

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS**

IN RE ENFORCING THE COMMON LAW  
PRIVILEGE AGAINST CIVIL ARRESTS  
IN COOK COUNTY COURTHOUSES

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The Hon. Timothy C. Evans  
Chief Judge

**PETITION FOR ISSUANCE OF A RULE ENFORCING THE COMMON  
LAW PRIVILEGE AGAINST CIVIL ARRESTS IN COURTHOUSES IN  
THE CIRCUIT COURT OF COOK COUNTY**

Sharone R. Mitchell, Jr., Public Defender of Cook County, on behalf of clients of the Law Office of the Cook County Public Defender appearing in the Circuit Court of Cook County, and the Roderick and Solange MacArthur Justice Center, on behalf of Apna Ghar, Ascend Justice, the Chicago Alliance Against Sexual Exploitation, Cabrini Green Legal Aid, Family Rescue, James B. Moran Center for Youth Advocacy, Law Center for Better Housing, Legal Action Chicago, Legal Aid Society of Metropolitan Family Services, Life Span, Mujeres Latinas en Acción, The Network, and Westside Justice Center, respectfully move this court for entry of a General Order prohibiting civil immigration arrests without a judicial order or warrant inside, near, or around courthouses. In support, Petitioners state:

**I. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) HAS BEEN CONDUCTING ARRESTS NEAR AND AROUND CIRCUIT COURT COURTHOUSES.**

1. The City of Chicago has been a target of the Trump Administration’s intense immigration enforcement since day one. Within a week of inauguration, the administration launched “enhanced targeted operations” of the Chicago area that resulted in hundreds of immigration arrests.<sup>1</sup> The administration’s targeting of Chicago escalated to new heights with the

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<sup>1</sup> Priscilla Alvarez and Rosa Flores, *Trump administration launches nationwide immigration enforcement blitz*, CNN (Jan. 27, 2025), <https://www.cnn.com/2025/01/26/politics/chicago-immigration-trump-ice/index.html>; Craig Wall and Lissette Nuñez, *Mayor reaffirms Chicago’s welcoming city status amid ICE raids; at least 100 arrested in area*,

launching of “Operation Midway Blitz” on September 8, 2025.<sup>2</sup> The operation continues in full force as of the date of this Petition, with large numbers of immigrants arrested everyday by ICE at their homes and workplaces, in their cars, on the street, and even inside courthouses.<sup>3</sup>

2. ICE’s indiscriminate operations have caused widespread fear in immigrant communities across the Chicago area. People have stopped going to work and missed doctor appointments. Parents have stopped walking their children to school.<sup>4</sup> The Chicago Public School system enrolled 9,000 fewer students this year, with Latinos the only group to see their proportion of the overall student population decrease.<sup>5</sup>

3. Courthouse operations across Cook County have been significantly and negatively impacted by ICE’s enforcement.

4. Survivors of domestic violence have been deterred from coming to court due to ICE’s presence.<sup>6</sup> And since early 2025, employees of the Law Office of the Cook County Public

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ABC7 CHI. (Jan. 28, 2025), <https://abc7chicago.com/post/ice-chicago-immigration-raids-today-arrests-continue-mayor-brandon-johnson-called-testify-sanctuary-city-policy/15843173/>.

<sup>2</sup> Rebecca Santana, *ICE arrests nearly 550 in Chicago area as part of ‘Midway Blitz’*, AP NEWS (Sep. 19, 2025), <https://apnews.com/article/trump-immigration-deportation-ice-chicago-arrests-a09921fedd10489f08a4073abe31345e>.

<sup>3</sup> See, e.g., Rebecca Santana, *ICE denies using excessive force as it broadens immigration arrests in Chicago*, ABC NEWS (Sep. 20, 2025), <https://abcnews.go.com/US/wireStory/ice-denies-excessive-force-broadens-immigration-arrests-chicago-125762127>; Michelle Gallardo and Tre Ward, *Tamale vendor among several arrested during ICE raid near Home Depot on SW Side: ‘Took everything’*, ABC7 CHI. (Sep. 25, 2025), <https://abc7chicago.com/post/ice-chicago-operation-midway-blitz-agents-arrest-several-people-2-home-depot-stores-southwest-side-city/17882529/>; Madeline Buckley, *ICE agents detain 2 at county domestic violence courthouse this week. Advocates warn of chilling effect on victims.*, CHI. TRIB. (Sep. 4, 2025), <https://www.chicagotribune.com/2025/09/04/immigration-domestic-violence-court/>.

<sup>4</sup> Nader Issa, *What to know about Trump’s immigration enforcement campaign in Chicago*, WBEZ (Sep. 24, 2025), <https://www.wbez.org/immigration/2025/09/24/chicago-immigration-president-donald-trump-dhs-ice>; Kristen Schorsch, *Amid deportation fears, hundreds of patients skip appointments at one Chicago health clinic*, WBEZ (Feb. 5, 2025), <https://www.wbez.org/2025/02/05/amid-deportation-fears-hundreds-of-patients-skip-appointments-at-one-chicago-health-clinic>.

<sup>5</sup> Shruti Singh, *Chicago Schools Report 9,000 Fewer Students Amid ICE Raids*, BLOOMBERG (Sep. 25, 2025), <https://www.bloomberg.com/news/articles/2025-09-25/a-chicago-hit-by-ice-raids-faces-declining-student-enrollment>?; Emmanuel Camarillo, *Chicago Public Schools enrollment drops, restarting long-standing pattern*, WBEZ (Sep. 25, 2025), <https://www.wbez.org/education/2025/09/25/chicago-public-schools-enrollment-drops-restarts-decrease-migrant-students-latino-immigration>.

<sup>6</sup> Sabrina Franza, *ICE agents detain woman at Domestic Violence Courthouse in Chicago, witnesses say*, CBS News (Sep. 3, 2025), <https://www.cbsnews.com/chicago/news/ice-agents-detain-woman-domestic-violence-courthouse>.

