

Immigrants arrested by plain-clothes ICE agents outside Brooklyn courthouse

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Plainclothes agents with Immigration and Customs Enforcement (ICE) took four men into custody outside Brooklyn Criminal Court on September 13. Three of the four men had no prior criminal record despite accusations by ICE that they were gang affiliated. All four men are undocumented Mexican nationals. Sergio Perez, Juan Villa, Fredy Rosas and Eduardo Romero had been arrested on misdemeanor trespass charges. Only Romero had a prior record, a misdemeanor charge for which he did community service.

The men were appearing to answer charges of trespassing in late July after police responded to a noise complaint of a gathering taking place at a construction site in Brooklyn's Sunset Park neighborhood.

The District Attorney's office was alerted that ICE officials had been spotted on the eighth floor of the courthouse and sent a criminal court supervisor to inform them that they needed to disclose if they were planning to make arrests. The DA's office reported that ICE agents refused to identify themselves and one officer outright denied being an ICE agent.

The blatantly anti-democratic act of arresting immigrants who are attending court hearings for minor violations, such as traffic infractions, acts as a mechanism for justifying the crackdown on immigrants as failure to present for court is grounds for deportation. It also discourages immigrants from appearing as criminal witnesses.

In an attempt to limit public outrage, ICE spokeswoman Rachel Yong Yow, announced that the four men admitted to having been gang members or affiliates. Emphasis should be placed on the "or affiliates." As part of the Secure Communities initiative enacted under George W. Bush and widely expanded under Barack Obama, immigration officials obtain access to state and federal police databases including

"gang databases," notoriously wrought with errors. An audit in 2016 of California databases found that 42 infants one year old or younger had been entered into the system with 28 who supposedly admitted to being gang members.

Scott Hechinger, attorney and director of policy at Brooklyn Defender Services is quoted in DNA Info as saying "Accusations of gang affiliation are often unverified, and can be based simply on being friends on Facebook with someone who's in a gang. It winds up trapping people who have absolutely no involvement in a gang."

According to ICE the men were affiliates of the Mexican street gang Niños Malos. They have provided zero evidence to support this claim.

Reports indicate that groups of two to four ICE officials has expanded the practice of carrying out arrests in front of courthouses in plain-clothing and without brandishing their badges. Earlier this year Brooklyn District Attorney Eric Gonzalez and New York Attorney General Eric Schneiderman demanded ICE stop arresting immigrants in New York courtrooms. Witnesses have characterized these arrests as kidnappings as groups of men swarm on an individual throwing them into an unmarked van.

Lee Wang, a member of the Immigrant Defense Project told the *New York Post*, "They are in jeans and a sweatshirt, they are in khakis and polos, sometimes they have a visible badge, and sometimes they don't. I think what is very disturbing is that they will often not identify themselves even to defense attorneys. ... They won't even say who they are or show any kind of warrant. They are really acting as rogue operators in the courts."

In spite of the objection from local officials and attorneys ICE continues to target immigrants at

courtrooms. There have been about 60 arrests by ICE in New York courts this year, with at least eight of those in Brooklyn, according to a report published by the Immigrant Defense Project. The effect of these arrests has been to make immigrants fearful of the courts and thus unwilling to come forward as witnesses or even as victims of crimes.

Such tactics by ICE expose the spurious nature of claims by New York officials of the city being a “sanctuary city” and underscore the limited ability—or willingness—of local officials to oppose such measures.

City officials have requested that ICE not carry out raids at “sensitive locations” such as places of worship, schools and courtrooms. ICE has clearly rejected this request.

There is no law which prevents ICE agents from entering a public building or operating immediately outside of one. Democratic Party officials in New York or other so-called sanctuary cities are not only incapable of defending immigrant workers but have given US Immigration officials the green light to continue to round up millions with undocumented status.

Earlier this year Democratic Mayor Bill de Blasio openly voiced his agreement to work with the Trump administration to increase the number of offenses that are grounds on which to deport undocumented immigrants. "If there are some offenses that we should add, we are willing to do that always," de Blasio said with respect to expanding the list which already includes 170 offenses.



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