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Inside immigration court, unaccompanied children's lives change in moments



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Key Points

- Advocates say policy changes under the Trump administration have stripped protections for children.
- Attorneys face an accelerated schedule and loss of federal funding, straining their ability to represent vulnerable children.
- The judge has ordered children deported even when they are eligible for special visas, citing long processing backlogs in the immigration system.

Dozens of people fill plastic chairs in the 15th floor hallway of a downtown Chicago skyscraper. The space is tight; the atmosphere tense. Overhead fluorescent lights make the white, undecorated walls especially stark.

In a courtroom off the hallway, five teens, none older than 17, wait on benches. Some futz with small toys meant to help with fidgeting.

Judge Shawn Abraham appears on a projector screen from a remote location. He calls the first name, and one of the teens moves to a desk in front. She is joined by an attorney and an advocate from the Young Center for Immigrant Children's Rights.

The girl tells them she can't understand an interpreter, whose garbled voice is piped into the room. She speaks so quietly they lean in close. After some discussion, she

agrees to try to follow the proceedings in Spanish, instead of K'iche', the Mayan language spoken in her native Guatemala.

Another court has determined the girl is eligible for a Special Immigrant Juvenile Status visa, meaning she was abused, neglected or abandoned by her parents. Abraham dismisses that option, saying the backlog for consideration is too long.

The advocate tells him new information the girl shared also would make her eligible for asylum in the U.S. Again, Abraham says he won't wait.

The advocate pushes one last time, saying the girl is a trauma survivor, and it takes time for children to share what they've been through. Abraham is unmoved.

He orders deportation. The girl will be subject to a $900 penalty every day she doesn't leave.

She returns to her seat, eyes wide, saying nothing.

The life-altering exchange is over in minutes. It is also routine in the federal immigration court in Chicago, which serves Wisconsin, Illinois and Indiana. The court proceedings are complicated but clinical; little time is spent on the nuances of each person's case.

More: Trump admin cuts leave children 'on their own' in immigration hearings

There has been no explanation why Abraham, a former ICE attorney and Chicago prosecutor, doesn't appear in person. To Joy Olson, a human rights activist from Milwaukee, the impersonal approach means he never has to look a child in the eye.

You have to be capable of not thinking about the actual child before you, Olson told the Journal Sentinel, to deport them. She recalled one child who spun around in a swivel chair during his hearing. At its close, Abraham said, "Stay in touch with your attorney," an admonition he repeats to everyone.

In this case, he was speaking to a 4-year-old.

Dramatic shift in handling unaccompanied children's cases causes uproar

Olson, a retired former executive director of the Washington Office on Latin America, has been making the trip to Chicago immigration court long enough she can pinpoint the beginning of its transformation. It was in mid-August, a few weeks after the Trump administration fired Elizabeth Crites as the judge handling cases of unaccompanied children, and replaced her with Abraham.

The new judge had 15 children on the docket. He ordered more than half deported. Olson had observed the unaccompanied children's docket for a year by then. She'd only seen one or two deportations ordered that entire time.

Two weeks later, Abraham ordered 9 out of 20 children on the docket deported. An uproar ensued; Democratic U.S. Sen. Dick Durbin of Illinois, along with local and national immigrant advocates, sharply condemned the decisions.

But nothing really changed.

"They're trying to move the kids very quickly through the process," said Hannah Lee, senior attorney for National Immigrant Justice Center. Unaccompanied children "are a vulnerable population, and I think they realize that, and they're trying to fast-track kids towards deportation."

Olson typically sits on a wooden bench, observing as many of the unaccompanied children's hearings as she can. Even basic information, like the next date the docket will be heard, can only be known by being in court.

She boards the Amtrak Hiawatha in Milwaukee at 6:15 a.m., takes a cat nap, and emerges onto the bustling streets of downtown Chicago by 8 a.m. She grabs a coffee at her favorite shop and walks three blocks to the office building at East Monroe Street and South Wabash Avenue.

Olson's not an attorney. She's an observer trying to document the human side of a complicated, arcane system undergoing a major overhaul under President Donald

Trump.

Olson draws lessons from her career advocating for human rights in Latin America. After the fall of a brutal military dictatorship in Argentina in the 1980s, the country became a pioneer in recording what had happened under state-sponsored terrorism so the junta could be prosecuted.

