

09/19/2019 - Meeting with ACIJ Clay Martin re: San Antonio/Pearsall Immigration Courts

- 1) Can we get updated contact information for court personnel? Practitioners communicated having trouble reaching someone for information on cases/pending motions.
 - a) Martin sees the benefit of providing us with updated contact information. He will get an updated contact information list for us.
- 2) Updates on efilings? Will that be happening in SA Immigration Court anytime soon?
 - a) Process is rolling out slowly. They are still working out kinks in the program.
Right now SA Court is on the calendar for implementation in February 2021.
- 3) Status dockets, are they being used in San Antonio pursuant to recent EOIR policy memo?
 - a) There were initial plans for implementation of general status dockets as an alternative to admin closure. These plans were haunted by EOIR director. Any existing status dockets are being phased out.
 - b) Status dockets will be utilized as identified in the August 2019 memo, and limited to cases that fit into the identified categories.
 - c) These status dockets should be used universally by all judges. If a judge is not using status dockets in accordance with the memo we can notify ACIJ Martin with specific case information, including A#.
- 4) Dilley docket, are all hearings moving to Otero, or will Pearsall continue to handle some dockets?
 - a) All cases are going to Otero Court.
- 5) 11/29/2019 docket cases. What is going to happen to cases set on this date? When can we expect notices to be issued on these cases?

- a) All cases set for this date are going to be rescheduled. Right now the plan is to reset cases to about a year out, but stagger scheduling each month, so 10% rescheduled for October 2020, 10% in November 2020 and so on
 - b) The goal was to reset all cases and send notices by end of August 2019. New goal is to get them sent out ASAP, but MPP has slowed down this process. They are going to try to get all cases reset and notices mailed before 11/29/2019, but it is possible that might not happen. For those who show up on the 11/29/2019 they are going to set up a table downstairs in the lobby of the Dolorosa Court with a couple of court clerks to hand out reset orders on the spot. They will have guards to help control of traffic.
 - c) Cases currently set with IJs that are not hearing non-detained cases or IJ no longer on the bench will be assigned to new IJs and that information should be updated once cases are reset.
- 6) (detained questions) When an IJ is sick/not on the bench, can a bond hearing be heard by another judge?
- a) Generally, it will be rescheduled for a later date. However, if there is an IJ available we can ask for the bond hearing to be heard that day. It could be as simple as walking the bond packet over to a different judge (in Pearsall), or seeing if an IJ at One Alamo could dial in via VTC. Attorney would have to make request with Court and court coordinator would determine availability. ACIJ Martin will talk to Alex regarding logistics of making such request.
- 7) Some practitioners expressed concern for the length of time it is taking bond motions to get into the system and set for a hearing, in some cases it is taking 10 days. Is Court aware of this issue?
- a) Court is not aware of this issue. Goal of the Court is to have bond hearings scheduled and heard within 10 days of receipt, for sure no more than 20 days.

Generally, the bond hearing should be scheduled within 3 days or receipt. ACIJ will address this issue with staff directly. If the issue continues to happen, he is requesting specific case examples with A#s so he can investigate and take action with staff.

8) What can you tell us about Laredo MPP cases being heard in San Antonio court?

- a) Laredo will be handled almost exclusively by SA Court. May use IJs from Fort Worth Processing center, if necessary. ACIJ may also pick up a docket if needed.
- b) As Respondents are put into proceedings, initial hearing is set by CBP through ISS system. CBP has access to go straight into EOIR portal to schedule the case. MPP cases go to front of calendar (first available settings). CBP keeps requesting more dates for MPP cases.
- c) MPP was initially considered high priority - like a detained case, but directives have changed. The goal is to try and schedule an individual hearing within 60 days of application filing. Some IJs are scheduling individuals faster (IJ Tijerina had some with about 1 month turn around).
- d) Docket sizes are over 50 respondents + riders.
- e) There are questions regarding what happens if Respondent appeals, do they come into US during appeal process?
- f) Current agreement with Mexico is that they will take the individuals back into Mexico with the understanding that the total process is not going to take longer than 6 months.
- g) Which judges are hearing cases?
 - i) All judges except for Crossan and Adams (for now, that is likely to change in the future).
- h) Will this affect cases already scheduled for hearings in the upcoming months?

- i) As of right now, it is not supposed to affect hearings already scheduled. Some have already been rescheduled to make room for MPP. Realistically, more non-detained cases will be rescheduled in the future to make additional space for MPP cases.
 - ii) They realize IJs do not have bandwidth to hear an MPP merits and then non-detained case within one morning or afternoon. So currently set cases will likely be affected.
- i) Can attorneys appear in San Antonio court for MCH?
- i) Up to attorney, but attorneys are permitted to appear in San Antonio. DHS controls all access to Port Courts in Laredo. They are only allowing access to attorneys that have G-28/E-28 on file.
- j) Where should documents be filed?
- i) Probably easier and more efficient to file in SA. SA court has administrative control of MPP Laredo Courts. There is some difficulty getting documents from Courts in Laredo to Court in San Antonio. They are working on the kinks.
- k) Other logistics of the program you can share?
- i) Court structures are well built. Hearing rooms are better than Karnes or Hutto. They have good sound/mics and the video quality is good.
 - ii) Working on document transmission, which is slow.
 - iii) The Houston asylum office is handling the non-refoulement interviews on-site. They have a tent next door to the Court for those claiming fear of returning to Mexico. If there is a positive fear of returning to Mexico they are detained, if no positive fear they are returned to Mexico. There is a quick turn around on non-refoulement interviews.

- iv) DHS has moved to terminate in some cases where there is a defect in the NTA.
- v) DHS moves to proceed in absentia if the Respondent does not appear (some judges have concerns about this)
- vi) Bond authority? Most judges don't believe they have the authority to set a bond because no bond has been set by DHS, DHS is considering them arriving aliens, and non-detained. In cases where an IJ has ordered a bond, DHS has disregarded.

9) What detained dockets are being heard at the One Alamo Court?

- a) Currently Laredo CCA - Crossan
- b) Laredo RGV - Adams
- c) Karnes - all four judges at One Alamo (although that is likely to change now due to DHS shifting individuals around)
- d) Limestone and Hutto - Tyrakoski and Tijerino
- e) Laredo MPP - Tyrakoski and Tijerina
- f) Can you share which judges are hearing what dockets? (above)

10) Can EOIR website be updated to indicate what judges are sitting at which location (One Alamo or Dolorosa)? Yes, request will be made to IT to update website

11) Can the Court share IJ Newaz's calendar to know where he is going to be presiding over proceedings? Yes, ACIJ will send this information so individuals know what courtroom IJ Newaz will be in.

12) Can we have an IJ present at a CLE regarding best practices in court? Yes, just need to confirm a date and get authorization from CLAD.

13) Can we schedule a HH with IJs? Yes, just need to confirm a date and get authorization from CLAD.

- 14) How will Court communicate closures in case of emergency? **ACIJ will include liaison on communications regarding court closures in case of emergency.**
- 15) When can we have future meetings? **Yes - quarterly. Would like questions submitted ahead of time. Next meeting in early December.**