Defender have seen ICE agents in and around Cook County courthouses.<sup>7</sup> Public defender employees have noticed that ICE's presence has significantly increased during the month of September 2025, after the Trump Administration launched "Operation Midway Blitz."<sup>8</sup>

5. For example, during the first three weeks of September 2025, ICE agents have entered courthouses in at least four separate court locations: the Daley Center, the Leighton Criminal Court Building, the Domestic Violence Courthouse, and the branch courts at 111th Street. ICE agents have arrested people attempting to attend their civil or criminal court hearings. ICE agents have been observed at multiple Cook County courthouses in a single day. Employees of the Public Defender have witnessed the following ICE actions in Cook County courts in recent months:

a. On September 23, 2025, at the Branch 38 courthouse located on 111<sup>th</sup> Street in Chicago, ICE agents detained and arrested a Public Defender client as they were attempting to enter the courthouse.

b. On September 15, 2025, at the Domestic Violence court located at 555 W. Harrison in Chicago, a branded ICE SUV vehicle was parked prominently outside of the front of the courthouse.<sup>9</sup>

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<sup>7</sup> As part of their legal representation, public defender employees staff courthouses throughout the City of Chicago, including at the Leighton Criminal Court building located at 26th Street and California Avenue, branch courts located at 111th Street, Grand and Central, Harrison and Kedzie, the Domestic Violence Courthouse located at 555 W. Harrison, and in Traffic Court located in downtown Chicago at the Daley Center. They also staff suburban Cook County courthouses in Skokie, Maywood, Markham, Bridgeview, and Rolling Meadows.

<sup>8</sup> Sophia Tareen, *Activists say immigration enforcement increased as Chicago waits for promised federal intervention*, AP NEWS (Sep. 15, 2025), <https://apnews.com/article/immigration-trump-chicago-arrests-4e4ded644704ccb6ba853bda3be7c4d1>

<sup>9</sup> See Mitchell Armentrout and Sophie Sherry, *Federal agents make immigration arrests in West Chicago and at West Side courthouse*, CHI. SUN-TIMES (Sep. 15, 2025), <https://chicago.suntimes.com/immigration/2025/09/15/ice-west-chicago-arrests-federal-agents-immigration>.

c. On September 3, 2025, at the Domestic Violence court located at 555 W. Harrison in Chicago, a woman attempting to attend her misdemeanor court case was stopped inside the court building by ICE agents. ICE agents arrested her, and she missed her court hearing, during which her misdemeanor case was subsequently dismissed.<sup>10</sup>

d. On September 2, 2025, at the Domestic Violence court located at 555 W. Harrison in Chicago, a man was detained and arrested outside of the courthouse building after attending his court hearing.<sup>11</sup>

e. On July 24, 2025, at the suburban Maywood courthouse, a man was taken into custody by plainclothes ICE agents inside the courthouse after he left his court hearing. The agents never showed a warrant or identified themselves during the arrest.<sup>12</sup>

6. In addition to entering Cook County court and arresting people at and around the courthouses, ICE agents park their vehicles in prominent positions outside of court facilities. This has struck fear in the immigrant community and undermined trust in the legal system. Immigrants seeking admission to court for any reason—to testify as witnesses, to obtain orders of protection, to seek civil legal assistance, or as people accused of crimes—are being denied access to justice and forced to choose between missing court or being arrested by ICE.

7. The true scope of ICE’s enforcement actions at and around courthouses likely exceeds the number of incidents described above. The Public Defender has reason to believe that

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<sup>10</sup> Sabrina Franza, *ICE agents detain woman at Domestic Violence Courthouse in Chicago, witnesses say*, CBS News (Sep. 3, 2025), <https://www.cbsnews.com/chicago/news/ice-agents-detain-woman-domestic-violence-courthouse>.

<sup>11</sup> Madeline Buckley, *ICE agents detain 2 at county domestic violence courthouse this week. Advocates warn of chilling effect on victims.*, CHI. TRIB. (Sep. 4, 2025), <https://www.chicagotribune.com/2025/09/04/immigration-domestic-violence-court/>.

<sup>12</sup> Kade Heather, *ICE arrests person without warrant at Maywood Courthouse, coalition says*, CHI. SUN-TIMES (July 24, 2025), <https://chicago.suntimes.com/immigration/2025/07/24/ice-arrests-person-without-warrant-at-maywood-courthouse-coalition-says>.

ICE has arrested people after their court appearances on multiple occasions outside the presence of Public Defender employees.

8. Legal and social service organizations in Chicago are deeply concerned about ICE activities in Cook County courthouses. They worry about clients who have had to forego participation in court proceedings—sometimes their own—out of fear of being harassed, detained, and arrested by ICE at, near, or on the way to and from County courthouse buildings. And they worry about the impact ICE has had on access to justice in Cook County writ large.

9. ICE’s conduct violates the well-established common law privilege against civil arrests in and around courthouses. Petitioners seek an Order from the Office of the Chief Judge to remedy these systemic violations.

## **II. ILLINOIS RECOGNIZES THE LONG-ESTABLISHED COMMON LAW PRIVILEGE AGAINST CIVIL ARREST AT OR NEAR A COURTHOUSE.**

10. Illinois has long adopted the common law privilege against arrest within courthouses. In *Greer v. Young*, the Illinois Supreme Court affirmed that “parties to a suit and their witnesses are, for the sake of public justice, protected from arrest in coming to, attending upon, and returning from the court.” *Greer*, 120 Ill. 184, 189 (1887). This protection extended to parties and witnesses to “any matter pending before a lawful tribunal having jurisdiction of the cause.” *Id.* *Greer* confirmed that the privilege was “expressly limited to cases of arrest on civil process.” *Id.* at 187-88 (citing 1 Tidd, (1st Amer. Ed.) 174; 3 Bl. Comm. 289, side p. 1; Greenl. Ev. §§ 316, 317; 2 Bouv. Dict. 284)). The Court relied on well-established English law under which “all persons who had relation to a suit which called for their attendance, whether they were compelled to attend by process or not, . . . were intitled to privilege from arrest *eundo et redeundo*”. *Meekins v. Smith* (1791) 126 Eng. Rep. 363.

