

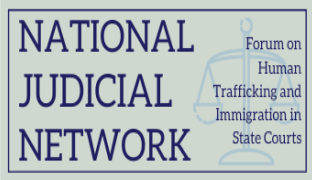
# **National Judicial Network Forum on Human Trafficking and Immigration in State Courts**

## **Minimizing the Impact of Courthouse Enforcement Consistent with 2025 ICE Policies**

**April 1, 2025**

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# Peer-to-Peer Session Faculty



**Ramona Gonzalez**  
Presiding Judge  
La Crosse County  
Circuit Court,  
La Crosse, Wisconsin,  
Past President NCJFCJ

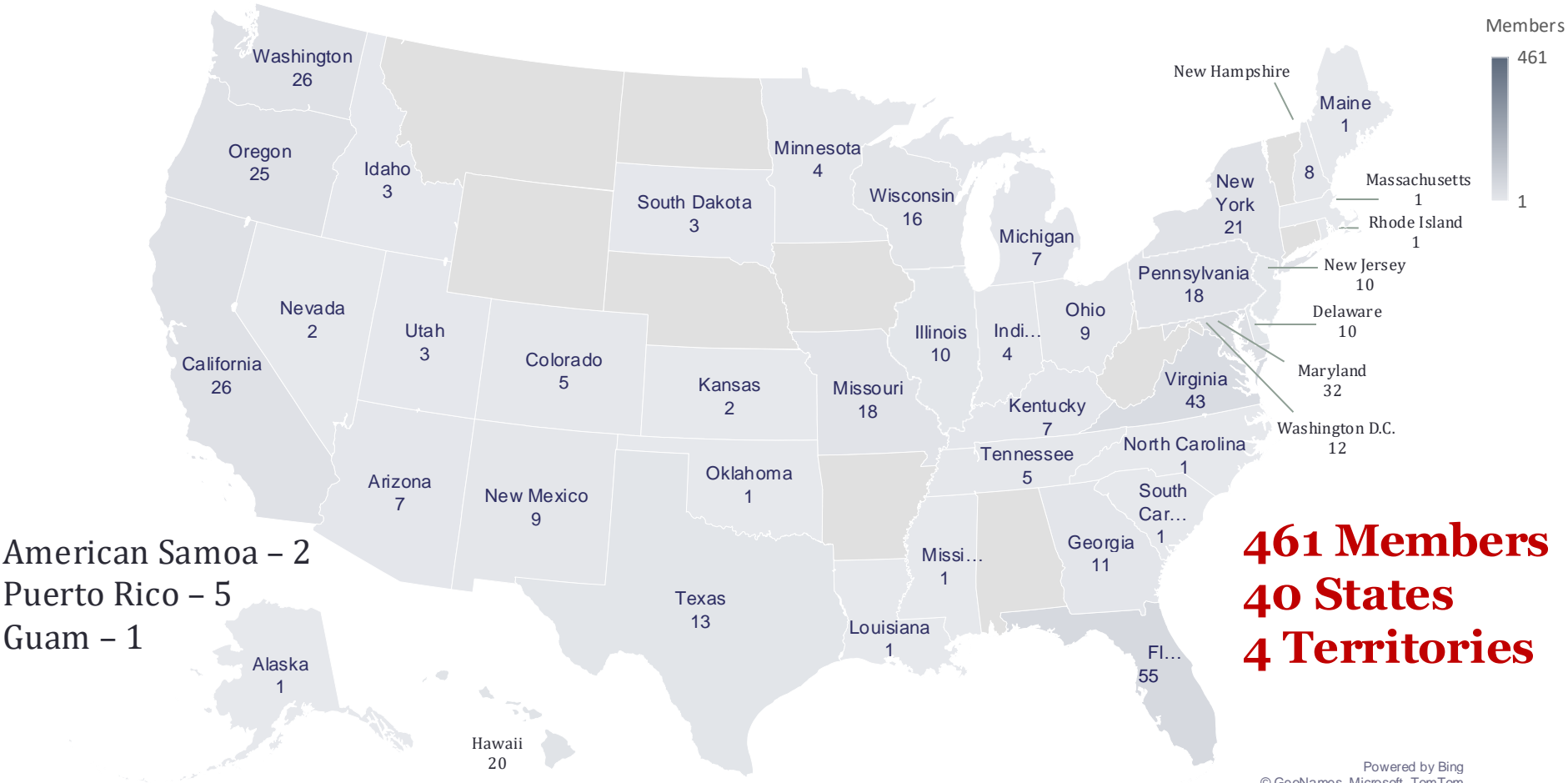


**Loretta M. Young**  
Commissioner (Ret.)  
*Family Court, New  
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# State Representation in The National Judicial Network as of April 1, 2025



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# Upcoming Peer-to-Peer Sessions & Webinars

May 6, 2025 – Labor trafficking of boys

June 3, 2025

Summer 2025 TBD

October 7, 2025

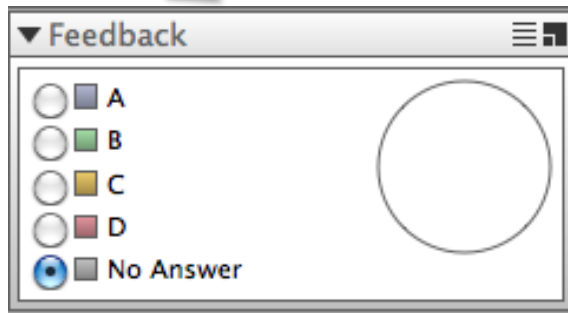
November 4, 2025

December 2, 2025

# Poll 1: Who Has Joined Us on This Peer-to-Peer Session?

- A. Criminal court judge
- B. General jurisdiction judge
- C. Family court judge
- D. Juvenile court judge
- E. Tribal judge
- F. Other

Answer on the left



A screenshot of a 'Feedback' window. The window has a title bar with a dropdown arrow and the text 'Feedback'. Below the title bar, there are five radio button options: 'A' (blue square), 'B' (green square), 'C' (yellow square), 'D' (red square), and 'No Answer' (blue circle). To the right of these options is a large empty circle.

Other write in chat box



