

Trump administration rescinds right of detained immigrants to in-person court appearances in New York City

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Last week, the New York City Office of Immigration and Customs Enforcement (ICE) revoked the right of detained immigrants to appear in person in court. The decision, which is completely unprecedented, was made for appearances at the agency's Lower Manhattan Court and has forced immigrants facing deportation proceedings to have their legal cases heard via video conferences.

ICE justified this flagrant attack on democratic rights by citing the presence of the "Occupy ICE NYC" demonstration in front of the Varick Street offices. From June 22 to June 24 the small protest group, comprising only about two dozen individuals, blocked the entrance to the immigration court where ICE deposes detained immigrants. ICE reacted by canceling all trials on Monday June 25. Usually the courthouse sees 30 to 40 cases every day.

The following day ICE spokeswoman Rachael Yong Yow said, "Due to attempts by certain groups to disrupt ICE operations through spreading misinformation and advocating violence against ICE employees, ICE decided to suspend transport of detainees for the foreseeable future to the Varick Street facility for immigration hearings."

These comments were made even though protesters remained entirely peaceful throughout their blockade and on Monday night the group agreed to move across the street, facilitating entrance to the courthouse.

The ramifications of this policy for detained immigrants are dire. A statement by the New York Immigrant Family Unity Project (NYIFUP), a pro bono legal group that represents immigrants, noted that "this unilateral decision by ICE to replace in-person appearances with video and audio teleconferencing

would eviscerate the ability of NYIFUP providers to ensure due process for people facing removals ... denying in-person appearances will impact due process, access to counsel, and exacerbate separation from families and loved ones."

The statement went on to say that through in-person appearances "attorneys have increased immigrants' rate of winning their cases by a factor of ten, showing that approximately one-third of people arrested and brought to court by ICE are actually entitled to remain in this country under the law."

The Vera Institute of Justice corroborates this claim, finding in 2017 that immigrants without lawyers won just 4 percent of their cases, while those who benefited from services by the Family Unity Project won 48 percent of the time.

Because of the new juridical procedures, lawyers cannot show evidence to a client or answer questions because attorney-client conversations will no longer be confidential. The sole recourse left to attorneys defending immigrants is to adjourn the case for another date, which would add weeks to the detention of their clients.

Moreover, the dystopian scene of the accused appearing on a screen before a judge, rather than in person, will further dehumanize immigrants. There is little doubt that the lack of the physical presence of a detained immigrant will benefit the prosecution.

The revocation of in-person hearings is also directed at immigrant families. Court proceedings offer a precious opportunity for loved ones to see each other face-to-face, if only for a few hours and in tormenting circumstances.

A press representative for the Legal Aid Society told

the WSWS that the policy has created a “whirlwind of problems working with our clients” and that the current situation “is just chaotic.” He went on to say that since its imposition “nothing has changed” and that trial by teleconference is the policy for the time being.

The decision by the New York City branch of ICE was made two days after President Donald Trump made a fascistic appeal to revoke the due process rights of undocumented immigrants. Trump tweeted, “When somebody comes in, we must immediately, with no Judges or Court Cases, bring them back from where they came. Our system is a mockery to good immigration policy and Law and Order.”

The end, for the time being, of in-person trials for detained immigrants in New York City is a threat to the entire working class. As with the construction of concentration camps meant to hold 120,000 people by the Navy and Gestapo-like raids on workplaces, the policy is aimed at the democratic rights of the entire working class. A dangerous precedent is being established in which those detained by the American state are never to be seen again in public.



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