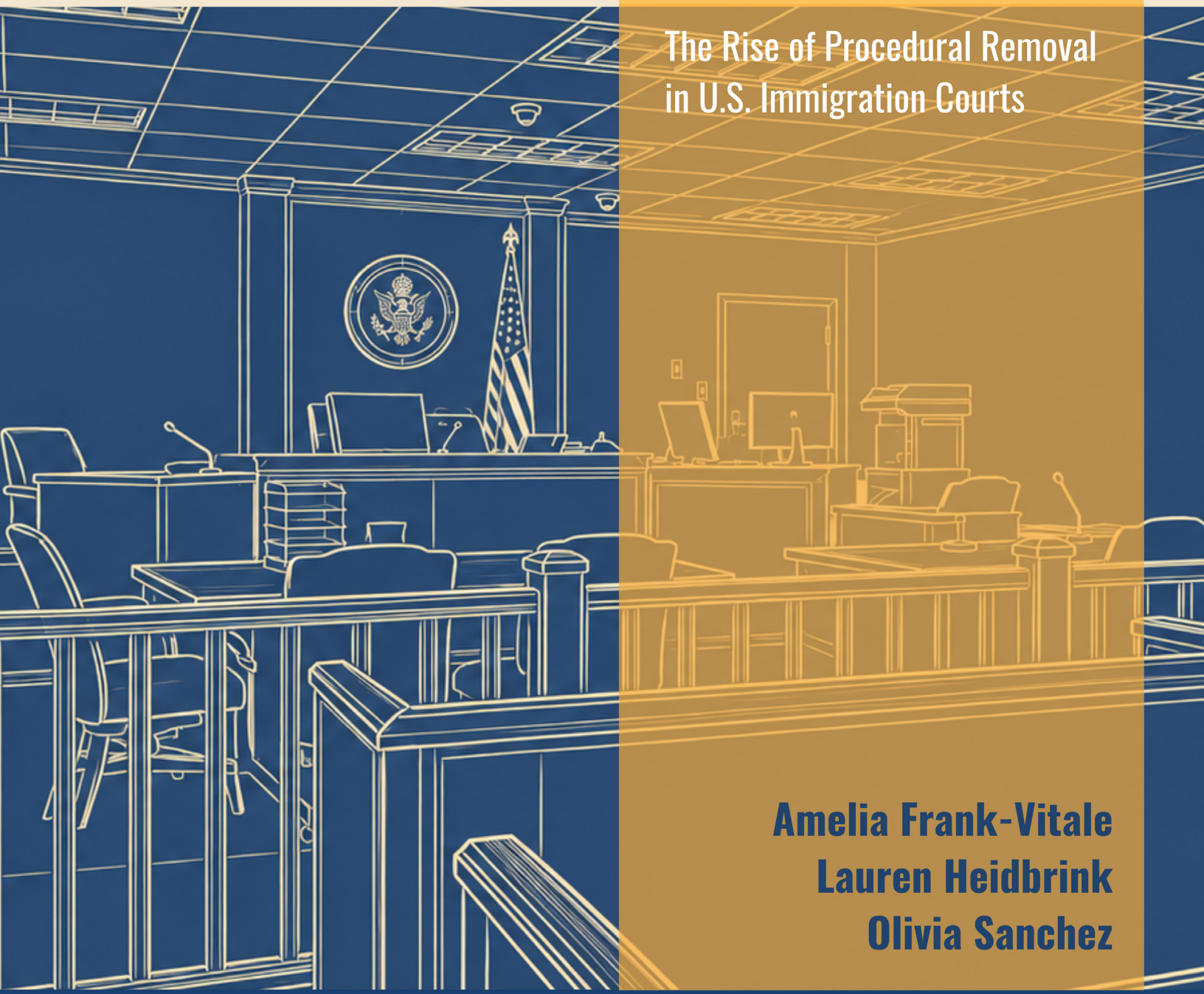
DISMANTLING DUE PROCESS

The Rise of Procedural Removal in U.S. Immigration Courts



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JUSTICE in VIEW

CONTENTS

2	Executive Summary
5	Figures
6	Introduction
10	Research Methods
12	Study Snapshot
15	Foreclosure: *In Absentia* Removal
22	Circumvention: Asylum Cooperative Agreements
29	Coercive Abandonment: Bond and Detention
36	Conclusion
38	Summary of Recommendations
40	About Justice in View
40	About the Authors
41	Acknowledgements
42	Appendix A: Acronyms
43	Appendix B: Glossary Of Terms
44	Appendix C: Pretermission and Other Procedural Barriers to Merits Hearings
46	Notes

EXECUTIVE SUMMARY

The right to seek asylum is meaningful only if people have a full opportunity to be heard. This report examines how due process in U.S. Immigration Court is being systematically dismantled as merits adjudication is being replaced by a suite of mechanisms that amount to what we call "procedural removal." Procedural removal is removal from the United States based on a process determination instead of a full and fair consideration of the facts of a person's claim to relief. Rather than determining who qualifies for protection, immigration judges now decide who will even reach a merits hearing. Administrative procedure has become the mechanism that determines whether adjudication occurs *at all*.

Dismantling Due Process is the first report from *Justice in View*, a national court-watching research initiative that combines sustained ethnographic observation with Executive Office of Immigration Review (EOIR) court data. From January to August of 2026, Justice in View conducted 1,300 hours of courtroom observation across 25 immigration courts and 107 courtrooms in 13 states and Puerto Rico, documenting how due process is enacted—or denied—in everyday practice. While administrative data reveal changes in removal orders, bond decisions, representation, and case outcomes, ethnographic observation shows how courtroom procedures shape those outcomes.

The report identifies four procedural mechanisms that prevent asylum claims from reaching a merits hearing.

1. Claims are deemed abandoned through *in absentia* removal.

From February 2025 through June 2026, the national *in absentia* removal rate nearly tripled. Our observations suggest the cumulative effects of courthouse arrests, inconsistent appearance requirements, advanced hearings, and growing administrative uncertainty have driven this increase. Fear of detention discourages participation in the legal process, leaving many claims unheard.

2. Claims are foreclosed through pretermission.

Immigration judges are increasingly dismissing asylum applications before respondents receive a full evidentiary hearing. Applications that once served as the starting point for developing an asylum claim now become the basis for denying one. Alongside filing fees, abandonment findings, and compressed deadlines, pretermission forecloses protection claims before the evidence or testimony is ever considered.

3. Claims are circumvented through Asylum Cooperative Agreements

Claims are circumvented through ACAs, a particularly pernicious use of pretermission. Rather than determining whether respondents qualify for protection in the United States, ACA pretermission bars people from having their claims heard in the United States when DHS indicates an intent to transfer them under an ACA. Respondents are often required to challenge removal to countries where they have never lived, with little notice and limited time to prepare. Our observations show that ACAs narrow judicial discretion and divert asylum claims away from merits adjudication in U.S. courts.

4. Claims are coerced into abandonment through detention.

Bond denial and prolonged detention pressure respondents to abandon otherwise viable claims through voluntary departure and removal. We find that bond proceedings vary substantially across courts; many respondents denied bond have no criminal history or minor, nonviolent offenses; and detention functions as a coercive mechanism that pressures respondents to forgo their claims.

The cumulative effect of these mechanisms is to deter and deny participation in the legal process, to diminish the effectiveness of legal representation, and to shift the role of immigration judges from adjudicating the merits of asylum claims to implementing procedural barriers to relief. Together, these developments illustrate how administrative and political pressures are reshaping the U.S. immigration court system.

Policy Recommendations

Practitioners and scholars have long identified structural problems within an overburdened and underfunded immigration court system housed within the Department of Justice and therefore subject to executive-branch control. While some of the mechanisms examined here are new, the institutional structure that allows them to be implemented quickly and broadly is not. This report therefore seeks not simply to identify new practices, but to document how longstanding structural weaknesses are being intensified in real time. The current dismantling of due process may also create an opportunity for policymakers, practitioners, and researchers to pursue broader reforms that address both the immediate harms documented here and the institutional vulnerabilities that made them possible. We conclude by offering evidence-based recommendations for creating a fairer and more independent system of immigration adjudication.

Each section integrates national data with direct observations from immigration courts across the country to inform issue-specific recommendations. Collectively, these findings support four overarching recommendations aimed at strengthening due process and ensuring the fair adjudication of cases in U.S. immigration courts.

Remove the Courts from the Department of Justice (DOJ).

Congress must ensure fair and independent asylum adjudication. The critical first step is for Congress to take back the control over asylum that it ceded to DOJ and establish an independent court.

Guarantee representation for those who cannot afford an attorney.

All people in removal proceedings should be guaranteed legal representation through a system of universal representation. Given the life-or-death consequences of asylum adjudication, guaranteeing access to counsel is essential to protecting due process, ensuring fair proceedings, and promoting accurate adjudications.

Ensure a full and fair consideration of all claims.

Congress should prohibit the practice of pretermission, which ends asylum claims before evidence and testimony are fully considered, whether based on legal deficiencies, preliminary review of the application, or Asylum Cooperative Agreements.

Establish mechanisms of repair for due process violations.

People denied a full and fair hearing should receive effective remedies. Individuals whose cases were pretermitted, resolved under coercive conditions, or pretermitted under ACAs should have the opportunity to reopen their cases before an impartial immigration judge and *in absentia* orders issued under duress should be set aside.

FIGURES

Figure 1.	Immigration Court Observations Across the United States and Territories
Figure 2.	Hearing Type Snapshot
Figure 3.	Respondent Custody Status
Figure 4.	Countries of Origin
Figure 5.	Interpreter Use
Figure 6.	Most Frequently Spoken Languages
Figure 7.	Representation by Hearing Type
Figure 8.	Representation by Selected Outcomes
Figure 9.	*In Absentia* Cases: Nationally, January 2024–July 2026
Figure 10.	*In Absentia* Removal Cases Over Time: Nationally, January 2024–July 2026
Figure 11.	ACA Removal Orders by Country: Nationally, October 2025-July 2026
Figure 12.	ACA Removal Orders by Court: Dallas, Los Angeles, Chicago, and Santa Ana, October 2025-July 2026
Figure 13.	Bond Hearing Snapshot (n = 33)
Figure 14.	Bond Hearings: Grants and Denials, Nationally, January 2025–June 2026
Figure 15.	Bond Hearings: Grants and Denials, New York City, January 2025–June 2026
Figure 16.	National Percentage of Individuals in ICE Detention with Criminal Convictions

INTRODUCTION

> *"Any alien who is physically present in the United States or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters), irrespective of such alien's status, may apply for asylum"*
> - 8 U.S.C. § 1158(a)(1)

The right to seek asylum is meaningful only if people have a full opportunity to be heard. This report examines how due process in U.S. Immigration Court is being systematically dismantled through the replacement of merits adjudication with a suite of mechanisms that amount to what we call "procedural removal." Procedural removal is removal from the United States based on a process determination instead of a full and fair consideration of the facts of a person's claim to relief. Increasingly, asylum seekers never reach an individual merits hearing where they can present evidence, respond to the government's arguments, and establish their eligibility for asylum or other forms of relief from removal. Instead, claims are foreclosed, circumvented, or abandoned through procedural mechanisms without the substance of the claim ever being heard. In this emerging system, procedure not only governs asylum adjudication, but also determines whether adjudication on the merits occurs *at all*.

Immigration judges are, officially, attorney employees of the Department of Justice (DOJ). They preside over removal proceedings, in which the Department of Homeland Security (DHS) alleges that an individual is unlawfully present in the United States and has initiated proceedings to have that person removed from the country, what the public understands as deportation. There are few pathways that allow relief from removal, including asylum, withholding of removal, and cancellation of removal. While the legal thresholds for each are particular, they all impose demanding legal standards; in each, the burden rests with the respondent to establish eligibility. In this report, we mostly discuss asylum adjudication, though the procedural removal mechanisms we identify affect adjudication of other pathways to relief from removal.

