



FACT SHEET:

ICE Policy on Arrests in Courthouses, Hospitals, Places of Worship, and Schools

The Trump Administration issued an Executive Order (EO) ending the policy that prohibited Immigration and Customs Enforcement (ICE) arrests in sensitive locations including courthouses, hospitals, schools, places of worship, social service locations, weddings, and funerals. ICE officers can now make arrests but are supposed to focus on people it believes are national security risks, public safety threats, individuals with criminal convictions, gang members, and people with orders of removal. However, the new policy explicitly allows ICE to arrest anyone it thinks could be removable.

Does this Affect Me?

ICE can now arrest anyone at any sensitive location if ICE believes they are removable (i.e., undocumented person, a green card holder, temporary visa holder who violated status or overstayed their visa). Thus, those areas are no longer protected from the possibility of being targets for ICE arrests. For those in charge of sensitive locations and the people going to those locations, it may be worthwhile to consult with a trusted immigration lawyer to analyze any possible risks, answer specific questions about your situation, and develop a strategy and contingency plan in the event you are contacted by ICE officers.

The Status of Colorado State Protections for Courthouses

Although ICE may now conduct immigration enforcement in courthouses, agents are instructed only do so “where such action is not precluded by laws imposed by the jurisdiction in which the enforcement action will take place.” In Colorado, state law C.R.S. § 13-1-401 prohibits ICE arrests in and around courthouses or while traveling to and from courthouses. As a result, ICE **should not** conduct arrests at Colorado courthouses because Colorado has a clear state law that prohibits this practice. Whether ICE follows the directive or violates the directive and Colorado law remains to be seen.

What You Can Do Personally and For Your Community

If you see or experience ICE enforcement in or around a courthouse or going to or from a courthouse, please contact the MLO immediately. We want to document and track any violations of the law prohibiting ICE arrests in our court system to hold ICE accountable and protect our community so that it can access the legal system without fear.

If you have a pending case in court, it is important for you to have the assistance of an attorney who understands both criminal law and immigration law. If you would like to set a consultation to discuss your case, please call our office at (303) 831-0817.