



## Seattle Human Rights Commission

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FOR IMMEDIATE RELEASE

Human Rights Commission Condemns Department of Homeland Security Policy to Allow ICE Arrests in State Courthouses.

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The Seattle Human Rights Commission (the “Commission”) condemns recent statements by the Department of Homeland Security (the “Department”) which supports the use of our state courthouses by immigration officials as places for the arrest of victims, witnesses, and parties to civil actions. As Washington Chief Justice Mary Fairhurst articulated, such a practice “impede[s] the fundamental mission of our courts, which is to ensure due process and access to justice for everyone, regardless of their immigration status.” California Chief Justice Tani Cantil-Sakauye has voiced to the Department similar concerns, grounded in her own long judicial experience.

Our courts are essential to provide not only justice but respect for the dignity of threatened persons. For example, crime victims must be able to seek relief without fear of immigration

enforcement. Unless victims feel they can safely access the courts, crimes will go unaddressed and our community will be less safe for all.

Our elected leaders have done much to address these concerns. In 2013, Congress reauthorized the Violence Against Women Act to provide a path to legal residency for undocumented victims of a crime who assist in the investigation or prosecution of that crime. Our judiciary, law enforcement, and local leadership have also worked to ensure our courts remain sanctuary courts. The Department's position threatens to make that impossible.

Recently, Department Secretary John Kelly and Attorney General Jeff Sessions responded to Justice Cantil-Sakauye, explaining that the Department takes advantage of the state courthouses because persons inside have already passed through courthouse security screening for weapons.

This facile exploitation of our state courthouses offends basic norms of decency and federalism. It violates the King County Superior Court Policy on Immigration Enforcement in Courtrooms which bars the execution of immigration warrants in the King County Superior Courthouses. As such, it commandeers non-consenting state court security personnel into becoming arms of the Department. Accordingly, it violates the Tenth Amendment.

The Department's position violates Article 8 of the United Nations Declaration of Human Rights, entitling all persons to "an effective remedy" by the courts when their rights are threatened. Undocumented people cannot exercise their human right to access the courts if they risk immigration arrest for doing so. The Department's position equally violates Article 10 of the Declaration which entitles all persons "in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of [their] rights and obligations." The state courts, bolstered by the support of Justices Fairhurst and Cantil-Sakauye, strive to provide such fair tribunals. But their important work is hindered by the Department's exploitative and bad faith conduct.

The Commission therefore stands with Justice Fairhurst in calling upon the Department to declare state courthouses "sensitive locations" under Department Policy 10029.2 in which it will not conduct immigration enforcement actions. The Commission equally calls upon our state courts and elected officials to explore options that will ensure our undocumented neighbors can safely access justice without fear of immigration enforcement.

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