



**LAWYERS' COMMITTEE  
FOR CIVIL RIGHTS AND  
ECONOMIC JUSTICE**  
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## **Immigration Enforcement At Massachusetts Courthouses: A Fact Sheet**

### **Background**

Federal immigration authorities have traditionally avoided immigration enforcement at courthouses. This has been done in recognition of the fact that we as a nation are stronger if immigrant families are not deterred from participating in court proceedings. If individuals fear that going to court will subject them or their families to immigration enforcement, then they become reluctant to report crimes or serve as witnesses in legal proceedings. Battered women are chilled from seeking restraining orders against their abusers, and in general the public's sense of security in accessing justice is undermined.

Following the election of President Trump in November 2016, however, immigrant rights advocates began hearing anecdotally about an unprecedented increase in immigration enforcement activities at courthouses. Subsequently, Massachusetts' Supreme Judicial Court issued a ruling in July 2017 (*Commonwealth v. Lunn*), prohibiting state officials from detaining individuals based solely on federal civil immigration detainers.

### **Information Uncovered Through Public Records Requests**

The Lawyers' Committee responded to these events by filing public records requests with both Immigration and Customs Enforcement (ICE) and the Massachusetts Trial Courts, to uncover the depth of the problem of ICE enforcement activities in Massachusetts courthouses from 2016-2017.

Key information uncovered includes:

- **Targeting courthouses is a new and intentional policy of the Trump Administration.**
  - Internal e-mails between ICE officials explicitly state that “[c]urrent ICE policy supports enforcement actions at courthouses”<sup>1</sup>
  - ICE officials include enforcement activity at and around courthouses as one of several “new tactics with regard to locating alien.”<sup>2</sup>
- **Targeting courthouses is a new federal tactic employed in direct response to Massachusetts court decisions that ICE deemed to be unfavorable.**

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<sup>1</sup> “ICE internal email Subject RE: Arrest at federal dist ct today?”, June 23, 2017 at 2.

<sup>2</sup> “ICE internal email Subject: RE: Arrest at federal dist ct today?”, June 23, 2017 at 1.

- Even before the *Lynn* decision, ICE officials were critical of guidance that Massachusetts court officials gave to court personnel about the limits of permissible cooperation with ICE (“The recent SJC guidance...has had an immediate and overwhelming impact on our field enforcement operation...the current framework is desperately lacking in efficiency”).<sup>3</sup>
- According to ICE officials: “Massachusetts courts blatantly, and willfully disregard ICE’s requests to detain aliens on a daily basis and cannot be relied on to honor our requests.”<sup>4</sup>
- **ICE enforcement at courthouses is not limited to targeting people accused of violent crimes.**
  - Recent courthouse detentions have targeted people accused of motor vehicle violations such as driving with a suspended license or operating under the influence<sup>5</sup>
  - Increased enforcement against people accused of low-level offenses is consistent with administration statements that they are going to newly target a broader range of individual eliminating important enforcement priorities established in the Obama Administration for national security and public safety threats.<sup>6</sup>
- **Judges are expressing significant concerns about the effect that these targeting schemes will have on the ability of victims and witnesses to effectively use the courts.**
  - On February 23, 2017, Chief Justice of the Trial Court Paula Carey sent a letter to the Special Agent in Charge for ICE in Massachusetts. The letter expressed deep concern that victims seeking abuse prevention orders and witnesses going to court would be chilled from accessing the court system and requested that immigration officials respect this important interest. Justice Carey wrote:

“It is essential that [victims of domestic violence and civil litigants] be free to seek relief from the Court without fear that their presence in Court will be the cause of an immigration enforcement action. If not, the unfortunate result will be that public safety will decrease, communities will become less safe and perpetrators of domestic violence will feel empowered to abuse their victim with impunity. Further, individuals who currently come to our Courts to help themselves or a loved one in obtaining civil commitment for detox or treatment will be reluctant to come forward if the fear immigration consequences. Any increased immigration enforcement in these civil matters would mean fewer applications, more withdrawn cases, and more defaults, resulting inevitably in violence, injustice, and threats to public safety. In my

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<sup>3</sup> “ICE internal email Subject: Read this and add whatever you think is needed”, May 5, 2017 at 1.

<sup>4</sup> “ICE internal email Subject: RE: Arrest at federal dist ct today?”, June 23, 2017 at 1.

<sup>5</sup> See Collected Massachusetts Trial Courts Security Department Incident Reports.

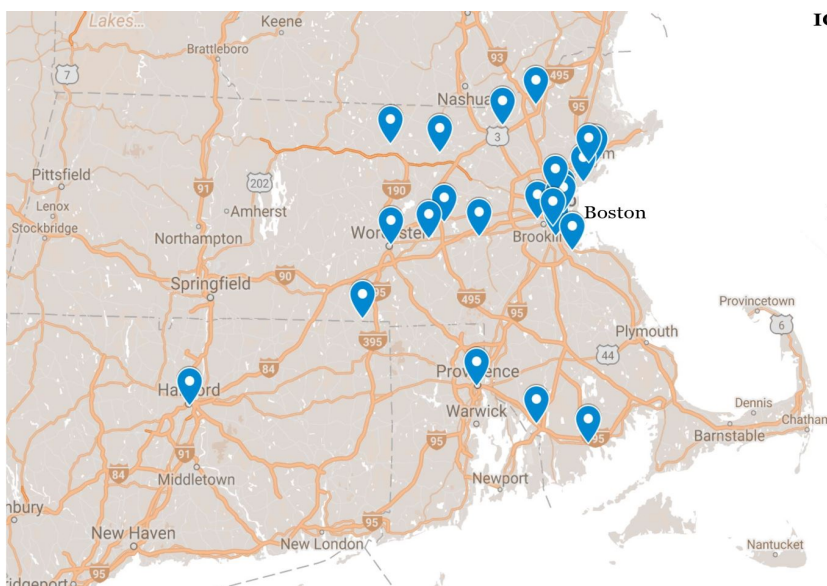
<sup>6</sup> See *Executive Order: Enhancing Public Safety in the Interior of the United States*, Office of the White House Press Secretary (Jan. 25, 2017), available at <https://www.whitehouse.gov/the-press-office/2017/01/25/presidential-executive-order-enhancing-public-safety-interior-united>.

