

**No. 19-1838**

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT**

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MARIAN RYAN, in her official capacity as Middlesex County District Attorney;  
RACHAEL ROLLINS, in her official capacity as Suffolk County District  
Attorney; COMMITTEE FOR PUBLIC COUNSEL SERVICES; CHELSEA  
COLLABORATIVE, INC.,

*Plaintiffs-Appellees,*

v.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; MATTEW T.  
ALBENCE, in his official capacity as Acting Deputy Director of U.S. Immigration  
and Customs Enforcement and Senior Official Performing the Duties of the  
Director; TODD M. LYONS, in his official capacity as Acting Field Office  
Director of U.S. Immigration and Customs Enforcement, Enforcement and  
Removal Operations; U.S. DEPARTMENT OF HOMELAND SECURITY;  
CHAD WOLF, in his official capacity as Acting Secretary of United States  
Department of Homeland Security,

*Defendants-Appellants.*

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

No. 19-cv-11003

The Hon. Indira Talwani

**Brief of Amici Curiae**  
**27 Domestic and Sexual Violence Advocacy Organizations**  
**in Support of Plaintiffs-Appellees and Affirmance**

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## **FEDERAL RULE OF APPELLATE PROCEDURE 29 STATEMENTS**

Pursuant to Fed. R. App. P. 29(a)(2), undersigned counsel for amici curiae states that all parties have consented to the filing of this brief.

Pursuant to Fed. R. App. P. 29(a)(4)(E), undersigned counsel states that no counsel for the parties authored this brief in whole or in part, and no party, party's counsel, or person or entity other than amici and their counsel contributed money that was intended to fund the preparation or submission of this brief.

## **CORPORATE DISCLOSURE STATEMENT**

Undersigned counsel for amici curiae certifies pursuant to Fed. R. App. P. 29(a)(4)(A) that all amici are non-profit organizations or government agencies that do not have any parent corporations or issue stock, so there is no publicly held corporation owning 10% or more of their stock.

Dated: May 22, 2020

/s/ Lauren Godles Milgroom  
Lauren Godles Milgroom  
Attorney for Amici Curiae

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## INTERESTS OF AMICI CURIAE

The twenty-seven amici are:

- Asian Task Force Against Domestic Violence
- ASISTA
- Boston Area Rape Crisis Center
- Boston University School of Law Immigrants' Rights & Human Trafficking Program
- Catholic Charities of Boston
- Children's Law Center of Massachusetts
- De Novo
- Domestic & Sexual Violence Council
- Domestic Violence Ended (DOVE), Inc.
- Foley Hoag Domestic Violence and Sexual Assault Prevention Project
- Greater Boston Legal Services
- Harbor Communities Overcoming Violence (HarborCOV)
- Harvard Legal Aid Bureau
- Healing Abuse Working for Change
- Immigration Legal Assistance Program at Ascentria Care Alliance
- Jane Doe Inc.
- Justice Center of Southeast Massachusetts

- Legal Services Center of Harvard Law School
- Massachusetts Law Reform Institute
- Mental Health Legal Advisors Committee
- MetroWest Legal Services
- Northeast Justice Center
- PAIR Project
- REACH Beyond Domestic Violence
- The Second Step
- Victim Rights Law Center
- Voices Against Violence

Amici are non-profit organizations, councils, and other entities that address the needs of immigrant survivors<sup>1</sup> of domestic and sexual violence and human trafficking in Massachusetts. Many provide direct legal representation to immigrant survivors, helping them obtain abuse prevention orders or immigration benefits, including through the U-Visa and T-Visa processes for victims of crimes. Other

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<sup>1</sup> The terms “survivor” and “victim” are both applicable to people who have experienced domestic and sexual violence. In general, this brief uses “victim” when referring to a specific crime or aspect of the criminal justice system and otherwise defaults to “survivor.” For more information on terminology, *see, e.g., Key Terms and Phrases, RAPE, ABUSE, & INCEST NATIONAL NETWORK*, <https://www.rainn.org/articles/key-terms-and-phrases>.



amici conduct policy advocacy in the areas of immigration or domestic and sexual violence or support organizations providing direct services to immigrant survivors.

To do their work, amici must be able to reassure survivors that pursuing justice will not expose them to further harm or the risk of deportation. The presence of U.S. Immigration and Customs Enforcement (“ICE”) in Massachusetts courthouses has frustrated amici’s efforts to empower immigrant survivors to access the legal system and obtain protection from their abusers or secure immigration benefits through programs requiring cooperation with law enforcement.