Restructuring Asylum Adjudication

The changes documented in *Dismantling Due Process* are part of a broader effort by the second Trump administration to make the U.S. increasingly inaccessible and hostile to immigrants of all kinds. Since January 2025, despite a backlog of 3.6 million cases, the Department of Justice has removed approximately one in six immigration judges and expanded its use of temporary immigration judges, including Judge Advocate General (JAG) Corps attorneys, who are neither fully trained in immigration law nor in the adjudication of protection claims.[1] In addition, the administration has reduced the size of the Board of

Immigration Appeals—the highest administrative tribunal for federal immigration law—from 28 to 15 permanent members; accordingly, completion rates have declined by more than 20 percent.[2] Because immigration judges, including appellate immigration judges, are DOJ employees rather than members of an independent judiciary, these personnel changes reflect the extent of the executive-branch control over who hears protection claims and under what institutional expectations.

The transformation of immigration court is inseparable from the enforcement system surrounding it. Federal agents have intensified raids in locations previously designated as sensitive—including schools, hospitals, houses of worship, and courthouses—while operating masked, in plain clothes, without visible identification, and often without judicial warrants. As a result, compliance with legal proceedings itself has become a risk to those seeking protection. ICE detention has reached record levels, exceeding 73,000 people on a single day,[3] while 52 people have died in immigration custody in the first 500 days of the second Trump administration.[4] Simultaneously, the administration has sharply reduced congressionally approved support for legal orientations, legal representation, refugee resettlement, and services for unaccompanied children while imposing new procedural barriers, including exorbitant filing fees and expanded third-country removal schemes.[5] These developments create a coercive enforcement environment that deters individuals from seeking protection, discourages compliance with legal proceedings, and undermines the procedural safeguards necessary for fair, neutral, and accurate adjudication of asylum claims.

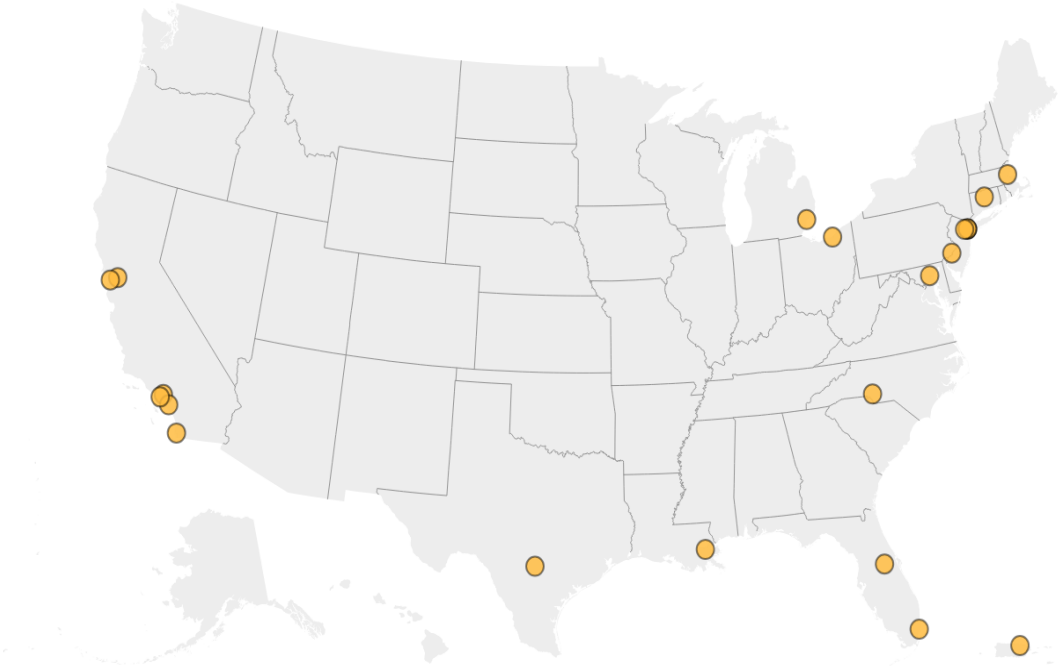
We use the term *dismantling* deliberately because the immigration court system is being hollowed out through the cumulative removal of judicial and procedural protections necessary for meaningful adjudication. This occurs through three interconnected pathways: foreclosure, circumvention, and coercive abandonment. First, claims are *foreclosed* through pretermission, abandonment findings, costly fees, compressed deadlines, and *in absentia* removal. Second, they are *circumvented* through Asylum Cooperative Agreements and other third-country removal mechanisms that replace the question of why someone fled their home country with where else the United States can send them. And third, they are *coercively abandoned* when detention, bond denial, courthouse arrests, and the threat of prolonged confinement make voluntary departure or removal appear to be the only realistic path to liberty. The role of the immigration judge is confined to managing the mechanics of removal rather than adjudicating applications for relief. Immigration courts thus retain the appearance of fairness in adjudication while steadily losing their capacity to function as independent adjudicative bodies.

Justice in View

Dismantling Due Process is the first in a series of reports from *Justice in View*, a national court-watching research initiative that mobilizes and trains a network of undergraduate and graduate student researchers to conduct sustained ethnographic observation in immigration courtrooms across the United States. From January to August of 2026, we conducted 1,300 hours of courtroom observation across 25 immigration courts and 107 courtrooms, documenting how due process is enacted—or denied—in everyday courtroom practice. We observed 3,585 hearings, which represents 1.7 percent of the 210,569 total cases heard nationally over this period. EOIR data document changes in removal orders, *in absentia* rates, bond decisions, representation, and case outcomes, while ethnographic observation is essential to understanding how administrative overreach and procedural mechanisms become substantive barriers to protection. Systematic courtroom observations reveal how government motions are presented, how judges exercise procedural discretion, and how detention, courthouse arrests, and compressed timelines influence respondents' participation in the legal process and attorneys' ability to advocate effectively.

Figure 1.

Immigration Court Observations Across the U.S. and Territories



Source: Justice in View • Created with Datawrapper

Procedural Barriers to Merits Hearings

This report focuses on the novel implementation of several procedural mechanisms that increasingly prevent asylum seekers from receiving a full evidentiary hearing on the merits of their claims. Although these mechanisms derive from different statutory, regulatory, and administrative authorities, they operate in similar ways by allowing cases to be dismissed, transferred, or otherwise resolved before an immigration judge hears testimony or evaluates the underlying asylum claim. They include:

- ***In Absentia* Removal Orders:** Ordering removal when a respondent fails to appear for a scheduled hearing.
- **Pretermission:** Dismissing or denying an asylum application without an individual merits hearing.
- **Asylum Cooperative Agreements (ACAs) and Third-Country Transfer Policies:** Determining that an applicant must seek protection in another country, thus circumventing any hearing of the merits of the asylum claim in the United States. ACAs are implemented through pretermission.
- **Bond Determinations:** Detaining respondents with no bond or setting unaffordable bond amounts that limit their ability to access counsel, prepare and present their cases.

These procedural mechanisms shift immigration courts from adjudicating claims for protection to determining whether applicants will receive a merits hearing at all. A brief primer explaining each of these mechanisms in further detail is included in Appendix C.

Roadmap

The sections that follow examine three principal forms of procedural removal: *in absentia* removal, Asylum Cooperative Agreements, and bond determinations. Together, they document the restructuring of the immigration court from adjudicating protection claims toward issuing rapid removal orders.

RESEARCH METHODS

A key challenge of studying immigration court proceedings is the system's scope: more than 70 courts across 31 states and U.S. territories, overseen by some 700 immigration judges, with marked variation in grant and denial rates both across and within courts despite the system's federal structure.

This study combines national administrative data with ethnographic court-watching to document the everyday workings of U.S. immigration courts and to analyze how justice is enacted or curtailed in courtroom practice. The project trains undergraduate and graduate students working under the supervision of academic researchers to conduct sustained, systematic observations in immigration courts across the country, generating comparable qualitative and quantitative data on courtroom dynamics, procedural fairness, and access to justice.

Fifty-one students from four universities completed a four-hour training covering immigration law and court structure, research ethics, and court-watching methods. Students also participated in regular supervision and group meetings to identify emerging patterns, discuss methodological challenges, and compare observations across courts.

Immigration court proceedings are, by default, open to the public. Observers reported to the court on their assigned observation days and observed proceedings in courtrooms that were open and accessible. Court personnel—including filing window staff, court administrators, and security officers—sometimes directed observers to courtrooms, most often Master Calendar hearings, because those proceedings were generally understood to be open to the public. Observers did not select courtrooms based on the identity or reputation of the presiding judge. Instead, we sought to maximize coverage by observing proceedings before as many judges as possible while also returning to the same judges on multiple occasions to document patterns over time. In some courts, however, individual judges restricted public access to their courtrooms, including during Master Calendar hearings, despite EOIR regulations providing that such hearings are generally open to the public.

From January through August of 2026, we observed 3,585 hearings in 25 immigration courts across 107 courtrooms in 13 states and Puerto Rico, for a total of 1,300 hours of observation, with many courtrooms observed repeatedly.[6] Observers recorded detailed notes during and immediately after hearings using a structured Qualtrics instrument with both closed- and open-ended questions. The instrument captures a range of characteristics, including: hearing type and duration; respondent demographics; courtroom setting and technology; interpretation and accessibility; interactions among judges, attorneys, clerks, interpreters, security personnel, and respondents; procedural flow, including testimony, objections, credibility assessments, and decision-making; non-verbal cues and emotional responses; and the court environment more broadly, including enforcement presence inside and outside the courtroom. Informal post-hearing conversations with

court actors were documented as fieldnotes when they occurred.

Data were analyzed using qualitative coding and descriptive quantitative analysis in R, a statistical analysis program widely used in the social sciences. Findings were triangulated with longitudinal Executive Office of Immigration Review (EOIR) court data collected by Mobile Pathways and Transactional Records Access Clearinghouse (TRAC).

This report is part of a larger, ongoing study that began in July of 2025. The Institutional Review Board (IRB) at California State University, Long Beach approved this research (2276876). In what follows, we present key findings, quantitative data, and representative qualitative vignettes.

STUDY SNAPSHOT

Between January and August 2026, trained observers documented 3,585 immigration court hearings across 107 courtrooms in 25 immigration courts spanning 13 states and Puerto Rico. The study encompasses approximately 1.7 percent of the 210,569 hearings conducted during this period, 6.5 percent of all immigration courtrooms, and 36 percent of immigration courts nationwide.

25 Immigration Courts **107 Courtrooms** **3,585 Hearings Observed**

Figure 2.

Hearing Type Snapshot

Hearing Type	Number	Percent of Sample
Master Calendar Hearings	3,163	94.2%
Merits Hearings	131	3.9%
Bond Hearings	33	1.0%
Other Hearings	32	0.9%
Total	3,359	100.0%

Figure 3.

Respondent Custody Status

Status	Number	Percent of Sample
Non-detained	2,427	72.3%
Detained	167	5.0%
Respondent not present	453	13.5%
Unknown	315	9.4%
Total	3,359	100.0%

Respondent Characteristics

Respondents observed represented 72 countries of origin. The five most frequently observed countries of origin, shown in the chart below, together account for about 27 percent of the total, reflecting the high diversity among respondents in immigration courts nationwide.

Figure 4.
Countries of Origin

Country	Number	Percent of Sample
China	226	6.7%
Venezuela	186	5.5%
Ecuador	186	5.5%
Mexico	174	5.2%
Colombia	95	2.8%

Languages and Interpretation

Observers documented respondents speaking 64 distinct languages. Among respondents requiring interpretation, less commonly spoken languages included Wolof (19), Fulani (13), and Uzbek (9).

Figure 5.
Interpreter Use

Cases	
using interpretation	3,015 (89.8%)
using relay interpretation	78 (2.3%)
not using interpretation	248 (7.4%)

Source: Justice in View • Created with Datawrapper

Figure 6.

