



Staff Memorandum

HOUSE OF DELEGATES
Agenda Item #7

To supplement the other materials in your package, attached is (a) a memorandum from the New York City Bar Association supporting the report and recommendations of the Committee on Immigration Representation and (b) a memorandum from the Committee on Legal Aid supporting the report and suggesting additions to the resolution being offered by the committee.



NEW YORK
CITY BAR

**COMMITTEE ON FAMILY
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The New York City Bar Association **supports** the New York State Bar Association's Proposed Resolution, submitted by the Committee on Immigration Representation, to designate and include courthouses as "sensitive locations". Allowing all people, regardless of status, to avail themselves of judicial relief free from the fear of Enforcement Agents, will not only assist individuals needing aid and protection, but will also benefit and support our diverse communities. This designation will further enhance access to justice in communities that often need it the most. Therefore, we respectfully urge adoption of the resolution which (1) calls upon Immigration and Customs Enforcement to designate courthouses as a "sensitive location" in its Sensitive Location Policy, and (2) calls upon Congress to amend Section 287 of the Immigration and Nationality Act to codify the Sensitive Locations Policy to include courthouses as a sensitive location therein.

Family Court and Family Law Committee

Glenn Metsch-Ampel, Chair

Marjorie Cohen, Chair, Immigration & Children Subcommittee

Resolution also supported by:

Civil Court of the City of New York Committee

Council on Judicial Administration

Criminal Justice Operations Committee

Immigration and Nationality Law Committee

Pro Bono and Legal Services Committee

State Courts of Superior Jurisdiction Committee

Women in the Courts Committee

Date: January 11, 2018

From: The Committee on Legal Aid Co-chairs, Keisha Williams and Sergio Jimenez

Subject: Comments to the Committee on Immigration Representation's Report and Proposed Resolution

The Committee on Legal Aid is in support of the Committee on Immigration Representation's report and proposed resolution. Also, the Committee on Legal Aid suggests the following additions to the resolution.

(suggested addition between current 6th and 7th WHEREAS clauses)

WHEREAS, advocacy efforts by top judicial, law enforcement, and elected officials nationwide have failed to yield a change in the ICE sensitive locations policy; and

WHEREAS, ICE's enforcement actions have become more disruptive to the administration of justice and due process in New York's Unified Court System in 2017; and

(suggested addition after the first two "RESOLVED" clauses)

RESOLVED, that the New York State Bar Association urges the New York Office of Court Administration to promulgate rules that 1) require a judicial warrant when civil arrests that are not related to a proceeding in New York's Unified Court System are executed within a courthouse of the Unified Court System; 2) prohibit employees of New York's Unified Court System from seeking information about the immigration status of any individual within any courthouse of the Unified Court System unless that immigration status is necessary for the determination or provision of services or benefits; and 3) limit employees of the Unified Court System to only providing assistance or cooperation with federal immigration enforcement activities in any courthouse of the Unified Court System if such assistance or cooperation is required by 8 U.S.C. § 1373.