visa certification requests from immigrant victims of crime in Manhattan Family Court and significant drops in other boroughs; a rise in ICE-related threats from abusive partners; a rise in victims afraid to testify or seek help from courts; and major ICE-related disruptions to court programs and practices. Stakeholders agree that New York State must take action. The report recommends the Office of Court Administration adopt new rules to protect equal access to justice in New York.

"The data and experiences of court practitioners in this report underscore what advocates have been trumpeting over the last two years – ICE enforcement in our courts is instilling fear in immigrant communities, preventing victims and survivors of abuse from getting the legal help they need to keep themselves and their families safe," said **Terry Lawson, Director of the Family and Immigration Unit at Bronx Legal Services, the Bronx office of Legal Services NYC**. "When people cannot access the judiciary, when they cannot pursue or defend their rights, when they must choose to stay home rather than seek access to justice, then a crucial branch of our functioning society is in peril and it is up to all of us to protect it. We must safeguard our courts."

"The different perspectives offered in this report highlight the havoc that ICE's practices are wreaking on the court system in New York State," said **Mizue Aizeki, Acting Executive Director of the Immigrant Defense Project**. "Judges, public defenders, district attorneys, anti-violence advocates, elected officials, and others have all repeatedly called on ICE to stop courthouse arrests. Yet ICE continues to refuse, instead escalating courthouse arrests and spreading its disruptive and harmful tactics throughout New York State. It is urgent that New York State takes action, such as through the Protect Our Courts Act, to ensure equal access to courts."

"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," **New York State Attorney General Letitia James** previously said as NYC Public Advocate. "ICE's indiscriminate campaign of courthouse arrests puts all New Yorkers at risk and goes against everything we stand for."

The ICE Out of Courts Coalition compiled this report over the last year after meeting with the NYS Unified Court System's Office of Court Administration. The coalition spoke to current and former judges, district attorneys, public defenders, elected officials and legal advocates about how ICE is impacting their work and clients, collecting and analyzing data on court programs and services to understand the scope of impact. The results are irrefutable. ICE's increased arrests in New York courts have resulted in a systemic denial of New York State residents' full and equal access to the courts, creating a chilling effect on our courts, disrupting essential court functions, and discouraging immigrant victims of sexual and domestic violence, human trafficking, single mothers, and immigrant youth from seeking legal help.

Key findings include:

- 67% decline in calls to Brooklyn District Attorney's Immigrant Affairs Unit (IAU) Hotline in 2018, which allows non-citizens to report crimes and request resources, and a 96% drop in calls to Nassau's IAU in 2017
- 100% decline in U Visa certification requests to Manhattan Family Court in 2018, which protect undocumented immigrant victims of crimes; an 83% decline in Staten Island, and a 72% decline in Queens
- 78.6% of legal practitioners reported an increase in abusers threatening to call ICE to keep victims from seeking legal redress in a recent internal survey by Sanctuary for Families, a group that provides help to for survivors of domestic violence, sex trafficking and related forms of gender-based violence
- 72% decline in Clean Slate events which allow individuals to resolve summons warrants on-site without risk of arrest, with 700 people attending in 2017 compared to 200 in 2018
- Over half of the New York County Defender Services attorneys reported their clients have taken less favorable pleas to avoid having to return to court for fear of ICE in an internal survey

Offices of District Attorneys and Public Defenders also reported a significant drain on their time and resources resulting from ICE's increased courthouse arrests, including additional effort to produce litigants held in ICE custody for court appearances; an increase in bench warrants to produce clients too afraid to appear in court; litigants disappearing into ICE custody; and additional resources used to advise clients about the presence of ICE in the courthouse.

"When I asked my client what happened, she reported that the father of her children raped her in a parking lot and then severely beat her about the head with his fists and metal things," said **Andrea Panjwani of the Center for Safety & Change, Inc.** in the report. "She has neurological damage and what appears to be permanent vision loss as a result. When I

asked her why she did not report it or ask us to help her get a restraining order at Family Court, she told me she was afraid of being picked up by ICE."

In response to ICE's continued enforcement in New York Courts, the report calls on the Office of Court Administration (OCA) to institute new rules to protect New Yorkers' access to the courts and ensure public safety and legal protections for all, including:

- Prohibiting court employees from assisting with federal immigration enforcement activities, providing any information to immigration enforcement officers, or inquiring into the immigration status of any individual within any courthouse unless necessary for program service or benefit; and
- Requiring ICE to obtain a judicial warrant before entering the courthouse to make arrests. Currently, ICE is using administrative warrants, among other documentation, which they can approve themselves.

Read more the report and learn more about the ICE out of Courts Coalition demands here:  
<https://www.immigrantdefenseproject.org/ice-courts-nys/>.

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"This new report from the ICE Out of Courts Coalition provides disturbing new evidence that ICE's vicious pursuit of undocumented New Yorkers is intimidating witnesses and driving survivors of abuse into the shadows," said **New York State Senator Brad Hoylman**. "This is sickening stuff. New York must pass my Protect Our Courts Act to ensure that all residents of our state â€" regardless of their immigration status â€" can participate in our justice system and hold perpetrators accountable. It's time to send the message: our courthouses are sanctuaries, and ICE is not welcome."