Most Frequently Spoken Languages

Language	Number	Percent of Sample
Spanish	1,723	48.1%
English	197	5.5%
Mandarin Chinese	217	6.1%

Legal Representation

Among the 3,585 hearings observed, 2,205 respondents (61.5%) were represented by counsel, 1,340 (37.4%) appeared pro se, and status was unknown in 40 cases (1.1%).

Figure 7.

Representation by Hearing Type

Hearing Type	Represented	Pro Se
Bond Hearings	82%	18%
Master Calendar Hearings	62%	38%
Merits Hearings	79.4%	20.6%

Figure 8.

Representation by Selected Outcomes

Outcome	Represented	Pro Se	Unknown
Asylum Grant	100%	0%	
Withholding of Removal	100%	0%	
Bond Grant	100%	0%	
Termination of Case	77%	21%	2%
Order of Removal	68.7%	29.6%	1.7%
Voluntary Departure	39.2%	59.5%	1.3%
Change of Venue	41%	59%	

Source: Justice in View • Created with Datawrapper

FORECLOSURE: *In Absentia* Removal

If a person does not appear for a scheduled immigration court hearing, the Department of Homeland Security can move to have them ordered removed in their absence, or *in absentia*. An *in absentia* order of removal means that a person has a final order of deportation without the opportunity to be heard. Although there are narrow grounds for reopening a case after an *in absentia* order has been entered, in most cases it constitutes a final order of removal.

In absentia removal is one of the principal ways asylum claims are foreclosed. Rather than adjudicating whether an individual qualifies for protection or other forms of immigration relief, the court issues a final removal order in their case because the respondent has failed to appear for their scheduled hearing and is not present to pursue the claim.

Figure 9.[7]

In Absentia Cases: Nationally, January 2024 – July 2026



Source: Mobile Pathways • Created with Datawrapper

Historically, *in absentia* rates were very low. In 2020, Eagly and Schafer conducted a first-of-its-kind analysis and found that 12 percent of respondents did not appear for their hearings across the decade between 2008 and 2018.[8] Consistent with their findings, from January 2021 through January 2025, the rate of *in absentia* orders was 8.7 percent.[9] From February 2025 through June 2026, the *in absentia* rate in immigration court nearly tripled, rising to 23.9 percent.[10] Additionally, because a larger share of respondents is now

detained, there is a smaller pool of individuals who could potentially be ordered removed *in absentia*, making this increase even more striking. (*See below: Coercive Abandonment: Bond and Detention.*)

The Trump administration often points to a rise in *in absentia* rates as evidence that people have knowingly submitted meritless claims, committed fraud, or exploited the asylum system as a "loophole."

Our courtroom observations, however, suggest a different explanation. Across the country, we observed the rise in *in absentia* orders alongside widespread fear of courthouse arrests, confusion resulting from rapidly changing court policies, and compressed hearing schedules. We also observed immigration judges expressing concern about increasing failures to appear and responding to those circumstances in markedly different ways.

Data Snapshot

Across 25 immigration courts, we observed 653 *in absentia* removal orders. This figure is a substantial undercount because, in many instances, we were unable to observe *in absentia* proceedings or determine their outcomes. In some courtrooms, judges or clerks dismissed observers before *in absentia* orders were addressed, assuming we would not be interested in the subsequent paperwork-heavy proceedings. In others, *in absentia* motions were treated as routine administrative matters, in which judges appeared to delegate the process almost entirely to DHS attorneys, waiting in chambers for the motions rather than reviewing each case on the record in open court. Because the corresponding motions were often resolved outside the courtroom, we have not included cases where we cannot confirm an *in absentia* removal order.

Finding 1: Courthouse arrests deter compliance with court appearances.

Rather than reflecting respondents' unwillingness to comply with the legal process, our observations suggest that the practice of arresting people who complied with the legal process by appearing for their hearings discouraged others from attending scheduled hearings. In other words, by arresting people at court, DHS transformed with legal obligations into a source of risk, discouraging others from appearing for their hearings.

From Philadelphia

After the judge goes through his advisals, he resets the cases for everyone who had shown up to a future date. There's no individual adjudication or, even, interaction. Just information and paperwork. He then turns his camera off (he's appearing via Webex) while DHS prepares its motions to order a person removed in absentia*: in their absence.*

While we're waiting, I ask the clerk if there have been more in absentia *orders recently. "Yes!" he answers, then quickly adding, "some might say that was the point, to scare people. They don't come to court and get an* in absentia *order. So, it's basically the same thing in the end."*

The judge reappears on the screen, and he takes care of the day's in absentia *orders. Of the 22 cases scheduled for this Master Calendar hearing, six people—four cases and two riders—failed to appear. In the space of four minutes—from 10:30 to 10:34 a.m.—those six people were ordered deported to Mexico, Venezuela, the Dominican Republic, and Cameroon.*

From Santa Ana

The attorney appeared in person, but his client was not present. The attorney explained that his client was concerned and scared, which is why he did not attend. The judge stated that the client must appear in person and warned that if he did not, "ICE could take action." The judge then asked in court if any ICE agents were present, but no one responded. The judge instructed the attorney to call his client to ensure attendance. He further stated that if the client did not arrive by 11:30 a.m., an order of removal would be issued. The client ultimately did not arrive.

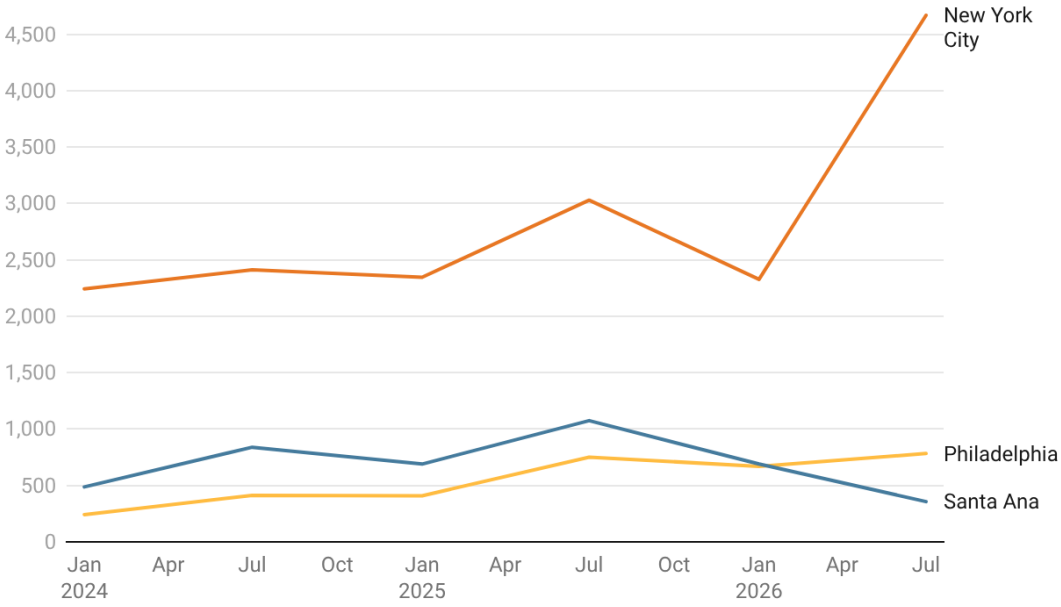
From New York City

In one courtroom, an attorney appeared via Webex and explained that his client was too afraid to come to court. The judge expressed no concern and granted the DHS attorney's motion for an in absentia *removal order.*

In another courtroom, a respondent appeared via Webex after previously filing a motion requesting permission to appear remotely. The motion had been denied because the respondent stated he feared being detained and sent to ICE detention if he appeared in person. DHS nevertheless moved for an in absentia *removal order, and the judge granted.*

Figure 10.[11]

***In Absentia* Cases Over Time: By Court, January 2024 – July 2026**



Source: Mobile Pathways • Created with Datawrapper

Courthouse arrests by federal agents account for about 0.5 percent of ICE arrests nationwide.[12] Further, the best available estimate suggests that there is roughly one courthouse arrest for every 100 immigration court hearings.[13] Although courthouse arrests became far less frequent after an initial surge in mid-2025, the rise in *in absentia* removal followed that surge. The probability of being arrested at court is therefore relatively low, especially when compared with the more than 99 percent likelihood that a respondent who fails to appear will receive an *in absentia* removal order.[14] As the clerk suggested in Philadelphia, however, the impact of these arrests went far beyond the number of detained individuals. The resulting media spectacle created widespread fear that discouraged court attendance and made more people—including those with potentially meritorious protection claims—vulnerable to *in absentia* removal. For every one arrest in court, how many more people were, out of fear of arrest, dissuaded from appearing in court and subsequently ordered removed in their absence?

Federal agents had not made arrests in the Philadelphia courthouse for at least two weeks by the time the clerk offered this assessment. Federal agents were no longer present in the courthouse. The deterrent effect, however, remained. The scenes from Santa Ana and New York City illustrate that respondents were not attempting to abscond or abandon their claims; rather, they sought ways to continue participating in the legal process while avoiding perceived detention risks. They asked to appear remotely, appeared by Webex despite prior denials, or relied on counsel to appear in their place. These observations suggest that even relatively infrequent courthouse arrests can have consequences that far exceed the number of people directly arrested, reshaping behavior long after the enforcement activity itself has ended.

Finding 2: Judges handle the growth in *in absentia* rates in different ways, making access to due process increasingly dependent on judicial discretion.

Across courts, we heard judges remark on how many more people failed to appear for their hearings than previously. Some judges openly lamented this shift, sad that people were missing "their day in court." In Philadelphia, one judge takes a walk before starting any *in absentia* proceedings, hoping to find stragglers lost, wandering the hallways, or confused in the waiting room. A judge in Baltimore remarked, when he saw the list of no-shows, "Oh my gosh, that's quite a bit," and then proceeded to see if there was "anything I can do."

We found that judges are dealing with the growth of *in absentia* orders in a variety of ways. Some judges, like the Philadelphia immigration judge who appeared on Webex, do not require physical presence of respondents for Master Calendar hearings. In this courtroom, respondents were permitted to appear virtually, without having to file a motion or have an attorney. Even so, almost 20 percent of respondents did not appear for their hearings, a rate that the clerk attributed to the presence of federal agents executing arrests there weeks prior.

From Philadelphia

In another courtroom, roughly half of over 70 respondents scheduled for a master calendar hearing failed to appear. There were a few changes of venue, but the majority were no-shows, each ordered deported in absentia*. That judge had a different policy: in his courtroom, without a properly filed motion, people had to appear in person, not via Webex.*

From Miami

We saw a judge require physical presence even for a respondent with an attorney, requiring a person who had appeared on Webex to log off and drive to court. Once there, their case was dismissed and the person was arrested.

From Newark

In a Newark court, in contrast, a judge presiding over the juvenile docket found legal grounds to reject every in absentia *motion. Legally, there are additional service requirements for unaccompanied minors. The judge took time to scrutinize each notice sent out by DHS, asking: Did it get sent to the right address? When was the address last confirmed? Who is the person who was supposed to receive the notice? In each case, this judge faulted DHS for not doing due diligence to ensure the child was properly notified. No* in absentia *orders were granted at all that day.*

Other judges simply refused to entertain the DHS motions to dismiss that are clearly coordinated to lead to ICE arrests in the courthouse.

We observed substantial variation across courts in the degree of scrutiny judges applied to *in absentia* motions. Some judges carefully examined DHS's submissions, identifying mistaken addresses, incorrectly filed Notices to Appear (NTAs), mismatched A-numbers, and other errors that resulted in denial of the motion, additional hearings, or, in some cases, dismissal of the charges. Others, however, appeared to conduct only limited review, relying largely on the accuracy of DHS's filings. Because an *in absentia* removal order results in a final order of removal without a merits hearing, careful examination of notice, removability, and DHS's supporting documentation is a critical procedural safeguard. The variation we observed in judicial scrutiny raises concerns about the consistency with which that safeguard is applied.