## ARGUMENT

The “well settled” common-law privilege against civil arrest<sup>2</sup> is meant to protect people like amici’s clients.<sup>3</sup> This brief tells their stories. Survivors need Massachusetts courts and law enforcement to protect them from their abusers. In turn, Massachusetts police, prosecutors, and courts need survivors to report abuse and testify against their abusers. ICE’s unprecedented policy of making civil arrests in Massachusetts courthouses threatens this cooperative relationship, endangers immigrant survivors, and makes it harder for the Commonwealth and its courts to enforce state law.

Like other states, Massachusetts has long recognized a common-law privilege against civil arrest.<sup>4</sup> “The rule is an ancient one,” grounded in the principle “that justice requires the attendance of witnesses cognizant of material facts.”<sup>5</sup> ICE’s civil-arrest policy flouted that ancient rule and created an “unreasonable obstacle[] . . . thrown in the way of [survivors] freely coming into court to give oral testimony.”<sup>6</sup>

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<sup>2</sup> *Stewart v. Ramsay*, 242 U.S. 128, 129-130 (1916).

<sup>3</sup> The term “client” is used broadly here to refer to the survivors whom amici support, whether through direct services or policy advocacy.

<sup>4</sup> *Valley Bank & Trust Co. v. Marrewa*, 354 Mass. 403, 406-07 (1968) (quoting *In re Thompson*, 122 Mass. 428, 429 (1877)).

<sup>5</sup> *Diamond v. Earle*, 217 Mass. 499, 501 (1914).

<sup>6</sup> *Id.*

While ICE’s policy was in effect, many survivors were more afraid of seeking legal help than continuing to endure abuse. Consistent with the experience of amici and their clients, the district court correctly found that ICE’s policy has caused “witnesses and victims [to] refuse to participate in proceedings”—resulting in greater public harm than good.<sup>7</sup> In halting ICE’s illegal and ill-advised policy, the preliminary injunction restored victims’ access to the courts. Amici’s clients are now more likely to report crimes of sexual violence and to work with law enforcement to prosecute those crimes.

This brief explains how ICE’s courthouse arrests deter victims of domestic and sexual violence from reporting crimes and participating in the criminal justice system. It then presents stories from amici’s clients that illustrate the harms of ICE’s policy and the benefits of the district court’s injunction. First, it shows how ICE’s civil-arrest policy often led immigrant survivors of domestic and sexual violence to endure severe abuse in silence rather than risk appearing in court to challenge their abusers. Next, it shows how the district court’s injunction has empowered amici’s clients to go to court to ensure their safety. Amici urge this Court to affirm.

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<sup>7</sup> *Ryan v. U.S. Immigration & Customs Enf’t*, 382 F. Supp. 3d 142, 161 (D. Mass. 2019).

*A. ICE's Civil Courthouse Arrests Stopped Immigrant Victims of Domestic and Sexual Violence From Reporting Crimes and Participating in the Criminal Justice System*

In Massachusetts, sexual assault is “a serious social and public health problem.”<sup>8</sup> As is true in other states, immigrants<sup>9</sup> in Massachusetts are particularly vulnerable to domestic and sexual violence.<sup>10</sup> Immigrants in Massachusetts are twice as likely to be victims of intimate partner homicide as their non-immigrant peers.<sup>11</sup> Immigrants may also under-report sexual violence because of a “lack of a relationship between law enforcement and local communities, language barrier[s], fear[s] of deportation, and experiences with law enforcement in their native countries.”<sup>12</sup>

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<sup>8</sup> *Data Brief: Rape and Sexual Assault in Massachusetts, 2016-2017*, MA. DEP'T OF PUB. HEALTH (Feb. 2018), <https://bit.ly/2WAfyhf>.

<sup>9</sup> This brief focuses mainly on undocumented immigrants, but documented immigrants, including those with visas or green cards, are also frequently uninformed or misinformed about their legal rights. *See Immigrant Victims of Sexual Assault*, NATIONAL SEXUAL VIOLENCE RESOURCE CENTER, <https://www.nsvrc.org/sarts/toolkit/6-12>.

<sup>10</sup> *See* Decker, M., Raj, A. and Silverman, J., *Sexual Violence Against Adolescent Girls: Influences of Immigration and Acculturation*, 13 *Violence Against Women* 498, 506-07 (2007) (“[B]eing an immigrant confers significant additional vulnerability to recurring sexual assault.”).

