

ICE arrests of immigrants at New York courthouses up by 1,700 percent since 2016

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A recent report by the Immigrant Defense Project (IDP) provides data on the dramatic increase in courthouse arrests by Immigration and Customs Enforcement (ICE) agents in New York state. According to the IDP report, courthouse arrests have increased by 1,700 percent since 2016, before President Donald Trump took office.

The IDP, an immigrants' rights organization, notes that the ICE courthouse operations in New York increased from 11 in 2016 to 202 in 2018, representing 178 confirmed arrests and 24 sightings without an associated confirmed arrest. In 2017 ICE conducted 172 courthouse operations (159 arrests and 13 sightings), meaning 2018 saw a 17 percent increase over 2017.

Because these represent only incidents confirmed by the IDP, and because some ICE courthouse operations only come to light months later, when someone appears before an immigration judge, these figures are likely underestimates.

The report illustrates the brutal tactics used by ICE, which operates as an American Gestapo. Immigration agents routinely stalk the halls of courthouses, following people into bathrooms or out onto the street. ICE personnel brandish their weapons at immigrants leaving courthouses and slam family members against walls if they object.

The arrests often resemble kidnappings—which is essentially what they are, under color of law—with ICE agents routinely refusing to identify themselves or even denying that they are immigration enforcement officers. They then bundle the arrested person away in an unmarked and unlicensed car. In one case bystanders were so convinced it was a criminal kidnapping they called the police.

The systematic targeting of immigrants at

courthouses is one particularly cruel facet of the Trump administration's war on immigrants, and resembles nothing so much as the abductions by slave-catchers under the Fugitive Slave Act of 1850.

New York City, due to its status as a “sanctuary city”—as proclaimed by Democratic Mayor Bill de Blasio early in the Trump administration—is targeted by ICE agents for courthouse arrests based on the pretext that they “are often necessitated by the unwillingness of jurisdictions to cooperate with ICE in the transfer of custody of aliens from their prisons and jails,” in the words of a January 2018 directive authorizing courthouse arrests.

Of course, the very fact that New York City courthouses are dangerous places to be an immigrant demonstrates how little de Blasio's promises of being a “sanctuary city” are worth.

While New York City is particularly targeted—with 35 arrests in Brooklyn alone—counties outside the five boroughs have seen an increase since 2017. Westchester saw the largest increase, while for the first time ICE arrested people at courthouses in Orange, Rensselaer and Fulton counties further upstate. Suffolk County, on Long Island, saw 6 ICE arrests.

There were also more arrests at courthouses in smaller towns and villages, as opposed to those in larger cities. One 23-year-old immigrant, who is an LGBT activist and DREAMer formerly protected under the Deferred Action for Childhood Arrivals (DACA) program, was arrested at the New Paltz Town Court in Ulster County.

Lawyers and immigrants' rights organizations have repeatedly denounced courthouse arrests. In December 2017, defense attorneys from the Legal Aid Society staged a walkout at the Brooklyn criminal court to protest the arrest of Genaro Rojas-Hernandez by ICE.

Attorneys note that arresting immigrants at courthouses makes it difficult for the arrested person to obtain his or her due process rights during any ongoing criminal proceeding. One aspect of this is that immigrants arrested while in the middle of a criminal case suddenly loses access to programs that would allow them to plead to a noncriminal violation.

Joshua Epstein, an immigration attorney with the Queens Law Association, told the *Intercept* in November 2018, “When you’re in detention, you can’t access those programs, so your plea offers get much worse.”

Moreover, having an open criminal case makes it more likely that ICE will deport the arrested immigrant. In other words, being arrested by ICE during criminal proceedings magnifies the potential consequences in both criminal and immigration court.

Additionally, arresting immigrants at courthouses has a chilling effect for any seeking to defend themselves against allegations or appear as a witness in criminal cases.

The IDP report notes that in 2018, “ICE routinely ignored its own regulations, which require that they answer basic questions about their identity and provide information justifying arrests.” Instead, ICE agents dress in plainclothes, refuse to answer questions, and refuse to provide an administrative warrant justifying the arrest, even when requested to by lawyers.

ICE supposedly directs its agents not to arrest people at non-criminal courts, such as family courts or community justice courts. However, the IDP report cites ICE arresting a father in a Westchester family court, “a young man attempting to participate in a parole reentry program in Manhattan” and a woman leaving a Manhattan community court.

ICE’s claims that courthouse arrests are necessary due to noncooperation by local law enforcement notwithstanding, the report notes that state and local police aid ICE in arresting immigrants at courthouses. Moreover, ICE reportedly impersonates New York City Police Department officers. A recent New York appellate court ruling “held that it is unlawful for New York state and local officers to detain people for civil immigration violations because New York law does not authorize them to enforce civil immigration law,” according to the IDP.

The IDP report also claims that ICE is also arresting

victims of domestic violence and human trafficking. One woman, a survivor of domestic violence, was re-arrested by a local law enforcement officer after appearing at a hearing in Yonkers City Court that resulted in all charges being dismissed. She was held until that evening, when ICE agents took her into custody.

Despite ostensibly avoiding “collateral arrests” of immigrants’ friends and family members, the IDP report says that the organization “has received several reports of ICE agents questioning friends and family members who accompany their love[d] ones to court. In a handful of cases, this has led ICE agents to arrest family members.”

The report cites the case of a young man accompanying his brother to a court in Queens, only for both to be arrested by ICE agents after they were asked for identification and supplied Mexican IDs.

The Gestapo tactics of ICE are aimed at terrorizing immigrants and building up a police-state apparatus that can be used against the entire US working class, native-born and immigrant alike.

Then-Acting Director of ICE Thomas Homan testified before Congress in June 2017, saying: “If you’re in this country illegally and you committed a crime by entering this country, you should be uncomfortable. You should look over your shoulder, and you need to be worried.”

While the Trump administration’s xenophobic measures are an escalation of the attacks on immigrants, the Obama administration deported more immigrants than any previous administration, and Democratic politicians, from Senate Minority Leader Charles Schumer to Democratic Socialists of America member Representative Alexandria Ocasio-Cortez, have repeatedly endorsed “border security.”



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