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### Cardozo Clinic Students Sue I.C.E. - Suit Claims Jailing Immigrant New Yorkers for Months Without a Hearing is Unconstitutional

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BRINGING LAW TO LIFE

CARDOZO LAW

BENJAMIN N. CARDOZO SCHOOL OF LAW • YESHIVA UNIVERSITY

## CARDOZO CLINIC STUDENTS SUE I.C.E. - SUIT CLAIMS JAILING IMMIGRANT NEW YORKERS FOR MONTHS WITHOUT A HEARING IS UNCONSTITUTIONAL

# 72%

of New Yorkers detained by ICE are held longer than **two months** before their first appearance in immigration court

November 16, 2018

Cardozo students continue to be seen on the front lines of justice. The [Kathryn O. Greenberg Immigration Justice Clinic](https://cardozo.yu.edu/clinics-professional-skills/clinics/kathryn-o-greenberg-immigration-justice-clinic) (<https://cardozo.yu.edu/clinics-professional-skills/clinics/kathryn-o-greenberg-immigration-justice-clinic>), along with The Bronx Defenders and The New York Civil Liberties Union, filed a lawsuit November 15 to stop ICE's unlawful practice of jailing 1000-2000 New Yorkers each year for months without providing them access to the judges who have the power to rerelease them.

The clinic filed the putative class action lawsuit against Immigration and Customs Enforcement (ICE) and the Department of Homeland Security (DHS). The suit challenges the unconstitutional practice of jailing immigrant New Yorkers for months before bringing them in front of a judge to assess whether they should be detained, what options for relief they might have, and, in many cases, meet their lawyers for the first time.

### RELATED NEWS

July 16, 2019

[Professor Lindsay Nash Published Op-Ed on Immigration Raids \(/news/professor-lindsay-nash-published-op-ed-immigration-raids\)](#)

Professor and [Immigration Justice Clinic](#) (<https://cardozo.yu.edu/clinics-professional-skills/clinics/kathryn-o-greenberg-immigration-justice-clinic>) Co-Director Lindsay Nash's article titled (<https://www.nydailynews.com/opinion/ny-oped-ices-cruelty-explained-20190714-nza66q6xm</body></html>>)

May 3, 2019

[Indie Film Clinic Hosts Pop-Up Event at Ghetto Film School in the Bronx \(/news/indie-film-clinic-hosts-pop-event-ghetto-film-school-bronx\)](#)

The Indie Film Clinic hosted a pop-up event at Ghetto Film School (GFS) in the Bronx on Thursday, offering free legal services to independent

The time between when people are detained and when they see a judge for the first time has gone from under two weeks in 2014 to well over two months today. These unprecedented delays in access to judges unlawfully extend the detention of all ICE detainees in the New York area.

“People arrested by ICE and detained in criminal jails in New York and New Jersey are detained for months, simply waiting for a first hearing before a judge who can determine whether or not they should even be locked up,” said Jessica Kulig, a clinic student. “This practice violates the fundamental due process rights of more than a thousand people every year.”

A story about the lawsuit is expected to air later today on [WNYC](https://www.wnyc.org/) (<https://www.wnyc.org/>).

**SHARE**

filmmakers.

March 15, 2019

[Kathryn O. Greenberg Immigration Justice Clinic Files FOIA Suit \(/news/kathryn-o-greenberg-immigration-justice-clinic-files-foia-suit\)](#)

Students in the Kathryn O. Greenberg Immigration Justice Clinic, together with co-counsel at the American Immigration Council (Council), filed a suit in New York federal court last week that could prevent deportation for immigrants with pending cases.

March 12, 2019

[Human Rights Clinic and Dispute Resolution Program Join Forces to Help Indigenous People in Brazil \(/news/human-rights-clinic-and-dispute-resolution-program-join-forces-help-indigenous-people-brazil\)](#)

Professor Jocelyn Getgen Kestenbaum, director of the Benjamin B. Ferencz Human Rights and Atrocity Prevention Clinic and Professor Lela Love, director of the Kukin Program for Conflict Resolution, traveled to Amazonas, Brazil in February to train federal prosecutors.

March 5, 2019

[Bet Tzedek Civil Litigation Clinic Wins ADA Settlement Against FDNY for Discrimination Against Veteran with PTSD](#)

[\(/news/bet-tzedek-civil-litigation-clinic-wins-ada-settlement-against-fdny-discrimination-against\)](#)