



UNITED STATES COMMISSION ON CIVIL RIGHTS

1331 Pennsylvania Avenue, NW • Suite 1150 • Washington, DC 20425 www.usccr.gov

March 16, 2018

Thomas D. Homan
Deputy Director and Senior Official Performing the Duties of the
Director for U.S. Immigration and Customs Enforcement
U.S. Immigration and Customs Enforcement
500 12th St., SW
Washington, D.C. 20536

Re.: Immigration Enforcement Actions in Courthouses

Dear Deputy Director Homan:

The undersigned members of the United States Commission on Civil Rights write to express our continuing concern with U.S. Immigration and Customs Enforcement's (ICE) policy allowing immigration enforcement actions inside courthouses and its dangerous consequences that undermine our judicial system. The Commission previously issued a majority-approved [statement](#) raising concern that conducting immigration enforcement actions inside courthouses instills needless additional fear and anxiety within immigrant communities, discourages interacting with the judicial system, and endangers the safety of entire communities.¹ We have attached our statement for your consideration.

ICE's recent guidance² on when and how it will conduct civil immigration enforcement actions in courthouses is a step in the right direction but falls short of ensuring the fair administration of justice and the safety of communities. Specifically, ICE's policy does not consider courthouses "sensitive locations," such as it has for schools, hospitals, or places of worship, where ICE will conduct immigration enforcement actions "in limited circumstances, [such as exigent circumstances,] but will generally be avoided."³ The failure to classify courthouses as "sensitive places" is perplexing when ICE's sensitive location policy is meant "to enhance the public understanding and trust, and *to ensure that people seeking to participate in activities or utilize services provided at any sensitive location are free to do so, without fear or hesitation.*"⁴

¹ U.S. Commission on Civil Rights, U.S. Commission on Civil Rights Expresses Concern with Immigrants' Access to Justice (Apr. 24, 2017), http://www.usccr.gov/press/2017/Statement_04-24-2017-Immigrant-Access-Justice.pdf.

² ICE, Directive No. 110721.1: Civil Immigration Enforcement Actions Inside Courthouses (Jan. 10, 2018), <https://www.ice.gov/sites/default/files/documents/Document/2018/ciEnforcementActionsCourthouses.pdf>.

³ ICE, FAQ on Sensitive Locations and Courthouse Arrests (last updated Jan. 31, 2018), <https://www.ice.gov/ero/enforcement/sensitive-loc>.

⁴ *Id.* (emphasis added).

The failure to exclude courthouses from ICE enforcement actions achieves exactly the opposite effect and prevents victims of violent crime, domestic abuse, and work exploitation from seeking justice. The policy unnecessarily increases the disruptive presence of ICE agents in courthouses, sowing fear and mistrust of our justice system among immigrant and vulnerable communities, when such enforcement actions could be conducted elsewhere with less harmful impact. Moreover, immigrants such as family members and friends accompanying the targeted immigrant may still be arrested on a case-by-case basis.⁵ Finally, the policy does not apply only to criminal immigration enforcement actions and does not further distinguish which immigrants would be targeted for criminal enforcement actions.⁶

As an independent, bipartisan federal agency charged with advising the President and Congress on civil rights matters and the administration of justice, the Commission strongly urges ICE to reconsider its guidance on courthouse arrests and classify courthouses as sensitive locations.

Thank you for your consideration and we look forward to your response.

Very truly yours,



Catherine E. Lhamon, Chair



Patricia Timmons-Goodson, Vice-Chair



Debo Adegbile, Commissioner



Michael Yaki, Commissioner

Enclosure

cc:

The Honorable Chuck Grassley
Chairman, Senate Committee on the Judiciary

⁵ Directive 110721.1 at Section 2, n1.

⁶ *Id.* at Section 2.

The Honorable Dianne Feinstein

Ranking Member, Senate Committee on the Judiciary

The Honorable Bob Goodlatte

Chairman, House Judiciary Committee

The Honorable Jerry Nadler

Ranking Member, House Judiciary Committee

The Honorable John Cornyn

Chairman, Senate Subcommittee on Border Security and Immigration

The Honorable Dick Durbin

Ranking Member, Senate Subcommittee on Border Security and Immigration

The Honorable Raúl Labrador

Chairman, House Subcommittee on Immigration and Border Security

The Honorable Zoe Lofgren

Ranking Member, House Subcommittee on Immigration and Border Security

Kristjen Nielsen

Secretary, U.S. Department of Homeland Security