A screenshot of a 'Chat' window. The window has a title bar with the text 'Chat'. Below the title bar, there are two tabs: 'Public' and 'Private'. Below the tabs is a large text input field. At the bottom of the window, there is a text input field with the placeholder text 'Type here to send a message' and a 'Send' button.

# Learning Objectives

By the end of this session, you will be better able to:

- Take steps consistent with ICE's 2025 Courthouse Enforcement Policies to minimize the impact on court proceedings
- Promote compliance with 2025 ICE policies by immigration enforcement officials who approach or come to your courthouse
- Coordinate with ICE officials to limit when and how civil immigration enforcement occurs at your courthouse

# ICE's 2025 Courthouse Enforcement Policies and VAWA's Statutory Requirements

# Poll 2: Have ICE officers come to your Courthouse/Courtroom in 2025?

(Check all that apply)



- A. Yes, in a criminal case
- B. Yes, in a family case
- C. Yes, in another non-criminal case
- D. No

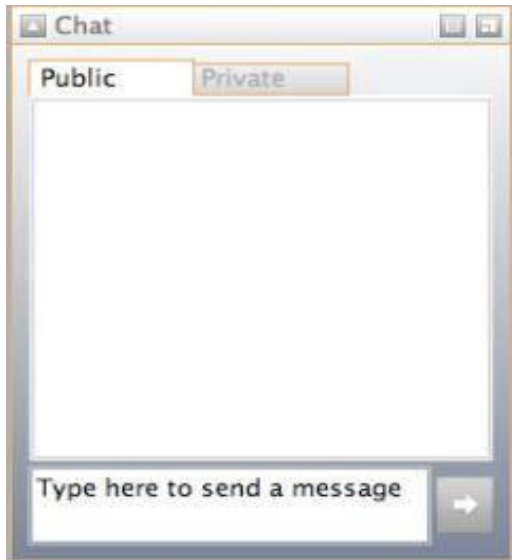


## ICE Policy 11072.3 Court House Enforcement (January 2025) - Non-Criminal Court/Case Limitations

- “ICE officers and agents should generally avoid enforcement actions in or near courthouses, or areas within courthouses, that are wholly dedicated to non-criminal proceedings (e.g. family court, small claims court). When an enforcement action in the above situations is operationally necessary, the approval of the respective Field Office Director (FOD), Special Agent in Charge (SAC), or his or her designee is required prior to conducting the enforcement action.”

