

**DESPITE NEW ADMINISTRATION POLICY REGARDING IMMIGRATION RELATED  
COURTHOUSE ARRESTS, NEW YORK LAW STILL REQUIRES JUDICIAL WARRANT FOR  
COURTHOUSE IMMIGRATION ENFORCEMENT**

The Trump Administration issued “Interim Guidance: Civil Immigration Enforcement Actions in or near Courthouses” on January 22, 2025. See: [ICE Courthouse Enforcement Guidance](#).

This new statement of ICE policy applies nationwide. Of critical importance in New York, the directive requires “ICE officers or agents must coordinate with the relevant local Office of the Principal Legal Advisor (OPLA) office before conducting enforcement actions in or near courthouses *to determine whether jurisdiction-specific legal limitations apply*” (emphasis added).

In New York, the Protect Our Court Act (“POCA”) remains the law and imposes jurisdiction-specific legal limitations on courthouse immigration arrests. POCA prohibits arrests for civil violations in, or on the way to or from, scheduled appearances in the Courthouses of New York without a judicial warrant. See <https://nyassembly.gov/Press/files/20200720a.php> and <https://www.immigrantdefenseproject.org/wp-content/uploads/2020/10/Community-FAQ-POCA-EN-1.pdf>. In a call with advocates on January 21, 2025, Attorney General James reiterated her commitment to enforcing POCA.

It has long been the practice of Immigration and Customs Enforcement to issue an *administrative* warrant for the detention of a non-citizen. An administrative warrant is a document ICE

itself issues and *is not* signed by a federal or state judge, but rather by an ICE employee. However, POCA and the policy of the Office of Court Administration require that immigration agents present a judicial warrant to make a courthouse arrest. See “Protocol Governing Activities in Courthouses by Law Enforcement Agents,” No. 1-2019, effective April 17, 2019 (Arrests by agents of U.S. Immigration and Customs Enforcement may be executed inside a New York State courthouse only pursuant to a judicial warrant or judicial order authorizing the arrest.”). Further, current OCA policy requires that ICE agents identify themselves to uniformed UCS personnel, who must inform the judge of any intended arrest or detention. As counsel, you may also ask to confirm that ICE possesses a judicial warrant before making an arrest.

Certainly, these policies present a potential for conflict and litigation. To protect your client, please ensure that a record is made of any enforcement action, including compliance with POCA and OCA policy and maintain detailed notes.

If you witness ICE in the Courthouse, please reach out to Jackeline Saavedra-Arizaga, [jsaavedraarizaga@sclas.org](mailto:jsaavedraarizaga@sclas.org), (Nassau) or Michelle Caldera-Kopf, [mcaldera-kopf@sclas.org](mailto:mcaldera-kopf@sclas.org) or 516 408 2440 (Suffolk) to discuss your options.