

April 7, 2026

To the Honorable

The Tennessee Immigrant and Refugee Rights Coalition (TIRRC) and the American Civil Liberties Union of Tennessee (ACLU-TN) write to express serious concerns regarding an intensifying pattern of civil immigration arrests inside courthouses in Middle Tennessee.<sup>1</sup> We respectfully urge the adoption and enforcement of policies prohibiting civil immigration arrests in Tennessee courthouses and inside courtrooms, absent a judicial warrant or in other extraordinary circumstances approved by the court. The presence or threat of such arrests at places dedicated to the fair administration of justice undermines public confidence in the judiciary, deters litigants, witnesses, victims, and family members from appearing, and interferes with the courts' core obligation to provide equal and meaningful access to justice.

Under Tennessee Code Annotated § 16-1-102, every Tennessee court has broad power to maintain order near its proceedings, control persons connected with judicial proceedings, and control its own process and orders. Furthermore, the Tennessee Constitution guarantees that "all courts shall be open" and that every person shall have a remedy by due course of law.<sup>2</sup> Tennessee courts exist to provide a forum in which all persons may seek redress, defend their rights, and participate in judicial proceedings without intimidation. This protection extends beyond state law alone, finding further grounding in the federal Constitution itself.

The First<sup>3</sup> and Fourteenth<sup>4</sup> Amendments to the United States Constitution protect access to state courts. The right to access courts is a fundamental right,<sup>5</sup> and one that protects and ensures other

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<sup>1</sup> See Anita Wadwhani, *ICE's Latest Focus in Tennessee: Traffic Court*, TENNESSEE LOOKOUT, (Nov. 24, 2025, 5:00 AM), <https://tennesseelookout.com/2025/11/24/ices-latest-focus-in-tennessee-traffic-court/>; Caleb Wethington, *ICE arrests at Wilson County, Robertson County courthouses spur backlash from local immigration group*, WSMV (Mar. 24, 2026, 4:48 PM), <https://www.wsmv.com/2026/03/24/ice-arrests-wilson-county-robertson-county-courthouses-spur-backlash-local-immigration-group/>; Andy Humbles, *ICE detains 6 in Wilson County outside courtrooms, bringing reaction*, TENNESSEAN (Mar. 26, 2026, 9:51 AM), <https://www.tennessean.com/story/news/local/wilson/2026/03/25/ice-detains-six-outside-wilson-county-tn-courtroom-draws-reaction/89307118007>; Kendall Ashman, *Apparent ICE arrests caught on camera in Robertson County*, WKRN (Mar. 25, 2026, 6:15 PM), <https://www.wkrn.com/news/local-news/apparent-ice-arrests-caught-on-camera-in-robertson-county/>.

<sup>2</sup> See Tenn. Const. Art. I § 17; *Lynch v. City of Jellico*, 205 S.W.3d 384, 393-94 (Tenn. 2006); see *Harrison v. Schrader*, 569 S.W.2d 822, 827 (Tenn.1978); *Scott v. Nashville Bridge Co.*, 223 S.W. 844, 852 (Tenn. 1920).

<sup>3</sup> U.S. CONST. Amend. I; *California Motor Transp. Co. v. Trucking Unlimited*, 404 U.S. 508, 510 (1972).

<sup>4</sup> U.S. CONST. Amend. XIV, § 1; *M.L.B. v. S.L.J.* 519 U.S. 102, 120 (1996) (citing multiple equal protection and due process cases).

<sup>5</sup> *Tennessee v. Lane*, 541 U.S. 509, 533-34 (2004).

core constitutional rights like due process<sup>6</sup> and equal protection of the law.<sup>7</sup> The Supreme Court has recognized that “the unhindered and untrammelled functioning of our courts is part of the very foundation of our constitutional democracy.”<sup>8</sup> But courts cannot operate fairly or effectively when people feel unsafe on their premises.

