

Resolution of York Township Democratic Organization (YTDO) Urging the State of Illinois General Assembly to Enact Legislation Prohibiting Immigration and Custom Enforcement (ICE) from Conducting Civil Immigration Enforcement in or Near State Courthouses and Other Sensitive Locations

Whereas in January 2025, Donald J. Trump takes office as President of the United States;

Whereas one of Trump's campaign promises is to deport millions of undocumented immigrants;

Whereas a non-citizen without legal status in the United States is removable under 8 USC 1227;

Whereas the Department of Homeland Security (DHS) prioritize for apprehension and removal or noncitizens who are a threat to our national security, public safety, and border security over non-citizens whose presence in the United States is not considered a threat to our society;

Whereas despite the policy stated above, ICE immigration enforcement took place at a variety of places in the past;

Whereas the Obama Administration implemented policy on sensitive locations that were exempt from ICE civil immigration enforcement, including schools, hospitals, churches, synagogues, mosques or other institutions of worship, the site of a funeral, wedding, or other public religious ceremony, and a site during the occurrence of a public demonstration; however, state courthouses were excluded from the list of sensitive locations;

Whereas during Trump 1.0, ICE enforcement officers dramatically increased their presence in state and local courthouses as reported by numerous reputable sources, in addition to raiding other places such as worksites, where a large number of undocumented immigrants presumed to be present, terrorizing employees and communities;

Whereas Brennan Center for Justice, one of such sources, reported in 2019 that "ICE officers have walked the halls, sat in courtrooms, and questioned court attendees and staff, trying to identify and arrest people in court for cases unrelated to immigration" to conduct warrantless arrests [1]; in 2019, then Chief Justice of California, Tani G. Cantil-Sakauye, issued a statement to Jeff Sessions, then Attorney General of the United States, and John Kelly, then Secretary of Homeland Security, stating in part, "I am deeply concerned about reports from some of our trial courts that immigration agents appear to be stalking undocumented immigrants in our courthouses to make arrests" and asked Sessions and Kelly, "I respectfully request that you refrain from this sort of enforcement in California's courthouses" [2], indicating the magnitude of the problems posed by ICE's presence in state courthouses;

Whereas as U.S. immigration law is a federal law, state courts have no jurisdiction over immigration subject matter; instead, states and local courts are where ordinary people seek justice under state laws irrespective of their immigration status;

Whereas subject matters of cases heard at a state and local court level are deeply intertwined in everyday life of ordinary people, such as divorce, custody, child support, traffic violations, contract dispute, trust and estate, personal injury, state criminal matters, and litigants, witnesses, victims and their families must be able to feel safe to appear in court to present their case and provide their testimonies;

Whereas Secretary Mayorkas directed ICE and CBP to place new limits on civil immigration enforcement actions in or near courthouses on April 27, 2021, stating that “a civil immigration enforcement action may be taken in or near a courthouse only in certain limited instances, including the following:

- (1) it involves a national security matter
- (2) there is an imminent risk of death, violence, or physical harm to any person
- (3) it involves hot pursuit of an individual who poses a threat to public safety, or
- (4) there is an imminent risk of destruction of evidence material to a criminal case” [3];

Whereas Secretary of Homeland Security, Alejandro N. Mayorkas issued a policy statement on October 12, 2021, directing ICE, U.S. Customs and Border Protection (CBP) and U.S. Citizenship and Immigration Services (USCIS) to cease mass worksite operations [4];

Whereas Secretary Mayorkas issued a policy memorandum, “Guidelines for Enforcement Actions in or Near Protected Areas” on October 27, 2021, which list examples of protected areas where civil immigration enforcement should not be taking place, including:

- (1) A school, such as a pre-school, primary or secondary school, vocational or trade school, or college or university
- (2) A medical or mental healthcare facility, such as a hospital, doctor’s office, health clinic, vaccination or testing site, urgent care center, site that serves pregnant individuals, or community health center
- (3) A place of worship or religious study, whether in a structure dedicated to activities of faith (such as a church or religious school) or a temporary facility or location where such activities are taking place
- (4) A place where children gather, such as a playground, recreation center, childcare center, before- or after-school care center, foster care facility, group home for children, or school bus stop
- (5) A social services establishment, such as a crisis center, domestic violence shelter, victims services center, child advocacy center, supervised visitation center, family justice center, community-based organization, facility that serves disabled persons, homeless shelter, drug or alcohol counseling and treatment facility, or food bank or pantry or other establishment distributing food or other essentials of life to people in need
- (6) A place where disaster or emergency response and relief is being provided, such as along evacuation routes, where shelter or emergency supplies, food, or water are being distributed, or registration for disaster-related assistance or family reunification is underway.
- (7) A place where a funeral, graveside ceremony, rosary, wedding, or other religious or civil ceremonies or observances occur
- (8) A place where there is an ongoing parade, demonstration, or rally [5];

Whereas protecting immigrant communities and communities at large is considered to be in the interest of the United States by the current Administration as indicated above;

Whereas NBC reported that Trump plans to rescind a long-standing policy that has prevented ICE agents from arresting undocumented people at or near sensitive locations [6]; in other words, Trump 2.0 policy can be expected to be “any place is a fair game” for ICE enforcement;

