



# NOTICE OF CALIFORNIA LAW REGARDING CIVIL ARRESTS AT COURTHOUSES

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The purpose of this document is to inform federal immigration officials of California law governing civil arrests in courthouses, and which law is applicable under the January 21, 2025, interim guidance of Immigration and Customs Enforcement (“ICE”).

## California Law

California Civil Code section 43.54 states that “[a] **person shall not be subject to civil arrest in a courthouse while attending a court proceeding or having legal business in the courthouse** [emphasis added].”

## ICE Interim Guidance

On January 21, 2025, the acting director of ICE issued “Interim Guidance: Civil Immigration Enforcement Actions in or Near Courthouses.” The interim guidance states:

- ▶ **“ICE officers or agents may conduct civil immigration enforcement actions in or near courthouses** when they have credible information that leads them to believe the targeted alien(s) is or will be present at a specific location, and **where such action is not precluded by laws imposed by the jurisdiction in which the enforcement action will take place** [emphasis added].”
- ▶ “ICE officers or agents must coordinate with the relevant local Office of the Principal Legal Advisor (OPLA) office before conducting enforcement actions in or near courthouses to determine whether jurisdiction-specific legal limitations apply.”
- ▶ “ICE officers and agents should generally avoid enforcement actions in or near courthouses, or areas within courthouses that are wholly dedicated to non-criminal proceedings (e.g., family court, small claims court).”
- ▶ “When an enforcement action in the above situations is operationally necessary, the approval of the respective Field Office Director (FOD), Special Agent in Charge (SAC), or his or her designee is required prior to conducting the enforcement action.”