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Latinos Ask Judge for Restraining Order to Stop Further ICE Raids in the New York Region

Plaintiffs claim home raids by the Immigration and Customs Enforcement Division's New York Regional Office constitute a pattern of unlawful entry, search and seizure targeting Latinos in New York City and surrounding areas.

NEW YORK, NY – October 5, 2007 – Several Latino families and individuals have asked a federal court for a restraining order to immediately stop the Immigration and Customs Enforcement (ICE) division of the U.S. Department of Homeland Security from conducting any further home raids in lower New York State without first obtaining a judicially ordered search warrant.

Fourteen individual plaintiffs previously filed a class action lawsuit, one of the first in the nation seeking to ensure future ICE raids were conducted within the constitutional bounds of the Fourth Amendment. Several new plaintiffs were added Thursday after ICE conducted misguided raids in Nassau County, New York. As with the raids described in Plaintiffs original complaint, these raids were conducted with the same disregard for the the victims' constitutional rights but were significantly more abusive and brutal. In one instance described in the amended complaint, a homeowner opened his door to ICE agents who immediately put a gun to his chest and then proceeded to search the victim's home.

The raids were so poorly planned and executed that on September 24th and 26th the Nassau County Executive and Police Chief pulled their support for the raids and sent public letters to ICE stating that some ICE agents conducted the raids with a "cowboy mentality" and strongly suggesting that the raids were conducted in an illegal manner.

In addition to the named plaintiffs, the action was also brought on behalf of Latinos who may be associated with individuals sought by ICE and are at risk of being subjected to an unconstitutional home raid.

The court papers detailed several incidents where lawless ICE agents armed with submachine guns and shotguns entered homes without obtaining a judicial warrant or occupants' consent in a manner that terrified sleeping residents and frightened children. These pre-dawn raids were executed in a highly abusive manner by agents who often represent themselves as police, which they are not.

The plaintiffs, all Latinos whose homes have been raided this year, are represented by Foster Maer of the Puerto Rican Legal Defense and Education Fund (PRLDEF) and Patrick Gennardo and Donna Gordon of the international law firm of Dewey & LeBoeuf LLP.

“The abusive and brutal nature of the latest ICE raids shows that ICE has no intention of abiding by constitutional mandates unless checked by the courts,” said Patrick Gennardo, co-lead counsel for the Plaintiffs. “We had no choice, but to seek the courts’ aid to protect our clients constitutional and civil rights during the pendency of the class action,” said Cesar Perales of PRLDEF.

On Sept. 20, PRLDEF and Dewey & LeBoeuf filed a class action suit on behalf of several Latino families against ICE charging that its agents unlawfully enter and search the homes of Latinos in lower New York State without judicially issued warrants or other legal justification. The complaint described armed ICE agents breaking down doors or forcing their way into Latino households in the pre-dawn hours and awakening and terrifying children and adults alike, often looking for individuals who do not even reside in the home.

The latest court action focuses on government initiatives targeted at fugitive aliens, such as, “Operation Return to Sender,” where teams of six to ten agents raid homes of Latinos without court-issued warrants and do so in a manner that will obtain entry without providing the occupants an opportunity to consent or refuse. In the lawsuit filed in September, the plaintiffs alleged that after their homes were raided, they were detained and interrogated without the benefit of legal representation, sometimes forcing them to answer questions without allowing them to get dressed.

None of the Plaintiffs were ever shown a warrant though several demanded to see one. The lawsuit claimed that the home raids trample on Fourth Amendment rights and leave a trail of harm affecting U.S. citizens, legal permanent residents and other members of our society.

The lawsuit seeks damages and an injunction restraining ICE's New York Regional Office from conducting home raids until appropriate procedures are established to assure that the raids will be performed in a manner that protects constitutional and civil rights.

Copies of the complaint are available online at www.prldef.org.

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