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November 30, 2017

Dear Colleagues and Community,

As we discuss collusion with inappropriate behavior by ICE in our city, I wanted to share some information about their recent behavior. First, to make clear, I am not suggesting that we not act when we have evidence of a real crime -- regardless of the nationality of the person involved. We should use our law enforcement resources to prevent and respond to violence and serious crime, no matter who commits it. However, it has become clear that ICE is now intentionally targeting non-criminals, acting to strike fear into communities based on their ethnicity and national origin, and has become an arm of Trump's racist agenda. **Sending our officers to assist ICE takes them away from fighting violent crime in our community.**

ICE has harmed and lied to the public, and to various City partners, in carrying out deportation actions when they claimed they were pursuing serious crimes.

See attached, coverage of: (1) Raid in West Oakland in August, including falsehood of statements made by ICE (and repeated by Oakland officials), that it was for serious crime, not deportation; (2) ICE actions throughout the nation targeting family members and wrongly claiming people are 'trafficking'; (3) Public statements by the head of ICE that striking fear into communities, and targeting non-criminals, is their intent; (4) Attorney General Jeff Sessions sending letters to Cities who refused to collude with ICE -- a list which does not include Oakland; (5) ICE targeting courthouses, threatening victims and witnesses of crimes.

**Oakland provided police for an ICE action that resulted in someone not accused of crimes facing deportation, a family torn apart and made to suffer.** When something similar took place in Santa Cruz, local leaders acknowledged they had been fooled by ICE, and that they won't let it happen again. The Oakland Administration should not be fooled twice -- neither by allowing our police to participate, nor by providing false statements to the press for ICE. When ICE actions make victims and witnesses of crimes afraid to come forward, it makes all of us less safe.

Thanks very much for your consideration.

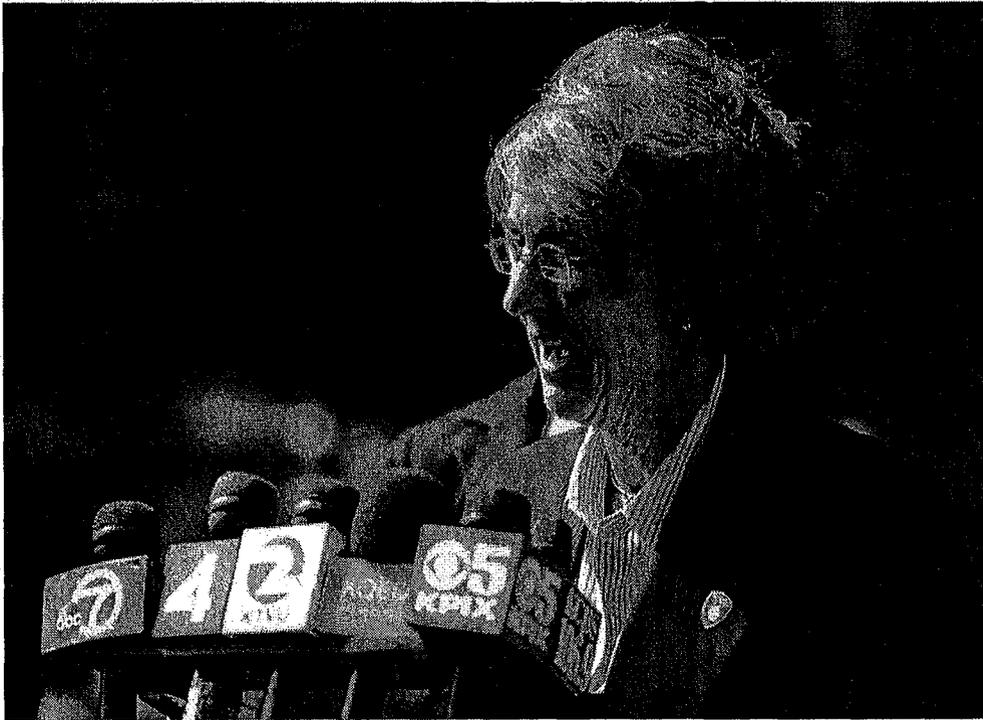
A handwritten signature in cursive script, appearing to read "Rebecca Kaplan".

