



September 29, 2020

Contact:

Alejandra Lopez  
The Legal Aid Society  
[ailopez@legal-aid.org](mailto:ailopez@legal-aid.org)  
(917) 294-9348

**\*\*\*FOR IMMEDIATE RELEASE\*\*\***

## ***Court Rules Legal Aid, Cleary Gottlieb Lawsuit Against ICE Courthouse Arrests Will Proceed***

(NEW YORK, NY) – On Monday, Judge Alison J. Nathan of the U.S. District Court for the Southern District of New York ruled that a lawsuit by **The Legal Aid Society** and **Cleary Gottlieb Steen & Hamilton LLP** could move forward against U.S. Immigration and Customs Enforcement (ICE). The lawsuit, *Doe v. ICE*, seeks to stop ICE from making civil immigration arrests without a judicial warrant or court order in and around New York State courthouses.

In the 32-page [opinion and order](#), Judge Nathan denied the Government’s motion to dismiss with respect to all but Plaintiffs’ Sixth Amendment claim. The Administrative Procedure Act (APA) claim, the common law claim of immunity from civil arrest while going to, attending or leaving court proceedings, and the First and Fifth Amendment constitutional claims will continue to be litigated.

*Doe v. ICE* was filed by **The Legal Aid Society** and the law firm of **Cleary Gottlieb Steen & Hamilton LLP**, on behalf of plaintiffs John Doe, **Make the Road New York, Urban Justice Center, Sanctuary for Families, The Door**, and the **New York Immigration Coalition**.

**Lilia I. Toson, Supervising Attorney of the Civil Law Reform Unit at The Legal Aid Society**, said: “This decision is a clear rejection of this administration’s flimsy attempts to legally justify unlawful and brazen abductions by ICE agents. We are thrilled that Judge Nathan ruled that our lawsuit can continue, and we look forward to continuing our fight on behalf of New Yorkers seeking justice in our courts.”

“We are pleased with the Court’s decision, and look forward to litigating the case to a successful conclusion that will protect the rights of our clients and vulnerable members of immigrant communities,” said **Jonathan I. Blackman, partner at Cleary Gottlieb Steen & Hamilton LLP.**

“This decision reinforces what we have known all along—ICE does not belong in or near our courts. Immigrant New Yorkers should have equal and full access to our courts without fearing ICE abusive tactics to separate families at our courthouses,” said **Luba Cortés, Immigrant Defense Coordinator of Make The Road New York.** “Earlier this year, the New York legislature also acted and passed legislation to permanently and fully protect our courts. Now, we need Governor Cuomo to protect this victory and sign the Protect Our Courts Act into law.”

“We are gratified that the lawsuit against U.S. Immigration and Customs Enforcement will move forward and be litigated on the merits. Gender violence survivors should never have to choose between the safety for themselves and their children, and the threat of deportation when seeking help. We look forward to working with our fellow plaintiffs in our joint effort to preserve the sanctity of our system of justice for those who are most vulnerable,” said **Hon. Judy Harris Kluger, Executive Director of Sanctuary for Families.**

“The Door’s clients are vulnerable youth, who -- because of the threat of illegal ICE arrests and deportation -- are too afraid to seek basic legal protections in the New York courts. These young people are left without legally appointed adult caretakers, or are unable to obtain state court documents necessary for their immigration cases and general welfare. We are glad that a federal court has taken the first step to allowing this lawsuit to proceed, and hope that it will vindicate our clients’ fundamental rights to access the justice system,” said **Kaavya Viswanathan, Managing Director of Legal Services at The Door**

“Thanks to the relentless advocacy of this incredible team, we are one step closer to bringing justice to immigrants seeking recourse from our courts. The fight for justice continues,” said **Atossa Movahedi, Director of Legal Services, Domestic Violence Project, Urban Justice Center.**

To learn more about *Doe v. ICE*, visit The Legal Aid Society’s [case page](#).

###

*The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 140 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities.*

<https://www.legalaidnyc.org>