

Congress of the United States
Washington, DC 20515

May 28, 2014

The Honorable Jeh Johnson
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Johnson:

We write to express our serious concerns regarding certain immigration enforcement activities that have taken place at or near courthouses nationwide. It has recently come to our attention that Immigration and Customs Enforcement (ICE) personnel have interrogated, detained, and even processed for removal persons who have appeared in court to access court services. Examples include persons seeking to pay traffic citations, appear for a hearing, meet with an interpreter, get married, or obtain a domestic violence restraining order. Some cases involve pastors and family members accompanying people to court to help translate or provide emotional support; many of the people apprehended are the parents of U.S. citizen children. Although the agency reportedly issued operational guidance to the field in recent months it is apparent that these practices were not addressed and we believe this matter warrants your immediate attention.¹

As you are aware, the Department of Homeland Security (DHS) has historically respected and refrained from enforcement activities at or near “sensitive locations,” except in limited exigent circumstances. Former ICE Director John Morton reaffirmed these principles in an October 24, 2011, memorandum entitled “Enforcement Actions at or Focused on Sensitive Locations.”² The memorandum contains a list of sensitive locations covered by the guidance, including schools, hospitals, institutions of worship, sites of religious ceremonies, and public demonstrations.³ Although the list is intended to be non-exhaustive, ICE has reportedly decided not to extend to courthouses the same protections provided to those locations explicitly identified in the memo. We believe this is a critical error that must be remedied.

There is no question that courthouses play a special role in our society. The First Amendment to the Constitution protects the rights of all people—citizen and non-citizen alike—to petition the government for redress of grievances and the Fifth Amendment to the Constitution similarly

¹ Kirk Semple, *Advocates Seek to Make Courthouses Off Limits for Immigration Officials*, N.Y. Times, May 26, 2014, <http://www.nytimes.com/2014/05/27/nyregion/advocates-seek-to-make-courthouses-off-limits-for-immigration-officials.html?partner=bloomberg&r=0>.

² Memorandum from John Morton, ICE Director, to Field Office Directors, Special Agents in Charge, and Chief Counsel (Oct. 24, 2011), available at <http://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf>.

³ *Id.*

protects the rights of all persons to due process of law. Engraved above the Supreme Court of the United States is the inscription “Equal Justice Under Law” and directly above one entrance to the United States Department of Justice building it reads: “The place of justice is a hallowed place.” Using courthouses to carry out routine immigration enforcement actions deters members of our communities from exercising their constitutional rights, satisfying their civic duties, and conducting other important business.

Reports of such enforcement actions against Latino and non-English speaking persons at county courthouses have been widely documented in such places as California, the District of Columbia, Idaho, Indiana, Kentucky, Massachusetts, Minnesota, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Ohio, Rhode Island, Tennessee, Utah, and Wisconsin.

- According to *The Journal Times* and a letter written by Wisconsin state legislators in February 2014, county courthouses in Wisconsin often schedule all people who require Spanish interpreters on the same days of the week.⁴ ICE personnel have come to the courthouses on these days to question and detain people in the court who do not speak English or look Latino. This practice is not limited to Wisconsin, and similar methods have been reported out of Butler County, Nebraska.⁵

Many of the persons detained at courthouses have resided in the country for many years and have had no serious criminal histories. Some have simply been at court to support family and friends.

- In Jefferson County, Kentucky, Reverend Elmer Zavala Gonzalez, a minister member of the Mid-Kentucky Presbytery, reported that he was accompanying a congregant to the courthouse in October 2013, when he was questioned by an ICE agent and asked to show his immigration documents.⁶ Further, he claims the agent threatened to detain him and send his three-year-old son, who was with him at the time, to Child Protective Services if he did not comply.⁷

⁴ Kristen Zambo, *Targeting Spanish speakers? ICE agents reportedly looking for illegal immigrants in Racine courts*, *Journal Times* (Dec. 3, 2013), http://journaltimes.com/news/local/targeting-spanish-speakers-ice-agents-reportedly-looking-for-illegal-immigrants/article_96870aa0-5c19-11e3-b0c5-0019bb2963f4.html. Letter from Wisconsin State Legislators, to John Sandweg, Acting Director of U.S. Immigration & Customs Enforcement (Feb. 20, 2014), available at <http://legis.wisconsin.gov/assembly/mason/pressreleases/Documents/ICE%20End%20Racial%20Profiling%20Letter%202.20.14.pdf>.

⁵ Letter from Amy A. Miller, American Civil Liberties Union of Nebraska, to U.S. Immigration and Customs Enforcement St. Paul Field Office (Oct. 1, 2013) available at http://www.aclunebbraska.org/images/ice_at_courthouses_letter.pdf.

⁶ Letter from Cecelia Friedman Levin, ASISTA Immigration Assistance, to Deborah Fleischaker, Office of Civil Rights and Civil Liberties, U.S. Department of Homeland Security (Mar. 14, 2014) available at http://www.asistahelp.org/documents/news/ASISTA_Courthouse_Enforcement_Letter_EAF483DB47BBD.pdf.

⁷ *Id.*

- In August 2013 in Racine County, Wisconsin, Angel Perez Juan was detained and deported after trying to attend a hearing for driving without a license.⁸ According to the *Wisconsin Gazette*, ICE personnel arrested Mr. Juan and six other Spanish-speaking Latinos, who all had been at the courthouse for hearings regarding driving without a license and had been waiting for the court interpreter before they were arrested.⁹

Advocates for survivors of domestic violence and sexual assault have reported that immigration enforcement at courthouses has scared some domestic violence survivors away from obtaining restraining orders or seeking child support and custody.