11. The Illinois Appellate Court has since affirmed *Greer*'s enunciation of the privilege. *See Jones v. Jones*, 40 Ill. App. 2d 217, 225 (1st Dist. 1963); *see also Wangler v. Harvey*, 41 N.J. 277, 281-82 (1963) (citing *Greer*).

12. The purpose of the common law privilege against the arrest of people arriving at, attending or departing court was to ensure that the court remained available for the administration of justice and resolution of disputes. *See Stewart v. Ramsay*, 242 U.S. 128, 129 (1916) (describing the purpose of the exemption from process as well as arrest) ("Courts of justice ought everywhere to be open, accessible, free from interruption, and to cast a perfect protection around every man who necessarily approaches them.") (citation omitted); *see also Page Co. v. MacDonald*, 261 U.S. 446, 448 (1923). Both English and American courts have long recognized that fear of arrest may deter parties and witnesses from coming to court. *See, e.g., Cole v. Hawkins* (1738) 95 Eng. Rep. 396 ("[I]f the serving of process upon persons attending Courts were to be allowed, it would produce much terror and great distraction in business."); *Norris v. Beach*, 2 Johns. 294, 294 (N.Y. Sup. Ct. 1807) ("We have power to compel the attendance of witnesses, and when they do attend, we are bound to protect them *redeundo*."); *see also Doe v. U.S. Immigr. & Customs Enf't*, 490 F. Supp. 3d 672, 690 (S.D.N.Y. 2020) ("To permit arrest to be made in court or while persons were coming or returning would give occasion to perpetual tumults, discourage witnesses from coming forward voluntarily, and was altogether inconsistent with the decorum which ought to prevail in a high tribunal") (cleaned up).

13. Illinois courts recognize the same interest in protecting litigants and witnesses in related contexts. *See Kurtz v. Hubbard*, 2012 IL App (1st) 111360, ¶ 10 (discussing the privilege afforded to statements made in judicial proceedings as furthering "the public interest in granting

all individuals the ‘utmost freedom of access’ to courts for resolution of their disputes.”) (citations omitted).

14. Illinois law thus consistently supports the policy that individuals are entitled to protection against arrest when coming to or going from court proceedings.

### **III. THE CURRENT ADMINISTRATION HAS UPENDED LONG-STANDING FEDERAL IMMIGRATION POLICY COUNSELING AGAINST COURTHOUSE ARRESTS.**

15. Immigration arrests are part of a “civil” legal process covered by the common law privilege. It is generally not a crime for a removable immigrant to remain present in the country. *Arizona v. United States*, 567 U.S. 387, 396, 407 (2012). Deportation proceedings are in turn “purely civil action[s] to determine eligibility to remain in this country, not to punish unlawful entry.” *I.N.S. v. Lopez-Mendoza*, 468 U.S. 1032, 1038 (1984).

16. When a person is arrested by federal immigration authorities, they are being arrested for these civil deportation proceedings. Under the Immigration and Nationality Act (INA), a person may be arrested on an administrative warrant officer “pending a decision on whether the alien is to be removed” or where an existing final administrative order already exists. 8 U.S.C. § 1226(a); 8 CFR § 241.2(a)(1). Such warrants are issued by a DHS officer, not by an Article III judge or neutral magistrate. *Id.*; *Aguilar v. U.S. Immigration and Customs Enforcement Chicago Field Office*, 346 F. Supp. 3d 1174, 1188-89 (N.D. Ill. 2018). Immigration officers may also arrest a person without a warrant if the officer has probable cause that the person “is in the United States in violation of” laws “regulating the admission, exclusion, expulsion, or removal of aliens” but only if there is also probable cause that the person “is likely to escape before a warrant can be obtained.” 8 U.S.C. § 1357(a)(2); *Castañon Nava v. Dep’t of Homeland Security*, 435 F. Supp. 3d 880, 885 (N.D. Ill. 2020).

17. Whether an arrest is based on an administrative warrant or not, it is made for the purpose of conducting civil removal proceedings. In some cases, no court proceeding occurs and a final removal order is entered by a DHS official rather than a judge. *See, e.g.*, 8 U.S.C. § 1225(b)(1); 8 U.S.C. § 1228(b). In other cases, non-citizens are placed in removal proceedings before immigration judges who are employees of the federal Department of Justice, not Article III judges, further underscoring their fundamentally civil nature. *See* 8 U.S.C. § 1229a; 8 C.F.R. § 1003.10.

18. In line with the common law privilege, prior presidential administrations severely restricted courthouse arrests. Under a 2021 Department of Homeland Security Memorandum, ICE agents were not permitted to conduct “civil immigration enforcement action . . . in or near a courthouse” except in extremely limited circumstances, including on basis of “a national security threat,” “an imminent risk of death, violence, or physical harm to any person,” the “hot pursuit of an individual who poses a threat to public safety,” or the “imminent risk of destruction of evidence material to a criminal case.” Immigration Enforcement in or near Courthouses 2 (Apr. 2021).<sup>13</sup> The DHS Memorandum cautioned that “[e]xecuting civil immigration enforcement actions in or near a courthouse may chill individuals’ access to courthouses, and as a result, impair the fair administration of justice.” *Id.* at 1.