Councilmember At-Large Rebecca Kaplan

*P.S. Do not oppress the stranger, for you were strangers in the land of Egypt. (Exodus 23:9)*

Community News

## Oakland councilwoman concerned about police involvement in ICE raid



Oakland police Chief Anne Kirkpatrick has been accused of providing false information on an Immigration and Customs Enforcement raid in the city Aug. 16. (Jane Tyska/Bay Area News Group)

By **ALI TADAYON** | atadayon@bayareanewsgroup.com | Bay Area News Group  
PUBLISHED: November 9, 2017 at 4:25 pm | UPDATED: November 15, 2017 at 3:21 pm

OAKLAND — The Oakland Police Department's involvement in an Aug. 16 Immigration and Customs Enforcement raid became the main topic of discussion at a City Council committee meeting Tuesday despite it being taken off the agenda.

Police officials were scheduled to address the raid at Tuesday's Public Safety Committee meeting until the Rules and Legislation Committee — on a motion by City Councilwoman Annie Campbell Washington — tabled it.

But Councilwoman Desley Brooks, who co-sponsored the request for a public hearing on Oakland police's involvement in the raid, addressed it early on in the hearing, saying "there are some serious policy issues that need to be addressed."

The police department's response was scheduled before Privacy Advisory Commission Chairman Brian Hofer filed a complaint with the Community Police Review Board on Nov. 6 against Chief Anne Kirkpatrick.

In the complaint and at a Privacy Advisory Commission meeting in October, Hofer alleged Kirkpatrick gave false information to the public about when the police department severed a memorandum of understanding with Homeland Security as approved by the City Council. He further claimed the chief gave false information as to whether anyone detained during the raid had been charged with a crime — Hofer said nobody has — and whether the raid was a deportation matter. Oakland's sanctuary policy prohibits local law enforcement from participating in federal immigration investigations.

Two men — one 25 and one 19 — were detained during the raid of a Guatemalan family's home in West Oakland. Homeland Security officials at the time said agents served a search warrant there in connection with a human-trafficking investigation involving children.

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The 25-year-old is facing a civil deportation case, Hofer said, but no criminal charges. The 19-year-old was released.

Oakland police directed traffic while Homeland Security agents served the warrant.

Brooks said Tuesday she had met with Kirkpatrick last week and talked to Homeland Security officials and “there were a few things that concerned” her. Kirkpatrick had not actually seen the warrant that ICE agents served but relied on a call from a special agent in charge who reported the raid was a “criminal matter,” and that Mayor Libby Schaaf and one of her staffers were shown the sealed warrant “as a professional courtesy,” the councilwoman said. Brooks also said she believed the chief had no “understanding or appreciation” for the city’s sanctuary city policy.

Schaaf issued a response to Brooks’ statements after the meeting, saying federal agents showed her the search warrant Nov. 2 and she concluded that the “operation was in fact a criminal investigation into human trafficking in our city.” Schaaf added that she respects the ongoing investigation into the raid, the City Council’s policy-making role and Oakland’s Sanctuary City policy.

The committee scheduled the hearing to take place at its Dec. 5 meeting. Activists packed the meeting to speak on the matter.

Brooks and Councilwoman Rebecca Kaplan plan to introduce a resolution “clarifying and reaffirming” the Sanctuary City Policy that bars any branch of city government from cooperating with any ICE action, including directing traffic during a raid.

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The police department has refused to speak to the Oakland Tribune about Hofer’s allegations, but has commented on the filing of the complaint.

“Anytime the truthfulness and character of a person is called into question, especially the leader of a public safety organization, we take this allegation very seriously,” a statement issued Nov. 8 read. “Public trust, protection and service is our top priority at the Oakland Police Department.”

