

# New Trump administration policies fast-track some children's immigration court hearings, including video pilot in Houston

[Lomi Kriel](#) March 3, 2020 Updated: March 4, 2020 6:02 p.m.

Local // Houston



In this Dec. 11, 2018 file photo, an asylum-seeking boy from Central America runs down a hallway after arriving from an immigration detention center to a shelter in San Diego. Advocates say the Trump administration is now fast-tracking the legal proceedings of thousands of immigrant children in its care, including unveiling a pilot program in Houston. Photo: Gregory Bull, STF / Associated Press



In this July 17, 2019 file photo, migrant children sleep on a mattress on the floor of the AMAR migrant shelter in Nuevo Laredo, Mexico. The Trump administration is now fast-tracking the legal proceedings of thousands of immigrant children in its care, including unveiling a pilot program in Houston to stream their hearings through video  
Photo: Marco Ugarte, STF / Associated Press



3of6Staff help immigrants make calls to family at the U.S. government's newest holding center for migrant children in Carrizo Springs in July 2019. The Trump administration is now fast-tracking the legal proceedings of thousands of immigrant children in its care, including unveiling a pilot program in Houston to stream their hearings through Photo: Eric Gay, STF / Associated Press

President Donald Trump's administration is fast-tracking the legal proceedings of thousands of immigrant children in its care and unveiling a pilot program in Houston to video stream their hearings — a move advocates say will jeopardize their asylum cases and speed up deportations.

Immigration judges also have been instructed to decide the fate of detained children within 60 days, a significantly tighter time frame than usual.

Advocates for children say the government is trying to ram their cases through the courts to expedite their deportations while they are in government custody. Children in federal shelters usually either come here

alone to join their family or traveled with relatives who are not their parents.

Unlike in the criminal justice system, the government does not provide attorneys to immigrants facing deportation if they cannot afford them so children often represent themselves in court. If they are released and reunited with family, however, they are far more likely to obtain legal counsel and qualify for protection.

"These policies are evidence that the Trump Administration is doubling down on its extraordinary efforts to stack the deck against unaccompanied children through policies that decimate basic protections in their immigration proceedings," said Wendy Young, president of Kids In Need of Defense, a group that represents immigrant children in court, [in a statement](#). "Together, these new policies essentially slam the door on due process and a chance for these unaccompanied kids to seek protection in the United States."

The Executive Office for Immigration Review, an arm of the Justice Department overseeing immigration courts, declined to provide details on the video pilot or explain the 60-day deadline — guidance that was emailed to immigration judges in January.

The agency "constantly monitors its caseload nationwide and shifts resources to meet needs in the most efficient manner possible," Rob Barnes, a spokesman for the office, said in a statement. "EOIR remains committed to ensuring that all who come before its courts will receive due process and a timely and fair adjudication, the outcome of which is based on the law."

[The White House has said](#) it trying to reduce a [record immigration court backlog of more than 1.1 million cases](#), which means migrants can stay in the United States for years before their fate is decided. The administration

has hired more immigration judges, imposed [quotas for how many cases](#) they must decide a year and [limited tools jurists have to take cases off their dockets](#).

The new video conferencing program for detained minors would begin March 9 and last for at least two months, with children appearing in a Houston court room and their testimony streamed to an Immigration and Customs Enforcement prosecutor and Judge Sirce Owen in Atlanta. Former Attorney General Jeff Sessions appointed [Owen, previously deputy chief counsel for the Department of Homeland Security](#), as an assistant chief immigration judge in 2018. She oversees three of the [toughest immigration courts for asylum applicants](#) in the country.

"We are very concerned for many reasons," said Zenobia Lai, legal director of the Cabrini Center for Immigrant Legal Assistance with Catholic Charities of the Archdiocese of Galveston-Houston.

Many of the children her group represents in Houston speak indigenous languages and barely understand Spanish. Translators must be dialed in telephonically, rather than interpreting alongside the judge in court. Hearing and understanding them can be difficult—even without streaming the proceeding via video.

"It is difficult for them to really understand what is happening even in person and now, on top of that, they'll just have some voice through the television and not be able to see what's going on in the court room," Lai said.

It is hard for children to articulate why they need protection even when they physically appear before the judge. Jurists often rely on body language to deduce if children fear returning home.

"Now their body language won't be registered," Lai said.

The government over the last year has [ramped up the use of video-enabled immigration court trials for adults](#) across the country. The system is often plagued by technical problems, from poor audio and pixelated screens to slow connections, advocates said. Children are far less likely to understand what is happening.

"This is deeply concerning, given what we know about how kids' brains work," said Jennifer Nagda, policy director for the Young Center for Immigrant Children's Rights, which provides guardians ad litem to migrant children.

Child advocates fear the Houston pilot signals a forthcoming national program that would hear all detained children's cases remotely through the technology.

[A 2015 University of California, Los Angeles study](#) found adults who appeared via televideo conferencing in immigration court were far more likely to be ordered deported than those who appeared in person before a judge.

"That is with adults. Imagine the dire differences with children," said American Bar Association President Judy Perry Martinez. "What is about to happen in Houston commencing next Monday ... is wrong. It will hurt children and is contrary to the American notion of justice."

Ashley Tabaddor, president of the National Association of Immigration Judges, called the pilot a "pretty big departure" from standard practice.

"It has generally been recognized that judges should see children in person," she said.



A 2018 program hearing the cases of some children who sought deportation through video technology was quickly abandoned after it emerged a "complete disaster," Tabaddor said. Many minors were wrongly identified as wanting to return home and the initiative was inefficient, with technological and logistical difficulties dragging cases out.

"If you're deciding whether someone should stay or go it is much more problematic to not have a child, especially one not represented by an attorney, appear in person," Tabaddor said.

Combined with the renewed pressure to complete cases in 60 days, judges are "between a rock and a hard place," she said.

The administration has also implemented two additional changes making it more difficult for detained migrant children.

Previously prosecutors would wait at least a month before filing notices for children to appear in immigration court. That allowed time for them to be processed in federal shelters and contact their relatives. Now the government in Houston and Phoenix is filing that documentation within days of children's arrival, speeding up their cases and reducing the time they have to find a lawyer.

ICE did not respond to questions about that policy change.

Federal shelters for children run by the Office of Refugee Resettlement also previously transported children in its custody to appointments with their lawyers, but have stopped that practice — likely denting the pool of pro bono lawyers who can drive to faraway federal shelters and meet with their juvenile clients.

The agency did not return an email inquiring about the termination of that

practice.

Three out of four children with lawyers were able to legally remain in the United States during a 2014 influx of Central American minors compared to 85 percent of those without legal representation who were deported, [according to an analysis of federal data](#) by the Transactional Records Access Clearinghouse at Syracuse University.

The administration's changes this month come as the number of children detained by the government has dropped 70 percent since March 2019 to about 3,600. The amount coming here has steadily plummeted from [a peak of 11,500 last May](#) during a surge of Central American families at the border to [nearly 2,700 in January](#).

The White House since last summer has implemented a range of initiatives at the border, [all but curtailing access to asylum and allowing few adult migrants to enter the United States](#) and seek protection. But federal law and a legal settlement intended to shield children means the administration cannot prevent minors from requesting asylum.

While the government's policies have effectively closed off the southern border to adults, it has not been able to block children, said Sarah Pierce, a policy analyst at the Migration Policy Institute, a think tank in Washington D.C.

"As a result they are trying to do everything they can to tighten that process and speed up kids' adjudication," Pierce said.

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