[https://niwaplibrary.wcl.american.edu/pubs/2025-01\\_ice\\_courthouse\\_enforcement\\_guidance/](https://niwaplibrary.wcl.american.edu/pubs/2025-01_ice_courthouse_enforcement_guidance/)

How does this policy  
impact family, juvenile,  
civil court cases?



Write in chat box

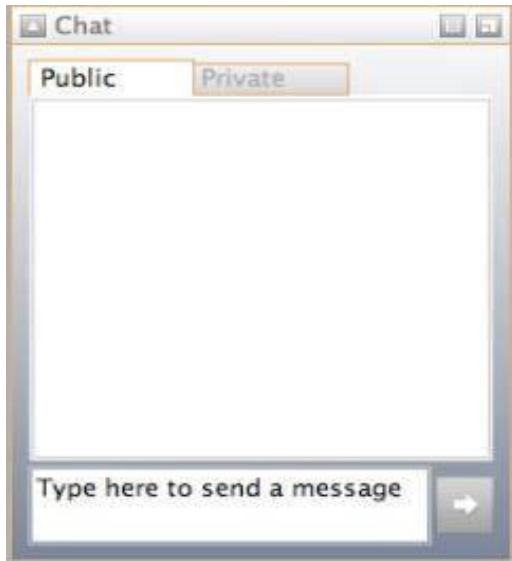
What are steps that courts can take based on this policy?



# 8 U.S.C. Sec.1229(e)(2)(B) – INA 239(e)

- Generally prohibits immigration enforcement at Courthouses against victims:
  - “(B) At a courthouse (or in connection with that appearance of the alien at a courthouse) if the alien is appearing in connection with a protection order case, child custody case, or other civil or criminal case relating to domestic violence, sexual assault, trafficking, or stalking in which the alien has been battered or subject to extreme cruelty or if the alien is described in subparagraph (T) or (U) of section 101(a)(15) [8 USCS § 1101(a)(15)].”

What types of crimes and abuse to you see in your court case for which victim's would be covered by this policy?



Write in chat box

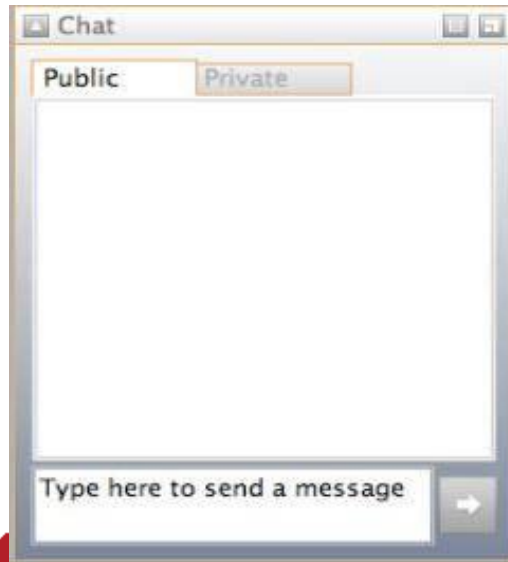
# Immigration Relief Available for Immigrant Victims of —

- Domestic violence
  - Sexual assault
  - Rape
  - Incest
  - Prostitution
  - Torture
  - Felonious assault
  - Manslaughter
  - Murder
  - Female genital mutilation
  - Kidnapping
  - Abduction
  - Trafficking
  - Stalking
  - Involuntary servitude
  - Slave trade
  - Being held hostage
  - Fraud Foreign Labor Contracting
  - Peonage
  - False Imprisonment
  - Blackmail
  - Extortion
  - Witness tampering
  - Obstruction of justice
  - Perjury
  - **Nature & elements of offense substantially similar**
    - Hate crimes, child, elder, disabled adult abuse, video voyeurism
- Attempt, conspiracy or solicitation to commit any of these crimes or any similar activity**

