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Legal Aid Statement on DOJ Lawsuit Attacking New York's Protect Our Courts Act, Critical Law Safeguarding Noncitizens' Access to Local Courthouses

(NEW YORK, NY) – The Legal Aid Society released the following statement on the United States Department of Justice's [lawsuit](#) which seeks to invalidate New York State's Protect Our Courts Act, a critical law which prohibits Immigration and Customs Enforcement (ICE) from making civil arrests without a judicial warrant for people accessing New York State courts:

"The Protect Our Courts Act is a crucial safeguard that allows noncitizen New Yorkers to access the courts without fear of arrest, the threat of family separation, or the loss of their constitutional right to due process.

"The law restored access to justice for immigrants — allowing people to fight the charges pending against them and access other services offered by our court system.

"Today's lawsuit threatens to reverse these hard-won protections. Without the law, countless immigrants would again face impossible choices: risk legal jeopardy — or abandon their day in court. That chilling effect isn't just theoretical; it undermines the fairness and efficacy of our entire judicial system.

"We are already witnessing ICE's indiscriminate arrests in federal immigration courts. New York cannot allow ICE to arrest people from its state courthouses. We urge the court to swiftly reject this federal overreach, and reaffirm that all who seek justice — regardless of immigration status — must be able to access New York's legal system without fear.

"The Legal Aid Society is considering all available options on behalf of the people and communities we serve to ensure their best interests are protected and their right to access the courts without fear is upheld."

Background

The Legal Aid Society, alongside the New York Attorney General and the ICE Out of Courts coalition, was instrumental in helping secure the Protect Our Courts Act's passage in July 2020.

During President Trump's first term, ICE courthouse arrests skyrocketed by over 1700% in New York, leading to a widespread chilling effect on noncitizens' willingness to initiate and participate in the judicial system. Hundreds of immigrants — both undocumented and those with legal status — were arrested while appearing in and around state courts, including those accused of a crime; parents appearing in child support matters; survivors of domestic violence, sexual assault, human trafficking, and other crimes; people who are mentally ill or homeless; and LGBTQ+ individuals; among others.

These ICE courthouse arrests disrupted court functions, trampled the due process rights of the accused, imperiled public safety, and deterred immigrants from reporting crimes. By using the court system to trap immigrants for detention and deportation, ICE effectively deterred immigrants from accessing state courts, and interfered with and violated the rights of individuals, associations, and organizations across the state.

In September 2019, The Legal Aid Society and pro bono counsel, and New York Attorney General Letitia James and Brooklyn District Attorney Eric Gonzalez, filed two separate lawsuits in the United States District Court for the Southern District of New York against ICE, challenging the legality of the agency's practice of making civil immigration arrests without a judicial warrant or court order in and around New York State courthouses. In June 2020, a federal judge [ruled](#) that ICE could no longer do so in and around New York courthouses.

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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 nearly 150 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. www.legalaidnyc.org