- In New Mexico, an advocate reported an incident where ICE appeared at an order of protection hearing for an immigrant victim of domestic violence, after being contacted by the abuser prior to the hearing.¹⁰

This practice is particularly concerning as it runs counter to DHS's own policy to encourage immigrant victims of crime to come forward and report crimes. In fact, DHS has encouraged victims to come forward through its U visa program, designed to provide lawful status to noncitizen crime victims who are assisting or willing to assist the law enforcement in investigating crimes. This practice erodes this policy and makes communities less safe. It also runs counter to ICE's own policy about exercising "particular care...with any organization assisting children, pregnant women, victims of crime or abuse, or individuals with significant mental or physical disabilities."¹¹

Furthermore, immigration enforcement actions at courthouses or arising from courthouse appearances impede access to court services and the justice system.

- In Bakersfield, California, Gurvinder Singh, a citizen of India, was interrogated and arrested at the Kern County Superior Court in September 2012 on what should have been his wedding day.¹² Upon checking in with the clerk, Mr. Singh and his fiancée were then approached and questioned by ICE agents, who arrested Mr. Singh. Though Mr. Singh was released after ICE officials discovered he had a pending asylum case, he was placed on electronic monitoring and stringent reporting requirements.¹³

⁸ *Wisconsin lawmakers call on ICE to stop racial profiling at courthouses*, Wisconsin Gazette (Feb. 21, 2014), <http://www.wisconsin Gazette.com/milwaukee-gaze/wisconsin-lawmakers-call-on-ice-to-stop-racial-profiling-at-courthouses.html>.

⁹ *Id.*

¹⁰ See Letter from Cecelia Friedman Levin to Deborah Fleischaker, *supra* note 5, at 1-2.

¹¹ See Memorandum from John Morton, *supra* note 1, at 2.

¹² Letter from Michael Kaufman, Staff Attorney, ACLU of Southern California, to John Sandweg, Acting Director of U.S. Immigrations and Customs Enforcement (Oct. 17, 2013), available at <http://www.aclusocal.org/letter-to-ice-kern-county/>.

¹³ *Id.*

These examples are not consistent with the Administration's commitment to prioritize enforcement efforts toward those immigrants who pose a threat to public safety. By deterring people from utilizing court services, ICE is creating a culture of fear that undermines public safety and the ability of law enforcement and the state's judicial system to carry out essential functions. Moreover, immigration arrests in county and state courts threaten America's constitutional tradition and promise of equal justice under the law.

We ask that DHS issue new department-wide guidance that ensures that courts—like schools, hospitals, places of worship—are safe places that can be accessed by all people. No one should be afraid of going to court to seek essential services and protection from the court.

Sincerely,



Gwen Moore
MEMBER OF CONGRESS



John Conyers
MEMBER OF CONGRESS



John Yarmuth
MEMBER OF CONGRESS



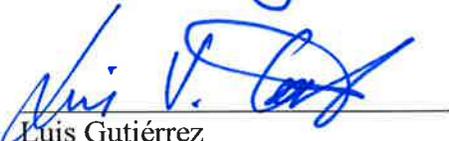
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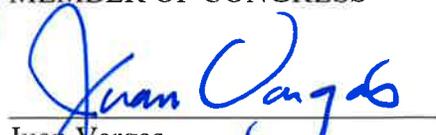


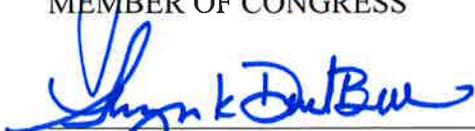
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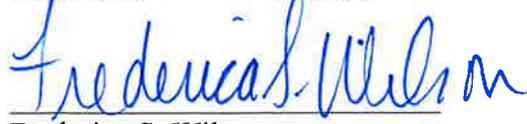

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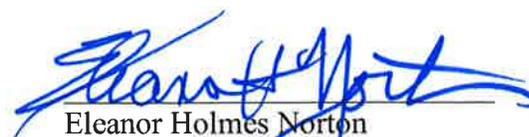

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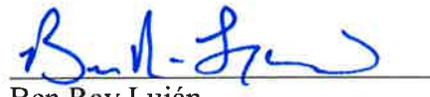

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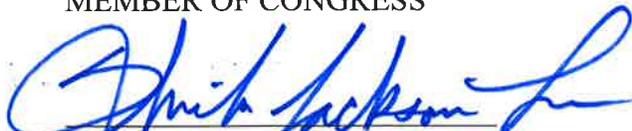

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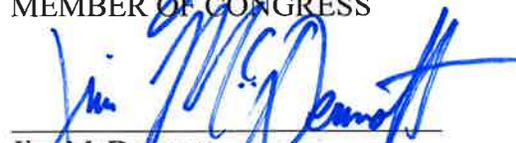

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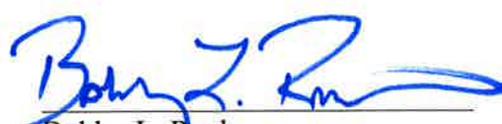

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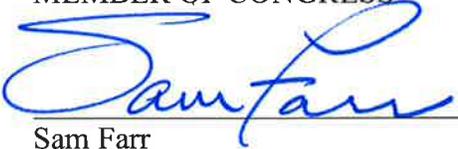
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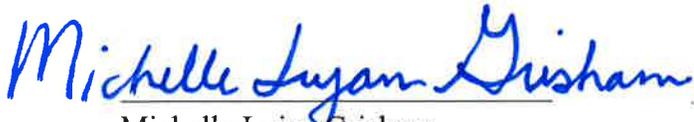
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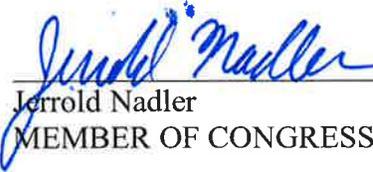
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