19. After reports of courthouse arrests during the first Trump Administration, the Chief Justice of the Illinois Supreme Court was concerned with the chilling effect of these arrests on access to justice.<sup>14</sup> He directed court personnel across the state to report ICE enforcement

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<sup>13</sup> Memorandum from Tae Johnson, Acting Director of U.S. Immigration and Customs Enforcement & Troy Miller, Acting Comm’r of U.S. Customs and Border Protection, on Civil Immigration Enforcement Actions in or near Courthouses to ICE & CBP (Apr. 27, 2021), <https://perma.cc/KJJ2-7JNW>.

<sup>14</sup> *ICE Arrests Threaten to Chill Access to Justice*, ILL. CTS. (Aug. 28, 2017), <https://www.illinoiscourts.gov/News/855/ICE-Arrests-Threaten-to-Chill-Access-to-Justice/news-detail/>.



encounters to the Office of the Chief Justice and to the Administrative Office of the Illinois Courts. The Chief Justice stated the ICE’s operations at courthouses “infringe on the powers reserved to the states and threaten state sovereignty.”

20. The Bipartisan U.S. Commission on Civil Rights also expressed its concern that courthouse arrests impeded immigrants’ access to justice. The Commission stated: “The fair administration of justice requires equal access to our courthouses. People are at their most vulnerable when they seek out the assistance of local authorities, and we are all less safe if individuals who need help do not feel safe to come forward.”<sup>15</sup>

21. In 2023, the Office of the Chief Immigration Judge (OCIJ) in the Executive Office of Immigration Review (EOIR) issued its own Operating Policies and Procedures Memorandum (OPPM) 23-01, which adopted the principles and policies in the 2021 DHS Memorandum. *See* OPPM 23-01, Enforcement Actions in or Near OCIJ Space (Dec. 2023).<sup>16</sup> The EOIR policy prohibited immigration enforcement near immigration court, which included its entrance, exit, parking lot, and close transportation points. *Id.* at 1-2 (explaining that the policy applies “[n]ear” OCIJ space,” which “means in the close vicinity of OCIJ space, including the entrance and exit of the building in which OCIJ conducts business, as well as adjoining or related areas such as adjacent parking lots or transportation points (e.g., a bus stop directly outside of the building).”).

22. The Trump administration drastically changed course in 2025, issuing an ICE memorandum that permits immigration arrests at courthouses as part of its larger effort to ramp up immigration enforcement. *See* Civil Immigration Enforcement Actions In or Near Courthouses

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<sup>15</sup> *U.S. Commission on Civil Rights Expresses Concern with Immigrants’ Access to Justice*, USCCR (Apr. 24, 2017), [https://www.usccr.gov/files/press/2017/Statement\\_04-24-2017-Immigrant-Access-Justice.pdf](https://www.usccr.gov/files/press/2017/Statement_04-24-2017-Immigrant-Access-Justice.pdf).

<sup>16</sup> Memorandum from Sheily McNulty, Chief Immigration Judge, on Operating Policies and Procedures Memorandum 23-01: Enforcement Actions in or Near OCIJ Space to All Assistant Chief Immigration Judges, Immigration Judges, Court Administrators, and Court Personnel (Dec. 11, 2023), <https://perma.cc/5J3Z-Q5ZZ>.

(May 2025) (“ICE officers or agents may conduct civil immigration enforcement actions in or near courthouses when they have credible information that leads them to believe the targeted alien(s) is or will be present at a specific location.”).<sup>17</sup> The guidance omits any reference to the policy rationales that prevented the federal government from conducting such actions in the past, including the risk of impeding access to the court system. Instead, the purpose of the current policy is to enhance the federal government’s civil immigration enforcement power, particularly in jurisdictions that “refuse to cooperate with ICE....” *Id.*

#### **IV. THERE HAS BEEN A SEVERE CHILLING EFFECT ON COOK COUNTY COURT OPERATIONS AND ACCESS TO JUSTICE BY PETITIONERS’ CLIENTS AS A RESULT OF ICE ARRESTS NEAR COURTHOUSES**

23. Since the new ICE policy went into effect, there has been chilling effect on court operations throughout Chicago.

24. Advocacy organizations for survivors of domestic violence have reported that immigrant survivors of domestic violence fear calling the police, filing for orders of protection, and appearing in court.<sup>18</sup>

25. After ICE agents arrested a woman at the domestic violence courthouse, victim advocates feared that people would “need to choose between reporting domestic violence and facing ICE when they show up to court.”<sup>19</sup> ICE’s presence at the domestic violence courthouse is

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<sup>17</sup> Memorandum from Todd M. Lyons, Acting Director of ICE on Civil Immigration Enforcement Actions In or Near Courthouses to All ICE Employees (May 27, 2025), <https://perma.cc/94F8-QGXG>; *see also* Hamed Aleaziz et al., *How ICE is Seeking to Ramp up Deportations through Courthouse Arrests*, N.Y. TIMES (May 30, 2025), <https://www.nytimes.com/2025/05/30/us/politics/ice-courthouse-arrests.html>.

<sup>18</sup> Media Release: AIS Condemns ICE Actions at Chicago Courthouse, ALLIANCE FOR IMMIGRANT SURVIVORS (Sep. 8, 2025), <https://www.immigrantsurvivors.org/media-release-ais-condemns-ice-actions-at-chicago-courthouse>.

<sup>19</sup> Sabrina Franza, *ICE agents detain woman at Domestic Violence Courthouse in Chicago, witnesses say*, CBS News (Sep. 3, 2025), <https://www.cbsnews.com/chicago/news/ice-agents-detain-woman-domestic-violence-courthouse>.