# When Immigration Enforcement Occurs at a Courthouse Against A Victim --

- 8 U.S.C. 1229(e) -Requires ICE certification re: non-reliance on perpetrator provided information and 8 U.S.C. 1367(c) imposes disciplinary action and fines for violation
- DHS VAWA Confidentiality Implementation - Instruction 002-02-001, Implementation of Section 1367 Information Provisions (May 28, 2019)  
<https://niwaplibrary.wcl.american.edu/pubs/implementation-of-section-1367-all-dhs-instruction-002-02-001/>
  - ICE is required to check the Central Index System for the “COA 384” flag identifying victim-based cases filed under the Violence Against Women Act and the Trafficking Victim’s Protection Act
  - Requires supervisory approval
  - Officers are to be “sensitive to the fact that the alien at issue may be a victim and the victim-abuse dynamic may be at play.”

Discussion: What are steps that courts can take based on these statues and policies?





# ICE Courthouse Enforcement Policy 11072.3 January 2025

# Enforcement at courthouses must be against targeted immigrants:

**ICE Policy 11072.3 - January 21, 2025**

- Civil immigration courthouse enforcement will be planned against a targeted immigrant who
  - Is a threat to national security or public safety
  - Has criminal conviction(s)
  - Is a gang member
  - Has been ordered removed and failed to depart, or
  - Has re-entered the country illegally after being removed

# Enforcement Against Other Persons At Court Jan. 21, 2025 Policy

- “Other aliens encountered during a civil immigration enforcement action in or near a courthouse, such as family members or friends accompanying the target alien to court appearances or serving as a witness in a proceeding, may be subject to civil immigration enforcement action on a case-by-case basis considering the totality of the circumstances.”

# Civil Enforcement at Courthouses - Limitations

## ICE Policy 11072.3 - January 21, 2025

- ICE Policy requires that civil immigration enforcement actions
  - Should be conducted in collaboration with court staff
  - Will take place in non-public areas of the courthouse
  - Will be conducted against targeted immigrants discretely to minimize impact on court proceedings
  - Should generally avoid being conducted in or near courthouses and courtrooms wholly dedicated to noncriminal proceedings
  - Make every effort to not disrupt court cases and court operations
  - Make substantial efforts to avoid alarming the public.

# Santa Barbara and San Francisco Policies

- Santa Barbara: “In a situation where ICE determines enforcement action is warranted it is necessary for the court to provide direction to court and security personnel in any interaction with ICE”
- San Francisco and Santa Barbara: The Court will not provide immigration agency personnel access to:
  - (1) any nonpublic areas at any of its facilities;
  - (2) any sealed or confidential adjudicative records, or
  - (3) judicial administrative records exempt from disclosure without a valid federal judicial warrant, subpoena, or federal court order.
- “Court employees are prohibited from assisting in immigration enforcement actions, may not authorize the entry of immigration agency personnel into the *nonpublic areas of any court facility* and must promptly refer immigration agency personnel to their immediate supervisor or manager.”

