

Protect Safe Access to Courts, Stop Using Local Courthouses to Arrest Undocumented Immigrants

May 17, 2019– San Francisco—The Bar Association of San Francisco (BASF) and Justice & Diversity Center (JDC) are deeply troubled by the U.S. Immigration and Customs Enforcement’s (ICE)’s continuing practice of using local courthouses as venues to arrest undocumented immigrants.

When this practice came to light two years ago, it was roundly condemned by law enforcement, and it prompted California Chief Justice Tani G. Cantil-Sakauye to write a letter to then-Attorney General Jeff Sessions and then-Secretary of Homeland Security John F. Kelly, denouncing the practice for “undermin[ing] the judiciary’s ability to provide equal access to justice.” BASF and JDC issued a joint statement in 2017 in support of the Chief Justice’s letter.

The practice of using courthouses to arrest immigrants reemerged as a national story recently, as two Massachusetts district attorneys filed a lawsuit against ICE seeking to block the practice, which followed the federal indictment of a Massachusetts state court judge for allegedly assisting an immigrant exit the courthouse through a back door to avoid ICE officers—an indictment that the Massachusetts Attorney General described as “a radical and politically-motivated attack.”

The critical issue here is that ICE has continued to pursue immigrants in public courthouses, a practice that is anathema to the fair and equal administration of justice in our local communities. Many of the clients of JDC are immigrants seeking protection in matters of fundamental rights and human dignity, such as domestic violence restraining orders or eviction defense. ICE’s threat of deportation in and around courthouses has a chilling effect on the administration of justice with very human consequences, including discouraging undocumented immigrants who are crime victims or witnesses from willingly taking part in criminal proceedings.

BASF and JDC call on the federal government to cease the practice of using courthouses to launch arrests of undocumented immigrants.

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The Bar Association of San Francisco (BASF) is a nonprofit voluntary membership organization of attorneys, law students, and legal professionals in the San Francisco Bay Area. Founded in 1872, BASF enjoys the support of more than 7,500 individuals, law firms, corporate legal departments, and law schools. Through its board of directors, its committees, task forces and its community efforts, BASF has worked actively to promote and achieve equal justice for all and oppose discrimination in all its forms, including, but not limited to, discrimination based on race, sex, disability, and sexual orientation. BASF provides a collective voice for public advocacy, advances professional growth and education, and attempts to elevate the standards of integrity, honor, and respect in the practice of law.

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The Justice & Diversity Center (JDC) advances fairness and equality by providing pro bono legal services to low-income people and educational programs that foster diversity in the legal profession. JDC is the largest legal services providers in San Francisco. JDC's primary purpose is the delivery of free legal services to low-income San Franciscans, as well as the non-profits that serve them. JDC delivers free legal services through its Legal Services Programs division, which consists of the Pro Bono Legal Services Program, Homeless Advocacy Project, and the Immigrant Legal Defense Program. JDC provides enrichment programs to diverse youth and young adults through its Diversity Educational Pipeline Programs. JDC's programs serve approximately 9,500 disadvantaged San Franciscans a year, with the overarching goal of assisting the community's most vulnerable members with accessing the judicial system and strengthening their personal, professional, and economic security.