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Committee for Public Counsel Services



LAWYERS' COMMITTEE
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CIVIL RIGHTS, INDIGENT DEFENSE GROUPS ASK SUPREME JUDICIAL COURT TO BLOCK IMMIGRATION ARRESTS AT MASSACHUSETTS COURTHOUSES

Cite Evidence that ICE Enforcement at Courthouses Deters Witnesses from Appearing in Court, Battered Women from Seeking Restraining Orders

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BOSTON – Today, the Committee for Public Counsel Services (CPCS) Immigration Impact Unit, the Lawyers' Committee for Civil Rights and Economic Justice (LCCR) and Greater Boston Legal Services filed a petition in the Commonwealth's highest court, seeking a "writ of protection" to prevent federal immigration officials (ICE) from arresting individuals on civil immigration matters while they attend to court business.

The petition was filed on behalf of immigrants who fear going to court because of increased ICE activity in and around courthouses – including an abused woman who needs to renew a restraining order against an abusive ex-husband, a woman seeking guardianship for her disabled adult daughter, a crime victim who wants to serve as a witness in criminal proceedings against his assailant, and a juvenile who needs the testimony of a critical witness who is too afraid to testify in court.

"These individuals, like thousands of other immigrants across the State, have pressing issues that need recourse before the courts," said Ivan Espinoza-Madriral, Executive Director of LCCR. "But because of increased immigration enforcement in and around courthouses, they are scared to go to court. When people fear our judicial system that undermines the very fabric of our society and weakens communities."

The petition cites a dramatic uptick in immigration enforcement in and around courthouses, which have become explicit targets under the Trump Administration, and the increased fear that has stoked in immigrant communities. A public records act request by the Lawyers' Committee confirmed recent ICE enforcement at dozens of courthouses throughout the State. ICE has also publicly singled out Massachusetts as a target for enforcement.

"The 'writ of protection' that we seek today has deep roots in our legal system," said Wendy Wayne, Director of the CPCS Immigration Impact Unit. "It is based on a simple longstanding principle: if people fear



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arrest on unrelated civil matters, they will be hesitant to go to court, and that will severely undermine the functioning of our judicial system." Attorney Wayne said that the petitioners plan to ask the full Supreme Judicial Court to consider the matter and to issue an order protecting anyone having business with the courts from civil arrest, including ICE arrest.

Individual petitioners, who are undocumented or otherwise fear deportation and are therefore proceeding anonymously before the Court, include:

- O. Doe, who continues to be stalked by her abusive ex-husband. The restraining order against him expired recently and she wants to go to court to renew it, but she fears being arrested by ICE at the courthouse.
- K. Doe, who is the mother of two U.S. citizen children. She has a child support order against the father of her oldest child, but he has stopped all payments. She would like to go to court to seek an enforcement order, but fears ICE arrest if she does.
- F. Doe, who was assaulted in September 2017. The D.A. is pursuing a case against his assailant. F. would like to assist the D.A. by serving as a witness in the trial, but fears ICE arrest if he does.
- J. Doe, a juvenile who is charged with a crime that he didn't commit. A critical witness says that she was present and confirms J. didn't commit the crime; however, the witness is undocumented and too afraid to come to court to testify because she fears arrest by ICE.

About the Committee for Public Counsel Services Immigration Impact Unit

CPCS is the statewide agency that oversees representation to indigent persons in criminal and civil cases, and administrative proceedings in which there is a right to counsel, pursuant to *Chapter 211D* of the Massachusetts General Laws. Its Immigration Impact Unit provides training, consultation and litigation support to counsel representing non-U.S. citizens regarding the immigration consequences of criminal and civil conduct. For more information, visit <https://www.publiccounsel.net/>.

About Lawyers' Committee for Civil Rights and Economic Justice

The Lawyers' Committee for Civil Rights and Economic Justice fosters equal opportunity and fights discrimination on behalf of people of color and immigrants. The organization engages in creative and courageous



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legal action, education, and advocacy in collaboration with law firms and community partners. Founded in 1968 at the request of President John F. Kennedy, the organization desegregated Boston Public Schools and continues to spearhead groundbreaking cases. For more information, visit lawyerscom.org.

About Greater Boston Legal Services

The largest provider of free civil legal aid in Massachusetts, Greater Boston Legal Services engages in representation, impact advocacy, policy education, and community legal education in the areas of immigrant rights, family law, housing law, consumer law, employment rights, access to health care and disability benefits, welfare benefits, and elder rights.

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