

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/the-biden-administration-is-trying-to-speed-up-deportations>

Public Facing Advocacy Writing

President Biden has been in office for more than half a year, giving us greater insight into the likely trajectory of his first term. Biden deserves praise for [undoing some of the Trump-eras most dangerous immigration policies](#), while [setting a more humane tone](#). But as an immigration lawyer who has represented families and children for years, I am alarmed by another policy the President has enacted that, in practice, may cancel all his gains.

This week, the Biden administration will officially launch [accelerated deportation proceedings](#) for asylum-seeking families in 11 cities across the country. This means that families who've claimed asylum after May 28 have less than a year to defend their right to remain in the United States on an arbitrarily accelerated timeline given that asylum cases, even with a lawyer and every conceivable resource, can take years to resolve fairly.

As an immigration lawyer, I have seen how past accelerated docket policies, often called rocket dockets, have severely disrupted due process. [President Obama first enacted them](#), although he did not specify when cases needed to resolve. Trump, however, seized on the opportunity to quickly churn families through a biased and punitive court system, imposing an arbitrary [365-day deadline for judges to hear and decide](#) asylum cases for recently arrived families. Under Biden, immigration judges in select cities have been instructed to review and decide these cases even faster in only 300 days.

These rocket dockets [will not improve the immigration case backlog](#), as the Biden administration claims. On the contrary, families who have lived here for years, waiting patiently for a hearing on the merits of their cases, will continue to languish in the backlog as attorneys are forced to prioritize new cases over old ones. Meanwhile, it will be even harder for newly arriving families to find a lawyer or build a case in time. As a result, thousands of families seeking asylum will be unable to defend their right to remain in the United States, leading to mass deportations.

I know firsthand the difference a lawyer makes in immigration court. Studies show that [immigrants with attorneys are three-and-a-half times more likely to be granted bond](#) (meaning they are released from detention pending the outcome of their case) and up to 10 times more likely to establish their right to stay compared to those without legal representation.

I often met with families who spent months desperately looking for a lawyer, unable to afford the expense or turned away by nonprofits because of limited capacity or resources. Exploitation is rampant, as cultural and language barriers amplify desperation, causing people to hire unqualified representatives to serve as counsel. Such incompetent representation frequently destroys a person's ability to defend their right to asylum.

Even when people can find a lawyer, these accelerated dockets will make it harder for counsel to defend their clients. Because families and children must prove asylum eligibility, lawyers must secure hard-to-obtain evidence from countries of origin. This takes time. In one case, I had mere months to obtain official records from Guatemala, translate and certify them, locate witnesses from a remote area, and analyze dense reports on human rights abuses, all while preparing my client to testify before intimidating judges and highly trained ICE prosecutors.

These policies lead to needless human suffering. While I was representing one family, the father physically assaulted the mother, requiring state intervention on behalf of the children. Initially, the children had to appear in immigration court with their father present and cried uncontrollably the entire time. Yet even after their immigration case was severed from their fathers and new forms of legal relief became available to them, their case continued to be fast-tracked because of the rocket docket. Despite the obvious cruelty, I had to argue month after month with a judge why it was improper to do this.

This human toll is the crux of what makes Biden's new rocket docket policy so confounding. The complexity of navigating immigration law, the difficulty of obtaining evidence, and the need to prepare for the unexpected is hard even for trained lawyers. Now imagine tens of thousands of families forced to defend themselves alone in immigration court because of these rocket dockets. The likeliest outcome for them is deportation even if justice demands they stay in the United States.

The solution to this disruption of due process and the immigration backlog is to provide everyone in court with a government-funded lawyer. Not only is representation essential to the operation of justice, but [a federal defender system for immigrants is also more cost-effective](#) than our current system of mass arrests, detentions, and deportations. Over nearly two decades, the Vera Institute of Justice, where I work, has laid the foundation for such a program through a national network of lawyers and multiple government programs dedicated to providing due process for all.

President Biden has a roadmap that can save thousands of families and children from needless suffering and injustice. He must start by rescinding this terrible and unnecessary policy.

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