"If you don't register what happens, it's not a part of the story. It's not a part of history," Olson said.

She takes notes on the children's outcomes, their approximate age, and any notable trends developing. She reports back to the Acacia Center for Justice, a national organization tracking children's immigration cases.

It's "the only way anyone on the outside knows what's going on," Olson said. "I'm big on the value of showing up."

In many respects, showing up gives Olson the clearest view of any member of the public into a system that, in her mind, is morally failing.

Policy changes strip protections for children, advocates say

In addition to Abraham taking the bench, a series of policy changes in July and August left the network of attorneys, advocates and children's shelters reeling. The changes, they said, stripped away any protections for children.

Now, there's a sense that deportation is likely the end result for most. It doesn't matter if the children were abused or neglected, or if they fit the criteria for protection in the U.S.

"These kids come see their friends be ordered removed, and they know it's only a matter of time before it will happen to them," said Tatiana Alonso, managing attorney for the Young Center.

Anything child-centered or trauma-informed has been removed, said Jennifer Nagda, chief program officer at the Young Center.

"Most people assume that when a child is in a courtroom, there are all sorts of procedures in place to make sure that kiddo will be safe. And that doesn't exist in immigration court," she said.

With sped-up proceedings, attorneys strained by workload

On July 31, the U.S. severed its contract with the Acacia Center, which distributed federal funds to local law firms to represent the unaccompanied children. Under Trump, the government had demanded Acacia share client information with immigration enforcement authorities. The center had refused.

As a result, attorneys who continue representing children essentially work pro bono. They also have to return to court more frequently because Abraham has been ordering two-week continuances instead of hearing dates months away. Given the forms, filings and idiosyncrasies of the immigration system, such an accelerated schedule is a strain on attorneys and children.

An additional hurdle that emerged over the summer was U.S. Citizenship and Immigration Services scheduling a slew of children's asylum interviews, and seemingly denying them just as fast. Children eligible for asylum typically get two chances to present their claim: once in an interview with an asylum officer at Citizenship and Immigration Services, and then, if it's denied, again in immigration court.

Lee, at the National Immigrant Justice Center, saw more than 100 children scheduled for asylum interviews this past summer. Until that time, in three years at her position, she'd only seen two. Attorneys now are lucky if they get two weeks' notice of an interview, Alonso said. It's another example of a fast-forwarded process that is overburdening attorneys who need time to prepare cases, like getting documents from children's home countries.

Abraham's decision to order children deported even if another court determined they were abused, neglected or abandoned has been particularly significant. The government is currently processing Special Immigrant Juvenile Status visas from December 2022, so those children – like the Guatemalan teen – who are eligible won't get the visas "for an uncertain and lengthy period of time," Abraham said in court.

Abraham has issued deportation orders because of the wait – essentially one part of the immigration system penalizing children because of the failings of another part. The judge's actions align with a national Board of Immigration Appeals ruling making the same argument.

Advocates are appalled.

Immigration court judges like Abraham are saying, "That's taking too long for our personal pleasure, and therefore we're just going to order kids removed, we're not going to wait around for a decision," Nagda said. "That is so clearly contrary not just to the spirit of the law, but the plain language of the law."

That law sets standards to protect unaccompanied immigrant children. It lays out protocols for handling their cases and establishes eligibility for legal pathways like Special Immigrant Juvenile Status.

More: Trump cuts Medicaid for refugees waiting for halted green cards, raising alarms

Unaccompanied children caught in limbo, with no good options

Another teen approaches the front desk in Abraham's courtroom.

It's the same scenario as earlier: He's eligible for a Special Immigrant Juvenile Status visa, but the judge is unwilling to accept the processing backlog. He orders deportation.

The advocate and attorney launch into their defense. The boy was neglected by his parents and faced "extremely traumatizing circumstances." He has followed the

rules, they say, applied for legal status as soon as he could, missed school to make his court hearings.

His vulnerability doesn't change, no matter how many other children are waiting for processing, the advocate tells the judge.

On the projector screen, Abraham's gaze is trained on his own computer. The deportation order stands.

In such cases, attorneys reserve the right to appeal. They have one month to file. So far, none of Lee's clients who were ordered deported have been sent to their home countries yet, but she worries it is inevitable. The Board of Immigration Appeals has not been ruling in favor of kids in other cities.