Finding 3: Because attendance is shaped by enforcement, notice, access, and judicial practice, *in absentia* rates do not reliably measure respondent compliance.

Courthouse arrests, unnecessary requirements for in-person appearance despite the availability of Webex and increasing administrative opacity have fundamentally changed the meaning of "failure to appear." While *in absentia* rates have long been used as a metric for assessing whether asylum seekers fulfill what is asked of them if they are not detained, our research suggests that *in absentia* rates do not serve as a meaningful proxy for willingness to comply with the legal process. Under the current circumstances, any inference drawn from *in absentia* rates about noncompliance or people using asylum as an immigration "loophole" must be jettisoned. As with the other mechanisms outlined in this report, the rise in *in absentia* removal reflects the ways respondents are systematically pushed out of the legal process and denied fundamental due process protections.

Policy Recommendations

1. Congress should prohibit immigration enforcement actions in and around courthouses.

Although a federal district court recently vacated the Trump administration's policy authorizing courthouse arrests,[15] Congress should codify protections ensuring that individuals can attend immigration proceedings without fear of arrest. Some states and local jurisdictions have adopted similar protections, but access to immigration courts should not depend on geography or the outcome of litigation. No one should face arrest for appearing at a hearing the government has required them to attend.

2. All respondents should be allowed to attend their hearings via Webex if they choose.

Right now, some judges allow for virtual participation, some under certain circumstances or with specific conditions, some only as an exception. Since a court-wide virtual conferencing system has been implemented, and all judges have a Webex courtroom, all re-

spondents should have the option to appear via Webex without requiring motions, legal representation, or any conditions that would not be applicable for in-person hearings.

3. *In absentia* orders issued since January 2025 should be set aside.

People who failed to appear for their scheduled hearings should be guaranteed full due process protections and given the opportunity to have their cases heard fully and fairly. All *in absentia* orders issued under the current conditions should be presumed to have been entered under duress and, therefore, illegitimate. Going forward, all *in absentia* orders should require additional oversight or added scrutiny.

Sitting in a master calendar hearing in Miami, almost all the respondents have lawyers. The judge goes systematically, case by case, and the courtroom gradually empties. They all have their cases reset for a later date. It feels mechanical, bureaucratic.

Then. Screams. Screams and crying. And yelling. And, I think, the sound of handcuffs.

The judge keeps going; she barely pauses at the sound of the woman's wails coming from the hallway.

There have been news reports coming out in recent days of ICE agents arresting people who have come to the courthouse for their hearing date. It's happening here, now, right outside this room, and the judge doesn't blink.

The people with lawyers have finished and left. Two respondents remain in the courtroom. Still to be dealt with: an older Cuban man surrounded by family. The judge is annoyed that he has not brought an attorney, but seems satisfied that he has one and the attorney would be there next time. Case reset.

Before the final respondent is brought forward, a middle-aged man from Nicaragua, the DHS attorney gets up from her table and walks to the door, leans into the hallway, and confers with the plainclothes ICE agents I saw in the hallway earlier. She comes back.

The DHS attorney tells the judge that the government moves to dismiss this case. The judge asks why. "Because it is no longer in the best interest of the government to pursue this case." The judge pauses and seems momentarily conflicted. Unsure, perhaps. She sighs. She asks the respondent if he's found a lawyer yet. He says no. She sighs again and then says, "Well, since you've given me no reason not to accept the government's motion, it is granted. Case dismissed."

He seems confused and momentarily relieved. I think having your case dismissed might sound to some, at first, like the government has decided it does not want to deport you at all.

He gets up and leaves the courtroom. This time, I am sure I hear the handcuffs.

CIRCUMVENTION:
Asylum Cooperative Agreements

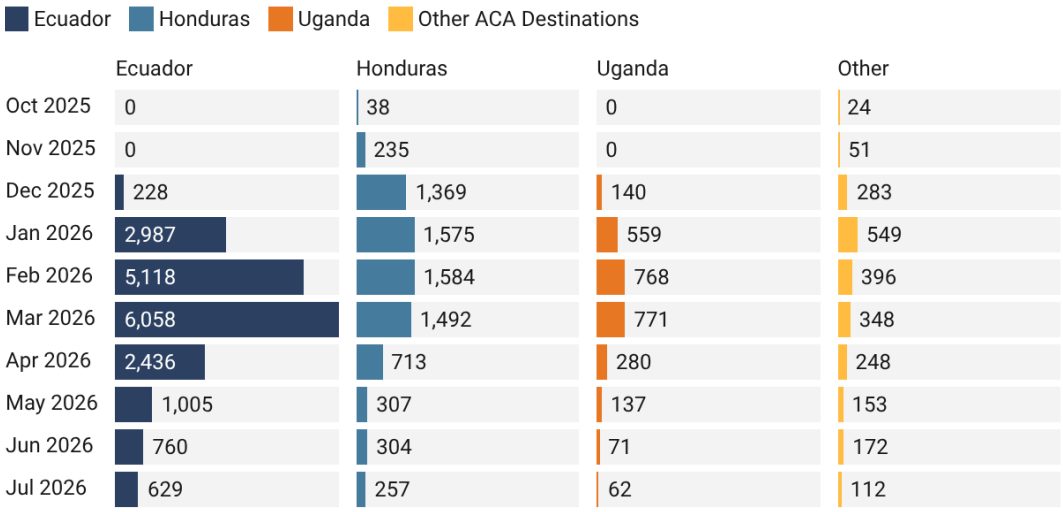
Asylum Cooperative Agreements (ACAs) are bilateral or multilateral agreements that allow the United States to transfer certain asylum seekers to another country on the premise that they can seek protection there. In practice, ACAs have been implemented through motions to pretermit. Rather than evaluating the merits of an asylum claim, immigration judges determine whether a respondent is barred from seeking asylum in the United States because another country has agreed to receive and adjudicate the claim. Although ACAs are intended to distribute responsibility for refugee protection among participating countries, our observations suggest that current ACA proceedings function less as responsibility-sharing than as a procedural mechanism for ending U.S. asylum cases before the merits are heard. Rather than determining whether a respondent qualifies for protection in the United States, ACA proceedings circumvent claims by shifting the focus to whether another country can assume responsibility. Although the Immigration and Nationality Act (INA) authorizes such agreements, it does so only under limited circumstances. A receiving country must be one in which an asylum seeker's life or freedom would not be threatened on account of one of the five protected grounds under the refugee definition and where the person would have access to a full and fair procedure for determining an asylum claim or equivalent protection. Our observations raise critical questions about whether current ACAs satisfy those statutory requirements. Respondents were routinely sent to countries with limited asylum systems and documented protection concerns, and with which they had no prior connection. As a result, ACA proceedings often served as a procedural pathway for redirecting asylum claims away from adjudication in U.S. immigration courts.

In December 2025, the Board of Immigration Appeals (BIA) in Matter of C-I-G-M- held that: (1) If the DHS claims that an asylum cooperative agreement bars a respondent from applying for asylum in the United States, the Immigration Judge should determine whether the safe-third-country bar applies prior to and separate from considering a respondent's eligibility for asylum. (2) A respondent subject to the terms of an ACA has the burden to establish by a preponderance of the evidence that he or she will more likely than not be persecuted on account of a protected ground or tortured in the relevant third country to avoid application of the safe third country bar and for the respondent to be eligible to seek asylum and other protection claims in the United States.

This decision creates the procedural dilemma we repeatedly observed in court. The applicability of an ACA must be determined separately from the merits of a respondent's protection claim, while at the same time the respondent bears the burden of establishing a high likelihood of persecution or torture in the proposed ACA country.

Figure 11.[16]

ACA Removal Orders by Country: Nationally, October 2025 – July 2026



Source: Mobile Pathways • Created with Datawrapper

Data Snapshot

We observed 235 hearings involving ACAs or related third-country removal mechanisms before 25 immigration judges in seven immigration courts. The most common proposed receiving countries were Ecuador, Guatemala, Honduras, and Uganda. Consistent with national patterns, Latin American respondents were most often routed to Ecuador, Guatemala, or Honduras, while African respondents were more frequently designated for Uganda.[17] ACA litigation emerged most visibly beginning in November 2025. Since then, its use has been uneven across jurisdictions and over time, with notable pauses after related circuit court decisions, though its procedural logic remains intact. As one DHS attorney remarked to a judge during one of those pauses, "ACAs will be back, just new and improved."

Finding 1: ACA proceedings narrow judicial discretion by transforming asylum adjudication into procedural gatekeeping.

Across the hearings we observed, immigration judges retained some authority over scheduling, deadlines, and procedural matters, but their ability to evaluate the substance of asylum claims became increasingly constrained. In many instances, rather than adjudicating protection claims in the U.S., judges instead were asked to terminate proceedings preemptively so removal to a third country could proceed.

This shift was reflected in the type of hearings where ACA issues arose. Approximately 90 percent of ACA proceedings occurred during master calendar hearings, which ordinarily serve administrative functions such as pleadings and scheduling rather than resolving

substantive claims. Of those, 58 percent were eventually ordered removed; 3.2 percent accepted voluntary departure; and 38.7 percent had pending ACA decisions at the time of writing.

Some judges attempted to preserve procedural fairness. In West Los Angeles, when DHS moved to pretermit proceedings under an ACA and explained, "We are required to do it. We have very tight instructions. I don't have a choice," the immigration judge declined to rule immediately, noting that the respondent still had another master calendar hearing and might obtain counsel before then. Other judges questioned proposed destination countries, required DHS to clarify whether it was making a motion, or rejected countries that appeared disconnected from the respondent's geographic origin.

The dominant pattern is that ACA determinations are overwhelmingly procedural in nature—managed through notices, deadlines, motions, and continuances—rather than through full inquiry into whether the receiving country could protect the respondent.

One reason for this pattern is that judges often treated the practical mechanics of removal as outside the court's role. As a judge in Santa Ana explained, "If the U.S. has entered into an agreement with Ecuador to receive non-nationals, it is beyond the purview of the Court to question how DHS will effectuate removal." As a result, many hearings did not examine whether the proposed receiving country could actually provide protection and adhere to the legal obligation of non-refoulement. In this framing, questions about the functioning of the country's asylum system, the respondent's safety, or whether the receiving country would process an asylum claim typically fell outside the scope of judicial inquiry.

Yet such questions are critical, particularly given that conditions in ACA receiving countries often raise serious protection concerns. For example, between 2022 and 2024, Honduras reportedly adjudicated fewer than 15 asylum applications annually, despite receiving more than 400 applications during that period.[18] Yet under a subsequent ACA, Honduras agreed to receive up to 240 third-country nationals over two years, while national EOIR data document 7,767 pretermissions that identified Honduras as the proposed country of removal.[19] This mismatch underscores the central due process concern: immigration courts treated the existence of an agreement as legally sufficient while remaining largely unable to examine whether the receiving country possessed the practical capacity to provide protection.

Finding 2: ACA proceedings shift the burden of protection onto respondents and their attorneys through limited notice and compressed timelines.

ACA proceedings fundamentally changed what respondents had to prove before reaching a merits hearing. Rather than preparing a single asylum claim based on persecution in their country of origin, respondents were often required to challenge removal to one or more countries with little notice and limited time to prepare. In many hearings, DHS simply placed respondents "on notice" rather than making a formal motion to pretermit based on the ACA where they would explain the legal and factual basis for third-country

transfer. Without a formal motion, respondents and their attorneys were forced to anticipate DHS's position before knowing precisely which country—or countries—they would ultimately need to challenge.

This uncertainty was evident during a master calendar hearing in Santa Ana. DHS stated that the respondent's case was subject to ACA proceedings involving Ecuador and Guatemala. Counsel immediately asked whether DHS was making a motion "verbally or in writing." The attorney then asked, "They haven't filed anything yet are putting us on notice? How will I know how to respond? Today, it's Ecuador and Guatemala, but tomorrow it could be Uganda or Cameroon." The immigration judge characterized the government's statement as verbal notice "out of courtesy"—as EOIR had advised that a formal ACA motion was not required—and allowed ten days for a response. Without a fixed receiving country or clearly articulated legal theory, respondents and their attorneys had no opportunity to investigate country conditions, identify experts, or prepare arguments.