“an affront to all the work this country has done over the last 40 years to ensure that victims of domestic violence and sexual assault have access to justice.”<sup>20</sup>

26. The Cook County Public Defender has expressed concern that the presence of ICE at and around courthouses in Cook County creates an “atmosphere of fear and uncertainty and incentivizes people not to show up for court.”<sup>21</sup>

27. Criminal defense attorneys in suburban Cook County courthouses have reported that, since ICE began conducting courthouse arrests, their immigrant clients “are very hesitant to come to court even for minor traffic matters.”<sup>22</sup>

28. ICE’s courthouse presence also negatively impacts immigrants with business before housing court. While most eviction proceedings continue to be held remotely, both landlords and tenants may go in person to the courthouse to file or obtain copies of documents, access the law library, or use the Court’s public access computer terminals to attend court dates held on Zoom. Landlords and tenants are also required to appear in person for any evidentiary hearings or at trial.

29. In neighboring Lake County, the State’s Attorney has reported a number of cases where victims, witnesses, or family members were reluctant to appear in court. He remarked: “When ICE or others discourage victims from appearing in court, our community is less safe because we cannot win trials without victims. When victims are too scared to call the police or testify in court, dangerous offenders (of all backgrounds) go free.”<sup>23</sup>

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<sup>20</sup> Madeline Buckley, *ICE agents detain 2 at county domestic violence courthouse this week. Advocates warn of chilling effect on victims.*, CHI. TRIB. (Sep. 4, 2025), <https://www.chicagotribune.com/2025/09/04/immigration-domestic-violence-court/>.

<sup>21</sup> Ben Bradley, *Here’s how ICE agents operate at courthouses, inside jails*, WGNTV (Sep. 9, 2025), <https://wgntv.com/news/wgn-investigates/video-heres-how-ice-agents-operate-at-courthouses-jails/>.

<sup>22</sup> Barbara Vitello, *‘A chilling effect on justice’? ICE argues courthouse immigration arrests make sense, but local opponents fear impact*, DAILY HERALD (Aug. 2, 2025), <https://www.dailyherald.com/20250802/news/a-chilling-effect-on-justice-ice-argues-courthouse-immigration-arrests-make-sense-but-local-oppo/>.

<sup>23</sup> *Id.*

30. The ICE arrests have also negatively impacted Petitioners' operations and directly harmed their clients and the communities they serve. Their interests in bringing this Petition are set forth here:

### **Apna Ghar**

Apna Ghar provides critical, comprehensive, culturally competent services, and conducts advocacy across communities to end gender-based violence with a particular focus on immigrant and refugee communities who often face compounded barriers to safety and justice. The presence of and arrests by ICE agents at Domestic Violence Courts directly undermine the core purpose of these courts, which are intended to be safe spaces where survivors can seek protection, justice, and relief from abuse. These actions ingrain fear among the very individuals our organization serves, many of whom already face cultural, linguistic, and legal barriers, forcing them to choose between safety and deportation.

In response, our legal advocates were forced to shift their focus to address these new threats, as perpetrators began leveraging ICE involvement to intimidate and control survivors. This also added extra challenges when planning for court hearings, including attempts to shift in-person appointments to virtual ones—efforts that occasionally succeeded but more often led to increased stress and trauma for survivors. Many program participants also expressed deep fears that attending biometric appointments, appearing in court, or visiting government offices could subject them to unnecessary questioning or potential arrest.

Apna Ghar strongly opposes ICE enforcement in and around courthouses, which jeopardizes justice and the safety of vulnerable communities we serve.

### **Ascend Justice**

Ascend Justice, formerly known as the Domestic Violence Legal Clinic, has served survivors of gender-based violence with free legal services for more than 40 years. Ascend Justice's mission is to empower individuals and families impacted by gender-based violence or the child welfare system to achieve safety and stability through holistic legal advocacy and system reform.

Since 2005, Ascend Justice attorneys and volunteers have worked from offices inside the Cook County Domestic Violence Courthouse, providing onsite legal assistance to tens of thousands of survivors seeking Orders of Protection. Ascend Justice also offers the holistic legal advocacy necessary for survivors of gender-based violence to become safer and more independent, ranging from representation in child custody and support cases to immigration, housing, employment and consumer matters, and family defense issues.

Survivors of domestic violence, including many Ascend Justice clients, have cited threats related to their immigration status as one of the ways abusive partners would intimidate them into silence. Historically, we have been able to assure clients that court participation was safe and indeed could increase their safety in the near term and over time. In the wake of ICE presence at the Cook

County Domestic Courthouse in September 2025, Ascend Justice clients have expressed fear about attending court in person. While we attempt to mitigate the harm through the use of remote court options, those options are not always available and moreover, unrepresented victims may simply abandon their cases. Finally, the presence of ICE at the courthouse has caused concern and stress for our staff members who fear being targeted by ICE solely because of their physical appearance.

### **Chicago Alliance Against Sexual Exploitation (CAASE)**

The Chicago Alliance Against Sexual Exploitation (“CAASE”) addresses the culture, institutions, and individuals that perpetrate, profit from, or support sexual exploitation. Their work includes prevention, policy reform, community engagement, and legal services. CAASE attorneys provide free legal services to survivors of sexual assault and sex trafficking in civil and criminal courts in the Chicagoland area. CAASE’s clients and their family members include immigrants and mixed-status households. CAASE’s clients have expressed fear of attending civil protective order proceedings and testifying as sexual assault victims in criminal court due to immigration concerns.

### **Cabrini Green Legal Aid**

Cabrini Green Legal Aid (CGLA) was formed in 1973 as a neighborhood-based, faith-inspired legal clinic at the request of residents of the Cabrini-Green housing projects. Today, CGLA provides holistic legal and support services to people who are negatively impacted by the criminal legal system across Chicago and Cook County. CGLA also provides comprehensive outreach, education and advocacy at the local and state levels. CGLA’s practice areas include criminal defense, family law, housing matters, and criminal records mitigation focused on removing barriers to housing, employment, and education.

