

## IMMIGRATION

# CBP's explanation for writing fake court dates on migrants' paperwork doesn't make sense, lawyers say

- You may call the immigration court at 1-800-898-7180 to obtain case status information 24 hours a day, 7 days a week. If you are calling from outside of the United States, you should dial 001-880-898-7180.

You should arrive at the port of entry listed above at 4:30 (a m) p.m. on 6 Dec 2019 to ensure that you have time to be processed and meet with attorney or accredited representative (if you arrange to be represented during your removal proceedings). If you fail to arrive at the appropriate time, you may be ordered removed in absentia.

- When you arrive at the designated port of entry for your hearing, you should bring your Notice of Hearing in Removal Proceedings and any available government-issued identification and/or travel documents.
- When you arrive at the designated port of entry for your hearing, you should bring any minor children or other family members who arrived with you to the United States and received an NTA for the same date and time, unless otherwise instructed by a U.S. immigration judge.
- You should also bring your possessions with you in the event you are granted relief and allowed to remain in the United States or are ordered removed from the United States and become subject to removal to your country of origin.

You have the statutory privilege of being represented by attorney or accredited representative of your choosing who is authorized to practice before an immigration court in the United States, at no expense to the U.S. Government.

- You were previously provided with a List of Legal Service Providers, which has information on low cost or free legal service providers practicing near the immigration court where your hearing(s) will take place.
  - A list of legal service providers is also available on the Executive Office for Immigration Review website at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>.

  
Signature

22-Oct-19

This document with a fraudulent Dec. 6 court date was sent to a Cuban asylum seeker in Brownsville, Texas even though she was granted asylum on Oct. 23.

Documents show that CBP agents are writing false court hearing dates on paperwork to send migrants back to Mexico under the Migrant

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On Tuesday, five days after the San Diego Union-Tribune reported that U.S. border agents [wrote fake court dates to send asylum seekers back to Mexico](#) through the Migrant Protection Protocols program, Customs and Border Patrol offered its first explanation of what happened.

Under the MPP policy, asylum seekers with court cases in the U.S. must wait in Mexico until those cases are adjudicated. The Mexican government only agreed to accept migrants who have been given future court dates.

However, records show that on at least 14 occasions, CBP agents in California and Texas sent asylum seekers who had already finished their court cases back to Mexico with a document — officially known as a tear sheet — incorrectly telling the migrants that they had future court dates.

In a written statement issued Tuesday, a CBP spokesperson said that in immigration cases, both parties have the right to an appeal and that while the appeal is pending, the proceeding is still considered to be pending. Therefore, the statement said, the date on the tear sheet is not an actual court hearing, but rather the date in which asylum seekers can check the status of an appeal.

“Tear sheets are provided to indicate a date when the individual can check in with U.S. officials regarding the status of the appeal,” the agency’s statement reads.

The statement added that, “CBP is unable to comment further,” because of pending litigation regarding the Migrant Protection Protocols program.

Immigration lawyers whose clients have been sent back to Mexico with these tear sheets, called CBP’s statement “ridiculous” and “false.”

San Diego-based lawyer Bashir Ghazialam pointed out that tear sheets themselves do not support CBP’s statement. The documents do not mention or reference an appeal, nor do they provide instructions for how to check the status of an appeal, he said.

The documents are titled, “Migrant Protection Protocols Subsequent Hearing Information,” and explicitly tell migrants that they have a future court hearing.

“At your last court appearance, an immigration judge ordered you to return to court for another hearing,” the document states. “While in court, the immigration court provided to you a Notice of Hearing in Removal Proceedings, indicating the date and time for your next court hearing before an immigration judge in the United States.”

Six of Ghazialam’s clients received these documents after their court cases were terminated and they no longer had future court appearances.

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Additionally, Ghazialam said that historically when a decision is appealed both parties can check on the status of the appeal online or by phone. So the idea of someone having a set date to check on the status of an appeal would be a novel procedure.

Other lawyers pointed out that the date on the tear sheet does not match up with the timeline to file an appeal.

In these types of cases, the government has a 30-day window to file an appeal. However, the dates on the tear sheets go well beyond that.

“It is inaccurate to suggest that the date given on the tear sheet corresponds with the time period within which to appeal,” said New York-based lawyer Rebecca Press.

Press’ client had her case terminated on Oct. 18. Therefore an appeal is due on Nov. 19. However, her client’s tear sheet showed a future hearing date of Jan. 16, 2020 — almost two months after the window to file an appeal closes.

CBP did not immediately respond to the immigration lawyers’ criticism of the agency’s statement for writing fake court dates on documents.

Press also pointed out that the Mexican government only agreed to accept migrants with future court dates — not migrants who need to check in on the status of an appeal.

“Of course, DHS is aware of this, which is why they provided a notice instructing individuals that they are required to appear before [an immigration judge] on the listed date,” she said.

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