

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Derlis Snaider CHUSIN TOAQUIZA,

Petitioner,

-against-

William P. JOYCE, in his official capacity as
Acting Field Office Director of New York,
Immigration and Customs Enforcement; Caleb
VITELLO, Acting Director, U.S. Immigration and
Customs Enforcement; Kristi NOEM, in her
official capacity as Secretary of the United States
Department of Homeland Security; and Pamela
BONDI, Attorney General, U.S. Department of
Justice,

Case No.
1:25-cv-4791

Respondents.

**BRIEF FOR AMICUS CURIAE THE CITY OF NEW YORK IN SUPPORT OF
PETITIONER DERLIS SNAIDER CHUSIN TOAQUIZA**

MURIEL GOODE-TRUFANT
Corporation Counsel
of the City of New York
100 Church Street
New York, New York 10007
212-356-1000

JULIA PILCER LICHTENSTEIN
of Counsel

July 7, 2025

TABLE OF CONTENTS

	Page
TABLE OF AUTHORITIES.....	ii
INTEREST OF AMICUS CURIAE AND PRELIMINARY STATEMENT	1
ARGUMENT.....	2
CONCLUSION	7

TABLE OF AUTHORITIES

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).... 4

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). 5

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) 4

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) 5

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). 4

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%20they%20were%20immigrants> (last visited May 31, 2025), available at <https://perma.cc/LDC2-ZTHC> (created June 12, 2025)..... 6

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)..... 2

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, 3, 6

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)..... 3

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)..... 5

N.Y. State Unified Court System, *Family Court Caseload Activity*, <https://ww2.nycourts.gov/family-court-data-35076> (last visited July 2, 2025) 5

**INTEREST OF AMICUS CURIAE
AND PRELIMINARY STATEMENT**

The City of New York (the “City”) submits this amicus brief in support of petitioner Derlis Snaider Chusin Toaquiza, a City resident and 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 in this case because Derlis attended Grover Cleveland High School, a public school in Queens, New York, until he was detained just before the end of the school year. Amended Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (“Amend. Pet.”), ECF No. 19, at ¶ 15.

Tactics like those used to detain Derlis 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 City submits this brief in support of Derlis' petition to highlight how the public interest heavily favors 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,

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*

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.

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 4, 2025, Derlis was detained following what he expected to be a routine immigration hearing. Amend. Pet. ¶¶ 21-23. At the hearing, the judge denied a motion by the Department of Homeland Security to dismiss the case and set the next hearing for October 2026. *Id.* ¶ 22. Despite this, Derlis was detained immediately after the hearing. *Id.* ¶ 23. 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.

Calendar Year 2020 at 32, available at <https://perma.cc/3826-M9T7> (created June 12, 2025).

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).

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 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. Now that immigration authorities are deploying tactics like those used against Derlis 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

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 Derlis).

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 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

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).

¹⁰ See N.Y. State Unified Court System, *Family Court Caseload Activity*, <https://ww2.nycourts.gov/family-court-data-35076> (last visited July 3, 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%20>

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. Derlis is a 19-year-old immigrant from Ecuador who attended Grover Cleveland High School in Queens, New York where he made it onto his school's soccer team and was awarded "Most Improved" by his high school teachers. Amend. Pet. ¶¶ 15-17. Since arriving in New York City, Derlis has demonstrated a commitment to building a future in the United States and has endeavored to be a positive member of his community. *Id.* at ¶¶ 12-19.

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.

[because%20they%20were%20immigrants](https://perma.cc/LDC2-ZTHC) (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).

CONCLUSION

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

Dated: July 7, 2025

Respectfully submitted,

MURIEL GOODE-TRUFANT
*Corporation Counsel
of the City of New York*
100 Church Street
New York, New York 10007

By: /s/ Julia Pilcer Lichtenstein
JULIA PILCER LICHTENSTEIN
Senior Counsel
jlichten@law.nyc.gov
(212) 356-2471

CERTIFICATE OF COMPLIANCE

I certify that the foregoing brief complies with the Court's formatting rules and that the portions of the brief that must be included in a word count contain 1,522 words. I relied on the word count of the Microsoft Word program used to prepare this brief.

Dated: July 7, 2025

By: /s/ Julia Pilcer Lichtenstein
Julia Pilcer Lichtenstein