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Immigration

Judges' Crackdown On Virtual Hearings Adds Hurdles For Immigrants In Court

Hawai'i-based immigration judges



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have ordered attorneys and their clients from as far as Texas and Alaska to travel to appear in person in Honolulu's court.

By Jeremy Hay, Caitlin Thompson / September 29, 2026

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New judges at Honolulu's immigration court are requiring immigrants and their attorneys to appear in person for hearings at least four times as often in a turn away from virtual hearings, driving up costs and adding barriers for people fighting deportation.

The changes documented in federal data and noted by advocates increase the financial burden on immigrants

living on neighbor islands — and even more so for people living outside of Hawai'i who have to appear in person. It not only forces them to dole out airfare for themselves and sometimes their attorneys, but they may miss work and have to pay for accommodations on O'ahu and childcare back home.

“Our clients, all very low income, can't easily afford to travel to Honolulu from neighbor islands, especially multiple times for biometric appointments, ICE check-ins and court hearings,” said Bettina Mok, executive director of The Legal Clinic, a Honolulu-based nonprofit that serves immigrants.

The stakes of not showing up for a hearing are sky high. It leads to an in-absentia decision, which translates into an almost automatic order of removal for immigrants who may have been in the country for years and be in the midst of long-running applications for asylum or green cards.



A Honolulu immigration judge ordered Anchorage-based attorney Margaret Stock and two of her clients, both Alaska residents, to travel here twice for their asylum application hearings. (Mark Thiessen/Associated Press/2018)

A Civil Beat analysis of data from the Executive Office for Immigration Review found that under the Honolulu immigration court's new judges, who took over in June and July, the number of people from neighbor islands or out of state who have had to appear in person for hearings at the Prince Kūhiō Federal Building courthouse has soared.

It showed that in July and August, 87% of immigrants from neighbor islands with immigration court proceedings had to travel to O'ahu for at least one in-person hearing, compared to just under a third in the same period last year.

For those farther afield, the contrast was even starker. Honolulu judges required 18 people with out-of-state addresses to appear in person this July and August, compared to just one during the same months last year — a rise from 14% to 82%. Whether a hearing was in person or virtual was determined according to [the Department of Justice's explanation](#) of its own data.

In recent decisions, attorneys and their clients who were once scheduled to appear remotely have been required to show up in person from as far away as Texas and Alaska, while closer to home, immigrants from neighbor islands have been summoned in person even if their attorneys are allowed to attend remotely.

The increase reflects a nationwide trend, according to immigration attorneys and former judges who consider it part of the White House campaign to deport more people, faster. Other tactics

include moving up court dates on short notice, including some that have been scheduled for years, and making it [harder to seek continuances](#).

Hawai'i's only immigration court hasn't gone as far as others such as Tacoma, Washington's, which in mid-August entirely [stopped allowing](#) attorneys to appear remotely on behalf of local respondents, immigration attorneys who work at the court said.

But Dana Leigh Marks, a former San Francisco immigration judge, said the shift in practices in Hawai'i has the same goal: to make things tougher for immigrants.

The Trump administration is "trying to capitalize on any mechanism they can think of that would increase the number of deportations and limit the opportunities for immigrants before the courts," said Marks, who was appointed a judge in 1987 under President Ronald

Reagan and is a past president of the National Association of Immigration Judges.



The entrance to the Northwest U.S. Immigration and Customs Enforcement Processing Center in Tacoma, Washington. (Lindsey Wasson/Associated Press/2025)

One of the two prior Hawai'i judges, Clarence Wagner — who required 22% of his hearings to be in person last July and August, the most at the time for the Honolulu court — [was fired](#) in May as part of a justice department house cleaning that critics said was aimed at judges whose rulings were too friendly to immigrants.

The other judge, Robin Feder, who had an even lower rate of requiring in-person hearings — 5% — disappeared from the court's roster in June without explanation. Immigration attorneys in Hawai'i said she

retired rather than be fired but she did not return a call seeking comment.

Civil Beat asked the press office of the Executive Office for Immigration Review whether there has been an official policy change or guidance about in-person versus remote hearings, the aim of requiring in-person hearings more frequently and how they align with the administration's overall immigration enforcement policy. It responded with a link to the [agency's policy manual](#), which contains no mention of a new policy, and didn't respond to a request to interview the sitting Honolulu judges.

A Long Way To Court

Immigration judges have used technology to hold virtual hearings since the mid-1990's. During the pandemic, the Executive Office for Immigration Review — part of the Department of Justice — encouraged the practice in [a memo](#) extolling the efficiency

and other advantages of video conferencing.