<sup>11</sup> *Violence Against Women Act STOP Grant Program FF2017-2020 Implementation Plan*, COMM. OF MA. EXEC. OFFICE OF PUBLIC SAFETY & SEC., at 12 (Feb. 15, 2018), <https://bit.ly/3cdOBGP>.

<sup>12</sup> *Id.* at 14.

Recognizing immigrants' particular vulnerability, Congress created the U- and T-Visa programs, which provide pathways to legal status for victims of abuse and trafficking.<sup>13</sup> To obtain a U- or T-Visa, a victim must cooperate with law enforcement.<sup>14</sup> In the case of a U-Visa, a police officer, prosecutor, or judge must formally certify that cooperation.<sup>15</sup> In the case of a T-Visa, such a certification "shall be considered" as part of a petitioner's "relevant credible evidence."<sup>16</sup>

ICE's in-court arrests have undermined these programs by allowing abusers to plausibly threaten victims that the cooperation that Congress sought to encourage could lead to detention and deportation.<sup>17</sup> Since 2017, ICE has increased its civil

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<sup>13</sup> See 8 U.S.C. § 1101(a)(15)(T)-(U). The U- and T-visa programs were first enacted as part of the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464 (2000), and amended most recently by the Violence Against Women Reauthorization Act of 2013, Pub. L. No. 113-4, 127 Stat. 54 (2013).

<sup>14</sup> 8 U.S.C. § 1101(a)(15)(T)(i)(III)(aa); *id.* § 1101(a)(15)(U)(i)(III).

<sup>15</sup> *Id.* § 1184(p)(1).

<sup>16</sup> *Id.* § 1184(o)(6); *Victims of Human Trafficking: T Nonimmigrant Status*, U.S. CITIZENSHIP & IMMIGR. SERVS. (May 10, 2018), <https://bit.ly/3dDfG6m>.

<sup>17</sup> Another relevant federal program not highlighted in the client stories shared by amici is Special Immigrant Juvenile Status ("SIJS"), which provides a pathway to legal status for young people who have faced abuse, neglect, or abandonment by their parents. Like U- and T- visa petitioners, SIJS petitioners must engage with the legal system to obtain the requisite finding from a juvenile court that "family reunification is no longer a viable option." 8 C.F.R. § 204.11(a).

arrests in courthouses by as much as 1700%.<sup>18</sup> In 2018, the ACLU, in partnership with the National Immigrant Women’s Advocacy Project, published a study showing that “the fear of deportation—magnified by immigration arrests in courthouses since President Trump took office—[was] stopping immigrants from reporting crimes and participating in court proceedings.”<sup>19</sup> In that study, which was based on hundreds of interviews nationwide, “law enforcement officials reported that many crimes ha[d] become more difficult to investigate: **69 percent said domestic violence was harder to investigate, 64 percent said this applied to human trafficking, and 59 percent said this was true about sexual assault.**”<sup>20</sup>

These troubling national trends were also seen in Massachusetts. ICE’s courthouse arrests in the Commonwealth have increased dramatically since 2017.<sup>21</sup> In April 2017 alone, ICE arrested more than 40 people in Massachusetts courthouses, out of 102 total non-criminal arrests.<sup>22</sup> The trend continued. Lawyers for Civil Rights

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<sup>18</sup> See, e.g., *Denied, Disappeared, and Deported*, IMMIGR. DEF. PROJECT at 2 (Jan. 2020), <https://bit.ly/3doVPYD>.

<sup>19</sup> *Freezing Out Justice: How immigration arrests at courthouses are undermining the justice system*, ACLU at 1 (May 3, 2018), <https://bit.ly/2YHJP0h>.

<sup>20</sup> *Id.* (emphasis added).

<sup>21</sup> See Maria Cramer, *ICE courthouse arrests worry attorneys, prosecutors*, BOSTON GLOBE (June 16, 2017), <https://bit.ly/2SJSco6>.

