

# Courts Open to All

## *Support HB 2567 and SB 6522*

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Courthouses are places where people go to seek justice, pay fines, and participate in civil society. As the U.S. Supreme Court has recognized, “the unhindered and untrammelled functioning of our courts is part of the very foundation of our constitutional democracy,” and states may therefore adopt measures necessary and appropriate to safeguard the administration of justice by their courts.<sup>1</sup>

Yet today, in both rural and urban areas across Washington, courthouses have become front lines in immigration enforcement. Civil arrests at Washington courthouses, particularly immigration arrests, have created a climate of fear that is deterring and preventing Washington residents from safely interacting with the justice system. Since January 2018, there have been over 200 documented civil arrests of immigrants at courthouses in over 18 counties across Washington.

This bill protects all people from warrantless civil immigration arrests at courts, prohibits court staff and prosecutors from using state and local justice resources to report people for federal immigration enforcement, and requires courts to collect data on immigration agents’ surveillance of courthouses in Washington. These measures build community trust in local courts, prohibit immigration agents from interfering in local court functioning, and preserve access to our courts for everyone.

### **No one should be afraid to go to court because of their immigration status**

Nearly 1 million Washingtonians—one in seven people—are immigrants. Immigrants and their families are being deterred from appearing in state courts by an aggressive federal immigration force, often acting in plain clothes, that is spreading fear in immigrant communities by sitting in court and arresting people in and around courthouses. Data shows that fear in immigrant communities is preventing victims from seeking protection,<sup>2</sup> families from entering into custody

agreements, and those charged with crimes from having their day in court. All individuals should have free and open access to Washington courts, regardless of their immigration status.

### **Access to courts is essential for full participation in society**

Engagement with the courts is a civic necessity that should be encouraged, not dissuaded. People need to go to court for many reasons, including to obtain protection orders and child support orders, seek back wages, pay traffic fines, answer and defend against criminal charges, testify in civil and criminal proceedings, and get married. Fear and intimidation should not stop individuals from fully participating in society and from engaging with our justice system. Washingtonians must be freely able to participate in court proceedings and seek services of the court, regardless of status.

### **Supports the effective administration of justice**

Our courts are effective when all people can freely access them. Courts and lawyers cannot deliver the promise of equal access to justice and due process under law if a segment of the community is deterred from accessing, and making themselves available to, the courts. As a letter from 75 judges across the country explains, immigration arrests at courthouses “have led to physical altercations involving court employees, court staff burdened by ICE requests to facilitate arrests, and disputes between court administration and legal service providers. The environments created by these incidents...only makes it more difficult for judges and court staff to do their jobs.”<sup>3</sup>

This bill will protect access to courts for every Washingtonian and will prevent federal immigration authorities from hindering the functioning of the justice system that all Washingtonians rely upon.

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<sup>1</sup> *Cox v. Louisiana*, 379 U.S. 559, 562 (1965).

<sup>2</sup> See, *Immigrant Survivors Fear Reporting Violence (May 2019 findings)*, <https://static1.squarespace.com/static/5b9f1d48da02bc444>

[73c36f1/t/5d290b07a8dea8000138bf97/1562970888076/2019-Advocate-Survey-Final.pdf](https://www.brennancenter.org/our-work/analysis-opinion/former-judges-denounce-immigration-arrests-courthouses)

<sup>3</sup> <https://www.brennancenter.org/our-work/analysis-opinion/former-judges-denounce-immigration-arrests-courthouses>