



Victory! ICE Out of The Courts

On December 15, 2020, Governor Cuomo signed into law the **Protect Our Courts Act**, a new state law which prohibits ICE from making civil arrests of people attending New York State courthouses. The passage of this law follows a decision by a federal judge on June 10, 2020 barring ICE from conducting immigration arrests in and around courthouses.

What does the passage of the Protect Our Courts Act (POCA) mean?

POCA prohibits ICE from arresting people who are travelling to, attending, or returning home from any New York state, city or municipal court. The only exception to this law is if ICE agents have a warrant signed by a federal judge or a court order authorizing this arrest, which is very rare. Most ICE arrests are warrantless civil immigration arrests.

What about ICE surveillance in New York courts?

This law protects against secretive ICE surveillance inside courthouses by requiring ICE or any other law enforcement agent to identify themselves to court personnel if they come to a courthouse to observe an individual or take them into custody. Under this law, ICE must disclose their specific purpose for attending court and any action they intend to take, and this information must be shared with the presiding judge over the case and be documented in courthouse records.

What happens if I am stopped on my way to or leaving court?

If an ICE agent stops you on your way to or from court, stay silent, do not say your name or anything else, and ask "Am I free to go?" You also can tell the ICE agent, "I am going to/leaving court". Do not provide ICE with any other information or documentation.

What happens if this new law is violated?

The new law enables individuals to bring lawsuits for money damages if they are detained in violation of POCA and also authorizes the New York Attorney General's Office to take legal action. If you think you were detained after December 15, 2020 in violation of this law, it is important to share this information with an attorney.

What courts does this impact?

This law applies to people attending New York state, city and municipal courts including family, criminal and housing court. It does not affect people attending immigration court or immigration check-ins. If you are concerned about being detained at an immigration court date or check-in, you should speak with an immigration attorney or a trusted legal services provider.

I was recently arrested. Does this new law mean that ICE cannot detain me?

When a person is arrested and fingerprinted by the police, those fingerprints are shared through national databases with ICE. That is why ICE often looks for people in the days or weeks after they have been arrested. The new decision does not stop police from sharing fingerprints with ICE or stop ICE from looking for you after you are arrested. If you have recently been arrested and are worried about ICE, it is important to talk with an attorney about your rights and options.