The police department’s report on the raid that was supposed to be presented at the Public Safety Committee meeting Tuesday said the memorandum of understanding between ICE and Oakland police was severed Sept. 25. Kirkpatrick stated in a news release the day of the August raid that the memorandum had already been severed.

Homeland Security officials have maintained that the search warrant was served as part of an ongoing criminal investigation. The police department's report cited a news release issued by Homeland Security in October in which Special Agent in Charge Ryan L. Spradlin said, "Chief Kirkpatrick has been truthful in her statements about the nature of the ongoing HSI investigation and OPD's involvement."

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Tags: Immigration, Oakland City Council, Oakland Police Department

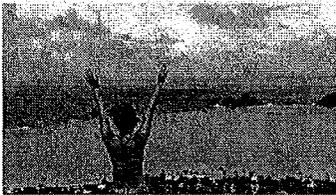


**Ali Tadayon** Ali Tadayon is an award-winning journalist covering Oakland for the Bay Area News Group. He joined the team in 2017 after working as a crime reporter in Riverside and Idaho Falls, Idaho.

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By  ASTON

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## ICE/HSI Raids Home in West Oakland with OPD Assist, Resident Speaks Out Afterward (video)

by Dave Id

Friday Aug 18th, 2017 10:48 PM

On Wednesday, August 16, at about 7am, a convoy of unmarked federal vehicles rolled up in West Oakland and a dozen or more agents jumped out, demanding entry into a Latina home. The agents only identified themselves as a "special unit" and said that they were investigating a family-owned cleaning business. The owner of the house and business is a legal US citizen, although some at the house are more recent migrants from Guatemala who have fled violence in their homeland. After handcuffing and detaining the family for over four hours, the agents quickly left and 21-year-old Laura came out to speak to the crowd of supporters and media that had gathered out front.



▶ 0:00 ●



Copy the code below to embed this movie into a web page:  
<video style="max-width: 800px;" preload="none"  
poster="https://www.indybay.org/uploads/2017/08/16/ice-hsi-opd\_raid- //

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(video 15:44)

Visibly shaken, tears in her eyes, wearing a bathrobe, and holding her young son, I called out to Laura that she did not have to talk to the TV cameras that were rushing toward her. She said she did want to speak. Still, I will not print her or any family members' full names here in order to protect their privacy.

Laura felt compelled to offer another side to the story after Oakland police issued a press statement claiming the raid was related to child sex trafficking, completely slandering the family with a blatant falsehood. OPD had to justify why it was involved at all after word of the raid blew up across social media, surely much to their chagrin. Oakland's city council approved legislation in July rescinding the department's authorization to work with ICE on immigration matters, and yet, there was OPD assisting an ICE raid in August. Feeling the heat, OPD got out a statement insisting that they were only there for traffic control, that it was not an immigration enforcement action, throwing in an over the top allegation against the family in time to hit the noon television news broadcasts that day.

Of course, the corporate media ran with the salacious allegation that ICE was serving a warrant in an investigation into the sexual trafficking of minors. OPD later updated their press release to read "human trafficking" instead, but the damage was done and multiple outlets have yet to correct their stories online. Even with the update, however, labeling the raid as related to the somewhat less monstrous crime of human trafficking is still hyperbolic in that it stirs images of modern day slavery in the public imagination.

Homeland Security Investigations (HSI) was far more reserved than OPD, releasing no details: "Special agents with U.S. Immigration and Customs Enforcement's Homeland Security Investigations are executing a federal search warrant this morning as part of an ongoing criminal investigation."

Laura's entire family was handcuffed for hours, save for her very young son. ICE woke the family up and controlled everything that happened in her home from about 7am until they hurried away at 11:20am. The house was thoroughly searched. Property was removed in numerous boxes.

