

Criticism arises after children are rushed to see immigration judges

 [latimes.com /nation/la-na-immigration-courts-20140729-story.html](https://www.latimes.com/nation/la-na-immigration-courts-20140729-story.html)

Nation

By [Kate Linthicum](#) [contact the reporter](#)

Unaccompanied immigrant children apprehended at the border are being placed first in line to go before U.S. immigration judges under a new federal policy, prompting criticism from attorneys who say some immigrants have been given less than 48 hours to appear in court in states far from where they live.

Faced with a surge of immigrants arriving illegally from Central America, immigration courts have begun realigning overloaded dockets to ensure unaccompanied minors get their first hearing before a judge within 21 days after Immigration and Customs Enforcement officials file a deportation case against them.

8

FOR THE RECORD

July 29, 12:40 p.m.: In an article in the July 29 Section A about children's immigration court, remarks about why some immigrants have been asked to appear in courts far from the places they are living were misattributed to Kathryn Mattingly, a spokeswoman for the Executive Office for Immigrant Review. Mattingly referred questions to Immigration and Customs Enforcement officials.

89

Previously, immigrants waited months or more than a year for their initial hearing with a judge, where they get their first chance to review the charges against them and make the case for why they deserve to stay in the United States.

The shortened timeline, enacted Friday by the Executive Office for Immigration Review, also applies to adults with children who are apprehended at the border.

Officials say the changes will speed up the resolution in many cases while sending a strong message to those in Central America that the United States is serious about enforcing its immigration laws.

Many believe the influx of tens of thousands of immigrant children and families into the United States in recent months has been partly fueled by rumors that children, once they cross the border, will be allowed to stay.

But immigrant advocates say the shortened time frame does not give recently arrived immigrants a fair chance to find a lawyer and build a successful case.

"It is not enough time to prepare a whole case," said Los Angeles attorney Vera Weisz, who said pro bono law firms had been deluged with requests for representation. "In the name of expediency, you're denying people due process."

On Monday, the Southern California Chapter of the American Immigration Lawyers Assn. sent a letter to an assistant chief immigration judge who helps implement policy, asking for an immediate review of the procedures being used to notify immigrants of their cases.

It cited several cases in which immigrants received notice over the weekend with instructions to appear in immigration court this week.

In one such case, two unaccompanied children from Central America who were released to a sponsor in Virginia received letters Saturday informing them that they had to appear in court in Los Angeles on Monday, according to their attorney, Simon Sandoval-Moshenberg.

In a courtroom in Los Angeles on Monday afternoon, where Judge Ashley Tabaddor was supposed to hear the cases of those children and 37 other immigrant minors, not a single child appeared. Tabaddor told the court interpreter who showed up to translate the hearings that she would not be needed.

In each case on the docket, the children had apparently been resettled outside of the Los Angeles area in places such as Louisiana, Georgia and New York. Tabaddor had the power to issue deportation orders because the children didn't show up for their hearings. Instead, one by one, she issued change-of-venue orders, giving the children a chance to appear at a later hearing before a judge closer to their location.

Kathryn Mattingly, a spokeswoman with the Executive Office for Immigrant Review, which operates the nation's immigration courts, said she did not know why the immigrants had been asked to appear in courts far from the places they had settled.

But she speculated that ICE, the agency that initiates deportation proceedings, may have issued notices to appear based on where the immigrants were initially detained, as opposed to where they were currently living.

Virginia Kice, a spokeswoman for ICE, said her agency instituted new procedures to do the opposite. She said beginning last month, ICE's attorneys began waiting until after a child had been placed with a sponsor to file their immigration case in a local court.

Twitter: [@katelinthicum](https://twitter.com/katelinthicum)

Copyright © 2014, [Los Angeles Times](http://www.latimes.com)