Whereas while raiding any place would have devastating consequences on those who are arrested and taken into custody and who witnessed it, raiding sensitive locations or in or near a state courthouse would have long-lasting and often irreversible impact on those involved, by terrorizing all who were present at a raided location, separating families, disturbing peace and

stability, obstructing justice, and creating mistrust among people and with local law enforcement;

Whereas while impacts are ascertainable to any lay person, examples below demonstrate that the impact would not be limited to an individual taken into custody by ICE:

- (1) An undocumented woman who is trying to divorce from her abusive husband and get the custody of her daughter is taken into custody by ICE while giving her testimony in a domestic relations court; her opportunity to be heard denied, justice obstructed, and her daughter left motherless.
- (2) An undocumented young man who is a state prosecution's critical witness to a state criminal case is arrested by ICE outside the courtroom even before he is called to testify by the State; the State of IL lost an important witness, and an accused's right to question the witness denied.
- (3) An undocumented single mother is taken into custody by ICE when she is at her son's school to pick him up in front of him, his classmates and their parents, traumatizing those who witnessed and the community, and the son left motherless.
- (4) ICE agents wait outside a place of worship and arrest unsuspected attendees or raid a funeral service in progress and make arrests based solely on their race, terrorizing attendees and obstructing peace.
- (5) An undocumented parent at a park district event or public library event with her child is taken into custody leaving the child with no one to care for him.
- (6) An undocumented domestic violence victim or a witness to a crime would not report the crime to law enforcement for fear of being referred to ICE;

Whereas the above example may be subtle compared to ICE tactics of separation of families at the southern borders, they constitute separation of families nonetheless;

Whereas the state government provides more protection to its citizens, and accordingly the State of Illinois has taken steps to protect undocumented immigrants by enacting the TRUST Act and VOICES Act, demonstrating the State of Illinois' commitment to protect communities at large; and

Whereas since undocumented immigrants and their families live among us within our community, Trump's plan to arrest and remove undocumented immigrants indiscriminately with conscious disregard to the existing policies of respecting sensitive locations and state courthouses will have an astronomical impact on people of the State of Illinois; now therefore, be it

Resolved, that the York Township Democratic Organization (YTDO):

1. Urges the Illinois General Assembly to acknowledge that the policies currently in place with regard to sensitive locations where ICE is barred from conducting immigration enforcement, limited enforcement in or near courthouses and the cease of worksite immigration enforcement are in the interest of communities in the State of Illinois and should remain intact, and the incoming Administration should adhere to the current policies in place;
2. Urges the Illinois General Assembly to demand ICE to allocate limited resources to remove non-citizens who pose a threat to our national security, public safety and border security, and to object ICE's use of taxpayer money to remove noncitizens whose presence in the United States does not pose any threat to our society;

3. Urges the Illinois General Assembly to reconfirm that State courthouses are open and should remain open to all irrespective of their immigrant status;
4. Urges the Illinois General Assembly to acknowledge that anyone appearing in state courthouse, a litigant, victim, witness or otherwise, should be able to appear without fear of a possibility of being taken into custody by ICE;
5. Urges the Illinois Assembly to recognize that mere presence of ICE officers in or near a courthouse will intimidate undocumented immigrants who otherwise have a legitimate reason for being at the courthouse and might as well discourage them from appearing in court, thus denying them a right to be heard and justice they deserve and obstructing administration of justice in the State of Illinois, a foundation of our democratic system;
6. Urges the Illinois Assembly to reconfirm that all people have the right to attend a place of worship, work to earn living and provide for family, gather with others to celebrate life events, mourn a loss of their loved one, attend schools, participate in park district events, to read and learn at a local library, seek and receive medical treatment, and seek relief in a time of natural disaster and emergency without fear of a possibility of being taken to custody by ICE;
7. Urges the Illinois General Assembly to acknowledge that ICE immigration enforcement at any of places designated as sensitive places and worksites will have devastating consequences by tearing families apart and leaving everyone present at the enforcement site with traumatizing psychological effect;
8. Urges the State of Illinois to be proud of the steps it has taken to protect undocumented immigrants in the state and acknowledge that it can take further steps to provide protection to its citizens; and
9. Urge the Illinois General Assembly to enact legislation prohibiting ICE from conducting civil immigration enforcement at sensitive locations and worksites as outlined in the Mayorkas policy memo dated October 27, 2021, and October 12, 2021 respectively and allowing limited civil immigration enforcement in or near a courthouse in accordance with the Mayorkas policy memo dated April 27, 2021 to protect Illinois families and communities at large from ICE intimidation and terrorization.

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Seconders: York Township Democratic Organization, County of DuPage, State of Illinois
January 8, 2025.

[1] <https://www.brennancenter.org/our-work/analysis-opinion/states-push-back-against-ice-courthouse-arrests>

[2] <https://newsroom.courts.ca.gov/news/chief-justice-cantil-sakauye-objects-immigration-enforcement-tactics-california-courthouses>

[3] <https://www.dhs.gov/news/2021/04/27/dhs-announces-new-guidance-limit-ice-and-cbp-civil-enforcement-actions-or-near>

[4] https://www.dhs.gov/sites/default/files/publications/memo_from_secretary_mayorkas_on_worksite_enforcement.pdf

[5] https://www.dhs.gov/sites/default/files/publications/21_1027_opa_guidelines-enforcement-actions-in-near-protected-areas.pdf

[6] <https://www.nbcnews.com/investigations/trump-scrap-restriction-ice-arrests-churches-schools-rcna183688>