

# THE GUARDIAN

## Inside Trump's secretive immigration court: far from scrutiny and legal aid

**Exclusive:** the remote LaSalle detention facility is part of Trump's attempt to fast-track deportations. A visit reveals a hastily arranged setup beset by flaws

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Behind two rows of high fencing and winding coils of razor wire, and surrounded by thick forest in central Louisiana, hundreds of miles from the nearest major city, stands a newly created court the [Trump administration](#) hopes will fast-track the removal of undocumented immigrants.

Hearings take place in five poky courtrooms behind reinforced grey doors where the public benches, scratched with graffiti, are completely empty. There is no natural light. The hallways are lined with detainees in yellow jumpsuits awaiting their turn before a judge. The five sitting judges were quietly flown in by the US justice department from cities across the United States and will be rotated again within two weeks.

### 'They treat everyone like criminals': US asylum fails reporter fleeing Mexico

Martín Méndez Pineda thought the US would protect him after months of threats, but instead found conditions worse than what he was aiming to escape  
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This is the LaSalle detention facility that, since March this year, has been holding removal proceedings for hundreds of detained migrants in courtrooms adjoining a private detention center, which incarcerates more than 1,100 men and women and has the [highest number of prisoner deaths](#) of any in America [over the past two years](#).

The new setup is part of Donald Trump's attempts to ramp up deportations by [vastly expanding the arrest powers of federal immigration enforcement](#) and prioritising [more vulnerable groups of detained migrants](#) in new court locations around the country. It has received little scrutiny since [its introduction](#) following a presidential order in January, and the Guardian is the first news organisation to observe proceedings here.

Inside courtroom No 2, during proceedings last Wednesday, Judge Arwen Swink, who usually sits in San Francisco, presided over a crowded morning docket. In an indication of the hastily

arranged nature of the setup, the judge's name was printed out on a piece of paper and stuck to a door behind her, the courtroom also functioning as a makeshift office, complete with a photocopier and in-trays attached to the wall.

Marcos Ramirez Jr, sat alone before the judge, listening through a headset as a translator interpreted proceedings in Spanish. The court heard how the Guatemalan national had lived in America for almost four decades after crossing the border into the US in 1980. He had been with his wife in Alabama for 15 years and had no criminal history.

In April, Ramirez was apprehended by law enforcement for allegedly driving recklessly and without a license. The charges were enough to see him transferred to immigration detention. At a hearing earlier in May, he had been offered a bond of \$7,000 but told the court on Wednesday he had no ability to pay it.

"It has been two weeks since I heard from my wife," he said, his head cradled in his hands. "She has stage three cancer." Ramirez had no idea if she was now in hospital or, by extension, whether she was alive or dead.

As things stood, without the money to pay for his bond, he would remain in detention until his full hearing, known as a merits hearing, where his chance of being ordered to be deported was much higher than if he had been released on bond and gone to trial at another non-detained court, according to [studies of official data](#).

This building is operated by the Department of Homeland Security (DHS) and had never functioned as a court. Before March, the five rooms were used for video conferencing, allowing detainees to appear via video-link in preliminary hearings at [an established immigration court](#) (that now technically administers the court at LaSalle) in the small city of Oakdale 90 miles away.

A court room at the LaSalle detention facility. Photograph: Whiteconst.com

Lawyers and advocates say the new system increases the risk of due-process violations as cases move more rapidly through the system, at a remote venue that already has the lowest rate of legal representation for detainees in the US. The union representing immigration judges, meanwhile, argues that reassigning judges from around the US where courts are already chronically overburdened is simply a waste of resources.

The justice department's executive office for immigration review (EOIR), which administers America's immigration courts, declined to respond to a list of detailed questions about the new court.

The Guardian was also prevented from viewing the LaSalle court's public docket, which had previously been printed out and displayed outside the courtrooms but removed on the day of the visit. The Guardian was instructed by a court officer, employed by private security firm GEO Group, that court clerks and administrative staff – public employees – would not take any

questions for clarification. This meant that basic fact-checking, including the spelling of detainees' names, could not always be completed.

## Deportation without representation

In a number of ways, Ramirez's story was typical of many of the 43 cases brought before judges that day.

Numerous hearings observed by the Guardian last Wednesday involved people who had been apprehended by law enforcement after allegedly committing minor traffic offenses. One individual, Osmani Radiya, appearing before Judge Patrick Savage, also on detail from San Francisco, had been arrested after accidentally reversing into a parked van allegedly under the influence. The father of three, two of his children US citizens, had no driver's license or insurance documents and wound up in detention facing deportation.

