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April 5, 2017

Rebecca Adducci, Field Office Director  
Immigration and Customs Enforcement  
Department of Homeland Security  
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VIA ELECTRONIC AND  
FIRST CLASS MAIL

Re: ICE Enforcement Actions in Michigan Courts

Dear Field Office Director Adducci:

It has come to our attention that on or about Wednesday, March 29, 2017, Immigration and Customs Enforcement (ICE) agents detained Sergio Perez Garcia (A096 187 163) while he attended a custody hearing in the Oakland County Circuit Court regarding his three children, ages 17, 15, and 10. Mr. Perez Garcia availed himself of the family court so as to regain custody of his U.S. citizen children in order to protect them from dangerous home conditions. Two plainclothes ICE agents were waiting in the courtroom for Mr. Perez Garcia. It appears that these ICE agents were notified of the hearing by Mr. Perez Garcia's wife,<sup>1</sup> who provided a biased account of the events in order to maintain custody of the children. Mr. Perez Garcia has been the single, stabilizing influence in his children's lives and, through its actions, ICE is hindering this father's attempts to protect his children from potentially abusive and dangerous conditions.

With regards to Mr. Perez Garcia's case, we request that your office consider granting this father of three U.S. citizen children a stay of removal so that he may take custody of his U.S. citizen children. Mr. Perez Garcia has long ties and strong connections to the United States. Should he be removed immediately, his three U.S. citizen children would face numerous hardships. It is further our understanding that Mr. Perez Garcia does not have any criminal convictions and merits prosecutorial discretion or, at the very least, a stay of removal.

In addition to requesting prosecutorial discretion/stay of removal in Mr. Perez Garcia's personal immigration case, the ACLU of Michigan wanted to use this opportunity to again revisit the practice of immigration enforcement actions in and near courthouses. Such enforcement tactics are frequently highly publicized and raise a number of concerns. Courthouses serve as integral forums for ensuring access to justice and protecting public safety. Conducting enforcement activities in civil and family courts

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<sup>1</sup> While still legally married, Mr. Perez-Garcia has been separated from his wife for quite some time.



creates a chilling effect on a non-citizen's access to justice. For this reason, ICE should limit its enforcement actions in courthouses and recognize these locales as sensitive locations.

DHS has long recognized the importance of respecting the unique role and functions of sensitive locations and has limited immigration 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<sup>2</sup> and Customs and Border Protection (CBP).<sup>3</sup> Enforcement actions taken in courthouses are no less alarming than actions taken in schools or hospitals. Courts routinely serve as the only place where vulnerable populations may seek legal recourse and protection. Individuals in courts are often experiencing times of great anxiety, stress, and crisis as they navigate a complex judicial system. It is imperative that individuals view courts as places of fairness and equal access to justice without fearing removal.

Moreover, immigration enforcement in courthouses is counterproductive to the current administration's stated interest in improving public safety. Countless cases around the country document ICE agents interrogating, detaining, and even deporting individuals, as they attempt to pay for traffic citations, appear for court hearings, meet with an interpreter, get married, obtain a domestic violence restraining order, or provide interpretational or emotional support for family members and friends. These individuals are frequently victims or witnesses of crimes, sexual abuse, or domestic violence and they seek justice at the hands of the state or federal government. They may also be seeking legal protections for themselves or their minor children in family courts, as was the case here. The children affected by these policies are often U.S. citizens. This practice of obstructing non-citizens' access to courts endangers public safety and has a chilling effect on families seeking protections from the court.<sup>4</sup>

For these reasons, we respectfully request that your office consider granting prosecutorial discretion and/or a stay of removal in Mr. Garcia Perez's case. We also strongly urge that both ICE and DHS review its current policies regarding enforcement actions in courtrooms and refrain from engaging in enforcement actions in state and federal courthouses in the future by including these locations in its sensitive locations

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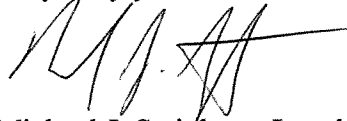
<sup>2</sup> John Morton, Memorandum on "Enforcement Actions at or Focused on Sensitive Locations," (Oct. 24, 2011), available at <https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf>.

<sup>3</sup> David Aguilar, Memorandum on "U.S. Customs and Border Protection Enforcement Actions at or Near Certain Community Locations," (Jan. 18, 2013), available at <https://foiarr.cbp.gov/streamingWord.asp?i=1251>.

<sup>4</sup> The U.S. Constitution protects the fundamental liberty interest of all parents in the companionship, care, custody and management of their children, regardless of immigration status. "This fundamental liberty interest pertains to citizens and aliens alike because the Due Process clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvas v. Davis*, 533 US 678, 693 (2001)

policies. Additionally, if any future actions must take place at a location like a state or federal courthouse, ICE officers should act discreetly, safely, and make every effort to limit their time at or focus on the courthouse. The list of “sensitive locations” was not intended to be exhaustive and ICE should recognize that the same justifications for other sensitive locations also apply to individuals attending to highly personal issues in courthouses.

Very truly yours,

A handwritten signature in black ink, appearing to read 'M.J. Steinberg', with a long horizontal stroke extending to the right.

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