<sup>22</sup> *Id.*; *FY2017 ERO Administrative Arrests*, ICE (2017), <https://bit.ly/2zmf9q>.

tracked at least 100 ICE arrests in Massachusetts courthouses in 2018.<sup>23</sup> Recent data suggests that ICE also conducted dozens of courthouse arrests per month in 2019. From October 2018 through May 2019, ICE averaged 229 total monthly arrests in Massachusetts.<sup>24</sup> After the district court's injunction, however, the monthly average dropped to only 159 for the remainder of the fiscal year.<sup>25</sup>

*B. The Stories of Amici's Clients Show the Dangerous Effects of ICE's Civil Courthouse Arrests in Massachusetts*

After ICE began its courthouse raids in 2017, amici consistently heard from undocumented survivors who were too afraid to get help. In their community outreach efforts, amici also had trouble reaching survivors who were too afraid to even speak with a lawyer. Survivors who were afraid of ICE declined to pursue restraining orders, testify in criminal proceedings, apply to the federal programs described above, or even report incidents of domestic or sexual violence.<sup>26</sup> In short, ICE put amici's clients' lives at risk by making them afraid to go to court.

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<sup>23</sup> Steph Solis, 'Chilling effect:' ICE made more than 100 arrests at Massachusetts courthouses in the past year, MASSLIVE (Mar. 29, 2019), <https://bit.ly/2WF5VxK> .

<sup>24</sup> Shannon Dooling, *Amid Drop in Total ICE Arrests, ICE Wants to Keep Arresting People at Courthouses*, WBUR (Dec. 16, 2019), <https://wbur.fm/3b6GgU0> (citing *ERO Administrative Arrests by Field Office (Area of Responsibility) and Month*, ICE (Dec. 11, 2019), <https://bit.ly/2yqKrNf>).

<sup>25</sup> *Id.*

<sup>26</sup> *See, e.g.,* Cramer, *ICE courthouse arrests worry attorneys, prosecutors*; Amicus Letter of Massachusetts Legal Aid Organizations, SJ-2018-0119, Petition for Writ

Lucia Vasquez<sup>27</sup> is a client of amicus DOVE. Lucia endured five years of physical abuse, stalking, and isolation from her family at the hands of Julio, with whom she had two young children. Julio constantly threatened Lucia—telling her if she went to court, he would obtain sole custody of the children because he was documented and she was not. Lucia knew her children would be in danger in Julio’s custody. When Lucia finally worked up the courage to flee with her children, Julio leveraged his documented status and called the police on Lucia, falsely claiming it was Lucia who was abusing the children. Thankfully, the police quickly realized that Lucia was keeping the children safe from Julio. Lucia’s family encouraged her to seek custody of her children and a restraining order, but Lucia had heard rumors that ICE was patrolling the courthouses. So, Lucia decided she would be safer *not* going to court. DOVE is still in touch with Lucia, who is fortunately now in a more secure situation. But she told her attorney that if the injunction had been in place when she felt in fear of Julio, she “one-hundred percent” would have sought protection from the court. But for ICE’s policy, Lucia could have assisted in Julio’s prosecution and possibly qualified for a U-Visa.

Before the injunction, even survivors who initially cooperated with law

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of Protection Pursuant to Mass. Gen. L. c. 211, § 3 at 10-12 (Mass. Mar. 23, 2018) (attached as Exhibit A).

<sup>27</sup> All survivor and abuser names are pseudonyms and identifying facts have been removed to protect survivors’ safety and privacy.



enforcement might abruptly drop their cases. Survivors were painfully aware that each step of cooperation with law enforcement led them closer to court and to ICE. For example, an advocate at amicus De Novo recounted the story of Diana Martinez, a Colombian client in her twenties whose abuser assaulted her, choked her, pointed a gun at her, and threatened to kill her. After landing in the emergency room and eventually an emergency shelter, Diana met with the Suffolk County District Attorney's office and worked up the courage to testify against her abuser in court. Immediately after Diana testified, however, her abuser told her that if she came to court again, he would have ICE arrest her. She had not yet completed her role in cooperating with the prosecutor, but Diana was so afraid of returning to the courthouse that she stopped speaking with law enforcement entirely.

Some survivors who did seek legal protection before the injunction waited to do so until the abuse had escalated to near-fatal levels, because they were so afraid of encountering ICE in the courthouse. Ana Valdez, a client at amicus HarborCOV, is an illustrative example. Ana met James when they were both teenagers in their home country. They had a child together and moved to the United States about a decade ago. Ana gave birth to another child after they arrived. James was sexually, physically, and emotionally abusive. One night, James raped Ana while their infant child slept in a crib next to the bed. Distraught, Ana told James to leave—but James would not stay away for long. In the following years, James repeatedly called Ana,