From her vantage point during her detainment, Laura was unclear at first who was taken from her home by ICE. To witnesses in the street, it appeared a woman with a blanket over her head was arrested and removed. No woman was arrested, but ICE did remove two men (one with blanket). It was Laura's adopted brother and her sister's husband who were taken away. Neither have had previous problems with the law since being in the United States.

One of the two men was released later that day. The other remains in custody despite no charges having been filed. The only apparent issue is his lack of documentation. Immigration lawyers are currently working to establish a bond and secure his release.

Laura speaks about the danger faced by family members in Guatemala and the difficulty in legally seeking asylum in the U.S., receiving no sympathy from American officials. Laura's sister was stabbed 13 times in Guatemala and ended up coming to the U.S. without authorization. Her brother also came without documentation after the majority of his friends were murdered in Guatemala.

OPD insisted it was a criminal investigation and not a deportation matter, but no arrests were made related to the supposed investigation and two people were removed from their home, one arrested due to immigration issues.

See a [report by Darwin BondGraham on the Oakland ICE raid](#) for more details, including a statement by ICE and the updated one by OPD trying to explain their participation despite the recent City Council voted to rescind authorization for collaborating with ICE and HSI.

### **Photos and further details from the raid**

§

by Dave Id Friday Sep 8th, 2017 12:01 AM

Two men were removed from the home for immigration-related matters, nothing to do with the warrant. The first was released later the same day because he did have immigration paperwork in process. The other, with no immigration documentation, was not released until August 30, after being held for two full weeks at the West County Detention Center in Richmond, California. He was released on a \$5000 bond, pending his appearance at future immigration hearings.

Photos and more raid details:

# Relatives of Undocumented Children Caught Up in ICE Dragnet

In a shift from how it operated during the Obama administration, Immigration and Customs Enforcement is cracking down on relatives who let undocumented kids stay with them after entering the U.S.

by **Hannah Dreier**, Sept. 11, 8 a.m. EDT



An ICE fugitive operations team member in Montebello, California, on April 18, 2017 (Brian van der Brug/Los Angeles Times via Getty Images)



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This summer, a Kansas City man named Edwin got a call from immigration officials. They had picked up his nephew at the southern border and wanted to release the teen into his care. So Edwin went online and bought a bed.

Later that week, he was contacted again, this time by an Immigration and Customs Enforcement detective who knocked at his door. The agent gave Edwin a letter saying he needed to come to headquarters for an interview about three federal crimes: conspiracy, visa fraud and human smuggling.

Across the country, people like Edwin who have taken in young undocumented relatives are being swept up in what ICE calls a crackdown on guardians who pay human smugglers. More than 400 people were arrested over the course of two months this summer as part of the new approach. Others are still dodging ICE interviews, have agreed to go through deportation proceedings or have gone on the run. Some of those affected admit that they paid “coyotes” to reunite them with their young children. But many are collateral damage: People who just happened to be in the house when ICE showed up, or relatives who agreed to take in teens after they traveled to the U.S. on their own.

“The message is getting out: Don’t sponsor someone if you’re here illegally, or you’re going to get in trouble,” said Claude Arnold, a former ICE Homeland Security Investigations special agent who supports the new policy. “The idea is to have a deterrent effect, so when a teenager says, ‘Uncle, I can pay my own way, but can I stay with you?’ the uncle is going to say, ‘No way.’”

Edwin, who asked that his last name be withheld because of possible pending criminal charges, has been living in the U.S. for more than 15 years and says he never paid anyone to help his nephew cross the border. He points out that he has done everything by the book since emigrating from El Salvador to Missouri in 2001. He immediately got a job at a dry cleaning company and obtained Temporary Protected Status, which allows him to live and work in the U.S. so long as he keeps a clean criminal record. He doesn’t follow the news and didn’t know he was risking deportation by agreeing to take in his nephew. But he said it wouldn’t have mattered; he couldn’t have refused to welcome his sister’s son.

