



## Pennsylvania Commission for Fairness & Justice

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March 18, 2025

***Via Email Only***

Andrea Tuominen, Esquire  
Court Administrator of Pennsylvania  
Pennsylvania Judicial Center  
601 Commonwealth Avenue  
Harrisburg, PA 17120

**Re: Renewed Concerns Regarding ICE Presence in Courthouses and Probation Offices**

Dear Court Administrator Tuominen,

On behalf of the Pennsylvania Commission for Fairness & Justice (formerly the Pennsylvania Interbranch Commission for Gender, Racial, and Ethnic Fairness), I write to again raise concerns regarding the presence of Immigration and Customs Enforcement (ICE) officers in Pennsylvania courthouses, probation offices, and other judicial facilities. This ongoing issue continues to create significant barriers to justice, disproportionately affecting immigrant communities who fear civil immigration enforcement when engaging with our courts as litigants, victims, or witnesses.<sup>1</sup>

The Commission has long recognized that the presence of ICE agents in judicial spaces undermines public trust in the judiciary, discourages participation in legal proceedings, and ultimately impedes the fair administration of justice. Several years ago, the Commission received numerous reports of judges and court personnel barring individuals' entry into ARD programs based on their immigration status and assisting ICE agents with detaining and arresting individuals when they appeared for trial or to conduct other court business. The Commission submitted letters to the Court in [2018](#) and [2020](#), detailing these reports and the chilling effect that the fear of immigration enforcement has on state courts. The Commission also worked with the Pennsylvania Bar Association ("PBA") to draft and submit proposed guidelines to the Court, recommending that the Court adopt and promulgate same to all judicial districts. The guidelines are designed to reduce ICE's presence in state courthouses and efforts to arrest and detain immigrants absent a judicial warrant.

Each of these efforts was grounded in relevant case law demonstrating the legal issues that inhere in federal attempts to interfere in the business of state courts. These legal principles were recently affirmed in a [letter](#) shared with Acting Attorney General James R. McHenry by the ACLU. The letter cites binding decisions

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<sup>1</sup> Since the new administration took office, we have received reports of ICE agents arresting and attempting to arrest individuals around courthouses and probation offices in Adams, Chester, Franklin, Lehigh, Northampton, and Philadelphia Counties.

issued by various federal courts<sup>2</sup> to explain that states have the authority to direct the use of their own resources to ensure equal access to justice. This delegation of authority, required by the Tenth Amendment, acknowledges that when individuals—whether defendants, witnesses, or victims—hesitate to access judicial processes out of fear of immigration enforcement, it weakens the very foundation of our judicial system.

We appreciate the efforts of the Administrative Office of Pennsylvania Courts’ (AOPC) to maintain the integrity of the state judiciary by, among other things, issuing an [Advisory](#) regarding Title VI of the Civil Rights Act.<sup>3</sup> The Advisory endorses best practices concerning inquiries about a court user’s immigration status. This guidance reinforces the principle that Pennsylvania’s courts must remain accessible to all individuals, regardless of immigration status, and that court personnel should not inquire about or disclose a litigant’s immigration status unless legally required. Nevertheless, the continued presence of ICE in courthouses and probation offices contradicts this fundamental principle, creating an environment where immigrants may feel unsafe in their pursuit of justice. Evolving federal policy on ICE enforcement actions adds further uncertainty, as does the presence of ICE agents in probation offices, which places individuals at risk for complying with court-ordered obligations.

Such uncertainty affords courts a meaningful opportunity to reissue guidance clarifying state courts’ rights and responsibilities and providing clear direction to judicial personnel. Several jurisdictions have availed themselves of this opportunity:

- On February 3, 2025, the Chief Justice of the Washington State Supreme Court issued a [letter](#) to the state judiciary, referencing state law and sharing guidance and resources designed to “protect the integrity of judicial proceedings” and “ensure that individuals can access [Washington] courts without fear or intimidation.”
- On February 6, the Chief Administrative Judge of the New York State Unified Court System issued a [memorandum](#) reaffirming that ICE is prohibited from conducting arrests or other enforcement actions in state courthouses and setting forth specific protocols to be followed when ICE enters a courthouse or court facility to observe, question, or take an individual into custody.
- That same day, the Superior Court of Santa Barbara County, California issued [Policy 2025-001](#). The policy affirms the county’s commitment to “providing all members of the public, regardless of their citizenship or immigration status, equal access to its facilities” and asserts that the court will not provide immigration agency personnel access to nonpublic areas of its facilities or to any adjudicative or administrative records without a valid federal judicial warrant, subpoena, or federal court order.

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<sup>2</sup> See, e.g., *Murphy v. NCAA*, 584 U.S. 453, 471 (2018) (holding that the federal government has no power to “issue direct orders to the governments of the States”); *Printz v. United States*, 521 U.S. 898, 926 (1997) (holding that the federal government may not require the states to administer a federal program); *United States v. California*, 921 F.3d 865, 888-91 (9th Cir. 2019) (explaining that states have the right, pursuant to the anticommandeering rule, to refrain from assisting with federal efforts); and *Galarza v. Szalczyk*, 745 F.3d 634, 643-645 (3d Cir. 2014) (holding that ICE’s requests for deportation assistance must be voluntary, because “immigration officials may not compel state and local agencies to expend funds . . . to effectuate a federal regulatory scheme”).

<sup>3</sup> The Commission has heard from a public interest stakeholder that an additional Advisory was issued confidentially to judicial districts in February. If so, issuing some guidance to practicing attorneys would be impactful so that they may advise their clients appropriately.

The Commission respectfully urges the Pennsylvania Supreme Court and the Administrative Office of Pennsylvania Courts to follow these jurisdictions in taking proactive measures, including:

1. Issuing a statewide directive prohibiting civil immigration enforcement in courthouses, probation offices, and other judicial facilities.
2. Providing clear guidance to court personnel and contractors providing services in court facilities on how to respond to ICE presence and enforcement activities.
3. Reaffirming judicial independence by ensuring that all individuals—regardless of immigration status—can safely access Pennsylvania’s courts without fear of immigration enforcement.

I welcome the opportunity to discuss this matter further and explore ways to ensure that Pennsylvania’s courts remain accessible to all who seek justice. Thank you for your time and leadership in addressing this critical issue.

Sincerely,



Maraleen D. Shields, Esquire  
Executive Director

Pennsylvania Commission for Fairness & Justice

cc: Nancy Conrad, Esquire, President, Pennsylvania Bar Association