

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JOSE LUIS ROJAS FIGUERA,

Petitioner,

-against-

ANTHONY J. LAROCO, in his official capacity as Sheriff
of Nassau County; WILLIAM JOYCE, in his official
capacity as District Director of New York, Immigration
and Customs Enforcement; KRISTI NOEM, in her official
capacity as Secretary of Homeland Security; PAM BONDI,
in her official capacity as Attorney General.

Case No.
2:25-cv-03095

Respondents.

**BRIEF FOR AMICUS CURIAE THE CITY OF NEW YORK IN SUPPORT OF
PETITIONER JOSE LUIS ROJAS FIGUERA**

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**INTEREST OF AMICUS CURIAE
AND PRELIMINARY STATEMENT**

The City of New York (the “City”) submits this amicus brief in support of petitioner Jose Luis Rojas Figuera, a City resident and former high school student who was caught in a trap laid by immigration authorities in a courthouse in Manhattan, where federal, state, and local courthouses cluster within a few blocks.

The City has a strong interest in this case. While the City neither sets immigration policy nor decides who enters the country, it cannot effectively and responsibly govern while turning a blind eye to the many undocumented immigrants and asylum seekers who call New York City home. The City also has an interest here because, since Jose arrived in the City in October 2023, he has interacted with multiple City agencies, including visiting one of the City’s asylum help centers and attending the Pan American High School in Queens, New York. First Amend. Pet. for Writ of Habeas Corpus ¶ 9, ECF No. 9; Figuera Decl. ¶ 5, ECF No. 9-2.

Tactics like those used to detain Jose present many City residents with an impossible choice: risk detention by attending court proceedings or run the same risk by failing to attend. Such tactics undermine the public interest. Creating a culture of fear around court appearances deters people from participating in judicial proceedings—and not just immigration proceedings, but all manner of court proceedings that depend on cooperation from members of the public, whatever their legal status may be. Free access to courts is a pillar of the rule of law. Our judicial system cannot work as it should, as it must, if courthouses are treated as convenient places to spring traps.

ARGUMENT
THE EQUITIES AND PUBLIC INTEREST STRONGLY
FAVOR INJUNCTIVE RELIEF

In determining whether to grant injunctive relief, this Court must consider the balance of the equities and whether an injunction is in the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). The City submits this brief in support of Jose’s petition to highlight how the equities and public interest heavily favor the relief he seeks—to protect not only his individual rights but also the interests of the broader community in which he resides.

New York City is home to more than three million immigrants, nearly 40% of the City’s total population.¹ Among them are those who remain undocumented² and who are pursuing legal status. The City is also a beacon for those fleeing violence and insecurity in their home countries, with more than 100,000 recently entering the City while seeking asylum.³

However these people entered the country, the reality is that they are here, and they participate in our communities, as students, workers, employers, and more.⁴ The City cannot pretend that these residents do not exist. To govern, the City must extend public health, safety, and other public resources to all its residents, allowing them to access required public schooling and continue contributing as members of our communities while here.

¹ Mayor’s Office of Immigrant Affairs, *2024 Annual Report on New York City’s Immigrant Population and Initiatives of the Office* (“MOIA 2024 Report”) at 8, available at <https://perma.cc/2V9U-5EP6> (created June 12, 2025).

² Mayor’s Office of Immigrant Affairs, *2023 Annual Report on New York City’s Immigrant Population and Initiatives of the Office* (“MOIA 2023 Report”) at 10, available at <https://perma.cc/G94T-ZQLD> (created June 12, 2025).

³ See MOIA 2023 Report at 24.

⁴ See MOIA 2024 Report at 6, 10; Mayor’s Office of Immigrant Affairs, *State of our Immigrant City: Mayor’s Office of Immigrant Affairs Annual Report for Calendar Year 2020* at 32, available at <https://perma.cc/3826-M9T7> (created June 12, 2025).