“My nephew is grown and he makes his own choices. Everyone pays their own way. But he’s my family and it’s my duty to take him in,” Edwin said.

Edwin’s nephew Wilbur lived in Kansas City with Temporary Protected Status himself as a child, but his parents decided to take him back to El Salvador when he was 6. He said he made up his mind to return to the U.S. after graduating high school this spring because he felt threatened by gangs. Wilbur took a bus across Guatemala, traveled through Mexico by pickup truck, then crossed into Texas in the back of a tractor trailer a month before his 18th birthday. He was picked up almost immediately by U.S. officials.

young people to live in normal homes while their visa and asylum claims work through the courts.

Under President Barack Obama, ICE was instructed not to go after people who came forward to claim relatives, even if they were in the U.S. illegally. Guardians were told they had no reason to fear revealing themselves to authorities. Under President Donald Trump, that policy has been reversed.

Trump administration officials say it's less of a policy change than a commonsensical return to the enforcement of existing immigration laws. In a February memo, then-Homeland Security Secretary John F. Kelly said that while all immigration laws should be enforced, it's especially important to go after people "directly or indirectly" involved in smuggling, because the journey north can be so dangerous for children.

"Regardless of the desires for family reunification, or conditions in other countries, the smuggling or trafficking of alien children is intolerable," he wrote.

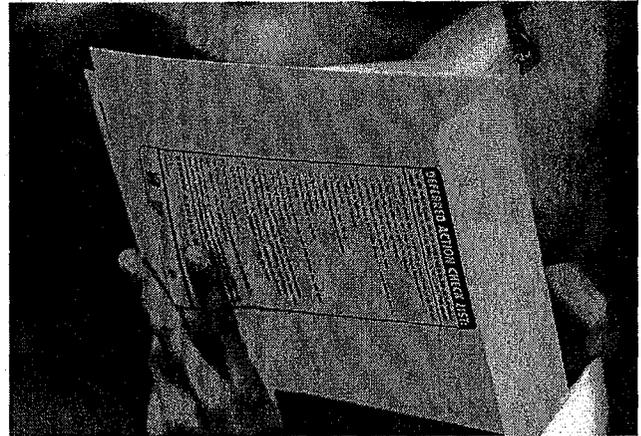
Edwin said he felt bewildered when an immigration detective showed up at his door one morning in July, and was further confused by the letter instructing him to come to ICE headquarters the following week to talk about crimes related to smuggling.

Because Edwin has protected status, he was able to take the letter and go on with his day. For people in the country illegally, things have been playing out much differently.

A couple living in New Mexico fled the state after ICE agents turned up in August asking about a nephew they had recently taken in. They told their attorney that they hadn't even known the high school junior was on his way up from Guatemala.

In Tennessee, two ICE agents came with pistols and flak jackets to arrest a mother who hid in her trailer home. The mother said she had no idea her 16-year-old daughter was coming from Honduras. The agents left once others in the trailer park started taking photos.

The Lutheran Immigration and Refugee Service, which has a contract from the U.S. government to help place unaccompanied minors with relatives, has seen cases in recent months of cousins and



**Are You an Immigrant Protected by DACA? We Want to Hear From You.**

As President Trump mulls whether to end a program that granted 800,000 young people a reprieve from deportation, ProPublica is asking those who will be affected by his decision to tell us their stories.

asking about smuggling.

In all, more than 400 people were arrested between late June and late August as part of what ICE describes as an enforcement surge to bolster the strategy of going after guardians. The great majority of those 400 were charged with immigration violations, not smuggling-related crimes.

A group of Democratic members of Congress asked ICE in July for specifics about the change in approach, including the protocol for deciding which sponsors would be targeted, but have yet to receive any answers.

For now, Edwin is ignoring his summons. He said that when he failed to appear at ICE headquarters, an agent responded by going to the dry cleaner where he works to review his employment verification papers. He is hoping the agent loses interest, but no longer feels like he knows what to expect.

