January 25, 2018

The Honorable Kirstjen M. Nielsen
Secretary of Homeland Security
Washington, D.C. 20528

Dear Secretary Nielsen:

This afternoon, I learned that earlier today agents from Immigration and Customs Enforcement ("ICE") arrested two Indonesian nationals, Gunawan Liem of Franklin Park and Roby Sanger of Metuchen, New Jersey. According to press reports, the two had just dropped off their children at school in the morning when ICE arrested them.

I write to express my serious concern regarding the enforcement action taken under these circumstances. ICE has a longstanding policy that prohibits immigration enforcement actions "at or focused on sensitive locations."[1] Schools are deemed to be sensitive locations under the policy. Here, the fact that ICE arrested two parents as they were driving away from their children's school is deeply upsetting. I am not aware of any exigent or unique circumstances here that would justify such a departure from ICE's settled policy on sensitive locations. Undoubtedly, this creates a chilling environment for parents, who were simply ensuring that their children arrived to school safely. I trust that you will personally evaluate the circumstances surrounding this enforcement action and take any and all appropriate measures to remedy any violation of ICE policy.

The integrity of sensitive locations is critical. Nine months ago, the Chief Justice of the Supreme Court of New Jersey wrote to your predecessor, former Secretary John F. Kelly, urging that the same policy that bars ICE enforcement actions in schools and houses of worship equally apply to state courthouses. The Chief Justice aptly observed that a "true system of justice must

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[1] John Morton, Director, United States Immigration and Customs Enforcement, "Enforcement Actions at or Focused on Sensitive Locations," Policy Number 10029.2 (Oct. 24, 2011).

have the public's confidence," and that when civil immigration arrests occur in a courthouse, a cascade of negative consequences is likely to follow:

> Witnesses to violent crimes may decide to stay away from court and remain silent. Victims of domestic violence and other offenses may choose not to testify against their attackers. Children and families in need of court assistance may likely avoid the courthouse. And defendants in state criminal matters may simply not appear.

I could not agree more. As the Chief Justice correctly recognized, courthouses must be safe forums, and federal immigration enforcement actions occurring at state courthouses compromise the integrity of our state's justice system. I also urge that ICE apply its policy on sensitive locations to state courthouses.

Likewise, state facilities, which routinely provide crucial services to the public, should be deemed sensitive locations under ICE's policy. Immigration enforcement actions at state facilities would substantially interfere with the proper functioning of state government services, ranging from critical support provided to children, families, workers, and veterans every day. New Jersey residents should feel confident that they can interact with their state government without the risk of an undue intrusion from federal immigration agents.

As a former federal prosecutor, county prosecutor, and now the chief law enforcement officer for New Jersey, I fully understand the need to enforce our nation's laws, but I am equally committed to ensuring that all of the residents of New Jersey have a safe environment to attend to their lives, whether it be to attend school, participate in our judicial system, or access state government services.

Thank you for your attention.

Sincerely,

Gurbir S. Grewal
Attorney General

cc: John Tsoukaris
Director, Office of Enforcement and Removal Operations
Newark Field Office
U.S. Immigration and Customs Enforcement