

June 1, 2017

The Honorable Jefferson B. Sessions
The Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

The Honorable John F. Kelly
Secretary of Homeland Security
U.S. Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, DC 20528

Rebecca Adducci
Field Office Director
Immigration and Customs Enforcement
U.S. Department of Homeland Security
333 Mt. Elliott St.
Detroit, MI 48207

Re: Immigration Enforcement in Michigan Courthouses

Dear Attorney General Sessions, Secretary Kelly, and Director Adducci:

We, the undersigned Michigan legal organizations and Michigan attorneys, write to express our strong opposition to the growing tide of immigration enforcement taking place in and around courthouses. Immigration enforcement in courthouses is counterproductive because it undermines public safety and the principle of access to justice for all. Our court system cannot function if victims and witnesses of crimes and other injustices refuse to come to court – whether they are citizens or residents of this country. Yet, by targeting individuals for deportation at courthouses, immigration enforcement agents are deterring non-citizens from assisting the judicial system in dispensing justice. Conducting enforcement activities in civil and criminal courts creates a chilling effect on non-citizen victims, witnesses, and family members which, in turn, also reduces the number of victims willing to avail themselves of the protections afforded by the courts. People should not fail to appear for court hearings, out of fear of apprehension by immigration officials.

Throughout 2017, Immigration and Customs Enforcement (“ICE”) personnel have conducted an alarming number of immigration enforcement actions at courthouses, with the result that immigrant victims and families fear coming to court. Here in Michigan, Sergio Perez Garcia was arrested in family court by ICE officers when he petitioned for custody of his children in order to protect them from what he believed to be dangerous living conditions with his estranged wife. Similar arrests have occurred around the country. For instance, a domestic violence survivor was arrested in February 2017 when she appeared in in El Paso County Court to obtain a restraining

order against her abusive ex-boyfriend. Such arrests have sent shock waves of fear through immigrant communities, deterred individuals from accessing essential court services and undermined the safety of the entire community.

For this reason, we call upon you both to end such enforcement actions and to designate courthouses as sensitive locations where immigration arrests will not be made. We join the voices of legal practitioners from around the country in condemning these practices - including Chief Justices from the Supreme Courts of Washington, California, and New Jersey, as well as the U.S. Commission on Civil Rights.

The Department of Homeland Security (“DHS”) has historically recognized that immigration enforcement should not occur at sensitive locations, and has adopted policies limiting enforcement actions in schools, hospitals, institutions of worship, and sites of religious ceremonies. In 2011, DHS agencies codified this longstanding practice in two memos issued by the heads of ICE and Customs and Border Protection (CBP). Enforcement actions taken in courthouses are no less alarming than actions taken in schools, hospitals or places of worship. It is imperative that individuals view courts as places of fairness and equal access to justice without fearing arrest and deportation.

We urge DHS and DOJ immediately to cease immigration enforcement actions at courthouses. We further ask that you include courthouses in your DHS’ sensitive locations policy and train all agents to follow that policy. As legal organizations active in Michigan and as Michigan attorneys and officers of the court, we believe that the administration of justice depends on all people having free and full access to the courts. Our justice system cannot function effectively and our communities will be less safe if you do not end courthouse enforcement.

Sincerely,

Michigan Legal Community

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Marshall, MI*

*American Arab Civil Rights League
Dearborn, MI*

*American Civil Liberties Union Fund
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Detroit, MI*

*American Citizens for Justice (ACJ)
Grosse Pointe Park, MI*

*Civil Rights Clinic, Michigan State Univ.
College of Law
East Lansing, MI*

*Criminal Defense Attorneys of Michigan
Davison, MI*

*Justice for Our Neighbors West Michigan
Grand Rapids, MI*

*Kufchock & Associates PLC
Warren, MI*

*Law Office of Michael Carlin PLLC
Ann Arbor, MI*

*Michigan Education Association
East Lansing, MI*

*Michigan Immigrant Rights Center
Kalamazoo, MI
Ann Arbor, MI*

*Michigan Poverty Law Program
Ann Arbor, MI*

*Michigan State Planning Body
Ann Arbor, MI*

*National Lawyers Guild - Detroit &
Michigan Chapter
Detroit, MI*

*SafeHouse Center
Ann Arbor, MI
South Lyon, MI*

*Speaker Law Firm
Lansing, MI*

*Street Democracy
Detroit, MI*

*Sugar Law Center for Economic & Social
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*Women Lawyers Association of Michigan
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