For many, continued community participation begins with a willingness to follow the legal pathways to legal status available under federal law. And doing so requires applicants to consistently appear for proceedings at immigration courts in the City, without fear of being lulled into a false sense of security as a pretext for detention and swift removal. On June 2, 2025, Jose was detained following what he expected to be a routine immigration hearing at which he was unrepresented by counsel. First Amend. Pet. for Writ of Habeas Corpus ¶ 13, ECF No. 9; Figuera Decl. ¶ 11, ECF No. 9-2. At the immigration hearing, the judge denied a motion to dismiss Jose's removal proceedings and set his case for a new hearing. First Amend. Pet. for Writ of Habeas Corpus ¶ 13. Despite this, Jose was detained. *Id.* ¶ 14. He is reportedly one of many people who have been led to believe that their immigration cases were being favorably resolved and then arrested either in or outside an immigration courthouse in Manhattan,⁵ a stone's throw away from a federal district court, state criminal and civil courts, local criminal, housing, and family courts, and other courthouses.

These tactics risk driving underground those otherwise inclined to follow the country's immigration laws, undermining the very system that those laws are designed to serve. Indeed, since the federal government began arresting immigrants who show up for proceedings in immigration court, reporting shows that these tactics are already beginning to dissuade many from appearing: according to one report, of the approximately two dozen immigrants who were required to appear

⁵ See Gwynne Hogan, *ICE Agents Arrest at Least Seven Immigrants as Courthouse Blitz Continues*, THE CITY (May 29, 2025), (last visited May 31, 2025), available at <https://perma.cc/3RMZ-SWMM> (created June 12, 2025); Austen C. Jefferson and Steve Kastenbaum, *Can NY stop ICE from arresting immigrants at federal courthouses?*, CITY & STATE, NEW YORK (May 30, 2025), available at <https://perma.cc/9QSA-HTXE> (created June 12, 2025).

for immigration proceedings at a courthouse in Manhattan on a single day in June this year, 17 did not make an appearance.⁶

Nor is the problem limited to immigration proceedings. When authorities stoke a culture of fear around routine immigration appearances, deterrence will not stop at a single courthouse's doors. Targeted populations do not draw such fine lines when their liberty is at stake. So now that immigration authorities are deploying tactics like those used against Jose across the country,⁷ it threatens to deter cooperation with judicial proceedings of all kinds, in federal, state, and local courthouses. And that would be true even if immigration authorities were not already engaging in enforcement action in or near state and local courthouses, despite the protections contemplated by laws like New York State's Protect Our Courts Act.⁸

The implications run deep and wide. Many matters critical to the safety and wellbeing of City residents flow through the court system. Protecting rights to fair housing often entails proceedings in housing court.⁹ Avoiding abuse or neglect and recovering child support frequently

⁶ Luis Ferré-Sadurni, *Inside a Courthouse, Chaos and Tears as Trump Accelerates Deportations*, N.Y. TIMES (June 12, 2025), <https://www.nytimes.com/2025/06/12/nyregion/immigration-courthouse-arrests-trump-deportation.html> (last visited June 12, 2025).

⁷ See 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> (last visited May 31, 2025) (discussing operations around the country applying tactics similar to those used against Jose).

⁸ See Dan Clark, *Immigrants are being arrested at NY courthouses, top judge says*, TIMES UNION (Feb. 13, 2025), <https://www.timesunion.com/capitol/article/ice-arresting-immigrants-new-york-courthouses-20165859.php> (last visited May 31, 2025).

⁹ See, e.g., N.Y. City Department of Social Services, *Universal Access to Legal Services: A Report on Year Six of Implementation in New York City* at 11 (Winter 2023), https://www.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ_UA_Annual_Report_2023.pdf (last visited May 31, 2025), available at <https://perma.cc/QK74-GKEC> (created June 12, 2025) (reporting that more than 125,000 eviction petitions were filed in New York City housing courts between 2022 and 2023).

requires appearances in family court.¹⁰ Attempts to enforce wage protections and antidiscrimination laws often lead workers into the courts as well. And asylum seekers and immigrants, no less than citizens or permanent residents, face the types of deprivations our court system protects against.¹¹ If these residents fear that simply appearing in court to protect their rights or the rights of others could expose them to detention and removal, our judicial system will suffer, and the City with it.

