

My Cousin's Court Date

By Mitzia Martinez

The fear of engaging with the court system is embedded in the everyday life of undocumented people. When my family arrived to this country in 2006, my father sat me down at the age of 9 and told me, "In this country, people like us, *without papers*, avoid any contact with the police at all costs." I did not ask why, but I learned what he meant when my undocumented cousin was incarcerated for a night and given a court date. On his way to work, my cousin was pulled over and arrested for driving without a license. When he came home, he had a letter with a court date. I translated the letter and explained to him that he had a day scheduled to see a judge. When I said that, my parents' bodies frightened up. My mom told my cousin, "I am sorry, but we can't go with you to court. We have so much to lose if we are deported," and pointed at my brother and I. My mom was referring to the possibility of being arrested by Immigration and Customs Enforcement (ICE) if she accompanied my cousin to his court hearing. When the court date came, my cousin did not go. He instead self-deported to México to avoid his court date. To this day, my cousin has been unable to return to the United States.

Back then, I was a young child and I thought my cousin was just scared of going to jail. Now, I understand he was ultimately scared of being arrested by ICE and being placed in a detention center. He instead preferred to leave back to México on his own account. My cousin, just like many of my undocumented relatives who live in this country, live in fear of carrying out everyday activities because they are criminalized by the law. Driving, working, and participating in court without the fear of being deported are privileges many U.S. citizens take for granted. Nonetheless, undocumented people risk their safety and ability to stay in this country by carrying out these activities every day to provide for their families.

Our findings in our latest report, "The Chilling Effect of ICE Courthouse Arrests: How ICE Raids Deter Immigrants from Attending Child Welfare, Domestic Violence, Adult Criminal, and Youth Court Hearings," show that they are many people in this country like my cousin, who have avoided their court hearings because they fear being arrested by ICE. Stories of ICE agents in plain clothes, entering courthouses or waiting outside of courthouses to arrest people have terrorized the undocumented community across the country and have deterred our participation in court. I, like my cousin and the 11 million undocumented immigrants in this country, have the right to participate in court hearings without the fear of being arrested by ICE. To defend this right, we must put pressure on our local judges and law enforcement stakeholders to refuse to collaborate with ICE and prohibit their presence in courthouses.

For more information on the impact of ICE raids in courthouses, you can download Ceres' latest report on the chilling effect of ICE raids in courthouses [here](#). For any questions, contact Mitzia Martinez at mmartinez@cerespolicyresearch.com.