

Congress of the United States

Washington, DC 20515

March 31, 2023

The Honorable Hal Rogers
Chair
House Appropriations Subcommittee on
Commerce, Justice, Science, and Related
Agencies
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Matt Cartwright
Ranking Member
House Appropriations Subcommittee on
Commerce, Justice, Science, and Related
Agencies
U.S. House of Representatives
Washington, D.C. 20515

Dear Chair Rogers and Ranking Member Cartwright:

As you begin to craft the Fiscal Year 2024 Commerce, Justice, and Science (CJS) appropriations bill, we respectfully request that you direct the Department of Justice's Executive Office for Immigration Review (EOIR) to ensure that each immigration court establishes specialized children's dockets designed to create developmentally appropriate adjudications for unaccompanied children.

Unaccompanied children are uniquely vulnerable. They have traveled to the United States without a parent or legal guardian; many have experienced violence, abuse, or other traumatic events, and they are often lacking a strong support system to help them navigate the challenges of their new environment. Yet, these children are placed into an immigration court system that was designed for adults. With no guaranteed right to counsel, they are expected to understand and participate in court proceedings that may not make any accommodation for their developmental level.

Unaccompanied children would be more likely to receive due process through a specialized children's docket that is overseen by a specially trained corps of judges, takes place in a child-friendly courtroom, and includes developmentally appropriate procedures that enhance a child's ability to fully participate in the adjudication. Moreover, these dockets should seek to involve legal service organizations that represent unaccompanied children, including by scheduling dockets such that lawyers could be present at court during the dockets and by providing space in the court building for legal consultations.

Such a structure would enhance due process and could simultaneously create efficiencies for the overburdened courts. Separating out unaccompanied children's cases could help courts streamline the handling of cases with applications awaiting adjudication by U.S. Citizenship and Immigration Services, thereby avoiding duplication of efforts by multiple government agencies. Coordinating with legal services organizations so that children access legal screening at the same time and place as their proceedings may result in children obtaining counsel faster and more efficiently, minimizing unneeded court time and in many cases preventing delays in proceedings.

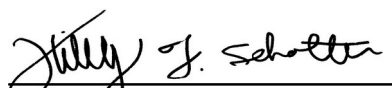
At present, many immigration courts contain juvenile dockets that consolidate unaccompanied children's cases under specific judges, but most courts fall dramatically short of utilizing these structures in a way that improves due process and maximizes efficiency.


We therefore request you include the following language in the Committee's FY 2024 report:

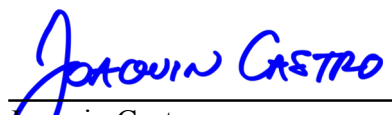
"The Committee commends the Executive Office for Immigration Review for communicating to courts that they have the authority to establish specialized children's dockets for the adjudication of unaccompanied children's cases. The Committee directs the Department to expand upon this authority and ensure that all immigration courts before which unaccompanied children appear contain specialized children's dockets. These dockets must guarantee child-appropriate procedures and safeguards that advance fairness and due process in unaccompanied children's proceedings. Immigration judges assigned to specialized children's dockets must have received specialized training in these procedures and safeguards, which should include processes for coordinating with legal services organizations to facilitate legal representation of unaccompanied children."

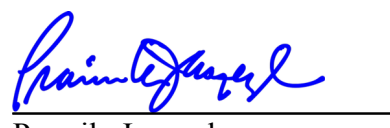
Thank you for your consideration of this request to ensure that unaccompanied children have access to a fair proceeding.

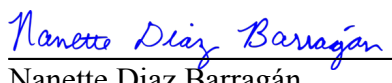
Sincerely,

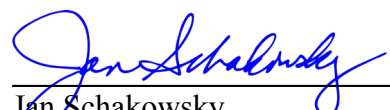

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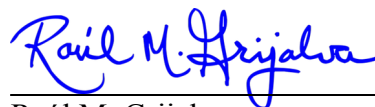
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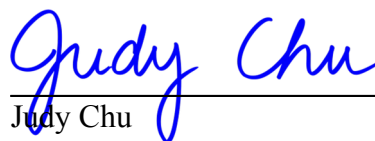
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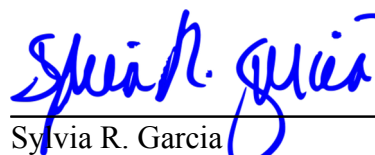
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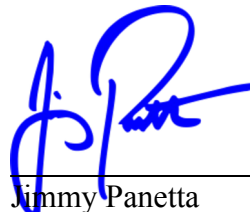
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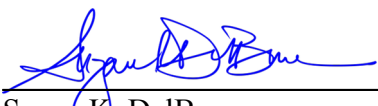
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