view, it would ultimately affect the Court’s ability to carry out its mission to provide the protections guaranteed by the law of this Commonwealth.”<sup>7</sup>

This letter, detailing the dangers of ICE enforcement at courthouses, was part of a national call by many judges across jurisdictions who sought to curtail this type of ICE action.<sup>8</sup>

- Judge Indira Talwani of the U.S. District Court for the District of Massachusetts is reported to have told an immigration enforcement attorney that “she considers [an ICE arrest of an individual entering a courthouse] a violation of a court order and obstructing justice...she thinks that ICE should not be arresting anyone entering a state or federal courthouse.”<sup>9</sup>

- **ICE detentions are occurring in and around numerous different courthouses in Massachusetts.** A map of the courthouses recently targeted for enforcement action by ICE:



- ICE Targeted Courthouses**
- Ayer District Court
  - Boston Municipal Court
  - Brighton District Court
  - Chelsea District Court
  - Derry District Court
  - Dorchester District Court
  - Dudley District Court
  - East Boston District Court
  - Essex County Superior Court
  - Fall River District Court
  - Fitchburg District Court
  - Framingham District Court
  - Hartford Superior Court
  - Lawrence Juvenile Court
  - Lowell District Court
  - Lynn District Court
  - Malden District Court
  - Marlborough District Court
  - Nashua Superior Court
  - New Bedford District Court
  - Peabody District Court
  - Providence Municipal Court
  - Quincy District Court
  - Roxbury District Court
  - Westborough District Court
  - Worcester District Court

<sup>7</sup> “Letter from Chief Justice Paula M. Carey to Special Agent in Charge Matthew Etre” dated February 23, 2017.

<sup>8</sup> Top court officials in other States have similarly called upon ICE to curtail immigration enforcement activities at and around their States’ courthouses. See *Open Letter*, Tani Cantil-Sakauye, available at <http://newsroom.courts.ca.gov/news/chief-justice-cantil-sakauye-objects-to-immigration-enforcement-tactics-at-california-courthouses> (California); *NJ Top Judge Asks ICE To Stop Arresting Immigrants* (Apr. 20, 2017), available at [http://www.nj.com/politics/index.ssf/2017/04/nj\\_top\\_judge\\_asks\\_ice\\_to\\_stop\\_arresting\\_immigrants.html](http://www.nj.com/politics/index.ssf/2017/04/nj_top_judge_asks_ice_to_stop_arresting_immigrants.html) (New Jersey); *Oregon Chief Justice Urges Feds To Keep Immigration Agents Out Of Courthouses* (Apr. 7, 2017), available at [http://www.oregonlive.com/portland/index.ssf/2017/04/oregons\\_chief\\_justice\\_urges\\_fe.html](http://www.oregonlive.com/portland/index.ssf/2017/04/oregons_chief_justice_urges_fe.html) (Oregon); *State Supreme Court Chief Justice To Feds: Keep Immigration Agents Away From Courthouses* (Mar. 22, 2017), available at <http://q13fox.com/2017/03/22/state-supreme-court-chief-justice-to-feds-keep-immigration-agents-away-from-courthouses/> (Washington).

<sup>9</sup> “ICE internal email Subject: Arrest at federal dist ct today?”, June 22, 2017 at 1.

## **Recent Developments**

Massachusetts Trial Courts have responded to the decision in *Commonwealth v. Lunn* with further guidance for how trial court personnel should interact with immigration enforcement. The guidance tracks the holding in *Lunn* and states:

Trial Court employees shall not hold any individual who would otherwise be entitled to release based solely on a civil immigration detainer or civil immigration warrant. Trial Court employees do not have authority to detain an individual based solely on a civil immigration detainer. Nor do Trial Court employees have the authority to comply with a civil warrant issued by a DHS official for the arrest of an individual based solely on a civil immigration violation. Trial Court employees shall not serve civil immigration detainers or civil immigration warrants. Individuals subject to civil immigration detainers or warrants shall be processed and handled in the same manner as all other individuals coming before the court. No person shall be held in custody for any shorter or longer period than the person would otherwise be held based solely on a civil immigration detainer or civil immigration warrant.<sup>10</sup>

The targeting of courthouses for immigration enforcement activities appears likely to intensify in the future. In September 2017, the Trump Administration announced immigration enforcement actions specifically targeted at Massachusetts and other jurisdictions that the Administration deemed to be “sanctuary jurisdictions.”<sup>11</sup>

**If you believe your rights have been violated, please contact the Lawyers’ Committee for Civil Rights and Economic Justice at (617) 482-1145 or submit an intake online at <http://www.lawyerscom.org/>**

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<sup>10</sup> Executive Office Transmittal 17-13, Chief Justice Paula M. Carey (Nov. 10, 2017).

<sup>11</sup> See *State Democrats Blast ICE Raid Targeting Sanctuary Cities* (Sept. 29, 2017), available at <https://www.bostonglobe.com/metro/2017/09/29/families-immigrants-arrested-ice-raid-calling-advocates-for-help/ukvgXI9g5FTqF8DCSpULIK/story.html>.