followed her when she ran errands, and waited outside her apartment. On several occasions, James threatened to kill Ana or one of the children if she did not take him back. But Ana was too terrified to seek a restraining order. Ana had heard that immigration officers often patrolled the courthouse, and she could not risk being deported with her children to the violent community she had escaped years ago. Several years after they broke up, James attacked Ana in public because she was talking to another man. Still, Ana was too afraid to go to court. Months later, James got violent again. He forced his way inside her apartment and choked Ana until she could barely breathe. James then punched her several times and threatened her with further abuse. For weeks following this incident, Ana was still too afraid to go to court. Only after she realized that the next time James might kill her—which would leave her children without a safe guardian—did Ana finally seek and secure a restraining order against James. Now, James has a related criminal case pending against him. Had Ana felt safe to seek a restraining order in the first place, however, she could have avoided years of abuse, and James could have been prosecuted sooner.

ICE's escalation of civil arrests harmed not only amici's clients, but also amici themselves. Amici who provide direct services try to involve clients in their cases as much as possible and have clients handle the parts that do not require a lawyer. Clients' roles can vary from picking up filings from the clerks' office, to meeting

with a victim witness advocate in a district attorney's office, to appearing *pro se* in straightforward cases. By having clients take ownership over their cases, clients learn to advocate for themselves, and amici have more resources to help more clients. With ICE's increased presence in the courthouses, however, sending immigrant clients to court alone became excessively risky. For example, in July 2018, an attorney at amicus Catholic Charities of Boston sent one of her undocumented clients to pick up a docket sheet at court. When he did so, ICE confronted him in the courthouse and took him aside for questioning. After that incident, Catholic Charities had to stop sending undocumented clients to court alone. Similarly, amicus Greater Boston Legal Services ("GBLS") had to accompany all undocumented clients to court and devote time and effort to creating safety plans with each client for what to do if ICE were to approach them. Amicus REACH Beyond Domestic Violence ("REACH") often sent an advocate into court ahead of their clients to see if ICE was there before advising the clients to enter.

*C. The Preliminary Injunction Has Reopened the Courthouse Doors to Amici's Clients and Increased Their Participation in the Justice System*

In June 2019, the district court restored the common law privilege and reopened the courthouse doors for immigrant survivors in Massachusetts. Amici attest that the preliminary injunction has helped their clients trust that they can safely seek protection from their abusers. An advocate at amicus De Novo reports seeing a "noticeable increase" in the number of survivors now willing to report instances of

domestic or sexual violence. Other amici have seen similar increases. Amici also report that survivors are less likely to abandon their cases for fear of being deported. Many amici now carry copies of the injunction with them when accompanying undocumented survivors to court—sometimes giving copies to clients as well. The following illustrative stories show the injunction’s powerful effects.

Alex Prado’s journey to safety offers perhaps the clearest proof that the injunction increases access to justice for immigrant survivors. Alex, a mother of three from Brazil, had been in a relationship with Carlos for fifteen years. Their relationship began in Brazil and continued after they relocated their family to the United States. For much of their relationship, Carlos controlled all aspects of Alex’s daily life, and she suffered extreme physical and verbal abuse. After several years in the United States, Alex managed to escape to another state. But, devastatingly for Alex, Carlos obtained custody of their children.

Missing her children and wanting to ensure they were safe, Alex eventually returned to Carlos. Shortly after her return, the abuse escalated to an almost-fatal climax. Carlos threw a pot of boiling water at Alex, intending to scald her. When the water missed Alex, Carlos grabbed a knife, held it to her throat, and threatened to kill her. Thankfully, Alex escaped and called the police to report the attack. Carlos was arrested and prosecuted. Although Alex wanted to testify in court against Carlos, she faced a heart-wrenching decision: (1) tell her story to ensure that Carlos never

hurt her again but risk being detained by ICE and losing her children; or (2) hide from both Carlos and ICE, and hope Carlos never tried to kill her again. Alex could not decide which was worse.

Alex's situation vastly improved when the district court granted the preliminary injunction a few days before Carlos' next court date. After Alex's attorney at amicus DOVE explained the scope of the preliminary injunction, Alex's decision became easier. Carrying a copy of the preliminary injunction, Alex attended the hearing and gave in-person testimony about the years of abuse she had suffered. The preliminary injunction allowed Alex to take her life back into her own hands.

