

More immigration judges to be assigned to cases at tent facilities

By Priscilla Alvarez, CNN

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(CNN) — More immigration judges will begin conducting hearings over video conferencing at tent courts along the US-Mexico border, raising concerns among lawyers about transparency in the immigration process.

Earlier this year, the Trump administration erected facilities in Laredo and Brownsville, Texas, to serve as makeshift courts for migrants seeking asylum in the United States who have been returned to Mexico until their court date. The judges in these cases are not at the tent facility but preside by teleconference from other immigration courts several miles away.

As of mid-September, there were 19 judges from three separate immigration courts in Texas hearing cases. But the latest expansion includes the use of immigration judges assigned to a center in Fort Worth, Texas, that is closed to the public, leaving little opportunity for people to observe hearings.



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"I'm just very concerned that there will be no public access to these hearings. And hearings will be operating in secret, without any transparency and notice to the public," said Laura Lynch, senior policy counsel at the [American Immigration Lawyers Association](#).

US court proceedings are generally open to the public.

Adjudication centers serve as a hub for immigration judges who beam into courtrooms remotely to hear cases. There are two -- one in Fort Worth and another in Falls Church, Virginia. Neither is open to the public.

Immigration judges assigned to the Fort Worth Immigration Adjudication Center are expected to begin hearing cases of migrants who fall under the administration's "Migrant Protection Protocols" program via video teleconference in January 2020, according to the Justice Department's Executive Office for Immigration Review, which oversees the nation's immigration courts.

"Public access to hearings is governed by regulation, and EOIR's process and policies surrounding the openness of hearings have not changed," said EOIR spokeswoman Kathryn Mattingly.

Lynch said some attorneys representing migrants who have been waiting in Mexico for their court date began receiving notices of judges from the Fort Worth center assigned to their cases in late November. The immigration judges' union has also taken issue with the use of the center.

"MPP is rife with issues but by assigning the adjudication centers to the tent courts takes us to a new low where public access to the court are now eliminated," said Judge Ashley Tabaddor, president of the [National Association of Immigration Judges](#). "This is not the way we as judges or courts should function."

The process has already presented lawyers with a host of logistical challenges and some anticipate those will worsen as immigration judges assigned to adjudication centers begin hearing cases.

Currently, advocates and legal observers have been able to monitor proceedings from three immigration courts in Texas: Harlingen, San Antonio and Port Isabel.

US Customs and Border Protection said in a statement to CNN that access to the Laredo and Brownsville hearing facilities, which are located on the agency's property, "will be assessed on a case-by-case basis when operationally feasible and in accordance with procedures for access to any CBP secure facility."

Around 60,000 migrants have been subject to the administration's policy that requires some migrants to wait in Mexico for the duration of their immigration proceedings. Given that they're residing in Mexico, immigration lawyers based in the US have limited access to them, particularly in dangerous regions. Only a small share of migrants in the program have secured representation,

according to Syracuse University's Transactional Records Access Clearinghouse, which tracks court data and [released a report on access to attorneys this summer](#).

Some in the legal community argue that access to the tent facilities, not just the immigration courts where the judges are located, is important for that reason -- to give lawyers the opportunity to connect with migrants who may need legal representation and explain the process. It's equally important, lawyers argue, that people be allowed to observe the proceedings.

"Without the public being able to see what's been going on in these hearings, the public has no assurance that people are being given proper due process and proper shot at fighting their asylum case," said Erin Thorn Vela, a staff attorney in the racial and economic justice program at the Texas Civil Rights Project.

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