Another, 21-year-old Diego Garcia, who appeared before Judge Margaret McManus (detailed from New York), had been picked up in Arkansas after driving without a license and providing a false name to police. "I'd like to apologise for what happened, it won't happen again," Garcia told the court. Both men were granted bond.

This fast-track system is now being backed up by less dangerous people ... It's not a very smart or precise

*Paul Scott, immigration attorney*

In the Trump administration's first 100 days the number of immigration arrests [have soared](#), with the sharpest increase among those with no criminal record. The LaSalle detention facility, which holds both men and women, serves as a major hub for arrestees from many of the southern states.

Paul Scott, an immigration attorney who has represented clients detained at LaSalle for nine years, characterised the new system as "taking a large mallet and trying to hit a small nail".

"This fast-track system is now being backed up by less dangerous people who actually might have stronger cases [for relief from removal]," he said. "It's not a very smart or precise plan."

While the administration may have ramped up arrests, the number of people it has actually been able to deport has [remained relatively consistent](#) with the past two years of the Obama administration.

But Ramirez's case was also typical in another manner: he had no lawyer representing him.

In US immigration courts, respondents have no right to a public attorney as the proceedings are administrative, not criminal. Those without representation, [recent statistical analysis shows](#), are far more likely to be removed from the US than comparable cases where a lawyer is assigned.

According to data [gathered by the Southern Poverty Law Center](#), only 6% of detained immigrants brought to the Oakdale court between 2007 and 2012 (which during this period heard cases from LaSalle) had attorneys. This marked the joint lowest rate of representation at any immigration court in the US.

Just a handful of private lawyers like Scott currently serve clients in the LaSalle detention facility and some argue that the creation of the new court, coupled with the recent mothballing of the only pro-bono legal service working with LaSalle detainees, could mean the rate of representation is now lower than it was before.

Scott, who practices in the city of Baton Rouge more than 150 miles away, said in many cases under the new setup, detainees have been brought into proceedings within two days of their arrival at the detention center, making it almost impossible to receive advice from an attorney.

## **One prison, two realities: detainees suffer, but locals say it keeps a poor town afloat**

For residents of small-town Eloy, Arizona, the local prison is a critical source of jobs and tax money, but for detainees it's a world of misery and neglect  
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“Of course, nobody wants to be detained longer than they need to be, but before, in the Oakdale court, they might have had maybe 10 days or so [before a first appearance], which gave their family time to find a lawyer and intervene on their behalf. Now, sometimes, their family members don't have time to find a lawyer for them because they don't even know where they are being held.”

As a result, Scott said he had more frequently come into contact with potential clients who had already abandoned their case before obtaining legal advice. In many instances the individuals would have been eligible for bond but were deported instead after revoking their rights to fight in court.

On Wednesday, a number of detainees in preliminary hearings, known as master calendars, complained to judges they had not been given enough time find a lawyer.

In one hearing before Judge Savage, a detainee said he was not even aware if he had an attorney. “I called all the pro-bono ones but couldn't get through,” he said. Adding: “I am afraid to go back to Mexico.” His merits hearing was then set for 19 June – just 20 days away. He was asked to complete an asylum application, which often take months, in that time.

## **‘I’m not sure how things work’**

There are also structural issues in the LaSalle court that have led to due-process concerns affecting even those who have lawyers.

Philip Hunter, a trial attorney from Scott's firm, was the only defense counsel physically present in the court at any point during the day on Wednesday. Dressed in a sharp navy suit and clutching a file bursting with papers, the 26-year-old visits the facility once a week.

The new court, he said, is fraught with technical flaws that make it tougher to act on behalf of clients and to ensure smooth running of the judicial process: broken fax lines make it hard to send and receive documents, teleconferencing systems often fail when a lawyer is patched in remotely, and there are chronic difficulties contacting prosecutors who have no direct phone lines at the new venue.

In two cases observed by the Guardian on Wednesday, individuals claimed to have paid their bonds days ago – meaning they should already have been released from detention – but had not had their money accepted into the system.

“I’m not sure how things work at LaSalle,” Judge Savage conceded as a DHS prosecutor was forced to admit she too did not know what was going on. (Government lawyers, like judges, have also been detailed from other locations.)

Hunter said it appeared that government attorneys were now briefed with fighting cases more aggressively than they ever had been before, contesting bonds, pursuing shorter timeframes between hearings. “They fight everything now,” he said.