Shortly after the injunction took effect, amicus GBLs represented Ashley Salas, a 20-year-old woman from South America, who was seeking a restraining order against her abuser. Ashley had heard that ICE targeted courthouses as a place to find and trap immigrants and was terrified that even a brief hearing would expose her to ICE. Ashley's attorney explained the preliminary injunction and advised Ashley that ICE was prohibited from arresting her at the courthouse. Largely because of her attorney's reassurances, Ashley decided to go forward with the hearing. On the day of the hearing, however, Ashley's fear became overwhelming, and she almost changed her mind. Ashley's attorney met her in the courthouse parking lot, took out a copy of the preliminary injunction, and went over it in detail with Ashley—reassuring Ashley that ICE would not arrest her in court. With her

attorney holding a copy of the injunction, Ashley finally stepped through the courthouse doors and pursued her restraining order. The judge granted the order, which protects Ashley to this day.

Stephanie Vela, a client of amici Boston Area Rape Crisis Center, sought a restraining order in late summer 2019. Earlier, Stephanie had contacted the District Attorney's Office and reported that her young teenage daughter, Laura, had been sexually assaulted. The victim witness advocate at the D.A.'s office advised her to seek a restraining order on Laura's behalf, but Stephanie did not think it was safe for her family to go to court. She was terrified that they would be detained, separated, and deported. Stephanie's attorney assuaged Stephanie's fears by reviewing the preliminary injunction with her and Laura. After multiple discussions, Stephanie decided to pursue the restraining order and ultimately prevailed in court. Stephanie and Laura also plan to help prosecutors in a criminal proceeding against Laura's abuser. Today, the restraining order continues to protect Laura, and Stephanie's family remains safely together.

No matter the rules of the courthouse, nearly all immigrant survivors are anxious about interacting with authorities. For Maria Balbuena, an undocumented survivor, it took endless back-and-forth with advocates at REACH to convince her to meet with a police officer. She agreed only after the officer offered to meet her in plainclothes with her advocate. During the meeting, Maria would interrupt every few

minutes to ask the officer: “Wait, are you going to deport me?” and to ask her advocate “Is he going to deport me?” Fears like Maria’s will not evaporate overnight, but the common law privilege against courthouse arrests and the injunction that restored that privilege have allowed law enforcement to strengthen its relationship with immigrant survivors. Since the injunction has been in place, law enforcement has made tremendous strides in overcoming barriers to reporting.

In the fall of 2019, Massachusetts officials, prosecutors, and law enforcement began organizing community meetings with immigrant survivors to inform them about the preliminary injunction and their rights as crime victims. In conjunction with REACH, GBLS, and the Latinas Know Your Rights program, word of these community meetings spread informally from advocates and attorneys to current and former clients. Dozens of community members attended each meeting. The meetings were hugely successful in fostering cooperation between crime victims and law enforcement and helping to restore victims’ trust in the Massachusetts courts. Survivors felt comforted to hear law enforcement officials describe efforts to promote their safety. Some attendees were also surprised that the officers had been so responsive to their concerns, given negative experiences with law enforcement in their home countries.

Nonetheless, trust between immigrant survivors and state law enforcement remains fragile. Survivors and advocates know that the preliminary injunction is

temporary and can only hope that the courthouse will remain a safe space. The possibility that ICE could return to courthouses threatens to undo the efforts of amici, state officials and prosecutors, and the police to encourage survivors to seek help. Preserving the common law privilege against civil courthouse arrests will protect the integrity of the judicial system and encourage vulnerable immigrant survivors to participate in the system without fear of being detained by ICE.

### CONCLUSION

The Court should affirm the district court's preliminary injunction.

Date: May 22, 2020

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## CERTIFICATE OF COMPLIANCE

The undersigned counsel certifies compliance of the foregoing amicus brief with the following requirements of the Federal Rules of Appellate Procedure and the Local Rules of this Court:

1. This brief complies with the type-volume limitation of Fed. R. App. P. 32(a)(7) and 29(a)(5), because this brief contains 3,824 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(f).
2. This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word for Mac in Times New Roman 14-point font.

Dated: May 22, 2020

Respectfully submitted,

/s/ Lauren Godles Milgroom  
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### **CERTIFICATE OF SERVICE**

I hereby certify that on May 22, 2020, I, Lauren Godles Milgroom, electronically filed the foregoing document with the Clerk of the United States Court of Appeals for the First Circuit using the CM/ECF system. Counsel in the case are registered CM/ECF users and such services will be accomplished by the CM/ECF system.

Dated: May 22, 2020

Respectfully submitted,

*/s/ Lauren Godles Milgroom*

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