

# Calif. Immigration Attys Sue US For Info On 'Rocket Dockets'

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Law360, New York (February 2, 2016, 8:54 PM ET) -- Immigration lawyers concerned about due process violations sued the federal government in California federal court Tuesday for information about the so-called rocket dockets that have been used to fast-track the cases of families and children in immigration courts around the U.S.

Under the expedited reviews, created in response to a directive from the Obama administration in 2014, some children receive initial hearings within 21 days of their case being filed and are sometimes given a matter of weeks to find an attorney.

Citing “serious due process concerns,” the Lawyers’ Committee for Civil Rights of the San Francisco Bay Area and other legal groups requested information about the expedited dockets more than a year ago under the Freedom of Information Act, their lawsuit Tuesday said. But the group that oversees the nation’s immigration courts, the [Executive Office for Immigration Review](#), has largely failed to hand over the records, they said.

“The immediate disclosure of the requested records is needed to remedy the dearth of information available to attorneys, to the larger public, and to the children and families most immediately at risk,” the lawsuit said.

Representatives for the EOIR, which is part of the [U.S. Department of Justice](#), could not immediately be reached for comment late Tuesday.

In July 2014, amid an increase in migrants from Central America crossing the U.S. border, the Justice Department ordered immigration courts to prioritize the cases of unaccompanied children and families, sending them into the “rocket docket.”

Some groups have been [critical](#) of the process, arguing the accelerated time frame doesn’t give children and families enough time to search for counsel or prepare what are often complex legal claims.

In December, Juan Osuna, the director of the EOIR, said the agency would be [expanding](#) the timeline for unaccompanied immigrant children to appear before judges. Rather than holding hearings for those children within 21 days after their cases have been filed in court, the EOIR will allow their hearings to happen 30 to 90 days after filing, he said.

Those changes have not yet been implemented, the lawsuit said.

In the meantime, legal aid providers have “scrambled” to try to keep up with the need for representation and other services for the immigrants, it said.

“The volume and the compressed time schedule for cases on the expedited dockets heightened already-serious concerns about due process for the unaccompanied children and families on these dockets,” it said.

Claiming the EOIR has made little information about the dockets available to the public or immigration attorneys, the Bay Area lawyers and other groups filed a FOIA request in August 2014. They sought records pertaining to the operation of the expedited dockets, including the standards, criteria and policies that are in place.

Following a second request a year later, the EOIR released two charts, listing the immigration court locations that handle these types of dockets and stats regarding the initial receipts at each court location, the lawsuit said.

“These documents, though appreciated, represent but a small fraction of the total records that were requested well over one year ago,” it said. “Meanwhile the records that are most desperately needed to ensure due process and protection for children and families at risk of imminent removal, those regarding the standards, timelines and special procedures that are applied to these cases, remain buried.”

Travis Silva, an attorney for the Bay Area lawyers group, told Law360 the information the groups have requested is crucial in terms of helping them to represent the unaccompanied children and parents who are directly impacted by these dockets.

Yet, “the DOJ has failed to provide even a tiny fraction of the information that we are looking for,” he said.

The plaintiffs are represented by Thomas R. Burke of [Davis Wright Tremaine LLP](#), Jayashri Srikantiah of the Mills Legal Clinic of Stanford Law School, Travis Silva of the Lawyers’ Committee for Civil Rights of the San Francisco Bay Area, Christine L. Lin of the Center for Gender & Refugee Studies and Ilyce Shugall of Community Legal Services in East Palo Alto.

Counsel information for the DOJ was not immediately available.

The case is Lawyers’ Committee for Civil Rights of the San Francisco Bay Area et al. v. Executive Office for Immigration Review, case number [16-cv-00544](#), in the U.S. District Court for the Northern District of California.

--Editing by Aaron Pelc.