For the justice system to function and for due process to meaningfully exist, victims, witnesses and people accused of crimes must be able to fully access the courts. Cabrini Green Legal Aid shares the concerns raised in this petition about the chilling effect ICE activity at Cook County Circuit Court locations is having, and will continue to have, on access to justice. The legitimate fears our clients experience undermine their trust in the justice system and hamper our ability to be zealous advocates for the communities we serve.

### **Family Rescue**

As a nonprofit providing comprehensive services to domestic violence survivors and their families, Family Rescue has witnessed the chilling effects that ICE’s presence has on courthouse access for survivors. Our clients, many of whom are immigrants or part of mixed-status households, have expressed fear about engaging with the court system due to the threat of immigration enforcement. Survivors are hesitant to access crucial safety services, like orders of protection or criminal charges, against their abusers. Recently, we had a survivor decline to appear as a witness in her own criminal trial for fear of interacting with immigration enforcement officers, leading to the dismissal of the charges against her abuser. The intersection of immigration enforcement and domestic violence is complex. Because survivors who want justice for the harm done to them may still not want their abusers deported, many survivors are now reconsidering bringing criminal

charges against their abusers. This climate of fear creates additional barriers for survivors and may eliminate the legal system as a tool for survivors to leave abusive relationships.

### **James B. Moran Center for Youth Advocacy**

As a community-based legal and social services provider serving youth and families in Evanston and the surrounding areas, the James B. Moran Center for Youth Advocacy has seen firsthand the chilling effect that ICE presence can have on courthouse access. Our clients and their family members, many of whom are immigrants or part of mixed-status households, have expressed fear about engaging with the court system due to the threat of immigration enforcement. Just last week, a client declined to appear at the Skokie Courthouse to serve as a witness in a traffic matter, out of fear related to her immigration status. Our social workers and attorneys have also reported other instances in which clients or their families have been hesitant or have outright refused to attend court due to concerns about ICE activity. This climate of fear erodes trust in the justice system and impedes our ability to advocate effectively for our clients.

### **Law Center for Better Housing**

Law Center for Better Housing (LCBH) is the only legal aid agency in Chicago focused on serving lower-income renters in the private (unassisted) rental market, which houses more than 70% of Chicago's low-income households. LCBH was founded in 1980 by a collective of lawyers in the Rogers Park neighborhood concerned with the deteriorating apartment buildings and retaliatory evictions in their community. LCBH serves renters throughout Chicago by improving sub-standard living conditions and providing free legal representation in eviction court. In 2020, LCBH expanded our legal services to suburban Cook County tenants by partnering with the Court's Early Resolution Program (ERP), which provides free legal consultations to self-represented parties in residential evictions. Without an attorney, renters in the eviction courts frequently find that their due process rights are ignored, and their meritorious defenses are not heard. LCBH attorneys work to prevent negative determinations in eviction court that can lead to housing instability and additional barriers to obtaining affordable housing. In addition to legal advocacy, LCBH added a supportive services program in 2004 to create a more holistic approach beyond addressing the immediate legal crisis.

In the past several months, LCBH has had several cases involving landlords threatening to call ICE to intimidate immigrant tenants or tenants perceived to be immigrants, in direct violation of Illinois's Immigrant Tenant Protection Act. Our clients have been reticent to raise these claims for fear of further retaliation. The presence of ICE agents at the courthouses will compound their fears and make them less likely to participate in their case, which will lead to an increase in eviction orders and housing instability for their families and communities.

### **Law Office of the Cook County Public Defender**

The Law Office of the Cook County Public Defender is the largest criminal legal defense firm in Illinois, with more than 500 attorneys and over 700 employees overall. Through advocacy and direct legal representation, the public defender seeks to protect the fundamental rights, liberties, and dignity of each person whose case it is assigned to defend. Each year, the public defender

represents tens of thousands of Cook County residents in criminal and juvenile proceedings, DCFS administrative hearings, immigration court, and other matters in and outside of county courtrooms.

Public Defender attorneys have long been able to advise the individuals that we represent, and their families, about a criminal legal system that hinges on due process. This system only functions when people—accused people, witnesses, and victims—show up to court. ICE’s presence and arrests in and around Cook County courthouses are causing deep harm to the county’s ability to administer justice. These arrests and the lack of transparency around ICE actions discourage people showing up to court and leave them fearful of appearing or engaging with our criminal legal system. ICE’s actions harm our ability to represent our clients, destabilize the operation of our legal system, and risk making our courts unintentional facilitators of the federal government’s agenda.

### **Legal Action Chicago**

As a nonprofit law firm committed to dismantling systemic racism and advancing economic justice, Legal Action Chicago partners with civil legal service providers across Cook County to help understand and protect the rights of low-income residents. Together, Legal Action Chicago has witnessed the profound chilling effect that ICE presence can have and has had on courthouse access in 2025. Some organizations may not be in a position to comment on this petition given their relationship to and ongoing threats from the same federal government that is actively harming their clients’ interests. In the experience of Legal Action Chicago’s civil legal service partners, their clients—many of whom are immigrants or part of mixed-status households—are expressing fear about engaging with the court system on an ongoing basis because of the threat of immigration enforcement. Our partner organizations and attorneys have reported situations in which individuals avoided hearings or failed to seek legal relief because of concerns about ICE activity. This climate of fear undermines trust in the courts, prevents people from exercising their legal rights, and hinders our shared mission to achieve justice for the most vulnerable communities in Cook County.

### **Legal Aid Society of Metropolitan Family Services**

As a nonprofit law firm that has spent decades providing support to communities in Chicago, including and especially to survivors of domestic violence, the Legal Aid Society has witnessed firsthand how even the threat of ICE at courthouses affects survivors seeking legal remedies. Generally, survivors are hesitant about accessing assistance from the court due to the increased ICE presence. Recently, a Legal Aid Society client declined to participate in a criminal prosecution against her abuser due to concerns about potential immigration enforcement. The climate of fear surrounding legal institutions that should be a safe space for those seeking help only serves to diminish trust in the legal system and makes assisting vulnerable populations even more challenging. Victims already face myriad barriers when seeking assistance; now, they also must balance the need for safety and stability with the risks of enhanced immigration enforcement when seeking an Order of Protection or criminal charges against their abusers.