Compressed timelines compound these challenges with filing deadlines ranging from one day to thirty days. The most common pattern gave respondents roughly ten days before the next hearing, with filings due five business days beforehand. Ten days is the standard period in which to respond to routine motions, like a motion to appear remotely or a motion to change venue. For an ACA motion, however, during that period, respondents were expected to assemble country conditions evidence, obtain expert declarations, document risks of persecution or torture, and explain why they would be unsafe in countries where they had never lived in order to preserve their underlying asylum claim. By comparison, according to the Government Accountability Office, non-detained respondents waited a median of 769 days from their initial master calendar hearing to their first merits hearing.[20]

The cumulative effect is a procedural inversion. Before respondents can present the asylum claim that brought them before the immigration court, they first had to successfully contest removal to a third country with which they often have little or no connection. ACA proceedings therefore shifted the burden from proving eligibility for asylum in the United States to proving eligibility for protection in a third country where the respondent often had no prior connection.

Finding 3: ACA proceedings substantially diminish the effectiveness of legal representation.

Legal representation has long been one of the strongest predictors of success in immigration court, particularly in asylum and withholding of removal proceedings.[21] Respondents represented by counsel are substantially more likely to seek relief, present evidence, avoid removal, and obtain favorable outcomes.[22] This access gap has become even more consequential amid reductions and disruptions in federally funded immigration legal services, including programs serving detained adults, families, and unaccompanied children.[23] Our observations suggest that ACA proceedings do not diminish the importance of legal representation; rather, they diminish the opportunities for attorneys to use that representation effectively. Lawyers continued to advocate vigorously for their clients, but

the procedural structure often limited whether that advocacy could influence whether respondents ever received consideration of their asylum claims on the merits.

In our sample of hearings involving ACAs, 42 percent of respondents were unrepresented and 58 percent were represented. Respondents without attorneys faced obvious disadvantages navigating complex third-country removal procedures. Yet even represented respondents encountered barriers that effective advocacy alone could not overcome. Attorneys requested additional time, objected to procedural irregularities, submitted country conditions evidence, and preserved issues for appeal. What they often could not do was obtain a full hearing on their client's asylum claim or persuade the court to closely examine whether a proposed receiving country could adequately provide protection.

These constraints appeared consistently across the courts we observed:

From Dallas

In a Dallas courtroom, counsel questioned whether she was expected to file "in anticipation" even though DHS had not formally submitted a motion to the court. Reflecting afterward in the hallway, the attorney explained, "DHS doesn't file anything, so it makes it impossible to contest. It's clear it's not just about country conditions at all." Rather than responding to a clearly defined government argument, attorneys described preparing for several possible outcomes before knowing which country or legal theory DHS would ultimately pursue.

From Chicago

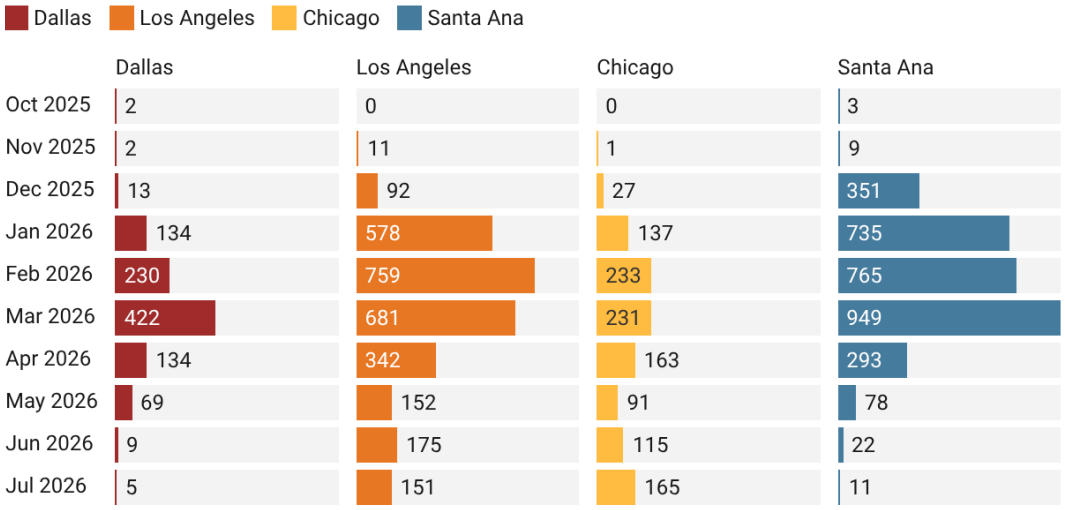
A Chicago-based attorney explained, "The policy is designed to create failed asylum seekers. There are very few ways we can even get to a merits hearing to make the substantive arguments of the case and to present the evidence." The principal barrier was no longer persuading an immigration judge that the respondent was eligible for asylum or other protection. Instead, it was obtaining access to a hearing in which the court would consider that question in the first place.

From Los Angeles

*In a North Los Angeles courtroom, counsel submitted extensive country conditions materials, UNHCR reports, and an expert declaration arguing that Ecuador was unsafe for LGBTQI+ Venezuelans and that the ACA should not apply. DHS offered no substantive response. Nevertheless, the immigration judge ordered removal to Ecuador, acknowledging "economic hardship, xenophobia and harassment of LGBT Venezuelans in Ecuador and general violence." The judge went on to explain his ruling, "*Matter of C.I.G.M. *is all that we have," referring to the precedent-setting ACA case from the BIA. Even extensive factual evidence did not expand the court's inquiry. Counsel assembled precisely the type of documentation that ordinarily supports an asylum claim, yet the procedural framework limited how much weight—if any—that evidence carried.*

Figure 12.[24]

ACA Removal Orders by Court: Dallas, Los Angeles, Chicago, and Santa Ana, October 2025 – July 2026



Source: Mobile Pathways • Created with Datawrapper

Policy Recommendations

Our findings indicate that ACA proceedings have transformed what was intended as a responsibility-sharing mechanism into a procedural pathway for circumventing individual merits hearings altogether. Restoring due process requires ensuring that respondents receive a full and fair opportunity to present their claims before removal to a third country is considered. Accordingly, we recommend the following reforms:

1. End Asylum Cooperative Agreements and prohibit the outsourcing of U.S. asylum obligations.

Congress should prohibit Asylum Cooperative Agreements and related third-country removal mechanisms, including their use as a basis for denying, delaying, or pretermitting asylum claims. The United States should not evade its protection obligations by transferring asylum seekers to countries where they have no ties, no support, no access to protection, and no realistic opportunity to seek asylum.

2. Require merits hearings before any removal order.

No person should be transferred through ACA or third-country procedures without a full merits hearing on their underlying asylum, withholding, and Convention Against Torture claims. Because ACA determinations are primarily handled during master calendar hearings, oral notice, compressed deadlines, and written-response procedures, federal policy should make clear that case-dispositive third-country removal cannot substitute for merits adjudication.

3. Restore funding for immigration legal services.

Congress should restore and expand funding for immigration legal services, including programs for detained adults, families, and unaccompanied children. Federal policy should recognize legal representation as a fundamental procedural safeguard that promotes fairness, accuracy and efficiency in immigration adjudication, and, therefore, should guarantee appointed counsel for all respondents who cannot afford it.

4. Create remedies for respondents subjected to ACAs.

Respondents whose cases were pretermitted under ACAs or related third-country mechanisms should have their cases reopened, receive stays of removal, and have removal orders entered through these procedures set aside.

"Your Honor, how am I supposed to prepare a rebuttal if there is no written or verbal motion?"

The attorney stood at the counsel table in a Southern California immigration courtroom, trying to slow the proceeding down long enough to identify what, exactly, the government was asking the court to do. Moments earlier, the Department of Homeland Security attorney had announced: "I am putting you on notice that the ACA for Honduras and Ecuador apply."

The immigration judge responded that counsel would have two weeks to respond.

"Respond to what?" the attorney asked. "This week it is Honduras and Ecuador. In two weeks, without a formal motion, the next DHS attorney sitting at that table can decide on Uganda, Uzbekistan, or Eswatini. How can I effectively represent my client?"

From the gallery, the exchange appeared at first to be a procedural dispute over notice. But in the context of third-country removal, procedure was the substance. Before the asylum seeker could explain why she fled her home country, she and her attorney were being required to litigate whether she could instead be sent to a country where she had never lived, had no legal status, knew no one, and had no meaningful way to prepare a protection claim.

Later that same day, a Guatemalan asylum seeker confronted this logic directly on cross-examination.

"But I've never been to Ecuador," she said. "I don't know anyone there. How am I going to find a lawyer to help me, or an apartment or a job?"

The DHS attorney pressed her: "If you've never been to Ecuador, how do you know you won't be safe?"

"Who will help me?" she replied. "I have no one there. I don't have status there. They'll send me back to Guatemala where I'll be killed."

COERCIVE ABANDONMENT: Bond and Detention

Bond is a sum of money paid to the Department of Homeland Security by a detained immigrant to secure release from detention while removal proceedings are pending. Like bail in criminal court, bond is intended to ensure that respondents appear for future immigration court hearings and Immigration and Customs Enforcement (ICE) check-ins.

Beginning in 2025, bond adjudication became increasingly contentious following a series of administrative decisions and federal court rulings regarding immigration judges' authority to conduct bond hearings for certain detained immigrants.[25] Although a federal district court ruled that members of a nationwide class of detainees remained eligible for bond hearings,[26] EOIR subsequently instructed immigration judges to continue following *Matter of Yajure Hurtado*, creating ongoing uncertainty over bond jurisdiction while litigation remained pending.[27]

Justice in View's observations suggest that discretionary bond decisions, prolonged detention, and limited access to release can create conditions that pressure some respondents to abandon potentially meritorious claims for relief from removal. We refer to this dynamic as coercive abandonment.

Data Snapshot

Between January and August 2026, Justice in View researchers observed 33 bond hearings before seven immigration judges across seven immigration courts: New York–Varick Street (New York), Santa Ana (California), Newark (New Jersey), Cleveland (Ohio), Guaynabo (Puerto Rico), and Hagåtña (Guam), with the Guam hearings observed via Webex.

