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The Honorable Kirstjen Nielsen
Secretary of Homeland Security
U.S. Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, D.C. 20528

Dear Secretary Nielsen:

I write to share my growing concern over the reports of U.S. Immigration and Customs Enforcement (ICE) enforcement actions in and near courthouses. I am alarmed by the recent reports of ICE arrests at Bridgeport and Stamford courthouses.¹ I ask that your Department cease conducting such activity in these sensitive locations, and provide statistical data on these enforcement actions.

The Department of Homeland Security has historically prohibited enforcement actions near sensitive locations. As you know, Department protocol has prohibited enforcement actions at or focused on sensitive locations unless prior authorization is obtained or exigent circumstances exist.² Enforcement actions include arrests, interviews, searches, and immigration enforcement-related surveillance at or near locations such as hospitals, schools, places of worship, and sites used for public demonstrations. ICE has expanded the definition of sensitive locations to include locations such as licensed day cares, school bus stops, accredited health clinics, and urgent care facilities.³ However, last month your Department issued a new directive, Directive Number 11072.1, authorizing ICE agents to engage in enforcement actions at federal, state, and local courthouses.⁴

¹ *Ice Targeting Immigrants at Courthouses*, CT POST, February 24, 2018, <https://www.ctpost.com/local/article/ICE-targeting-immigrants-at-courthouses-12704626.php>; *Ice Targeting Immigrants at Courthouses*, STAMFORD ADVOCATE, February 25, 2018, <https://www.stamfordadvocate.com/news/article/ICE-targeting-immigrants-at-courthouses-12707218.php>.

² *Enforcement Actions at or Focused on Sensitive Locations*, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, October 24, 2011, <https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf>; *U.S. Customs and Border Protection Enforcement Actions at or Near Certain Community Locations*, U.S. CUSTOMS AND BORDER PROTECTION, January 18, 2013, <http://foiarr.cbp.gov/streamingWord.asp?i=1251>.

³ *FAQ on Sensitive Locations and Courthouse Arrests*, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, <https://www.ice.gov/ero/enforcement/sensitive-loc>; *Sensitive Locations FAQs*, U.S. CUSTOMS AND BORDER PROTECTION, <https://www.cbp.gov/border-security/sensitive-locations-faqs>.

⁴ U.S. Immigration and Customs Enforcement, *Civil Immigration Enforcement Actions Inside Courthouses*, ICE Directive Number 11072.1 (Washington, DC: U.S. Immigration and Customs Enforcement, 2018), <https://www.ice.gov/sites/default/files/documents/Document/2018/ciEnforcementActionsCourthouses.pdf>.

Conducting immigration enforcement actions near courthouses has a similar detrimental impact on the safety and well-being of our communities to conducting enforcement near hospitals, schools, and places of worship. As the Bridgeport Chief of Police, Armando J. Perez, noted: "It's hard enough to get immigrants or illegal immigrants to cooperate with the police on certain cases. They're afraid."⁵ By conducting enforcement actions in the vicinity of courthouses, the Administration makes it challenging for local law enforcement to gain the cooperation of immigrants. Immigrants, legal or illegal, who are witnesses to or victims of crimes may fear coming to the courthouse to give testimony. It will be increasingly difficult to convict guilty individuals if witnesses do not feel safe enough to come forward and testify. As such actions make our communities significantly less safe, I write to strongly urge you to reconsider and rescind Directive Number 11072.1.

The reports of ICE agents "repeatedly" targeting individuals at courthouses in Connecticut are deeply troubling.⁶ However, these reports are not unique to Connecticut: in February ICE agents arrested a victim of domestic abuse at a county courthouse in El Paso, Texas. The woman, who had previously been deported, had just received a protective order for domestic violence. An El Paso County attorney alleges that ICE sent six agents to arrest the woman, including one who was present at the court proceeding. This incident has increased concern that victims of domestic abuse, who are already reluctant to come to court, will have even more reason to stay away.⁷

Given our concerns, we ask that you provide answers to the following questions within 30 days:

- What is the total number of enforcement actions that have taken place near or inside courthouses in the past year?
- Directive Number 11072 states, "ICE officers and agents should generally avoid enforcement actions in courthouses, or areas within courthouses that are dedicated to non-criminal (e.g., family court, small claims court) proceedings." Since issuing this directive, how many enforcement actions have taken place in areas of the courthouse dedicated to non-criminal proceedings?
- Have state and local law enforcement officers, U.S. Marshals, or court security been used to assist with any enforcement actions inside or near courthouses?
- Directive Number 11072 also states, "Aliens encountered during a civil immigration enforcement action inside a courthouse, such as family members or friends accompanying the target alien to court appearances or serving as a witness in a proceeding, will not be subject to civil immigration enforcement action, absent special circumstances . . ." In how

⁵ *Ice Targeting Immigrants at Courthouses*, CT POST, February 24, 2018, <https://www.ctpost.com/local/article/ICE-targeting-immigrants-at-courthouses-12704626.php>.

⁶ *Ice Targeting Immigrants at Courthouses*, CT POST, February 24, 2018, <https://www.ctpost.com/local/article/ICE-targeting-immigrants-at-courthouses-12704626.php>.

⁷ *ICE Detains Alleged Domestic Violence Victim*, PASO TIMES, February 15, 2017, <http://www.elpasotimes.com/story/news/2017/02/15/ice-detains-domestic-violence-victim-court/97965624/>

many circumstances has a family member or friend of a "target alien" also been apprehended while in or near a courthouse?

We look forward to your timely response, and urge the Department to monitor and enforce compliance with ICE and CBP sensitive locations policy.

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard Blumenthal". The signature is fluid and cursive, with a prominent initial "R".

Richard Blumenthal
United States Senate