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## **Key Observations from Unaccompanied Children's Immigration Hearings**

Since April 2025, Acacia Center for Justice staff have conducted regular observations of immigration-court hearings for unaccompanied children to understand and document how changes in federal policy and court practice are affecting youth in removal proceedings. Between April and August 2025, we observed over 100 proceedings in 13 different immigration courts in California, Colorado, Connecticut, Florida, Georgia, Illinois, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, Texas, Virginia, and Washington. Many were hearings for children appearing before the courts while detained in Office of Refugee Resettlement (ORR) custody; some children were released and living with sponsors. Most observations took place remotely via Webex, with a small number of observers attending in person.

The following summarizes several concerning trends that Acacia observers have witnessed. While systematic research is necessary to precisely assess the prevalence of these themes, our observations thus far illuminate the importance of unfettered public access to the immigration courts. Members of the public have a crucial role to play in documenting children's experiences in court, holding policymakers and immigration officials accountable, and ensuring universal access to justice.

### **Due process concerns and insufficient access to counsel**

Observers have witnessed immigration judges aggressively push forward the cases of unrepresented youth, jeopardizing these children's due-process rights. Several judges held children to impossible standards, affording them less than a month to find attorneys—including during a period in which the government had terminated public funding for legal services—all while the children resided in ORR custody. One New York City immigration judge admonished a 12-year-old child, telling them to “work hard” to find a lawyer. At a later hearing, the same judge offered a child a list of pro bono attorneys but instructed him to present himself in-person at the courthouse to receive it.

In some cases, judges have attempted to require unrepresented children to navigate crucial stages of their proceedings without an attorney. In one instance, a Philadelphia judge asked an unrepresented child to confirm information contained in a government-authored arrest report. Another judge, sitting in Elizabeth, New Jersey, has refused to allow the participation of child advocates, a procedure intended to ensure children's best interests are respected.

In other situations, like one observed in Philadelphia, judges permitted accompanying, non-attorney adults (e.g., case managers, clinicians, shelter staff, etc.) to coach children through

their hearings, instructing them on how to respond to questions posed by judges. Crucially, unlike attorneys, case managers and other ORR personnel have no duty to advocate for children's expressed interests. Asking childcare and social-work professionals to speak in court denies unaccompanied children the opportunity to ask questions and advocate for themselves, while limiting immigration judges' ability to glean important information like a child's primary language, mental state, and developmental stage.

Authorities' rush to reach decisions in children's cases has resulted in observed instances of unlawful government conduct. In at least one case, the government forced children to appear before the immigration court in Santa Ana fewer than ten days after receiving the government-issued charging document, in violation of a statutory provision intended to protect noncitizens. In another instance, an immigration judge in Elizabeth proceeded through several unrepresented children's hearings without providing them notice of their rights as the law requires.

These unfair—and at times unlawful—practices unnecessarily accelerate court proceedings, inhibiting children's ability to obtain legal counsel and, inevitably, result in worse outcomes for vulnerable immigrant children.

### **Inadequate and uneven access to interpretation services**

Unaccompanied children, like all people facing removal, have constitutional and statutory rights to courtroom interpretation if English is not their primary language. In practice, however, access to interpretation is limited. While Spanish interpretation was generally available, observers noted instances in which children who spoke Arabic, French, Mandarin, Q'eqchi', and other languages received no relevant interpretation services in court.

Not only are linguistically appropriate interpreters unevenly available, but some immigration judges engage in practices that undermine language access. For instance, Acacia observed immigration judges assume, without confirming, that a child's primary language was Spanish; conduct group hearings for linguistically diverse children; and provide only Spanish interpretation for groups that included children who spoke neither English nor Spanish. Observers noted two instances, at courts in Buffalo and Philadelphia, in which court-contracted interpreters provided unclear, inaccurate, incomplete, or otherwise substandard interpretations of in-court statements.

When interpretation services are not consistently available and judges otherwise undermine language access, children in removal proceedings cannot fully understand their rights and responsibilities nor meaningfully participate in the proceedings.

### **Immigration-judge practices that fail to center and accommodate children**

While some judges engage with children in a child-centered and developmentally appropriate manner, the immigration courts inconsistently employ child-friendly practices. In one example, a judge in New York City became frustrated with a tender-age child with intellectual disabilities appearing via WebEx. When the immigration judge perceived the child to be distracted, she insisted—against a clinician’s recommendation—that shelter staff take away the child’s electronic tablet. When that step failed to improve the situation, the judge ordered the child to appear for the next hearing in person “to help him focus.”

Observers noted other instances in which judges addressed children harshly or even in an intimidating manner. In the same New York City courtroom months later, hearings proceeded at a rapid pace. At one point, when background noise was audible on WebEx from a child’s line, the judge grew irritated. “Who’s making all of those noises?,” she asked, demanding that the child mute themselves. The judge’s curt response reflects a deficit in child sensitivity, a particular concern in a setting where children may need additional support to participate effectively.

In another such interaction in a courtroom in Dallas, an immigration judge gruffly admonished a child in the gallery for receiving a phone call from his attorney. After the child’s cell phone rang, the judge abruptly stopped the hearing and loudly reprimanded everyone in the courtroom to keep their phones off. She required the boy to come forward, confiscated his phone, and directed him to sit off to the side. She returned the child’s phone only once his case was called, warning that he would be in “a lot of trouble” if he again took a call in court. Such an intimidating judicial presence can discourage children from speaking openly, limiting their ability to participate confidently in their own proceedings.

