

What You Need to Know About ICE and Courthouse Arrests

Since 2017, Immigration and Customs Enforcement (ICE) have increased in their arrest rates inside of the nation's courthouses. If you are an undocumented immigrant, you may be concerned about your status. In some cases, many are staying away from courthouses and risking further legal troubles to avoid an arrest. If you are worried about an arrest, here are a few facts you should know.

ICE Enforcement in Courthouses

In general, ICE agents have avoided arrests in "sensitive locations" that have included churches, hospitals, and schools. Courthouses have never been deemed a sensitive location according to officials in the organization. In 2018, a memo issued to ICE agencies across the country did not exclude courthouses from being categorized as sensitive locations.

In this memo, due to public safety concerns, courthouses were not excluded. ICE noted that courthouses are safe areas to conduct an arrest since they screen individuals for weapons and contraband before entering the building. In some counties and jurisdictions, officials do not comply with ICE to detain undocumented immigrants, so the courthouse is an ideal place to arrest a target.

However, ICE agents are instructed not to interrupt court proceedings, and they must conduct arrests away from public areas. ICE states that the directive is consistent with existing law enforcement procedures. Opponents of ICE's practices believe these policies hurt undocumented immigrants and make them less likely to report crimes. Many in the community are choosing to remain silent to avoid contact with the court's system. The 2018 policy offers little comfort to undocumented immigrants.

Can Ice Detain Me in Court?

With the 2018 directive, ICE agents can take action on targeted individuals. The guideline does not explicitly prohibit the arrest of anyone outside of the targeted group

though. Under particular circumstances, friends, family members, and witnesses can still be detained by ICE at the courthouse. There is a lot left to the discretion of the individual ICE agents and field offices. At the courthouse, ICE usually only arrests a specific group of individuals, including:

- Gang members
- Threats to the public or national security
- Undocumented immigrants with criminal convictions
- Undocumented immigrants who have been removed but reentered illegally
- Undocumented immigrants ordered to leave the United States but have not departed

In April 2019, the New York State Office of Court Administration issued their set of rules that limited ICE's ability to conduct arrests on undocumented immigrants without a warrant. The New York agency now requires ICE agents to have a federal judicial warrant or order by a judge before making an arrest. In the past, the state only needed an administrative warrant that allowed ICE to proceed with an arrest.

Should an Undocumented Immigrant Go to Court?

If you are an undocumented immigrant, you may be hesitant to attend any court proceeding. Even though some states are passing laws making it difficult for ICE arrests, there is still a cause for concern. The language in the ICE directive is very broad, and courthouse arrests are still on the increase.

Speak to an Immigration Attorney Today

If you are an undocumented immigrant, you want to seek out the advice of an experienced attorney. At the Gambacorta Law Office, we can help you know your rights before you make an appearance at a courthouse. Call (847) 786-2599 to schedule a consultation at our office.