"Our legal system is based on equity and equal accessibility to justice. All New Yorkers regardless of income, race, religion or immigration status deserve the opportunity to engage our courts to advocate for themselves and their interests," said **Assemblymember Michaelle C. Solages**. "Federal immigration agents coursing and arresting immigrants in our courthouses deters individuals from interacting with the judicial system which in turn endangers the safety of entire communities. I am proud to join the Immigrant Defense Project, SEIU 32BJ and all the advocates to ensure that our courts remain safe spaces for all New Yorkers."

"This report documents in painstaking detail the calculated effect of federal interference in our state court system, disrupting our ability as a City to administer justice," said **City Council Speaker Corey Johnson**. "The result is that we are all less safe. State action is long overdue. I call on Chief Judge DiFiore to promulgate rules that restrict court officers' ability to cooperate with federal immigration enforcement absent a signed judicial warrant, and I call on the New York State Legislature to pass the Protect our Courts Act (A.2176 / S.425), to ensure the sanctity of our justice system is protected. The federal government should not enforce civil immigration law in New York State courts. It gravely impedes the imposition of civil and criminal justice and it makes us all less safe."

"This report highlights how ICE courthouse enforcement is undermining our justice system, making our communities less safe, and creating fear within immigrant communities," said **City Council Member Rory Lancman**. "My committee heard directly from public defenders and advocates at a City Council hearing we co-hosted, and the consensus was clear: ICE agents have no business in our courthouses. We won't have a system of justice if people are afraid to come forward and be a part of that system."

"In only two years, ICE courthouse enforcement in New York has risen by 1736 percent! This is unprecedented and hardly coincidence: the federal administration is deploying its deportation machine in sanctuary cities like New York, to tear our families apart and bar access to our criminal justice programs that ensure due process for all," said **City Council Member Carlos Menchaca**, Chair of the NYC Council Committee on Immigration. "This report is a comprehensive analysis of what has happened since ICE first ramped up its operations at our courthouses in 2017 and corroborates our long-standing call for State action: we need the Protect Our Courts Act (A.2176 / S.425) and we need Chief Judge DiFiore to promulgate rules that limit state court officer cooperation with federal immigration enforcement absent a judicial warrant."

"We welcome this comprehensive report that clearly illustrates the untenable conditions in which our immigration clients must attempt to lead their lives at this particular political juncture," said **Hamra Ahmad, Director of Legal Services at Her Justice**. "With ICE in our courts, many of our foreign-born clients are scared to seek what they are legally entitled to in this country â€" orders of protection from abusive partners, custody of their children, or financial support to raise those children â€" because they fear that, no matter their immigration status, they or their family members may get deported when trying to get help."

"This report throws into stark relief what we have seen over the last couple of years â€" that ICE enforcement in and around courthouses is dramatically impacting the ability of survivors and witnesses to come forward, seek safety and protection, and

exercise their rights," said **Evangeline M. Chan, Director of Safe Horizon's Immigration Law Project**. "We cannot allow this to continue any longer. We must protect the integrity of our courts so that everyone, regardless of their immigration status, has access to justice."

"All New Yorkers should be able to access New York State courthouses without fear or intimidation by ICE," said **Yasmine Farhang of Make the Road New York**. "Our community centers have seen an unprecedented increase in ICE raids from community members. ICE's predatory actions have resulted in increased fear within immigrant communities to seek the justice and protections they need, thus effectively shutting the courthouse doors to the most vulnerable within our community. Make the Road New York urges passage of the Protect Our Courts Act so that all New Yorkers can access courthouses without fear of ICE."

"At Sanctuary for Families, our clients â€" over 70% of whom are immigrants â€" have suffered unspeakable harm as victims of domestic violence, human trafficking and other forms of gender-based abuse," said **Hon. Judy Harris Kluger, executive director of Sanctuary for Families**. "They have a right to seek redress in our courthouses. But as this report clearly shows, ICE's presence has a chilling and harmful impact on the administration of justice. The credible threat of deportation often prevents these vulnerable victims of gender violence from seeking the protections that our judicial system offers. This is intimidation, not justice. Sanctuary for Families is proud to be part of the ICE Out of the Courts Coalition. It is our hope that this report will help our legislators understand the critical importance of moving quickly to enact the Protect Our Courts Act."

"Every day that we delay passage of the Protect Our Courts Act is another day we allow abusers to brutalize immigrant survivors of domestic violence," said **Atossa Movahedi, Director of Legal Services & Development at the Urban Justice Center**. "Failing to take action is a clear message that our legal protections are an illusion of safety, reminiscent of the very government systems many fled. Even when survivors muster the strength to step out of the shadows, we can never guarantee safety from their abusers. What's tragic is that now we cannot even promise to deliver them safety from our government."

"Immigrant New Yorkers are being denied access to justice because of ICE's continuing aggressive immigration enforcement in our State courts," said **Jose Perez, Deputy General Counsel at LatinoJustice PRLDEF**. "Prior to the November 2016 elections, ICE largely respected the sanctuary of our courts and treated them as a sensitive location which largely enabled immigrant NYers to access our courts without fear of being taken into immigration custody. New York needs to enact the Protect Our Courts Act to ensure our courts are free from ICE encroachment."

**See additional statements from New York prosecutors [here](#).**