All the children in immigration court are in government custody because they arrived in the U.S. unaccompanied – crossing the border without either parent. They stay in short-term shelters or foster homes. In the vast majority of cases, they have not been accused, charged or convicted of any crime.

Some have relatives in the U.S., but the government has become more resistant to uniting them with the children. Most are stuck in limbo, unable to be released. Through their attorney, they have to make the case in immigration court they're eligible to stay.

One question never is adequately answered: If a child abandoned by their parents is sent back, who would meet them? Where would they go?

Immigration court is a complex 'machine'

Getting through all five teens on the unaccompanied children's docket takes roughly an hour. Olson takes detailed notes.

The hearings are procedural, full of jargon.

One teen carries a wad of green Play-Doh while her attorney, a Department of Homeland Security attorney, and the judge discuss a paperwork hiccup in her case. After a clerical error by someone else, her attorney had to file a new asylum application. DHS received it in the mail days ago, but the department's attorney can't find it.

The judge schedules a hearing in two weeks so the DHS attorney can figure it out. Then the advocate asks: Does the girl have to attend this hearing? She has school.

The judge relents: This time, she doesn't have to be there.

The moment illustrates the complexity of the system children find themselves in. It's heavy with documents and technicalities, and communication gets lost among the web of agencies, attorneys, advocates and shelters. It can be hard, even for those directly involved in a case, to figure out what happened, or why.

"You're in this machine," Olson said. "You have to keep looking for the humanity."

Hundreds called before judge just to check names, addresses

After the children's docket wraps up, Olson steps into the hallway and starts scanning a bulletin board with multiple sheets of paper taped together into columns. The papers list all the hearings for the morning, in all the immigration courtrooms.

The judges used to have two or three sheets under each of their names, Olson said. Now, sometimes, the columns of paper extend beyond the board itself. On this day, one of the judges has 166 names on his list. Another has 109 names. The overwhelmed bulletin board is the result of what's known as a mega-master hearing, where dozens of adults are scheduled for the same time.

Olson goes to a courtroom with 117 names. It's windowless, cramped and hot, the air a mixture of sweat and cologne.

The only goal of a mega-master hearing is to make sure the court has an immigrant's correct home address on file. Each person's one-on-one interaction with the judge, including time for translation, typically lasts under a minute. But if a person misses the hearing, a deportation order could be entered against them.

Some people verify their address is in Wisconsin. More, Illinois. A few confirm that yes, they do live in Georgia, or Florida, or South Carolina, and the judge moves their case to a different immigration court. They traveled all the way to Chicago for this momentary procedural step.

The judge gives everyone an opportunity to ask a question at the end of their hearing before him. One asks: Can I file for asylum? Another: Do I still have to go to my scheduled appointment with Citizenship and Immigration Services? The judge answers the best he can. Most of the questions, however, are for an attorney, which none of the people have.

By noon, the judge is through his list. He'll do it all again that afternoon, with a new list of names and addresses to check. That's his schedule, four out of five days a week.

Advocates, attorneys, observers question their impact, but won't give up

For most of those involved in immigration court, the new status quo is discouraging. Still, they keep going.

For Lee, it's meaningful to offer the children peace of mind that someone is on the journey with them.

"Just to make sure that their voices are heard, that they understand their rights, that everything is put on the record, and even though we might not get the outcome we want, just to know someone's going to be there with them to advocate for them throughout the process," she said.

Alonso is repeatedly struck by the children's graciousness. Advocates often have to ask them to do something difficult, like return again and again to the stress of the courtroom, or recount traumatic experiences in front of strangers. Yet the children respond with gratitude that someone is there for them, she said.

"After every meeting, after every time we go to court, after every asylum interview – 'Gracias, gracias,' and 'Yes, Miss, I will take care of myself,'" Alonso said. "They are not bad children. They are good children that simply want an opportunity to live, to be happy, to be children."

As for Olson, she worries that observing court, taking notes and reporting back to the Acacia Center for Justice is not making a tangible impact in the children's lives.

"Is all of this an act of inutility?" she wondered.

So why do it?

"Why not do it, is more what comes to mind for me," Olson said. "Is anything going to change if you don't do anything?"

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