“I’ve been here more than a decade and I’ve never had a single problem with the authorities. Now, it’s like the government is changing everything around,” he said. “Now, everything is dangerous.”

**Filed under:** Immigration

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### Hannah Dreier

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<https://www.dailykos.com/stories/2017/11/14/1715613/-ICE-s-acting-director-has-been-bad-for-immigrants-and-that-s-why-Trump-wants-him-to-stay>

## ICE's acting director has been bad for immigrants, and that's why Trump wants him to stay

By Gabe Ortiz

Tuesday Nov 14, 2017 · 2:04 PM PST

According to the *Dallas Morning News*, Donald Trump has asked acting Immigration and Customs Enforcement (ICE) director Thomas Homan to permanently lead the agency, a move that will require Senate hearings and confirmation. Trump's decision shouldn't come as any surprise. Along with former Department of Homeland Security secretary and current White House chief of staff John Kelly, Homan has proven to be a devastatingly effective mass deportation accomplice:

- What "bad hombres"? During the first five months of Trump's administration, the arrests of undocumented immigrants with no criminal record under Homan's watch surged 156 percent compared to that same period the previous year.
- In June, Homan justified arresting those immigrant moms and dads by saying that "if you're in this country illegally, you should be uncomfortable ... you should look over your shoulder, and you need to be worried."
- A loyal foot soldier in Jefferson Beauregard Sessions III's ongoing war on immigrants and the cities that care about them, Homan's ICE intentionally targeted so-called sanctuary cities with raids. Around one-third of the immigrants swept up by agents had no criminal record at all.
- Homan then doubled down on terrorizing hardworking immigrant parents by promising to increase workplaces immigration raids by "four to five times."

Under Homan, ICE agents have tested the power of their limits, flouting longstanding ICE policy against conducting arrests in sensitive locations like schools and churches. Weeks after Trump's poorly-attended inauguration, agents stalked and arrested a group of immigrant men as they left a church-run hypothermia shelter in Virginia.

Homan is also as vindictive and petty as his boss, promising to escalate arrests in California because Gov. Jerry Brown signed sweeping, anti-deportation legislation. So much for states' rights:

- Homan perpetuated a fake story from Breitbart that an immigrant man was to blame for the deadly California wildfires that killed dozens of Americans and left many more homeless.
- Homan has shown himself to be a “yes” man, standing down as Kelly ordered Homan’s ICE agents to portray the immigrants they were sweeping up—many of whom had no criminal record—as dangerous, emails show.
- Under Homan, ICE agents have arrested a nurse, pastor, and an undocumented youth on the same day as his prom. They abandoned immigrant mothers and kids at a bus station in the middle of a hurricane, illegally entered homes without a warrant, allegedly harassed the U.S. citizen children of an undocumented mom who went into sanctuary, stalked immigrants at court, used children as bait to arrest undocumented family members, detained pregnant immigrant women, racially profiled a brown U.S. citizen they thought was undocumented, colluded with Motel 6 employees to arrest immigrant guests, arrested the parent of U.S. military veteran, and arrested Dreamers despite having valid Deferred Action for Childhood Arrivals (DACA) protections.
- And under Homan’s tenure, undocumented immigrants have died while under ICE detention.

The ICE deportation machine isn’t new, but Donald Trump—with the assistance of the likes of John Kelly, Jefferson Beauregard Sessions III, the ghoulish Stephen Miller, and Thomas Homan—has turned it into a cruel, merciless, and evil monster. And that’s precisely why Trump is keeping him put. “Given Homan’s viciously anti-immigrant record,” America’s Voice noted, “it’s no surprise that one of the leading anti-immigrant hate groups is giddy about this nomination. But the US Senate shouldn’t be.”

# THE DAILY CALLER

## Sessions Expands List Of Sanctuary Jurisdictions That Could Lose Federal Funds

Posted By [Will Racke](#) On 6:01 PM 11/15/2017 In | [No Comments](#)

The Department of Justice on Wednesday announced it has sent letters to 29 jurisdictions warning that they are in danger of losing federal grant money if they cannot certify compliance with a key federal immigration statute.