When people reasonably fear that entering the courthouse may result in a civil immigration arrest, many will stay away altogether. The United States Supreme Court has long recognized that the Due Process Clause protects noncitizens who are physically present in the United States because they are “persons” within the meaning of the Constitution.<sup>9</sup> And the Court has made clear that states may not, consistent with equal protection, create unjustified barriers that effectively deny noncitizens access to important legal institutions and processes.<sup>10</sup>

Courthouse arrests of litigants and witnesses disrupt the efficient and orderly administration of justice, chill public access to the legal system, and undermine public safety. For these reasons, a number of courts across the country have taken steps to limit civil immigration arrests at or near courthouses. For example, courts have adopted rules that prohibit civil immigration arrests on courthouse property absent a judicial warrant;<sup>11</sup> limit information sharing between court staff and federal immigration enforcement authorities,<sup>12</sup> and prevent court personnel from engaging in gratuitous inquiries into immigration status.<sup>13</sup>

Tennesseans from every walk of life rely on our state court system to resolve disputes, seek protection, and respond to government allegations of wrongdoing, from the most minor to most serious offenses. All should be able to access their day in court without fear, favor, or external interference.

Tennessee’s courthouses must remain places where the rule of law is administered fairly and where all persons can appear without fear that participation in the state judicial process will expose them to federal civil immigration arrest. A clear judicial directive limiting such arrests is necessary to protect court access, preserve public trust, and uphold the constitutional principles

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<sup>6</sup> *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).

<sup>7</sup> *See Bearden v. Georgia*, 461 U.S. 660, 665 (1983).

<sup>8</sup> *Cox v. Louisiana*, 379 U.S. 559, 562 (1965) (citing *Wood v. Georgia*, 370 U.S. 375, 383 (1962)).

<sup>9</sup> *See Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *Mathews v. Diaz*, 426 U.S. 67, 77 (1976); *Wong Wing v. United States*, 163 U.S. 228, 238 (1896).

<sup>10</sup> *See Plyler v. Doe*, 457 U.S. 202, 210 (1982); *Yick Wo v. Hopkins*, 118 U.S. 356, 369 (1886).

<sup>11</sup> *See, e.g.*, Cook County Court System General Administrative Order No. 2025 - 10; Franklin County, Ohio Court of Common Pleas, L.R. 111; Oregon Uniform Trial Court Rule 3.190(1).

<sup>12</sup> Franklin County Ohio Court of Common Pleas, L.R. 112.

<sup>13</sup> *Id.*



reflected in article I, section 17 of the Tennessee Constitution and the Due Process and Equal Protection guarantees of the United States Constitution.

In light of these concerns, we respectfully request the presiding judges of Tennessee's judicial districts exercise their authority under T.C.A. § 16-2-509 and take steps to adopt, implement, and enforce policies providing as follows:

1. No civil immigration arrests should be permitted inside courtrooms, in courthouse hallways, lobbies, clerk's offices, entryways, or other areas necessary to access judicial services, except pursuant to a judicial warrant or express authorization from a court based on extraordinary circumstances.
2. Court personnel should not facilitate civil immigration enforcement activities that would deter court users from appearing, including by granting informal access to nonpublic areas, sharing calendaring or location information for enforcement purposes outside ordinary legal process, inquiring into an individual's immigration status unless required by law, or delaying proceedings to enable a civil immigration arrest.
3. Judges should ensure that all litigants, witnesses, victims, and attorneys are able to enter, participate in, and leave court proceedings without civil immigration interference that undermines safety, or the orderly administration of justice.
4. Each judicial district should issue clear written guidance to courthouse staff and security personnel confirming that preserving open courts, due process, and equal access to judicial proceedings is a core judicial responsibility.

We respectfully urge you to adopt district-wide policies that prevent civil immigration arrests at courthouses, and inside courtrooms, and that affirm the judiciary's commitment to equal and meaningful access to justice for all.

Thank you in advance for your attention to these issues. We would be happy to meet with you at any time to discuss our concerns.

Sincerely,

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