“VTC is beneficial to both the immigration courts and the alien respondent in immigration proceedings,” it said, adding that due process was as well served virtually as in in-person hearings.

[A policy memo two years later, in 2022](#), again endorsed virtual hearings and encouraged judges to grant them when requested. It said, among other things, that “respondents and counsel appearing remotely are relieved from traveling to court. Internet-based hearings make it easier for parties to present witnesses, including expert witnesses, as parties can avoid the costs and complications of witness travel.”

Wagner, the former judge, told Civil Beat: “There was always a push to go toward the technology. So saying no to video conferencing was something that I didn’t engage in very often because I could

do my job by video or in person.”

But two months after Donald Trump took office, in March 2025, the new director of the Executive Office for Immigration Review [rescinded](#) the 2022 memo, saying it was “purposeless” and that the Biden-era director who wrote it exceeded his authority.

And by a number of measures, under the most active new Hawai‘i judges — Tamara Wallen and Howard Hom, who also hears cases in Santa Ana, California — the pendulum in Honolulu’s immigration court has swung sharply in the other direction. A third new judge, Kiley Hyatt, hears many fewer cases and operates almost entirely remotely, attorneys said.

Last August, 38 of the 120 hearings in front of immigration judges in Honolulu were held in person. This August, that number rocketed to 176 out of 249.



Immigration judge Clarence Wagner was fired without explanation after 16 years on the court. (Craig Fujii/Civil Beat/2026)

For Hom and Wallen, 4 in 5 hearings – or 80% – have been in person in their courtroom this July and August, compared to about 1 in 5 for Wagner and 1 in 20 for Feder during the same months last year.

The trend is expected to continue. About 90% of hearings scheduled for October are currently scheduled to be in person, compared to 22% in the same month last year. Last November and December, about an eighth of hearings were in person. This year, it's set to be two-thirds, although hearings could still be canceled, rescheduled or made virtual.

“It seems like the judge is just trying to get me to drop out of the case.”

Alaska-based attorney
Margaret Stock

For Margaret Stock, a prominent immigration attorney based in Alaska, that has meant that two of her clients — Russian men of Ukrainian descent who protested against President Vladimir Putin and his war against Ukraine — have been ordered to travel some 2,700 miles from Sitka, where they live, to Honolulu for their hearings.

Stock’s clients were to appear in front of Wagner via Webex, the court’s video teleconferencing system. But after Wagner was fired, Wallen denied Stock’s motions to change the venue to Anchorage for her clients. The men, who are related, have permits to work in the United

States while their asylum applications are pending; one is married to a U.S. citizen.

 UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
HONOLULU IMMIGRATION COURT

Respondent Name: _____
A-Number: _____

To: _____
Stock, Margaret Deborah
4300 B Street
Suite 207
Anchorage, AK 99503

From: _____
In Removal Proceedings
Initiated by the Department of Homeland Security
Date: 09/23/2026

ORDER OF THE IMMIGRATION JUDGE

☒ Respondent ☐ the Department of Homeland Security has filed a motion to reconsider. Upon consideration of the motion, and any opposition from the non-moving party, the motion is ☐ granted ☒ denied for the following reason(s):

☐ The motion is numerically barred. See INA § 240(c)(9)(A), 8 C.F.R. § 1003.23(b)(1).

☐ The motion is untimely. See INA § 240(c)(9)(B), 8 C.F.R. § 1003.23(b)(1).

☐ The motion does not specify errors of law or fact in the previous order or is not supported by pertinent authority. See INA § 240(c)(9)(C), 8 C.F.R. § 1003.23(b)(2).

☒ Other:
Respondent's counsel filed a Motion to Reconsider Denial of Change of Venue on September 12, 2026.

Respondent's residence is one factor of many for the Court's consideration when reviewing a motion requesting a change of venue. The motion is DENIED.

An individual hearing is scheduled for October 15, 2026. The Court's discretion to change venue is subject to the existence of good cause for such a change, and good cause is determined by balancing the relevant factors, including administrative convenience, expeditious treatment of the case, location of witnesses, cost of transporting witnesses or evidence to a new location, and factors commonly associated with the alien's place of residence. See *Matter of Rahman*, 20 I&N Dec. 480, 482-83 (BIA 1992).

Respondent's recent change of address does not outweigh other relevant factors including the expeditious treatment of the case that has already been decided for an individual merits hearing.