# Santa Barbara and San Francisco Policies

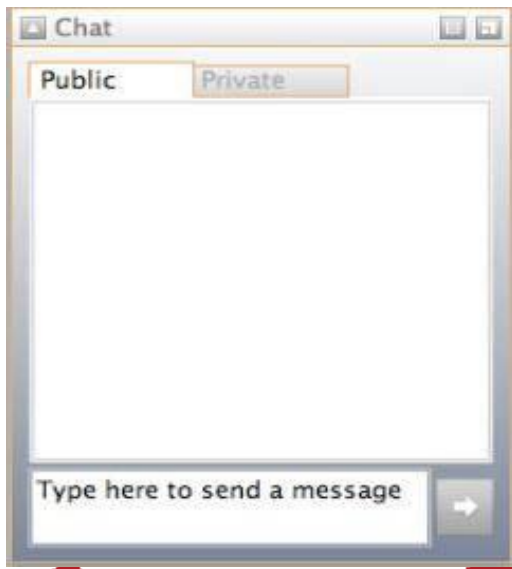
## Non-public areas of the Courthouse

- “If an immigration agency officer directly orders a court employee to provide immediate access to nonpublic areas of the Court, the employee may not refuse the officer’s order. However, the employee will notify his or her supervisor immediately.”
- “As used in this policy, nonpublic areas of the Court include those secured or restricted areas designated for use by judicial officers, court personnel, security personnel, and persons with court authorization.”
- “Nonpublic areas of the Court include judicial chambers, lounges, corridors behind courtrooms, jury deliberation rooms, administrative offices, staff offices, employee break rooms, conference rooms, and custody holding cells.”

What do the Santa Barbara and San Francisco policies illustrate that is about current ICE policy?



Discussion: What steps can courts take to ensure that immigration enforcement officials follow ICE policies at your courthouse?



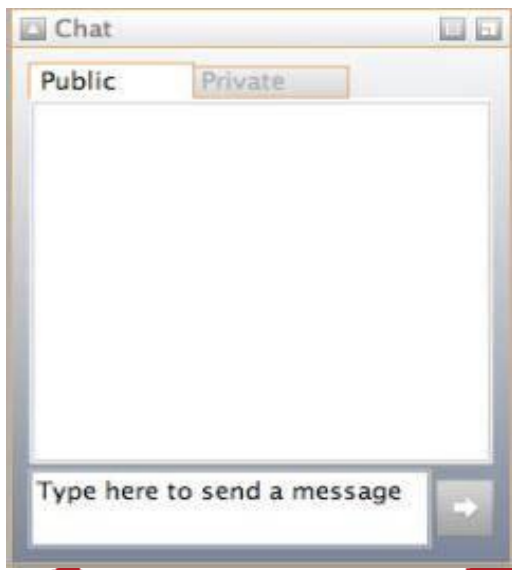


# Steps Courts Can Take Consistent With ICE Policies

- Court staff can assist with arrangements to ensure that civil immigration enforcement actions taken at this courthouse comply with ICE Policy 11072.3 (January 2025) (Attachment A) and will coordinate with court staff and security to:
  - Provide notice to court staff and judges hearing related cases
  - Use non-public entrances and exits
  - Take place in non-public areas of the courthouse
  - Be conducted discretely to minimize the impact on court proceedings
  - Avoid courthouses and courtrooms dedicated to non-criminal cases
  - Do not disrupt court cases and court operations
  - Make substantial efforts to avoid alarming the public.

Discussion:  
What steps could you  
take in your  
jurisdictions to make  
this happen?

What information or  
tools would be  
helpful?



# Resources

- Resources on Civil Immigration Enforcement At Courthouses (March 31, 2025)  
<https://niwaplibrary.wcl.american.edu/pubs/courthouse-enforcement-resources/>
- Sample Letters From Courts for ICE Officers At Courthouses (March 2025)  
<https://niwaplibrary.wcl.american.edu/pubs/sample-letters-from-courts-for-ice-officers-at-courthouses/>
- ICE Courthouse Enforcement Guidance 11072.3 Jan.2025, VAWA Confidentiality Statutes, and DHS Implementation Policies  
<https://niwaplibrary.wcl.american.edu/pubs/attachments-a-d-ice-courthouse-handout/>
- ICE Field Offices: <https://www.ice.gov/contact/field-offices>

# Questions and Further Discussion

# NIWAP Technical Assistance, Materials, and Training

- Power Point and materials for this session
  - <https://niwaplibrary.wcl.american.edu/ICE2025CourthousePolicies>
- Judicial training manuals, toolkits, bench card and materials at <https://niwaplibrary.wcl.american.edu/sji-njn-materials>
- **NIWAP Technical Assistance**
  - Call (202) 274-4457 E-mail [info@niwap.org](mailto:info@niwap.org)
- Web Library: [www.niwaplibrary.wcl.american.edu](http://www.niwaplibrary.wcl.american.edu)