The jurisdictions have until Dec. 8 to provide further information to the DOJ that local policies and laws do not contravene 8 USC 1373, a section of the immigration code that bars local officials from limiting communication with federal authorities about a person's immigration status.

"Jurisdictions that adopt so-called 'sanctuary policies' also adopt the view that the protection of criminal aliens is more important than the protection of law-abiding citizens and of the rule of law," Attorney General Jeff Sessions said in a statement. "I urge all jurisdictions found to be potentially out of compliance in this preliminary review to reconsider their policies that undermine the safety of their residents."

Under DOJ policy outlined by Sessions earlier this year, a sanctuary jurisdiction is any state or local government that has "laws, policies, or practices" that violate section 1373. Sessions had previously notified five major jurisdictions — New York, Philadelphia, New Orleans, Chicago and surrounding Cook County — that their policies on immigration enforcement met that definition.

Wednesday's review expands the list to include a [broad array](#) of local jurisdictions, from rural California counties to small New England cities to three entire states — Illinois, Oregon and Vermont. The letters go farther than previous warnings, requiring the jurisdictions in question to certify their compliance with section 1373 if they are awarded a Byrne Justice Assistance Grant this year.

"In addition to raising concerns about these jurisdictions' Section 1373 compliance during FY2016, the Justice Department asked jurisdictions to determine that they will comply with Section 1373 should they receive an FY2017 Byrne JAG award," DOJ said in a news release Wednesday.

President Donald Trump's administration has sought to punish sanctuary cities since January, when the administration issued an executive order to pull federal funding from any jurisdiction that limited cooperation with immigration authorities. That order was blocked by a nationwide judicial injunction in April.

Sessions subsequently issued a memo that limited the categories of federal funding that would be in jeopardy to DOJ or Department of Homeland Security grants. He also revised the eligibility guidelines for Byrne grants, requiring applicants to honor federal immigration detention requests, give immigration agents unfettered access to local jails, and comply with section 1373.

A federal judge blocked the first two rules in September in response to a lawsuit from the city of Chicago, that argued the guidelines would "federalize" local law enforcement and force police to violate the constitutional rights of alien jail inmates. The judge allowed to section 1373 requirement to stand.

Hours before Sessions announced the latest round of letters, a federal judge ruled in favor of Philadelphia in a similar lawsuit over the grant eligibility guidelines. U.S. District Judge Michael Baylson found that Philadelphia, which had sued the DOJ in August, was not a sanctuary city and could not be stripped of a \$1.5 million grant for the police department and district attorney's office.

"Philadelphia is not a 'sanctuary city' — if that term means that there are any policies that would prevent or inhibit the investigation, arrest, prosecution and sentencing of aliens," Baylson [wrote in a preliminary injunction](#). "There are none."

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The New York Times | <https://nyti.ms/2jZX7mx>

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Opinion | OP-ED CONTRIBUTOR

# ICE's Courthouse Arrests Undercut Democracy

By CÉSAR CUAUHTÉMOC GARCÍA HERNÁNDEZ NOV. 26, 2017

At the door of the Lindsey-Flanigan Courthouse in Denver one Friday in April, federal Immigration and Customs Enforcement agents tackled a man to the ground. A chilling video shows the man — who, according to his lawyer, was there to deal with a traffic ticket — yelling “No!” “My hand!” and “Why?” in Spanish. Sheriff's deputies order passers-by to stand back, and the violent arrest continues.

The next month, ICE agents returned and arrested another man. His lawyer can be heard in a video of the incident asking the agents if they had a warrant. One responds, “Yes, sir.” The lawyer asks, “Can I see it?”

The agent's response: “No, sir.”

Both men, according to their lawyers, were taken to immigration detention centers.