Immigration Judge: Wallen, Tamara 09/23/2026

Immigration judge Tamara Wallen twice denied without explanation attorney Margaret Stock's motion to change the venue of her clients' hearings from Honolulu to Anchorage.

Although their asylum applications were filed in Alaska, the men's cases were assigned to Wagner in late 2024 when they registered with the Honolulu court while living with a relative in Moloka'i for a few months while they waited for their work permits to be issued.

Wallen, a former U.S. Coast Guard judge advocate and judge, [whose assignment in Honolulu](#) is her first as an immigration judge, also

separated the two men's cases. She scheduled one in October and the other in November. And she denied Stock's motion that an expert witness who lives in the United Kingdom be permitted to appear via Webex.

To Stock, the combined cost of two mandatory trips to Honolulu — in airfare, hotel stays and time away from work — adds up to a story of its own.

"They want to make it as hard as possible for people to go to a court hearing in the hopes that they don't show up, and then they can just be deported," she said, adding that most people, even if they could manage such a trip, couldn't afford to bring an attorney along as well.

"It seems like the judge is just trying to get me to drop out of the case," Stock said.

That perception is bolstered, she said, by a flyer Wallen sent with her orders denying the change of venue. It highlighted

the benefits of so-called self-deportation, a term the administration uses in pressuring undocumented immigrants to voluntarily leave the United States.

“That implies that she is not a neutral judge,” Stock said. Of her clients, she added, “If they get deported, they’ll just get immediately tortured and jailed and sent to the front to get killed.”

Stuck Here, Attorney At Home

The new dynamics at the court appear in other arenas, too.

As the Transportation Security Agency steps up its cooperation with the Immigration and Customs Enforcement agency, arrests at airports have risen, leading to more out-of-state immigrants being detained in Hawai‘i without access to their attorneys, said Esther Yoo, director of the Refugee & Immigrant Law Clinic at University of Hawai‘i Richardson School of Law.

Many of those arrested traveled to Hawai'i for vacation or for work and have overstayed their visas but have attorneys at home along with active applications for asylum or other forms of legal status, Yoo said. But judges have regularly denied those attorneys' motions to appear by Webex, she said. Hom is the most prolific, having denied 40% of such motions, according to the immigration court data, or 10 out of 25.

"They're scrambling to try to find attorneys here in Hawai'i that can help them at least get out on bond," Yoo said. "But because there's so many people being arrested recently, all the immigration attorneys here are just out of capacity and a lot of them have been turning away new cases."

Nationwide, the changes are causing chaos in courts, according to Rekha Sharma-Crawford, second vice president of the American Immigration Lawyers Association.

“People are having to go in person only to have hearings kicked out or canceled,” she wrote in an email to Civil Beat. “Notices are being sent last minute and randomly.”

Although Sharma-Crawford believes having attorneys and witnesses in the same place is actually “better for due process,” she said, “with so much movement of people and cases being scheduled in random courts, Webex ensures people are not expending resources just to be told that their case has been canceled or rescheduled last minute.”

In the Honolulu court, though there is no stated policy, immigration attorneys now steel themselves against the new reality.

Maui-based attorney Kevin Block said that while judges will sometimes allow local attorneys to appear virtually, they are requiring clients to show up in person. And at a recent hearing, he said, the judge ordered Texas- and

California-based attorneys to appear, too.

“It’s designed to get them to just say, ‘We are not welcome here, obviously. Let’s just go.’ That’s the goal.”

Maui-based attorney Kevin Block

And while a slate of Block’s recent master calendar hearings — the equivalent of a criminal court arraignment where defendants enter pleas — were permitted remotely, he plans to have to appear for the individual hearings, which are the main event, like a trial.

“I’m just going to show up in court and my clients are going to show up, too, just because I know the judge is probably going to deny the motion to appear by Webex,” he said.

In general, immigration courts seem to have a different aim now than fairly adjudicating immigrants' cases, Block said.

"It's designed to get them to just say, 'We are not welcome here, obviously. Let's just go.' That's the goal," he said. "And it's working for a lot of people. Which is sad because they have often lived here for years, worked hard, paid taxes and raised families."

Between 30% and 40% of his clients now are choosing to give up and voluntarily return to their country of origin, he estimated, compared to more like 5% before the administration's crackdown on immigrants began.

That's especially true for those locked up at the Federal Detention Center in Honolulu while their cases go forward, Block said: "They're just going to be like, 'It's dangerous where I live, but it's dangerous here. And at least where I live, I can be outside and be in the sunshine.'"

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