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Legal Service Providers, Immigrant Rights Advocates Join Legal Fight to Defend Critical New York Law and Executive Orders that Safeguard Noncitizens' Access to Local Courthouses, Public Benefits

(NEW YORK, NY) — The Legal Aid Society, LatinoJustice PRLDEF, Immigrant Defense Project, Brooklyn Defender Services, New York County Defender Services, Make the Road New York, The Legal Aid Society of Suffolk County, Neighborhood Defender Service of Harlem, and Sanctuary for Families filed a [joint amicus brief](#) in support of New York State's response to the United States Department of Justice (DOJ)'s appeal of the dismissal of its lawsuit challenging New York State's Protect Our Courts Act (POCA), a critical law which prohibits U.S. Immigration and Customs Enforcement (ICE) from making civil immigration arrests of people accessing New York State courts without a judicial warrant.

The amicus brief also urges the court to uphold New York's Executive Orders 170 and 170.1, which restrict State employees from inquiring about an individual's immigration status unless necessary for the services being provided or from sharing information with federal immigration authorities. In addition, the Executive Orders require judicial warrants for civil immigration arrests in state facilities.

Enacted in 2020, POCA provides a crucial safeguard that allows noncitizen New Yorkers to safely access state courts — including village, town, city, and county courts — without fear of arrest, the threat of family separation, or the loss of their constitutional right to due process, according to the amicus brief. Prior to POCA's enactment, ICE's disruptive and intimidating actions in and around state courthouses across New York State caused a chilling effect that undermined the fairness and efficacy of the state's entire judicial system.

The Executive Orders enhance public safety and health by ensuring all eligible New Yorkers can access public benefits and services without fear of indiscriminate arrest or harassment due to their immigration status.

Particularly now, in light of aggressive and unlawful ICE operations in New York and across the country, the amicus brief argues that the critical protections established through POCA and the accompanying Executive Orders must remain in place to ensure the safe and orderly operation of state courthouses, and full access to justice for all New Yorkers.

“All New Yorkers — including the more than four million immigrants who call New York home — deserve to be able to enter a courthouse or access public benefits without fear that doing so will result in arrest, detention, or family separation,” said **Hasan Shafiqullah, Supervising Attorney in the Civil Law Reform Unit at The Legal Aid Society**. “POCA and the Executive Orders are essential safeguards that preserve access to justice, protect due process, and strengthen public trust in our legal system. Dismantling these protections will not make New York safer — instead, it will discourage millions from participating in our judicial system, weakening its integrity and efficiency, and from accessing benefits to which they are entitled. We urge the court to affirm the dismissal of the federal government's lawsuit and uphold access to New York's courts and public institutions for all residents, regardless of immigration status.”

“New Yorkers were unequivocal in our call to keep ICE out of our courts to protect the rights of all our community members to due process, and our legislature took the necessary action,” said **Yasmine Farhang, Executive Director of the Immigrant Defense Project**. “In our state courts, the stakes are high— judges are determining whether to deprive community members of their liberty, separate them from their families, or strip them of their livelihoods. ICE’s tactic of snatching people in and around state courts was unjust and instilled fear in so many people. The Protect Our Courts Act changed the landscape for the better and we strongly support New York’s dismissal of this lawsuit.”

"The Protect Our Courts Act and New York’s Executive Orders are crucial legal protections for our immigrant communities in New York State to feel safe and to be able to freely enter NYS courthouses as a party or witness without fearing that doing so could result in their arrest and separation from their family," said **Rex Chen, Supervising Counsel of Immigrant Rights at LatinoJustice PRLDEF**. "LatinoJustice will continue to defend New York’s immigrant residents and the state’s sovereign authority to enact laws that protect their rights, dignity, and safety of all who call the Empire state home.”

“New York’s Protect Our Courts Act and accompanying Executive Orders are essential safeguards to ensure that all New Yorkers can safely seek justice and access critical court services without fear of arrest or family separation. When people are deterred from entering courthouses or accessing public benefits, it undermines both public safety and the integrity of our legal system. Immigrant survivors of gender-based violence urgently need the ability to freely access our courts to pursue remedies essential to their and their children’s safety and economic survival, such as orders of protection, custody, and child support. Sanctuary for Families is proud to stand with our partners in urging the court to uphold critical protections that ensure that all New Yorkers can access justice,” said **Sanctuary for Families**.

“Courtrooms should not double as immigration enforcement zones,” said **Stan Germán, Executive Director of New York County Defender Services**. “The Protect Our Courts Act helps ensure that immigrants can appear in court, access their rights, and participate in legal proceedings without fear of civil immigration arrest. These protections are essential to due process, public trust, and the fair administration of justice.”

“The Protect Our Courts Act codifies the long-standing privilege against civil arrests in courthouses, and it must remain in place to protect people’s right to due process. POCA and the Executive Orders are necessary to ensure that all New Yorkers can safely access court and public institutions,” said **Lucas Marquez, Director of Civil Rights and Law Reform at Brooklyn Defender Services**. “BDS strongly supports New York State's efforts to uphold these critical protections.”

"Everybody deserves to have their day in court without fear that they will be ripped away from their loved ones forever," said **Make the Road New York Co-Executive Director Sienna Fontaine**. "The DOJ's appeal in this case is just another escalation in the Trump administration's attacks on immigrant families. As New Yorkers we know that everybody—whether your family arrived generations ago or last week—has the same rights as anybody else. We are urging the court to uphold this critical safeguard for our communities."

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The Legal Aid Society is a nonprofit law firm that exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For 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 the people we serve and helps improve our communities.

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