Figure 13.
Bond Hearing Snapshot (n=33)

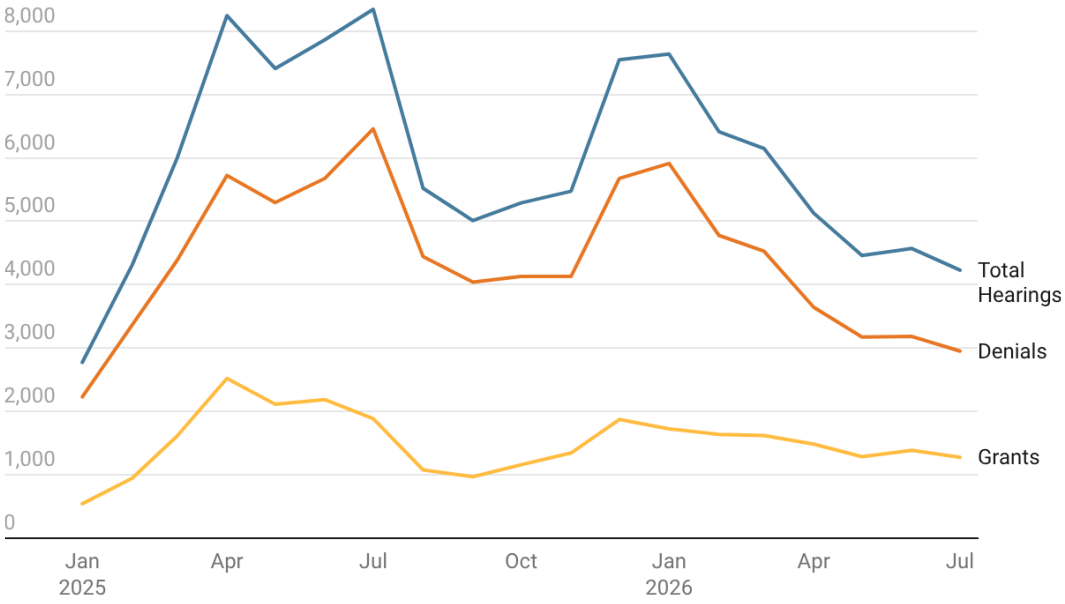
Hearing Type	Represented	Pro Se
Bond Hearings	82%	18%
Master Calendar Hearings	62%	38%
Merits Hearings	79.4%	20.6%

Source: Justice in View • Created with Datawrapper

Overall, 81.2 percent (27 of 33) of respondents appearing in bond proceedings were represented by counsel, while 18.8 percent (6 of 33) appeared pro se. Notably, all respondents granted bond (100 percent; 11 of 11) were represented by counsel. Bond amounts ranged from $3,000 to $35,000, illustrating the broad discretion immigration judges exercised in setting bond.[28]

Figure 14.[29]

Bond Hearings: Grants and Denials, Nationally, January 2025 – July 2026



Source: Mobile Pathways • Created with Datawrapper

Nationally, immigration courts conducted 105,861 bond hearings between January 2025 and June 2026. Overall, 25.2 percent (26,661) resulted in bond grants, while 74.8 percent (79,200) resulted in denials.[30] Although the number of bond hearings increased substantially during the second Trump administration, grant rates remained relatively stable.

Bond hearings peaked in July 2025, when immigration courts heard 8,318 cases, including 22.6 percent (1,876) that resulted in bond grants and 77.4 percent (6,442) that resulted in denials.[31] By comparison, the fewest bond hearings occurred in January 2025, when immigration courts heard 2,767 cases, including 19.6 percent (541) that resulted in bond grants and 80.4 percent (2,226) that resulted in denials. For comparison, between January 2023 and May 2024, immigration courts conducted 44,639 bond hearings.[32] During that period, 27.7 percent (12,346) resulted in bond grants, compared with 25.2 percent between January 2025 and June 2026. Thus, while the number of bond hearings more than doubled during the second Trump administration, the nationwide bond grant rate declined by only 2.5 percentage points.[33]

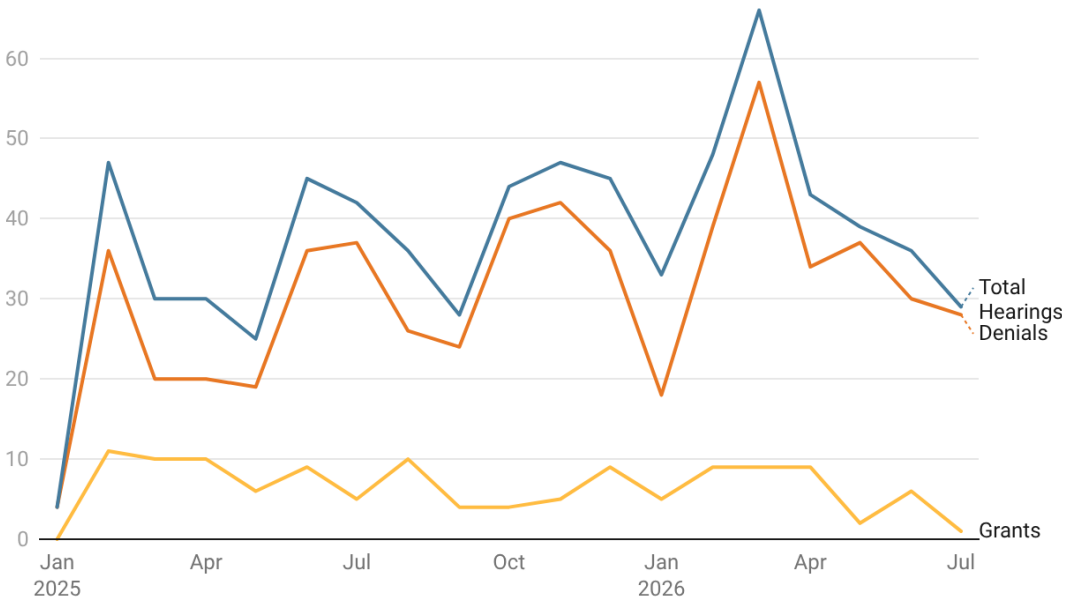
These findings provide important context for Justice in View's observations, which revealed considerable variation in how immigration judges exercised their discretion in bond proceedings, particularly in assessing danger to the community, flight risk, and the amount of bond imposed.

Finding 1: Immigration judges and DHS attorneys continue to have wide latitude when adjudicating and arguing bond cases.

Between January 2025 and June 2026, New York City immigration courts conducted 663 bond hearings. Just 18.1 percent (120) resulted in bond grants, while 81.9 percent (543) resulted in denials. Bond hearings were least common in January 2025, when only four hearings were held and none resulted in bond. Hearings peaked in March 2026, when immigration courts conducted 62 bond hearings and granted bond in eight cases.

Figure 15.[34]

Bond Hearings: Grants and Denials, New York City, January 2025 – July 2026



Source: Mobile Pathways • Created with Datawrapper

In the waiting room on the 11th floor of the New York–Varick Street Immigration Court, an attorney from a local legal services organization spoke with the wife of his client, who was detained and scheduled for a bond hearing that morning. Pointing toward the courtroom, he remarked, "[This judge] is a wild card. You never know what to expect with him, but I feel good about this," adding that the DHS attorney was nearing retirement and therefore might be more willing to negotiate. Across the room, a young

woman and her husband waited anxiously for her father's bond hearing.

Less than an hour later, the judge granted bond in both cases but set one bond at $5,000 and the other at $35,000—an amount exceeding the annual household income of approximately one in five U.S. households.[35]

The first hearing—for the young woman's father—was closed to the public, but the judge announced the $5,000 bond amount in open court. The DHS attorney waived appeal, prompting the judge to jokingly ask, "Do they still have the guillotine downstairs for you?" Both men laughed, while the young woman cried with relief that her father would soon be released from ICE detention.

During the second hearing, the respondent and his attorney presented testimony supporting his request for bond. The respondent testified that he was on probation for a driving-under-the-influence conviction when ICE arrested him during a scheduled probation check-in after he admitted to drinking half a glass of wine on Christmas Eve. He explained that he had completed counseling and other rehabilitative programs and attempted to provide additional background about his life. The judge repeatedly redirected the testimony, stating, "What were you thinking? [...] I don't need the background story; I need to know why he's not a danger or a flight risk." The judge also criticized the DHS attorney for declining to cross-examine the respondent.

Ultimately, the judge concluded that the respondent posed a flight risk and set bond at $35,000, despite testimony that he maintained steady employment, was engaged, and served as an active stepfather to his fiancée's two children. When the attorney requested that bond be reduced to $20,000, the judge responded that counsel could raise the issue on appeal because he had not argued financial hardship.

These back-to-back hearings, conducted before the same immigration judge within the span of an hour, illustrate the considerable discretion that continues to characterize bond proceedings. Despite ongoing disputes over immigration judges' bond jurisdiction, the judge elected to hear both cases. Yet respondents who shared many of the same characteristics—including legal representation, family and community ties, and evidence of rehabilitation—received dramatically different bond determinations. In one case, bond was set at $5,000; in the other, it was set at $35,000 based on the judge's assessment of flight risk. These observations underscore how discretionary assessments of danger to the community and flight risk can produce markedly different outcomes even among similarly situated respondents.

When bond amounts vary so dramatically, respondents' ability to secure release may depend less on their underlying circumstances than on the exercise of judicial discretion. High bond amounts can also prolong detention, as in immigration proceedings respondents are expected to post the full amount rather than the 10% often required in criminal proceedings. This increases the financial and emotional pressures that may ultimately

encourage some respondents to abandon potentially meritorious claims in favor of voluntary departure or removal, which will bring detention to an end.

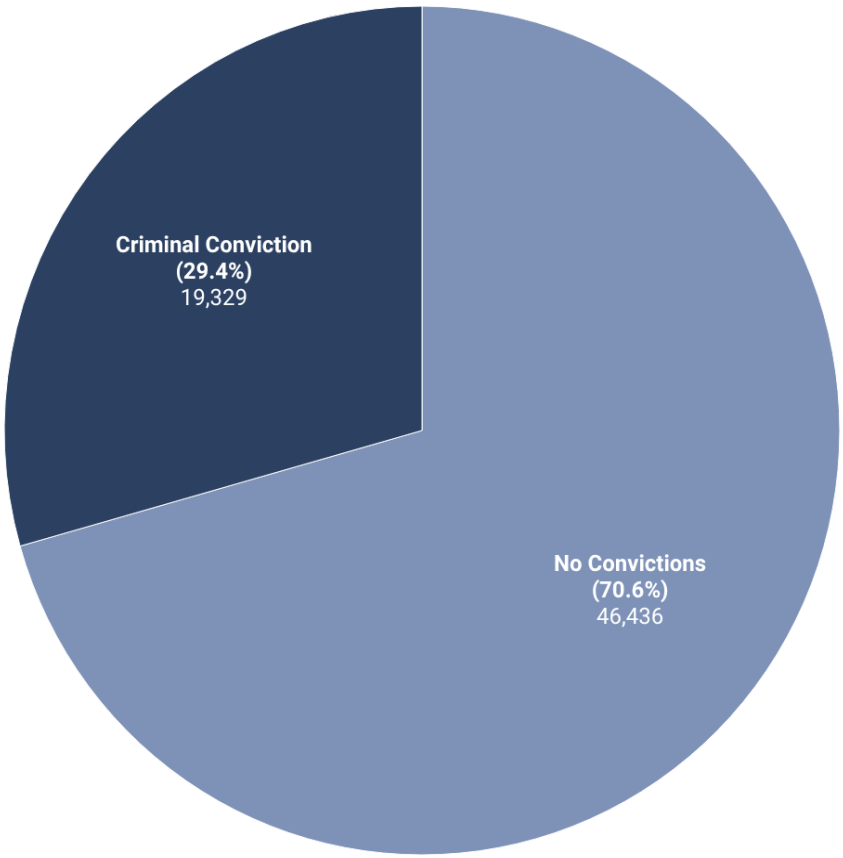
Finding 2: Many respondents denied bond had no criminal record or only minor, nonviolent offenses.

Among the 13 bond denials we observed, only one respondent had a conviction for a violent offense. The remaining respondents either had no criminal record or had been convicted of relatively minor, nonviolent offenses. At least two respondents had no criminal record whatsoever. Nevertheless, several respondents were deemed dangers to the community or flight risks despite evidence of stable employment, family and community ties, and rehabilitation.

Although immigration judges are required to make individualized determinations regarding danger to the community and flight risk, our observations suggest that respondents with little or no criminal record were nevertheless frequently found to present one or both risks.

Figure 16.[36]

National Percentage of Immigrants in ICE Detention with Criminal Convictions



Justice in View's observations reflect broader national trends. According to the most recent ICE detention statistics, 70.6 percent (46,436 of 65,765) of individuals in ICE detention had no criminal record. Among those with criminal convictions, many had been convicted of relatively minor, nonviolent offenses, according to the Transactional Records Access Clearinghouse (TRAC).[37] Together, these findings suggest that immigration detention—and, in many cases, the denial of bond—is frequently imposed on respondents who do not appear to present a serious threat to public safety.

Finding 3: Bond denial and prolonged detention may pressure respondents to abandon their immigration cases.