This type of arrest is on the rise. Lawyers and judges in Arizona, California, Colorado, Connecticut, New Jersey, New York, Oregon, Texas and Washington all reported in the first year of the Trump administration that immigration officials were breaking with tradition to descend upon their courthouses. Such arrests in New

York have increased by 900 percent in 2017, according to the Immigrant Defense Project.

This is a deeply worrisome trend because arrests at courthouses don't just derail the lives of the unsuspecting people who are detained, they threaten the very operation of our judicial system. Such arrests scare people away from the courts, keeping them, for example, from testifying at trials or seeking orders of protection. By using this tactic, the nation's lead immigration law enforcement agency is undermining a pillar of our democracy.

That's why California's top judicial official asked the Trump administration to stop this practice. "Courthouses should not be used as bait in the necessary enforcement of our country's immigration laws," Tani Cantil-Sakauye, the state's chief justice, wrote in March to Attorney General Jeff Sessions and John F. Kelly, then the homeland security secretary. "Enforcement policies that include stalking courthouses and arresting undocumented immigrants, the vast majority of whom pose no risk to public safety, are neither safe nor fair."

Courthouses have a special place in American society. It's only in a court of law that we can be confident that disputes will be mediated deliberately, and according to a set of rules intended to ensure justice for all parties. As the Supreme Court declared in 1907: "The right to sue and defend in the courts is the alternative of force. In an organized society it is the right conservative of all other rights, and lies at the foundation of orderly government."

The pursuit of justice depends on getting the parties in the same room. That's why courts have the power to drag in unwilling participants with subpoenas. They can compel witnesses to testify or risk contempt charges. Courts rely on their hard-earned legitimacy as the rightful locations for resolution of disagreements.

Courthouse arrests by ICE deter not only undocumented immigrants but also people who are here legally but are nervous that they might have somehow compromised their status (or that an officer will think they have). That's a nuance that is next to impossible for the average person to discern, and those complicated legal questions are exactly what immigration judges spend a lot of energy trying to answer.

In El Paso, ICE arrested a woman moments after she requested a court's help keeping away an abusive partner. Fear and uncertainty caused by this type of courthouse arrest are already keeping people away from the halls of justice. In Denver, the city prosecutor gave up on four domestic violence cases because the victims said they were too afraid of ICE to appear in court. In a nationwide survey conducted in April by the nonprofit Tahirih Justice Center, four out of 10 social service providers working with immigrant survivors of abuse said they had clients who had abandoned legal claims because of fear of what will happen if they call the police or go to court.

The harm this causes is bigger than the people whom ICE arrests. United States citizens are not immune to the impact of ICE activity in courthouses. All of us — including those of us who could easily prove our immigration status — depend on courts to do their job, and all of us suffer if the fear of ICE keeps people away.

ICE understands its actions can paralyze important institutions. Longstanding ICE policy discourages questioning or arresting people in schools and churches. It is time to add courthouses to that list. But top administration officials have vigorously defended courthouse arrests.

With no change to federal policy in sight, it is up to cities and states to push back. Elected officials must take seriously their legal obligation to keep courthouses accessible. In addition, the cities and states that own and operate most courthouses and ensure that no one uses their courts in a way that halts judicial business — protesters can't block the doorway, bail bondsmen aren't allowed to set up shop in the lobby — should do the same here for immigration agents.

ICE should no longer get free rein to tackle, handcuff and haul away immigrants, sending a message to others that they should think twice before trusting in the courts.

***Correction: November 27, 2017***

An earlier version of this essay misstated the name of an organization that reported an increase in courthouse arrests in New York State. It is the Immigrant Defense Project, not the Immigration Defense Project.

César Cuauhtémoc García Hernández is an associate professor of law at the University of Denver and publisher of the blog *crImmigration*.

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A version of this op-ed appears in print on November 27, 2017, on Page A23 of the New York edition with the headline: Keep ICE Arrests Out of Courts.

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ARTICLES REMAINING