But perhaps the most fundamental issue is the constant rotation of judges. Cases here are rarely, if ever, heard by the same judge through to conclusion – meaning judges are not well versed in the individuals before them as proceedings begin. The rotating jurists also operate from different case law precedents.

As a result, the behaviour of the new court is harder to predict, making preparation more difficult. On some occasions judges flown in from non-detained courts approve bond for clients that Hunter would never have expected. In others, the reverse occurs.

“It’s a tossup,” said Hunter. “Every time you go to court there’s a new judge. You don’t know what they’re going to do because you’ve never had them before and you don’t know who they are until you turn up in court.”

EOIR did not respond to questions about any of the due-process concerns or technical issues at LaSalle. The department also declined to answer questions over how many cases had been heard by judges at LaSalle, which other locations judges had been flown in from, and how long the court was due to stay open. But the Guardian understands that the venue will remain open until at least August and that judges from a variety of other cities, including Houston, Los Angeles, Atlanta and Arlington, have been flown into the facility so far.

Dana Leigh Marks, president of the National Association of Immigration Judges, shared some of the due-process concerns articulated by lawyers operating at LaSalle, describing the conditions as “extremely challenging” for detailed judges.

But the union is also frustrated that judges from courts that are already massively overburdened are being pulled away from their own dockets to serve in LaSalle and other venues where the backlog is tiny in comparison.

US Immigration courts are currently experiencing the highest buildup of cases on record. According to statistics [published by Syracuse University's Transactional Records Access Clearinghouse](#) there are almost 600,000 pending cases before immigration judges across the US. The immigration court in New York, where judge McManus was flown from, has over 77,000 pending cases. In San Francisco, where judges Swink, Savage and Dalin Holyoak – another judge detailed to LaSalle on Wednesday – are from, the average wait time is 1,113 days, meaning that some hearings are being scheduled for July 2022. In contrast, the average wait time at LaSalle is now 46 days, substantially less than last year.

Marks added that the justice department has been less than forthcoming with information about [which newly created courts](#) – referred to by the union as “executive order courts” – are still receiving detailed judges.

“The program has been rolled out in a manner that has not provided a lot of access to information,” she said.

Recently, the justice department [ended judge details at two family detention centres in south Texas](#), conceding that the dockets were too small to justify their presence. The Guardian has established that four judges are still being rotated to another remote detention facility, the Otero County processing center in New Mexico. The venue had never operated courts before and immigration lawyers there articulated many of the same due-process concerns as those at LaSalle. A [newly created court for detainees in Chicago](#) is also holding hearings.

## **‘Everyone is getting sick’**

The LaSalle facility has long been associated with poor standards of care and detainees regularly reported substandard medical attention to [researchers at the Southern Poverty Law Center](#).

Stood in the corridor outside the courtrooms, bathed in intense artificial light, 26 year-old Carlos Vargas dreaded his return to the facility. The Honduran, a client of Hunter's, was one of those picked up in what he described as a “bullshit traffic stop” in Alabama. He said he was on a wing of the facility with 100 people sharing just three toilets. The food, he said, “is disgusting ... everyone is getting sick”.

“It's just really stressful. This is my whole life.”

Vargas's experiences are not uncommon, according Jeremy Jong, an immigration attorney who up until recently worked on the only pro-bono legal program servicing the detention center.

“Time and time again, you hear from your clients that conditions there are horrible and brutal,” Jong said. “Detention there drives a lot of people crazy, to the point where a lot of people would

rather go [back] to a place that they know is dangerous, where they have no family, where they might be tortured.”

Ice spokesman Thomas Byrd said the facility was subject to regular inspections and “has repeatedly been found to operate in compliance with Ice’s rigorous detention standards”. Ice was not able to comment on Vargas’s individual allegations.

Back in courtroom number two, Judge Swink suggested Marcos Ramirez Jr may be eligible to complete a 42B form, which could cancel the removal proceedings against him if he were able to prove “good moral character”, given he had no prior convictions.

Ramirez, however, felt he was simply unable to carry on pursuing his case. “I just can’t stand being incarcerated anymore,” he told the court in softly spoken Spanish. “Can I please just have my deportation?”

There was a moment’s silence as Judge Swink weighed up the options. Ramirez stared towards the floor.

The Guatemalan was eventually granted voluntary departure, meaning he would have to leave the US within 20 days but would not have a deportation recorded on his record.

It was a small blessing. He stood from the chair, smiled at the judge and was escorted out of the room. The court broke for lunch.

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<https://www.theguardian.com/us-news/2017/jun/07/donald-trump-immigration-court-deportation-lasalle>