## **Life Span**

Life Span is a comprehensive domestic and sexual violence organization providing legal representation, criminal court advocacy and counseling services to thousands of survivors in Cook County each year. ICE's presence at courthouses sends a frightening message: that pursuing justice and legal protection may come at the cost of one's security. It literally puts lives at stake. This is precisely the kind of intimidation that dissuades survivors from seeking safety. Access to court is vital in cases of domestic and sexual violence because it provides a mechanism for safety, accountability, empowerment, and justice. Many of our clients have had to drop their existing civil order of protection cases, losing lifesaving protections for them and their children. They have stopped participating in criminal cases, leaving the state with no evidence to proceed with a prosecution. We had a client choose not to proceed with her divorce prove-up due to her fear of ICE. By doing so, her access to child and spousal support that would allow her to live a life free from her abuser was impeded.

ICE's presence creates an insurmountable barrier to survivors in direct conflict with the remedies afforded them in the Illinois Domestic Violence Act. The Act is built on the tenet that the legal system must support survivors' access to legal remedies to avoid further abuse by promptly entering and diligently enforcing court orders that prohibit abuse and, when necessary, reduce the abuser's access to the victim and address any related issues of child custody and economic support, so that victims are not trapped in abusive situations by fear of retaliation, loss of a child, financial dependence, or loss of accessible housing or services.

## **Mujeres Latinas en Acción**

As a community-based organization serving Latinas, survivors, and immigrant families across the Chicago area, Mujeres Latinas en Acción witnesses every day the harmful impact immigration enforcement has on community safety and family well-being. Survivors and their families—many of whom are immigrants and/or live in mixed-status households—have shared with our court advocates a growing fear of engaging with the court system due to the threat of ICE.

Recent ICE presence at courthouses and shelters, spaces where survivors and their families are following the law and desperately seeking a sense of safety, is resulting in survivors retreating further into silence—and danger. Survivors are increasingly afraid to seek orders of protection, appear in court, or call the police when they or their children are at risk. Solving and reducing crime will not happen if people fear interacting with police.

This climate of fear diminishes trust in the justice system, isolates survivors, and creates additional barriers to safety, healing, and justice.

## **The Network**

*The Network: Advocating Against Domestic Violence* is a collaborative membership organization of more than 40 direct service organizations working to improve the lives of survivors and the programs serving them through education, policy, and advocacy to bring an end to society's tolerance of gender-based violence.



Accessing the court system requires a tremendous amount of courage by survivors of gender-based violence. It requires faith that our systems are intended to support and protect them. For many survivors, going to the courts may be one of the first times they report their experience of gender-based violence. However, the presence of ICE is having a chilling effect for those who would otherwise be willing and interested in seeking support through our courts or collaborating in a criminal case.

Programs serving survivors are taking on the additional role of trying to best advocate and educate clients on the current additional risk they face given ICE presence. Through the Illinois Domestic Violence Hotline, we have increased our capacity to support remote access to filings of orders of protection. However, this accommodation is insufficient to solve the additional threats survivors are facing when trying to engage with our courts.

### **Westside Justice Center**

Westside Justice Center (WJC) works to address both legal and life challenges that disproportionately affect marginalized communities in Illinois, particularly those on the west side of Chicago. Many of the individuals we serve have experienced systemic discrimination, over-policing, and other structural barriers that limit access to housing, employment, education, and community stability. WJC believes that safe access to our court buildings is imperative to the fair administration of justice. ICE's presence at courthouses adds one more obstacle in the face of the marginalized communities we serve and undermines their trust in our system of justice.

ICE's enforcement tactics have had an immediate impact on the communities we serve. Just recently we received a call from a teacher who learned of ICE presence in the area where she teaches. Concerned about the well-being of the children in her classroom and their parents, she wanted to know if we could help with guardianships for these children who are at risk of being cast aside in the event their parents are picked up and detained. We have sadly seen such scenarios play out all too often in our community, when people are harassed and detained without due process—ripping children from their parents' arms and leaving broken families behind. This must end now.

## **V. THE CHIEF JUDGE HAS THE ADMINISTRATIVE AUTHORITY TO REGULATE THE CIRCUIT COURT SYSTEM BY ISSUING A GENERAL RULE PROSCRIBING CIVIL ARRESTS IN AND AROUND COURTHOUSES**

31. A core prerogative of the states is their ability to regulate their own court systems and procedures. *See Atl. Coast Line R.R. v. Bhd. of Locomotive Eng'rs*, 398 U.S. 281, 285 (1970) (“One of the reserved powers [to the States] was the maintenance of state judicial systems for the decision of legal controversies.”); *Brown v. New Jersey*, 175 U.S. 172, 175 (1899) (“The state has full control over the procedure in its courts, both in civil and criminal cases, subject only to the

qualification that such procedure must not work a denial of fundamental rights, or conflict with specific and applicable provisions of the Federal Constitution.”); *see also Ryan v. U.S. Immigration & Customs Enforcement*, 974 F.3d 9, 30 (1st Cir. 2020) (“[T]he operation of a functioning judiciary is unmistakably a fundamental exercise of state sovereignty.”).

