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IMMIGRATION SEP 16

# ICE is ordering immigrants to appear in court, but the judges aren't expecting them



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Santos Monroy, Raymundo Olmedo and more than a dozen other immigrants reported for Dallas court hearings on their deportation cases Thursday only to be turned away.

They'd been ordered to be in court by Immigration and Customs Enforcement. But their official notices to appear on Sept. 13 were greeted by court staffers who matter-of-factly called them "fake dates."

Their names weren't on judges' dockets. "We've got fake dates," said one security guard as about two dozen immigrants clustered near a court filing window.

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The orders to appear are not fake, but ICE apparently never coordinated or cleared the dates with the immigration courts. It's a phenomenon that appears to be popping up around the nation, with reports of "fake dates" or "dummy dates" in Dallas, Los Angeles, San Diego, Chicago, Atlanta and Miami.

Some immigrants have even been given documents ordering them to be in court at midnight, on weekends and on a date that doesn't exist: Sept. 31.

The result, immigrant advocates say, is more "chaos" in the heavily backlogged immigration court system.



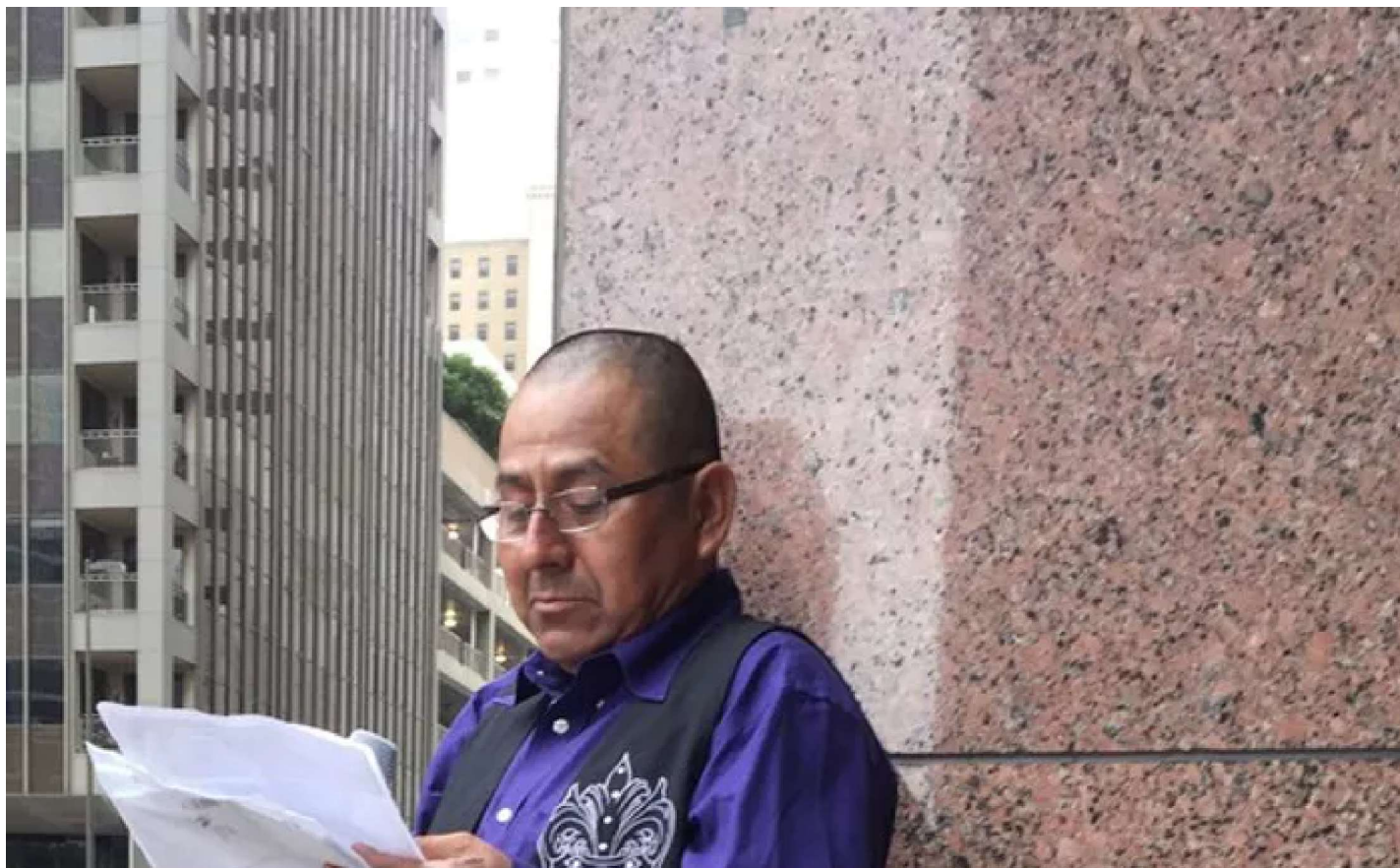
**IMMIGRATION**

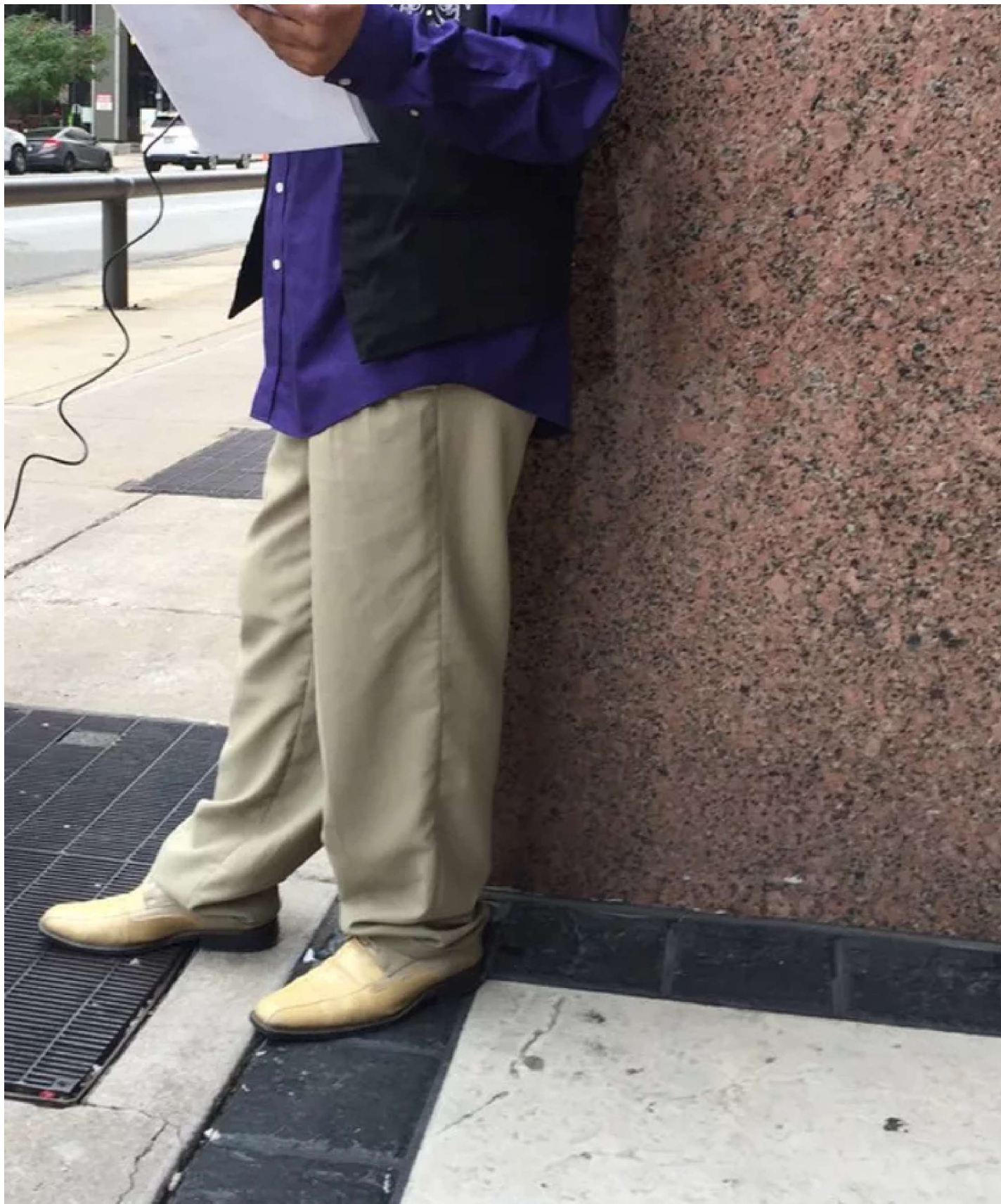
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The immigrants turned away in the Dallas court had been detained at a raid at the Load Trail trailer factory on Aug. 28 in Sumner, about 100 miles northeast of Dallas. The raid was billed by ICE as one of the largest such operations at a single workplace in a decade. As is often the case, most immigrants were released while awaiting an administrative hearing before a judge.

