



Written by [R. Cort Kirkwood](#) on April 30, 2019

Lawsuit Seeks to Block ICE From Courthouse Arrests, Turn Courts Into Illegal-alien Sanctuaries

The radical Left fired another salvo against immigration enforcement with a lawsuit this week that seeks to stop Immigration and Customs Enforcement from arresting illegal aliens when they appear in state and local courts.

The plaintiffs say ICE does not have the statutory authority to arrest illegals at courthouses, and that such arrests interfere with the administration of civil and criminal cases in which illegals are either witnesses, defendants, or plaintiffs.



Prosecutors for two counties in Boston and leftist illegal-alien lawyers filed the lawsuit in the U.S. District Court for Massachusetts.

The Lawsuit

At issue is [ICE Directive 11072.1](#), from ICE Deputy Director Thomas Homan, which says “courthouse arrests are often necessitated by the unwillingness of jurisdictions to cooperate with ICE in the transfer of custody of aliens from their prisons and jails.”

Sanctuary policies leave ICE no choice, in other words. As well, apprehending illegals inside a courthouse is safer for ICE agents, the directive says, because court buildings screen visitors for weapons.

While the policy targets criminal aliens, gangbangers, illegal aliens with deportation orders and previous deportees, “aliens ... such as family members or friends accompanying the target alien to court appearances or serving as a witness in a proceeding” would not be subject to arrest.

[The lawsuit says](#) Homan’s directive is illegal and blocks courts in Massachusetts from doing business, and it seeks to stop ICE from “arresting parties, witnesses, and others appearing in court on official business while they are going to, attending, or leaving the courthouse.”

“Entire communities now view the Massachusetts courts as places where they cannot go, for any reason, greatly impeding access to justice and undermining the administration of justice in these communities,” the lawsuit argues.

The lawsuit offers three main reasons the ICE directive and arrests must be stopped.

First, [it says](#), Congress did not authorize ICE to arrest illegals at the courthouse because “it never abrogated the longstanding and well-settled common-law privilege against such arrests.”

Second, even if the directive were statutorily authorized, it would “exceed the powers granted to the federal government, and hence violate the Tenth Amendment of the U.S. Constitution.”

Third, the policy “violates the Constitutional right of access to the courts.”



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“Many noncitizen victims, witnesses, and defendants are no longer willing to appear in court as a result of ICE’s policy of civil courthouse arrests,” the [lawsuit avers](#). “Crime victims, especially domestic violence victims, endure abuse rather than risk civil ICE arrest. Defendants sometimes refuse to appear for hearings and trials and sometimes are unable to appear due to ICE arrests, even in instances when the result of the hearings will most likely be dismissal of the cases.”

The arrests supposedly undermine the work of prosecutors and defense lawyers by forcing them to “spend significant time and resources preparing for hearings and trials that do not occur because the defendant and/or key witnesses do not appear because of either fear or actual ICE arrest.”

As well, the arrests block court proceedings because ICE collars illegals “prior to the resolution of their criminal case,” which can harm victims “whose rights are compromised when defendants are not available to stand trial.”

That, of course, could be a reason to block ICE from arresting any illegals at all. At any rate, whether or not the plaintiffs are really concerned about “justice” in their courts is uncertain; they are likely quite concerned, obviously, about protecting future Democratic voters.

[Admitted Ivan Espinoza-Madrigal](#) of plaintiff Lawyers for Civil Rights, the case [is a “blueprint” for more leftist lawfare](#) across the country. “Let’s be clear: immigrants are being hunted down, and this is harmful to all of us and we are fighting back. This is our legal and moral responsibility.”

[New York’s State Office of Court Administration](#) blocked such arrests last week.

Should the court block ICE from enforcing the law, it will turn state and local courthouses into federally protected illegal-alien sanctuaries.

Judge Arrested

The lawsuit hit the federal court just days after federal prosecutors in the [Bay State collared](#) a judge and court officer for helping an illegal alien get away from ICE.

The judge and officer, prosecutors allege, let the illegal slip out of the courthouse. The charges include conspiracy to obstruct justice and obstruction of a federal proceeding — aiding and abetting. The officer is charged with perjury because of his testimony to a grand jury.

The judge and officer, who pleaded not guilty, face lengthy jail time and fines of \$250,000 if found guilty.

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