These trends disempower children and deny them full participation in the legal proceedings that will determine their futures.

### **Court-imposed limitations on access to non-representational legal services**

Legal representatives sometimes appear in a “Friend of Court” capacity to assist the judge, protect children’s rights, and enhance courtroom efficiency. Specifically, Friend of Court advocates facilitate communication between the court and a child litigant by ensuring the child understands the judge’s questions and by helping the child express their intentions.

Despite the valuable role Friend of Court services can play in supporting unaccompanied children and facilitating court proceedings, observations revealed variance among immigration courts, and even individual judges, regarding the permissibility of this service. In at least one instance, a judge sitting in Elizabeth refused to allow an attorney to appear as Friend of Court for a child in long-term foster care, citing Department of Justice policy—

though agency policy does not, in fact, prohibit Friend of Court appearances.<sup>1</sup> Restricting access to legal advocacy, particularly at this time of unprecedented attacks on immigrants, will only bring harm to the children forced to appear alone before a judge.

### **Diminished public access to immigration courts**

Since Acacia began court observations in April, immigration courts have increasingly imposed barriers to public access, reflecting a broader trend of decreased transparency in immigration adjudications.<sup>2</sup> In several instances, immigration judges told Acacia observers that they needed permission from EOIR’s Communications and Legislative Affairs Division to witness the proceedings. Separately, an immigration prosecutor in Santa Ana requested—and the immigration judge granted—a closed hearing after realizing that a journalist was present in court. In other instances, judges have refused, without explanation, to admit observers to Webex hearings.

While there are valid and proper reasons for an immigration judge to close a courtroom to protect the safety or privacy of a child litigant, limiting public scrutiny and deflecting accountability are not among them. Considering the acute vulnerability of unaccompanied children and recent disruptions to funding for legal services to protect them, it is critical that courts remain accessible to the public. The government must permit non-participant observers to witness removal proceedings, track court practices, and document due-process violations and other infringements on the rights and well-being of unaccompanied children.

### **High variability across courts and judges**

Observations conducted over the last five months confirm high levels of variability in children’s removal proceedings, including inconsistencies in access to interpretation and Friend of Court services; judges’ engagement with, and accommodation of, child litigants; and courts’ and judges’ approaches toward non-participant observers. As such, children’s access to legal representation, a fair adjudication, and ultimately a just outcome depends crucially on where, and by whom, their cases are heard.

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<sup>1</sup> Current EOIR policy permits Friend of Court services “at the discretion of the immigration judge” where the advocate’s appearance will serve as “an aid to the court in [unaccompanied children’s] cases.” See Exec. Off. for Immigration Rev., Dep’t of Justice, *Policy Memo 20-05, Legal Advocacy by Non-Representatives in Immigration Court* (Nov. 21, 2019), <https://assets.aila.org/files/73b1784d-b240-460c-9bbd-95c45a0c38cf/19112531.pdf?1697590349>; see also Exec. Off. for Immigration Rev., Dep’t of Justice, *Policy Memo 25-18, Cancellation of Director’s Memorandum 22-06 and Reinstatement of Policy Memorandum 20-05* (Feb. 4, 2025), <https://assets.aila.org/files/36a40ca2-dd1b-4d4d-86e4-66ad12cc98ea/25020505.pdf?1738783483>.

<sup>2</sup> Katie Fleming, *What happens to our justice system when no one is watching?*, Acacia Center for Justice (Aug. 21, 2025), <https://acaciajustice.org/the-public-was-barred-from-this-immigration-court-here-is-what-happened-behind-closed-doors>.

Of particular concern, observers noted that some judges commenced proceedings before an interpreter was present, and legal-service providers shared with Acacia staff that some judges started proceedings up to 45 minutes before the scheduled start time. Beginning hearings early and without notifying the parties in advance violates the basic due-process tenets of notice and an opportunity to be heard.

While this project so far has only observed master-calendar hearings and has not tracked case outcomes, existing research shows that inconsistencies across courts and judges lead to dramatic differences in case outcomes.<sup>3</sup> This research, combined with our observations, draws into question the objectivity of removal proceedings and the degree to which unaccompanied children are treated equitably in the immigration legal system.

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<sup>3</sup> Blue, S. A., Hartsell, A., Torres, R., & Flynn, P. (2023). The uneven geography of asylum and humanitarian relief: place-based precarity for Central American migrant youth in the United States judicial system. In *(Un) Settled Sojourners in Cities* (pp. 19-38). Routledge.

Hartsell, A., & Blue, S. A. (2025). "Justice by Geography:" Legal Violence and Asylum in the Fifth Circuit Court of Appeals. *Geoforum*, 164, 104339.

Ramji-Nogales, J., Schoenholtz, A. I., & Schrag, P. G. (2007). Refugee roulette: Disparities in asylum adjudication. *Stan. L. Rev.*, 60, 295.

Musalo, K., Law, A. O., Daher, A., Donato, K. M., & Meiners, C. (2024). With Fear, Favor, and Flawed Analysis: Decision-Making in US Immigration Courts. *BCL Rev.*, 65, 2743.