32. When Congress enacted the INA in 1952, it did not evince any intent to abrogate such state powers. *See Doe*, 490 F. Supp. 3d at 692. The relevant civil arrest provisions in the law—U.S.C. §§ 1226 and 1357—“do not speak to arrests in and around courthouses in *any way*.” *Id.* (emphasis in original). Thus, since the INA “provides no indication that Congress intended to abrogate the common law privilege against civil courthouse arrests,” the law must incorporate the pre-existing and well-established common law privilege. *Id.*; *see also Velazquez-Hernandez v. United States Immigration and Customs Enforcement*, 500 F. Supp. 3d 1132, 1143-45 (S.D. Cal. 2020) (finding the INA incorporates the common law privilege against civil courthouse arrests) (“[T]he Court finds no question that the purpose and rationale of the common-law rule against courthouse arrest apply to the statutory context in which Congress was legislating. The privilege goes back to at least the fifteenth century and persisted for hundreds of years thereafter in English and American common law.”); *State v. U.S. Immigration and Customs Enforcement*, 431 F. Supp.3d 377, 393 (S.D.N.Y. 2019) (holding same) (“The state common law at issue does not ‘supplement’ the federal regulatory scheme ... but rather creates a very narrow limitation on federal enforcement authority that is tailored to protect states’ interests in managing their own judicial systems”).

33. Illinois law permits circuit courts to adopt their own rules, as long as they are consistent with those set by the state supreme court. *See Ill. Const. Art. VI, Section 7; Ill. Sup. Ct. R. 21*. The Office of the Chief Judge of the Circuit Court of Cook County has the authority to

issue orders governing court operations and procedures pursuant to its “general administrative authority.” *See* Cook County Circuit Court, General Order 1.1. Under that authority, the Chief Judge may implement policies limiting civil arrests, meaning arrests made without judicial warrants.

34. Several states and counties have taken measures to protect their courthouses from incursion by ICE agents seeking to carry out arrests. New York, for example, passed legislation codifying the privilege. N.Y. Civ. Rights Law § 28.1. Other jurisdictions have used their judicial administrative powers to pass rules barring courthouse arrests. The highest courts in Oregon, New Jersey, and Connecticut have each passed rules prohibiting courthouse arrests, as did municipal courts in Seattle and Albuquerque. *See* Or. Chief Judge Order No. 19-095 (2018); N.J. Sup. Ct. Dir. No. 07-19 (2019); Conn. Judicial Branch Policy Regarding Law Enforcement Activity in Courthouses (2025); Mun. Ct. Seattle Policies & Proc. § MCS-720-6.10 (2017); N.M. 2d D. Ct. Policy No. 2017-SJDC-010 (2017).

35. Given the well-established authority of the Chief Judge to issue rules governing court operations, and given the ongoing violation of the common law privilege in and near circuit courthouses being perpetrated by ICE, Petitioners ask the Chief Judge of the Circuit Court of Cook County to issue a rule modeled after Rule 3.190 of the Oregon Supreme Court, which states:

- (1) No person may subject an individual to civil arrest without a judicial warrant or judicial order when the individual is in a courthouse or within the environs of a courthouse.
- (2) “Courthouse” means any building or space used by a circuit court of this state.
- (3) “Environs of a courthouse” means the vicinity around a courthouse, including all public entryways, driveways, sidewalks, and parking areas intended to serve a courthouse.

Petitioners’ proposed General Order is attached as Exhibit A, hereto.

36. This rule is essential to protect both the administration of justice and access to the courts for all Cook County residents. It is also necessary to prevent future harm to the third branch that will undoubtedly follow should ICE arrests be permitted to continue enforcement actions on courthouse property.

WHEREFORE, Petitioners respectfully request that this court enter a General Order, **Exhibit A**, prohibiting civil arrests without a judicial warrant or judicial order of individuals in the Circuit Courts of Cook County or within a close proximity of the courthouses, including public entryways, driveways, sidewalks, parking areas, and close transportation points intended to serve the courthouses.

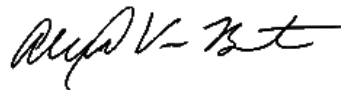
Respectfully submitted,



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**COUNSEL FOR THE LAW OFFICE OF THE  
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## **COUNSEL FOR PETITIONERS**

Apna Ghar, Ascend Justice, the Chicago Alliance Against Sexual Exploitation, Cabrini Green Legal Aid, Family Rescue, James B. Moran Center for Youth Advocacy, Law Center for Better Housing, Legal Action Chicago, Legal Aid Society of Metropolitan Family Services, Life Span, Mujeres Latinas en Acción, The Network, and Westside Justice Center.

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and accurate copy of the foregoing Petition was submitted by email and hand delivery on September 30, 2025, to the Office of the Chief Judge of the Circuit Court of Cook County.

Respectfully submitted,

/s/ Alexa Van Brunt  
Counsel for Petitioners

# **Exhibit A**

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS**

**GENERAL ADMINISTRATIVE ORDER 2025-\_\_**

**SUBJECT: ENFORCING THE COMMON LAW PRIVILEGE AGAINST CIVIL  
COURTHOUSE ARRESTS**

Given the importance of protecting litigants and witnesses from civil arrest to the administration of justice in the Circuit Court of Cook County; in affirmance of this State's recognition of the common-law privilege from such arrests for parties to a suit and their witnesses in coming to, attending, and returning from the court; and pursuant to Ill. S. Ct. R. 21(b) and pursuant to the court's inherent authority,

IT IS HEREBY ORDERED that:

- (1) No person may subject an individual to civil arrest without a judicial warrant or judicial order when the individual is in a courthouse or within the environs of a courthouse.
- (2) "Courthouse" means any building or space used by the Circuit Court of Cook County.
- (3) "Environs of a courthouse" means the vicinity around a courthouse, including all public entryways, driveways, parkways, sidewalks, parking areas, and transportation points intended to serve a courthouse.

IT IS FURTHER ORDERED that nothing in this General Administrative Order shall be construed to limit the availability of remote and/or virtual access to court proceedings authorized by law, court order, or otherwise.

IT IS FURTHER ORDERED that this General Administrative Order shall take effect immediately and remain in effect until further order of the Court.

Dated this \_\_ day of October, 2025

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Hon. Timothy C. Evans  
Chief Judge