On Thursday, after they showed up without being expected by the courts, a court clerk collected their "notices to appear," the charging document usually prepared by ICE, and they were told to fill out another form and were sent away with instructions to call a phone number regularly to eventually learn their real court date.

"It's a madhouse," muttered Dalila Reynoso, a church worker who has been assisting workers and their families since the raid.





Raymundo Olmedo, a former Load Trail factory worker, stands outside the Dallas federal courthouse after he reported to immigration court on Sept. 13. Olmedo's name didn't appear on the Sept. 13 court docket, so he was sent away. More than a dozen immigrants caught in the Load Trail raid faced the same situation at the immigration courts. (Dianne Solis/Staff)

An ICE spokesman on Friday referred questions to the Justice Department's agency overseeing the courts. A spokeswoman for that agency referred questions to the Department of Homeland Security, which oversees ICE.

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“Please contact DHS for a response,” said Kathryn Mattingly, the spokeswoman for the court agency of the Justice Department.

ICE spokesman Tim Oberle said the court agency, known as the Executive Office for Immigration Review, “is responsible for setting and resetting appearance dates upon receipt of a notice to appear filed by” ICE and other “components” of Homeland Security.

Neither ICE nor the court agency offered an explanation for the confusion.

Monroy, who worked at the trailer company six years to support his wife and four children, said he has to keep calling for his next court date. Since the raid, the 29-year-old said he’s had trouble sleeping as he worries about his legal status and how he’ll pay his bills. “I am always thinking of what will happen tomorrow,” said Monroy, who was born in Mexico.

## Overloaded courts

The nation’s immigration courts are overloaded. About 750,000 cases are waiting to be resolved. The courts have not yet moved to a national electronic filing system and lawyers still do paper filings. In July, the court agency began a pilot electronic filing system in San Diego with a goal of going national in 2019.

The fake dates are aggravating problems in the overburdened courts.

Dallas immigration attorney Daniel Stewart and other attorneys say the docket confusion stems from a June 21 [Supreme Court case decision](#) involving valid and invalid notices to appear.



### IMMIGRATION

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In the past, many notices to appear didn’t contain an actual date or place for an immigrant to appear in court. The Supreme Court intervened and ordered the federal government to put real dates and places on the orders.

The Department of Homeland Security appears to have complied by setting dates and times that have not been cleared with the courts. Immigrants show up and crowd the courtrooms when they are not expected to appear.

In the [Supreme Court case](#), a Brazilian immigrant named Wesceley Fonseca Pereira was given a notice to appear without a date and place. The court ruled that a valid notice to appear must include time and place.

“Given today’s advanced software capabilities, it is hard to imagine why DHS and immigration courts could not again work together to schedule hearings before sending notices to appear,” read the opinion written by [Justice Sonia Sotomayor](#).

Stewart had two clients from Load Trail who were given Dallas court dates for Thursday. One client was still detained and had a hearing via video conference in which the judge set his bail for release at \$4,000. The other had a notice to appear but wasn’t on any judge’s docket, Stewart said.

Stewart said the delays could end up favoring the immigrants.

"It always helps to have enough time to come in with a strong case on your hearing," Stewart said. That's especially important because of new policies handed down by Attorney General Jeff Sessions, who oversees the civil immigration courts and wants to curtail the use of continuances.

Eventually, the immigration courts will get notices with dates properly docketed, said Denver-area lawyer Daniel Kowalski, the editor of a digital website on immigration law.

In Los Angeles, immigration attorney Merlyn Hernandez said she has had "fake dates" for some of her clients and has heard about them from attorneys around the nation. Hernandez heads a liaison committee for the [American Immigration Lawyers Association](#) that addresses issues with the immigration court agency.

"I guess it is a way to address Pereira with a specific date and time," Hernandez said.

"When you get something that says it is at midnight, you know there is a mistake there. ... It has been a nightmare."

In Chicago, Ashley Huebner, associate director of legal services at the [National Immigrant Justice Center](#), said she has seen "dozens and dozens" of immigrants with "dummy dates" on their notices to appear. "Some traveled as far as Kentucky," Huebner said, "and found out either they were not in court proceedings at all or the date they received to come was completely erroneously."

"The immigration court system is confusing enough on a normal day," Huebner said. "But to have an individual who probably does not speak English ... and receives a document in which DHS has purposely listed a fake date and time is a real different level of confusion and absurdity."

On Thursday in the Dallas court, most of the immigrants with unscheduled dates were resigned to the fact that they'll just be in limbo until the government gets its act together.

Olmedo jumped from his chair when a court clerk called his name. Holding still more government forms given to him by the court clerk, the 50-year-old said he would comply with whatever the court said.

"Ellos tienen el mando," Olmedo said, looking sullen. They are in command.

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