Among the four bond cases for which we have complete outcome data, two—or 50 percent—later accepted voluntary departure. One respondent filed an application for voluntary departure just 11 days after his bond case was denied. That application was granted the following day. For another respondent, after a bond denial and an unsuccessful appeal, his case was pretermitted by DHS. The next day, the respondent filed an application for voluntary departure, which was granted immediately.[38]

Although these observations represent a small number of cases, they are consistent with a growing body of scholarship suggesting that prolonged immigration detention—and the uncertainty created by discretionary bond decisions—may pressure respondents to abandon potentially meritorious claims. Legal scholar Emily Ryo argues that prolonged and seemingly arbitrary immigration detention fosters "legal cynicism," or a deep-seated distrust of legal institutions rooted in the realization that "the law in action is very different from the law on the books."[39] This erosion of trust may discourage respondents from continuing to pursue relief and can have broader consequences for their families, communities, and public confidence in the legitimacy of the immigration system. As Ryo notes, the perceived legitimacy of legal institutions is "central to social and political stability in democracies."[40]

Policy Recommendations

Our observations indicate that prolonged detention, coupled with discretionary bond decisions and limited access to release, may pressure some respondents to abandon potentially meritorious immigration claims in favor of voluntary departure or other forms of case resolution before receiving a decision on the merits of their claims. To reduce these coercive pressures and strengthen due process, we recommend the following reforms:

1. Require timely, individualized bond hearings for all detained immigrants.

Congress should require individualized custody redetermination hearings within seven days of detention. A timely hearing after detention would reduce unnecessary detention, ensure prompt oversight of custody decisions, and lessen the coercive pressures that prolonged detention may place on respondents to abandon potentially meritorious im-

migration claims before receiving a decision on the merits.

2. Restore immigration judges' authority to conduct bond hearings and promote consistent custody determinations.

DOJ should restore immigration judges' authority to conduct custody redetermination hearings and ensure the consistent application of bond jurisdiction nationwide.

3. Require immigration judges to explain and justify bond amounts.

Congress or the Department of Justice should establish clearer standards governing the determination of bond amounts. Immigration judges should be required to explain, on the record, how a bond amount relates to a respondent's risk of flight, danger to the community, and ability to pay. Bond should not be set at levels beyond the individual's ability to pay. Setting unreasonably high bond effectively ensures continued detention simply because respondents lack the financial means to secure release.

CONCLUSION

Justice in View documents how procedural mechanisms and immigration enforcement practices increasingly work together to prevent asylum seekers from receiving a full merits hearing. These include pretermission, Asylum Cooperative Agreements and other third-country transfer schemes, *in absentia* removal, restrictive bond practices, and courthouse arrests that discourage participation in the legal process. Although these procedural mechanisms and enforcement practices arise from different legal and administrative authorities, they produce the same result: protection claims are foreclosed, circumvented, or abandoned without being fully adjudicated. Faced with prolonged detention, limited access to bond, or removal to an unfamiliar country, many respondents are pressured into accepting voluntary departure or removal rather than continuing to pursue protection. As these procedural mechanisms expand, immigration courts increasingly determine who reaches an individual merits hearing rather than who qualifies for protection.

These transformations also change the work of those in the courtroom. Attorneys must navigate compressed timelines, advanced hearing dates, shifting procedural rules, and the possibility that their clients may be detained, transferred, or removed before their claims are fully heard. Immigration judges retain authority over many aspects of courtroom procedure, but their decision-making increasingly centers on administering procedural pathways to removal rather than adjudicating protection claims. As a result, the most consequential decisions in many cases are made before a merits hearing ever occurs.

These changes may appear to reduce a national backlog exceeding 3.6 million cases, but case completion is not equivalent to fair adjudication. A system may dispose of cases more quickly while diminishing the procedural safeguards necessary for fair and accurate decision-making. The appearance of administrative efficiency, in other words, comes at the expense of due process.

The right to seek asylum cannot be separated from the procedures that make that right meaningful. A system that formally preserves access to asylum while preventing respondents from presenting evidence, receiving individualized review, or reaching a merits hearing risks preserving the appearance of adjudication while hollowing out its substance. Restoring due process therefore requires ensuring that people seeking protection can safely appear in court, obtain thorough review, receive effective assistance of counsel, and have their claims adjudicated on the merits before removal becomes the outcome by default.

Many of the issues raised in this report are not new. Practitioners and scholars have long identified the structural weaknesses of an overburdened and underfunded immigration court system housed within the Department of Justice and therefore subject to executive-branch control. While some of the procedural mechanisms examined here are new, the institutional structure that enables their rapid implementation is not. This report therefore seeks not simply to identify new practices, but to document how longstanding structural vulnerabilities are being intensified in real time. At the same time, the current

dismantling of due process presents an opportunity for policymakers, practitioners, and researchers to pursue more fundamental reforms that address both the immediate harms documented here and the structural conditions that made them possible. We conclude by offering evidence-based recommendations aimed at creating an immigration adjudication system that better protects due process, promotes judicial independence, and ensures that people seeking protection receive a full and fair opportunity to be heard.

SUMMARY OF RECOMMENDATIONS

Short-Term Priorities

Suspend immigration enforcement actions in and around courthouses. DHS should immediately end immigration enforcement actions in and around courthouses so that respondents can attend required hearings without fear of arrest.

Allow respondents to appear by Webex. EOIR should permit respondents to appear remotely without requiring a motion or special justification.

Restore immigration judges' authority to conduct bond hearings and require transparent bond determinations. DOJ should restore immigration judges' authority to conduct custody redetermination hearings, require judges to explain bond decisions on the record, and ensure that respondents' ability to pay is considered when setting bond.

Medium-Term Priorities

End pretermission as a practice and ensure access to merits adjudication. Congress should prohibit pretermission and ensure that asylum and other protection claims cannot be denied before respondents have an opportunity to present evidence and testimony.

Set aside all *in absentia* removal orders issued since January 2025. Individuals ordered removed in their absence should receive a new hearing and a full opportunity to present their claims on the merits.

Create remedies for respondents subjected to ACA proceedings. Respondents whose cases were pretermitted or who received removal orders under ACAs or related third-country mechanisms should have their cases reopened, receive stays of removal, and have removal orders entered through these procedures set aside.

Require timely custody redetermination hearings. Congress should require individualized bond hearings within seven days of detention.

Restore funding for immigration legal services. Congress should restore funding for legal representation programs serving detained adults, families, and unaccompanied children.

Long-Term Structural Reform

End Asylum Cooperative Agreements. Congress should prohibit ACA-based third-country transfers and ensure that people seeking protection have the opportunity to have their claims adjudicated in the United States.

Establish an independent immigration court system. Congress should remove immigration adjudication from the Department of Justice and establish an independent Article I immigration court or another structurally independent adjudicative system.

Guarantee legal representation for respondents who cannot afford counsel. Congress should establish a nationwide system of appointed immigration counsel or universal representation for individuals in removal proceedings.

ABOUT JUSTICE IN VIEW

Justice in View is a national court-watching research initiative that documents how immigration law is implemented in practice through sustained ethnographic observation of immigration courts across the United States. By mobilizing and training a nationwide network of undergraduate and graduate student researchers, Justice in View generates systematic qualitative and quantitative data on courtroom procedures, judicial decision-making, access to counsel, due process, and the everyday experiences of people navigating the immigration system. The initiative combines firsthand courtroom observation with institutional court data to produce independent, evidence-based research that informs policymakers, advocates, scholars, journalists, and the public. The initiative is spearheaded by Dr. Amelia Frank-Vitale (Princeton University) and Dr. Lauren Heidbrink (California State University, Long Beach).

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APPENDIX A: Acronyms

ACA	Asylum Cooperative Agreement(s)
ACLU	American Civil Liberties Union
BIA	Board of Immigration Appeals. Under EOIR, the highest U.S. administrative body for interpreting and applying immigration laws
CAT	Convention Against Torture
CBP	Customs and Border Protection
CLP	Circumvention of Lawful Pathways
DHS	Department of Homeland Security
DOJ	Department of Justice
EOIR	Executive Office for Immigration Review; office with oversight over immigration courts and the BIA; housed in the Department of Justice
ICE	Immigration and Customs Enforcement
INA	Immigration and Nationality Act; law governing immigration and removal matters in the United States
JAG	Judge Advocate General
NTA	Notice to Appear; the charging document that initiates removal proceedings against a noncitizen and lists the alleged grounds of removability
TPS	Temporary Protected Status
UNHCR	United Nations High Commissioner for Refugees
USCIS	United States Citizenship and Immigration Services

APPENDIX B: Glossary of Terms

A-number	A unique number assigned to noncitizens as form of identification for all immigration paperwork and proceedings
Asylum	A legal status sought by a noncitizen in the United States who claims fear of return to their home country on account of a specific type of persecution
Asylum Cooperative Agreement	An agreement under which the United States transfers certain asylum seekers to another country to seek protection there instead of pursuing asylum in the United States.
Bond Hearing	A hearing to determine whether a detained individual should be released while their case is pending and under what conditions.
Continuance	A postponement or adjournment of immigration court proceedings to a future date set by the immigration judge.
Convention Against Torture	An international convention, signed by the U.S. and implemented by regulation. Provides protection from removal for individuals who can prove it is more likely than not that they will be tortured if returned to their home country. Available even when asylum is barred.
In Absentia Removal Order	A removal order issued by a judge for a noncitizen who failed to appear for a proceeding that they had been ordered to attend
Master Calendar Hearing	A hearing with many respondents where they are read their rights, the charges against them, and may be asked how they plead.
Individual Merits Hearing	A hearing in which an immigration judge receives testimony, considers evidence, and determines whether a respondent qualifies for asylum or other relief from removal.
Pretermission	The dismissal or denial of an application for relief without a full evidentiary hearing because the application is deemed legally deficient or the respondent is found ineligible before the merits are considered.
Relay Interpretation	When interpretation is done in stages, usually from a less commonly spoken language, into a more commonly spoken language, and then into English. For example, Quechua into Spanish into English.
Respondent	The official name for the person in removal proceedings
Webex	The online digital conferencing platform used by EOIR.
Voluntary Departure	Permission for a respondent to leave the United States voluntarily instead of receiving a formal removal order.
Withholding of Removal	Relief from removal can be granted to applicants who are otherwise barred from asylum, but whose cases still demonstrate the need for protection from persecution. It can be granted under the INA or CAT.

APPENDIX C: Pretermission and Other Barriers to Merits Hearings

This appendix explains the principal procedural mechanisms discussed in this report that increasingly prevent asylum seekers from receiving an individual merits hearing. Although these mechanisms arise from different legal authorities, they function in similar ways by resolving or terminating cases before the court reaches the merits of the asylum claim.

What is pretermission?

Pretermission occurs when an immigration judge determines that the applicant is ineligible for relief without holding a hearing on the merits of the claim. Rather than hearing testimony, considering evidence, and evaluating credibility, the court determines that the applicant is legally ineligible for relief or that the application is otherwise deficient before reaching the merits.

Although pretermission has become increasingly common in recent years, its expanded use is controversial and rests on a developing body of administrative precedent rather than a long-established statutory framework. Department of Homeland Security attorneys may move to pretermit on several grounds, often giving respondents only one to five days to respond. While these motions became widespread beginning in 2025, the legal groundwork was laid years earlier. In 2018, during President Trump's first administration, the Board of Immigration Appeals vacated a 2014 decision recognizing asylum applicants' right to a hearing on their claims.

How often is pretermission used?

The use of pretermission has expanded dramatically. Since January 2025, DHS has filed 64,202 motions to pretermit, with filings peaking in March 2026. During the same period, immigration judges granted 50,517 motions (78.7%) and denied 13,685 (21.3%).

Pretermission based on allegedly deficient applications

Recent administrative decisions have expanded the circumstances under which immigration judges may pretermit asylum applications. In *Matter of C-A-R-R-*, the BIA stated that a complete Form I-589 requires a substantive response to every question on the application. In April 2025, Acting EOIR Director Sirce Owen instructed immigration judges that they "may pretermit legally deficient asylum applications without a hearing." The BIA expanded this authority further in *Matter of H-A-A-V-* (2025), holding that immigration judges may pretermit applications when the facts alleged fail to establish a prima facie claim for relief. Under these decisions, asylum applications may be denied without testimony whenever the immigration judge concludes that the application does not establish prima facie eligibility for relief.

