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Upset by the Scenes on the Border? Look Closer to Home

I just went to Lower Manhattan.



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I love New York, despite the new ways it finds to wreck my head every day. Right now, dating and the subway are causing me trouble; both involve long and inexplicable delays, strange, unexpected smells, and a sense of rage that I'm not sure who to blame for. "Cuomo, you'll pay for this," I mutter darkly, as another date goes off the rails.

Mainly, though, I'm happy and relieved to live in America's biggest city, a liberal place where I can have the life I want. I'm one of more than three million immigrants in this sanctuary city, and I feel like it's a place where people live and let live. We care about each other, too. Not so much in a "have my seat" way, but certainly in a "I won't let them hurt you" way. Right?

More than a third of New Yorkers are immigrants, and a majority of those are naturalized citizens. There is also a large population of lawful permanent residents — that includes me — as well as an estimated 560,000 undocumented immigrants. Approximately a million New Yorkers live in mixed-status households, where someone is undocumented.

These days, the nation's horrified eyes are understandably fixed on the Mexican border and the children sickening and dying in American custody there. I've been watching too, and feeling terribly useless. So I decided to look closer to home, to see how my city is treating our most vulnerable immigrants: asylum seekers, the undocumented, those convicted of a crime. I discovered that life and death can hang in the balance in Lower Manhattan, too, inside the big gray building at 201 Varick Street that houses an immigration court.

Technically, anyone is allowed to observe some of the court proceedings. On a recent Tuesday morning, I put on a blazer and waited in the hot sun with a gathering crowd of people anxiously clutching documents, until the doors opened at 8:00. Security guards let in the first 60 or so people to wait in the air-conditioned lobby. I chatted with an immigration lawyer who is married to a friend of mine. She told me one of her former clients did the brick work in the lobby; he was never expecting to find himself back in the building under threat of deportation, but that's what happened. That's the kind of thing that has been happening to more and more New Yorkers lately.

The backlog in the immigration courts has been growing for the past decade, and pending cases have increased by nearly 50 percent nationally since Donald Trump became president. There are now more than 900,000 people waiting for their day in court, the majority of them waiting for a judge to decide whether or not they will be

deported. Less than 5 percent of removal cases are based on a criminal conviction. Most of the rest are civil immigration cases, like crossing the border illegally or overstaying a visa. Asylum seekers' claims are also heard in this court. About half of new immigration cases last year — 159,590 — involved asylum seekers.

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One of the guards in the lobby seemed frustrated. “Move!” he shouted to a group of people confused about where exactly they were supposed to move to. Then he muttered, “God, everybody is asleep. What is this, La La Land?” Surely he wasn’t referring to the movie: There was far too much tension in that lobby for anyone to break into song. I get it. It’s a tough job, shepherding overheated, nervous immigrants and the families of the detained.

Unlike other courts, immigration court does not provide legal counsel if you’re unable to afford it. I know how complex and unwieldy the immigration system is. I’ve got my immigration lawyer on speed dial, even though she’s on maternity leave. Nationwide, just 14 percent of detained immigrants have legal counsel. That’s where my city shines: The New York Immigrant Family Unity Project is the nation’s first public defender system for immigrants facing deportation. It’s been funded by the New York City Council since 2014 and provides a free attorney to almost all detained indigent immigrants facing deportation at Varick Street.

Those attorneys though? They are really up against it. I went through the metal detector machine and took an elevator to the courtrooms on the 11th floor. The place has the feel of any other court, but that’s misleading: It’s not part of the judicial branch; it’s under the Justice Department. At first this confused me, but it’s been that way for a long time. The Executive Office for Immigration Review, which runs the courts today, was created to do so in 1983; previously they were under the Immigration and Naturalization Service, also overseen by the Justice Department. The American Bar Association, immigrant rights groups and even some immigration judges have repeatedly asked for independence so the courts can stop being used politically, but to no avail. Today, the Trump administration controls them.

I thought about that while I sat on a bench in the courtroom, next to toddlers wearing their hair in ribbons, staying as quiet as possible and waiting to see their parents, who filed in wearing orange jumpsuits, their wrists shackled to their waists. State and federal criminal courts also put shackles on defendants, but they are usually removed during trial to avoid prejudicing a jury. No such courtesy is offered to immigrants. They stay shackled the whole time, unable to sit comfortably or wipe their face as they recount the worst moments of their lives in their home country, asking for a stay of deportation, pleading for a chance to resume their life here in America.

I sat in on a couple of hearings that morning and saw some judges treat immigrants humanely and politely, looking directly at them and explaining what was happening, even wishing them luck before adjourning. I saw other judges treat immigrants like parts on an assembly line. But judges are operating within the rigid and outdated confines of immigration law, and these days they’re under more pressure than ever before. Since last October they’ve had to work under a quota system, requiring them to “complete” 700 cases each year. Judge Ashley Tabaddor, the president of the National Association of Immigration Judges, told CNN that “It’s another representation of the improper use of the court as an extension of the law enforcement policies of the executive branch.”

As I left the courtroom I glanced at my phone, and saw reports of more overcrowding at the border in Texas. It’s difficult to bear the news, to know that there are children looking after babies and sleeping, hungry, on concrete floors. But cruelty can take many forms. A person who happens to be born elsewhere can have their rights

stripped away in a detention camp or a courtroom. There is an entire system of brutality against immigrants in this country, some parts are new and shocking, other parts are quieter — and they’ve have been here all along, even in my beloved New York.

Walking back to the subway through The Village, I stopped to look at the menu of a hipster cafe with a \$24 steak and eggs breakfast. Extraordinary to think that this place exists just around the corner from 201 Varick St. “New York is peculiarly constructed to absorb almost anything that comes along,” E.B. White wrote in “Here is New York,” and it does so “without inflicting the event on its inhabitant; so that every event is, in a sense, optional, and the inhabitant is in the happy position of being able to choose his spectacle and so conserve his soul.” To conserve our souls, immigration court is a spectacle we must choose to look at.

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