



## Community Pointers: Enforcement in Immigration Court

June 2025

### What We Are Seeing

- Starting in the middle of May, Immigration and Customs Enforcement (ICE) Office of the Principal Legal Advisor (OPLA) and Enforcement and Removal Operations (ERO) began a seemingly coordinated effort to detain noncitizens at or near immigration courts and issue expedited removal orders.
- According to reports from practitioners and the media, this is what ICE's new tactics look like:
  - A noncitizen appears for their removal hearing. ICE OPLA attorneys request that the immigration judge (IJ) close the case in a procedure known as case dismissal. If the IJ grants the case dismissal, as the noncitizen exits the courtroom, ICE ERO agents are present to detain individuals. In some instances, ICE ERO is arresting individuals who have pending benefits applications filed with U.S. Citizenship and Immigration Services (USCIS).
- Additionally, ICE ERO can seek custody redetermination of an individual without seeing an IJ, placing them into expedited removal.
- CLINIC has also received reports that ICE is detaining individuals who go to their [ICE check-ins](#) at ERO offices, and those who attend USCIS [interviews](#) who might be subject to expedited removal or have previous removal orders.

### Where We Are Seeing It

- Immigration courts impacted are all over the United States from [Phoenix](#), [Miami](#), [San Diego](#), [Boston and Chelmsford](#), [Denver](#), [Concord](#), [San Antonio](#), [Bay Area Courts](#), [Seattle](#), [Bronx](#), [Manhattan](#), [Kansas City](#), [Memphis](#), and many others.

### What To Know

- Immigration courts are different from state and local courts.

- State and local courts handle a wide range of cases such as family law civil, or criminal cases, etc.
- Immigration courts are federal. If your state has a law that recognizes courthouses as a “safe space,” for noncitizens, know that this law will not apply to immigration court.
- ICE ERO agents often approach individuals in plain clothes.
- If an individual does not go to their immigration court hearing, they will likely receive an Order of Removal *in absentia*.

### Best Practices

- Represented noncitizens should attend removal hearings with their legal representative. This would be their immigration attorney or a Fully Accredited Representative.
- Legal representatives who have agreed to represent noncitizens should have an [E-28](#) AND and [G-28](#) ready with the client’s wet signature.
- Practitioners may file a motion for a [video or telephone conference hearing](#), also known as a WebEx hearing. Practitioners should request it in advance through a formal written motion, as DHS may argue for an *in absentia* removal order should the representative and the noncitizen attempt to appear remotely at the last minute without a motion to do so granted by the court.
- Consider vacating the master calendar hearing or requesting an individual hearing if you are ready to proceed with immigration relief. You will need to enter pleadings when requesting this.
- CLINIC urges practitioners to warn clients and members of the community to be prepared with evidence of their physical presence and/or be prepared to immediately raise any credible fears of return to their countries of origin.
- Noncitizens should not bring family or friends who are also at risk of removal and who do not have a court hearing on the same day. In the case of a minor whose sponsor, guardian, or parent is at risk of removal, the family may want to consider sending the child with only the legal representative, or a trusted family friend or family member who has legal status in the United States.
- Noncitizens should have an emergency plan. For reference, please see [CLINIC’s Rapid Response Toolkit](#).
- Know any pertinent state and local policies and laws that may be relevant. These may include state laws and practices adversarial to noncitizens (e.g., those that require local jurisdiction cooperation with the federal government via 287(g))

agreements, local detention centers under state or local jurisdiction) and those that are favorable (e.g., state law limitations on interactions with immigration officials at certain sites, such as courts, schools, or hospitals).

- Remember your rights. CLINIC has [one-pagers](#) on this in various languages.
- If applicable, practitioners should have evidence of their client's physical presence and/or be prepared to immediately raise any credible fears of return to their countries of origin.

### Ensure Your Clients Are Aware of What Not to Do

- Don't escalate. Remain calm.
- Don't run from ICE.
- Don't lie to ICE.
- Do not record ICE within the Courtroom, but you can record outside in public spaces.

### Helpful Resources

- CLINIC's [Practical Guidance for Advocates and Programs](#)
- CLINIC's [Frequently Asked Questions on Trump Administration Policies Affecting Parolees, Enforcement and Termination of Parole](#)
- CLINIC's [Removal Toolkit](#)
- CLINIC's [Motion for Video Appearance](#)
- National Immigration Project's [Practice Alers: Protecting Noncitizens from Expedited Removal and Immigration Court Arrests](#)
- National Immigration Project's [Template Opposition to DHS Motion to Dismiss to Pursue Expedited Removal](#)
- Immigration Justice Campaign's [Mock Credible Fear Preparation Session Video](#)
- Political Asylum Immigration Representation Project's, [Self-Help Manual for Noncitizens Detained by Immigration \(ICE\)](#)
- Justice Power's [Accompaniment Resources](#)
- Washington Immigrant Solidarity Network's [Bystander & Observer Guidelines](#)  
(Please note that states have different laws on whether you need to be a certain distance from law enforcement, as well as if you can record audio. Remember that these recording tips apply to *public* spaces.)