This case illustrates the broader hardships at stake. Jose is a 20-year-old immigrant from Venezuela who, since arriving in New York City in October 2023, has demonstrated a commitment to building a future in the United States. First Amend. Pet. for Writ of Habeas Corpus ¶ 9, ECF No. 9; *see also* Figuera Decl., ECF No. 9-2; Exhs. A, B to Figuera Decl., ECF No. 9-2. During his first year in the United States, Jose visited one of the City's asylum help centers and attended the Pan American High School in Queens, New York. First Amend. Pet. for Writ of Habeas Corpus ¶ 9, ECF No. 9; Figuera Decl. ¶ 5, ECF No. 9-2. In Fall 2024, he left school to work and support his mother as her primary support and caretaker.

¹⁰ See N.Y. State Unified Court System, *Family Court Caseload Activity*, <https://ww2.nycourts.gov/family-court-data-35076> (last visited June 30, 2025) (showing that more than 500,000 cases were filed in family court in New York City during 2024 alone).

¹¹ See, e.g., MOIA 2024 Report at 6; Marisa Gerber, *Low wages, lousy shifts, little room for advancement: Immigrant workers describe on-the-job discrimination*, L.A. TIMES (Oct. 19, 2023), <https://www.latimes.com/world-nation/story/2023-10-19/immigrant-workers-report-high-leves-of-discrimination-on-the-job#:~:text=Of%20the%20working%20immigrants%20surveyed,workplace%20because%20the%20were%20immigrants> (last visited May 31, 2025), available at <https://perma.cc/LDC2-ZTHC> (created June 12, 2025) (reporting results of survey finding that 47% of the working immigrants surveyed reported that employers did not pay them for all hours they worked or they faced discrimination and harassment because they were immigrants, among other forms of mistreatment).

Immigrants in New York City may be eligible for Special Immigrant Juvenile Status (SIJS), a pathway to lawful permanent residency status that may be available to children under 21-years old who obtain a state-court order finding that they were abused, neglected, or abandoned.¹² Jose has a pending application for SIJS relief in Family Court in Bronx County, in which the judge granted a Special Findings Order. His recent detention has upended his SIJS proceedings. Whatever the outcome of these proceedings may be, it sends a message to the thousands of other SIJS applicants in New York City alone¹³ that their appearance in court—be it for an SIJS proceeding or otherwise—may cut them out of the legal residency process they were otherwise willing to follow.

At bottom, the City is obligated to govern all residents living in its jurisdiction, and local governance will only suffer if a substantial segment of our population becomes too fearful to attend the judicial and administrative proceedings that are central to protecting public health, safety, and welfare in our community.

¹² U.S. Citizenship and Immigration Services, *Special Immigrant Juveniles*, <https://www.uscis.gov/working-in-US/eb4/SIJ#:~:text=If%20you%20have%20been%20granted,status%20or%20adjustment%20of%20status> (last visited June 12, 2025), available at <https://perma.cc/9E6T-W488> (created June 12, 2025).

¹³ See Rachel Leya Davidson et al., *False Hopes: Over 100,000 Youth Trapped in the SIJS Backlog* at 28 (2023), <https://static1.squarespace.com/static/5fe8d735a897d33f7e7054cd/t/656a48a3f02597441a4cbf95/1701464285675/2023-false-hopes-report.pdf> (last visited May 31, 2025), available at <https://perma.cc/63ZS-F4XN> (created June 12, 2025) (explaining that as of 2023, more than 6,000 New York City residents had received a state-court order qualifying them for SIJS but were awaiting approval of their applications from the federal government).

CONCLUSION

For the reasons set forth in this brief, as well as those set forth by petitioner, this Court should grant petitioner's writ of habeas corpus.

Dated: July 1, 2025

Respectfully submitted,

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