Asylum Cooperative Agreements

Asylum Cooperative Agreements (ACAs) provide another mechanism for preventing

merits hearings. The first Trump administration negotiated ACAs with Guatemala, Honduras, and El Salvador in 2019, although implementation was quickly challenged in federal court. Human rights organizations, legal advocates, and country conditions experts criticized the agreements because receiving countries had limited asylum systems, high levels of violence, and inadequate protection mechanisms.

Although the Biden administration terminated the agreements in 2021, President Trump reinstated and expanded them beginning in January 2025 through Executive Order 14165, *Securing Our Borders*. New agreements followed with Honduras and Guatemala in July 2025, Uganda in September 2025, Ecuador in November 2025, and Belize in March 2026. As of 2026, the United States has entered some form of ACA with at least 35 countries.

In October 2025, the BIA further expanded the use of ACAs in *Matter of C-I-G-M- & L-S-V-G-*, holding that immigration judges should determine whether an ACA bars an applicant from seeking asylum before considering the merits of the asylum claim. As a result, an asylum application may be denied without a full evidentiary hearing whenever an immigration judge concludes that the safe-third-country bar applies.

Other barriers to individual merits hearings

Pretermission is only one of several mechanisms that can prevent asylum seekers from receiving a full merits hearing. Other procedural and substantive barriers now operate alongside pretermission to produce the same practical effect. For example, immigration judges may issue in absentia removal orders when respondents fail to appear for court. Such orders have increased during the second Trump administration following the implementation of "Mega Master Calendar Hearings," which have advanced hearings with little or no notice. Likewise, asylum applications may be deemed "waived" or "abandoned" because of missed deadlines or procedural requirements.

Financial barriers have also increased. H.R. 1, enacted on July 4, 2025, imposed an initial asylum filing fee of no less than $100, followed by a $102 annual fee to maintain a pending application, while eliminating fee waivers. Respondents who cannot pay these fees are effectively prevented from pursuing asylum. Although these mechanisms arise from different statutory, regulatory, and administrative authorities, they similarly prevent asylum seekers from receiving a hearing on the merits.

The shift away from merits adjudication

Historically, asylum seekers generally received a merits hearing where they could testify, present evidence, respond to the government's arguments, and establish their eligibility for protection.

The expansion of pretermission—including ACA-based pretermission—together with filing fees, in absentia removal, and other procedural barriers has significantly narrowed access to merits hearings, shifting immigration court from adjudicating asylum claims on their merits to determining whether applicants will receive a merits hearing at all.

NOTES

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[2] Margy O'Herron and Neema Jyothiprakash, *The Empty Promise of the Board of Immigration Appeals* | (Brennan Center for Justice, 2026), https://www.brennancenter.org/our-work/research-reports/empty-promise-board-immigration-appeals.

[3] Vera Institute of Justice, "ICE Detention Trends," ICE Detention Trends, April 2, 2026, https://www.vera.org/ice-detention-trends.

[4] Human Rights Watch and Physicians for Human Rights (PHR), *Dying in Detention: Rising Deaths in an Expanding US Immigration Detention System* (2026), https://www.hrw.org/report/2026/06/25/dying-in-detention/rising-deaths-in-an-expanding-us-immigration-detention-system.

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[7] "In Absentia (Missed Court Hearings)," *Mobile Pathways*, accessed August 6, 2026. https://pathfinder.mobilepathways.org/case-history-reports/in-absentia/.

[8] Ingrid Eagly and Steven Shafer, *Measuring In Absentia Removal in Immigration Court* (American Immigration Council, 2021), https://www.americanimmigrationcouncil.org/research/measuring-absentia-removal-immigration-court.

[9] "In Absentia Hearings," Mobile Pathways, 2026, https://www.mobilepathways.org/dashboards/in-absentia.

[10] Mobile Pathways, "In Absentia Hearings."

[11] "In Absentia (Missed Court Hearings)," *Mobile Pathways*, accessed August 6, 2026. https://pathfinder.mobilepathways.org/case-history-reports/in-absentia/.

[12] Joseph Gunther, *Quantifying Immigration Court Arrests*, October 7, 2025.

[13] Bartlomiej Skorupa, What Are the Odds an Immigrant Will Be Arrested in Court? (Mobile Pathways, 2025), https://www.mobilepathways.org/post/what-are-the-odds-arrested-in-court.

[14] Skorupa, *What Are the Odds an Immigrant Will Be Arrested in Court?*

[15] Pablo Sequen et al. v. Albarran et al., No. 3:25-cv-04836-PCP (N.D. Cal. June 23, 2026) (order granting summary judgment and vacating ICE and EOIR policies authorizing civil immigration arrests at or near immigration courthouses nationwide).

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[19] Mobile Pathways, "Third Country Removals."

[20] U.S. Government Accountability Office, *Asylum: Immigration Court Case Processing Times Increased and Data Limitations Hinder Assessment of Some Policies*, GAO-25-106867 (Washington, DC: U.S. Government Accountability Office, 2025), https://files.gao.gov/reports/GAO-25-106867/index.html.

[21] 8 U.S.C. § 1229a(b)(4)(A).

[22] Ingrid V. Eagly and Steven Shafer, "A National Study of Access to Counsel in Immigration Court," *University of Pennsylvania Law Review* 164, no. 1 (2015): 1–91.

[23] *ABA Concerned about U.S. Government's Cutoff of Legal Services for Unaccompanied Children* (American Bar Association, 2025), https://www.americanbar.org/news/abanews/aba-news-archives/2025/03/aba-concerned-about-cutoff-of-legal-services-for-children/; Rebecca Boone and Cedar Attanasio, "Justice Department Can Cut Funding for Legal Guidance for People Facing Deportation, US Judge Says," Politics, *Associated Press*, April 15, 2025, https://apnews.com/article/immigration-court-detention-legal-education-funding-trump-lawsuit-91cb742cc7b53c4476fa990c0cb35320.

[24] "Third Country Removals: Monthly ACA Pretermission Removal Orders," *Mobile Pathways*, accessed August 6, 2026. https://pathfinder.mobilepathways.org/case-history-reports/aca/.

[25] ICE issued interim guidance on July 8, 2025, and, two days later, Customs and Border Protection Commissioner Rodney Scott instructed CBP personnel that "applicants for admission are subject to mandatory detention under INA § 235(b) and may not be released from DHS custody except

by INA § 212(d)(5) parole." *See* Memorandum from Rodney S. Scott, Comm'r, U.S. Customs & Border Prot., *Interim Guidance Regarding Detention Authority for Applicants for Admission* (July 10, 2025); U.S. Immigration & Customs Enforcement, *Interim Guidance Regarding Detention Authority for Applicants for Admission* (July 8, 2025). In response, the American Civil Liberties Union, ACLU of Southern California, Northwest Immigrant Rights Project, and USC Gould School of Law Immigration Clinic filed a nationwide class-action lawsuit challenging the policy. See Class Action Complaint and Amended Petition for Writ of Habeas Corpus, *Maldonado Bautista v. Department of Homeland Sec.*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. July 28, 2025). Before this policy change, many noncitizens detained under INA § 236(a) could seek custody redetermination hearings before an immigration judge and appeal adverse bond determinations to the Board of Immigration Appeals, although this process did not apply to individuals subject to mandatory detention or other statutory exceptions. In September 2025, however, the Board of Immigration Appeals held in *Matter of Yajure Hurtado* that immigration judges lack authority to redetermine custody for noncitizens detained under INA § 235(b)(2)(A), substantially limiting immigration judges' bond jurisdiction for this class of detainees. *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (B.I.A. 2025).

[26] In November 2025, the U.S. District Court for the Central District of California granted summary judgment in *Lazaro Maldonado Bautista v. Ernesto Santacruz Jr.*, holding that DHS policy denying immigration judge custody redetermination hearings to many noncitizens who entered without inspection was unlawful and certifying a nationwide class of bond-eligible detainees consisting of noncitizens present in the U.S. without lawful status who entered without inspection, were not apprehended upon arrival, and were not otherwise subject to mandatory detention under 8 U.S.C. §§ 1225(b)(1), 1226(c), or 1231. See Order Granting Plaintiffs' Motion for Summary Judgment, *Lazaro Maldonado Bautista v. Ernesto Santacruz Jr.*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 24, 2025). In a subsequent order issued on December 18, 2025, Judge Sunshine S. Sykes clarified that members of the certified class remained eligible to seek custody redetermination before an immigration judge. See Order Clarifying Summary Judgment, *Lazaro Maldonado Bautista v. Ernesto Santacruz Jr.*, No. 5:25-cv-01873-SSS-BFM, ECF No. 93 (C.D. Cal. Dec. 18, 2025). Despite these rulings, on January 13, 2026, Chief Immigration Judge Teresa L. Riley directed immigration judges nationwide to continue following *Matter of Yajure Hurtado*, explaining that "just as Immigration Judges have no authority to redetermine the custody of arriving aliens who present themselves at a port of entry, they likewise have no authority to redetermine the custody conditions of an alien who crossed the border unlawfully without inspection." Riley further advised that the district court's decision was "not a nationwide injunction" and therefore was not binding on EOIR adjudicators. See Memorandum from Teresa L. Riley, Chief Immigration Judge, to All Immigration Judges, Guidance Regarding *Matter of Yajure Hurtado* (Jan. 13, 2026).

[27] *See Matter of Yajure Hurtado*, 29 I&N Dec. ___ (BIA 2025); *Jimenez v. Noem*, No. 5:25-cv-02253 (C.D. Cal. Nov. 2025) (certifying a nationwide class of bond-eligible detainees and vacating the policy); Order Clarifying Summary Judgment (Dec. 18, 2025). On January 13, 2026, Chief Immigration Judge Teresa L. Riley instructed immigration judges to continue following *Matter of Yajure Hurtado*, stating that the district court's decision did not constitute a nationwide injunction. Rebecca Cassler, *BIA Decision Strips Immigration Judges of Bond Authority, All but Guaranteeing Mandatory Detention for Undocumented Immigrants* (American Immigration Council, 2025), https://www.americanimmigrationcouncil.org/blog/bia-ruling-immigration-judges-bond-mandatory-detention-undocu-

mented-immigrants/.

[28] Under the Immigration and Nationality Act, ICE may release certain detained immigrants on conditional parole or bond in an amount of at least $1,500. In practice, however, bond amounts are often substantially higher. According to Mobile Pathways bond tracking data, as of May 2026, the average immigration bond nationwide was approximately $7,500, and some bonds exceeded $75,000, creating significant financial barriers to release.

[29] "Bond Tracking: Monthly Bond Outcomes," Mobile Pathways, accessed August 6, 2026. https://pathfinder.mobilepathways.org/case-history-reports/bond-tracking/.No Reference

[30] Mobile Pathways, "Bond Tracking."

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[32] Mobile Pathways, "Bond Tracking."

[33] Mobile Pathways, "Bond Tracking."

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[35] Melissa Kollar and Zach Scherer, *Income in the United States: 2024*, nos. P60-286 (United States Census Bureau, 2025), 16.

[36] "ICE Detainees," *Transactional Records Access Clearinghouse (TRAC)*, accessed August 6, 2026. https://tracreports.org/immigration/detentionstats/pop_agen_table.html.

[37] "ICE Detainees," *Transactional Records Access Clearing House (TRAC)*, accessed August 3, 2026, https://tracreports.org/immigration/detentionstats/pop_agen_table.html.

[38] These same findings are echoed in Galemba's CTP report. 20 respondents her team observed later requested voluntary departure, and an additional 14 accepted removal orders. This number could be even greater, as CTP was unable to find outcome data for 23 of the 111 cases they observed.

[39] Emily Ryo, "Fostering Legal Cynicism through Immigration Detention," *Southern California Law Review* 90, no. 5 (2017): 1003.

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