

Florida courts gear up to deal with border children

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By William E. Gibson, Washington Bureau

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WASHINGTON Florida immigration courts, swamped by a growing stream of unaccompanied children who illegally crossed the Southwestern border, are creating "rocket dockets" to quickly decide whether they should be sent back to their turbulent homelands.

Volunteer attorneys are scrambling to prepare for as many as 50 hearings a day per judge to assert the children's right to become permanent residents, or at least avoid immediate deportation.

The speedy procedure more than 1,500 miles from the border stems from a huge influx of children fleeing violence and poverty in Central America. More than 3,000 have come to Florida this year to join family members, but they still must establish their right to remain.

Starting last week, three immigration judges in Miami and two in Orlando have been focusing entirely on cases of border children who have settled in Florida. Government officials promise to give the children their day in court, but immigration advocates fear that even though justice may be swift, it will not necessarily be fair.

Only three of the 25 children who appeared before one Miami judge last Friday afternoon were represented by attorneys, said Lesley Mendoza, executive director of the pro bono project of the Cuban American Bar Association.

"The rest were expected to appear by themselves," she said. "Without speaking the language, without any knowledge and limited education, they are expected to navigate the legal system on their own. That's just wrong.

"By expediting hearings and not giving them time to find an attorney, many who do have a legal right will be sent back. Being sent back for some of these kids means continuing to get raped on their way to school. For the boys, it means doing whatever a gang asks them to do, or being killed."

A similar onslaught is clogging the Immigration Court in Orlando, where legal-aid attorneys are rounding up volunteer lawyers to represent large numbers of children seeking safe haven.

"A lot of children are appearing before immigration judges alone, without any legal counseling," said Camila Pachon Silva, immigration attorney for the Legal Aid Society of the Orange County Bar Association. The group is organizing a training session in September for attorneys to deal with the cases.

"We have seen a dramatic increase in the last year, but these are not the first children to come," she said. "The numbers right now have skyrocketed, but children have crossed the borders on their own ever since we've had immigration in the United States."

Federal officials reported that 3,181 of the children apprehended on the border — most of them teenagers from Honduras, El Salvador and Guatemala — had come to Florida this year as of July 7. Florida's share was the third highest, following Texas and New York, of the 30,340 resettled with sponsors, typically family members. Dozens more are expected to arrive this month to be sheltered and placed in homes.

Under a 2008 law signed by then-President George W. Bush, unaccompanied minors cannot be removed from the country without getting a chance to claim they should remain because they face danger if returned to their homeland. Some of the children have become permanent residents and some have been deported, but figures were not available.

The numbers have gradually increased to crisis proportions because countries such as Honduras have descended into lawlessness as drug trafficking escalates and violent gangs attack families, including children. Many come to Florida, home to nearly 4 million immigrants and the largest Honduran community in the nation.

The Orlando court handles immigration cases from the northern part of the state, and the Miami court deals with those from the southern part, including Broward and Palm Beach counties.

"By having a special docket, you can move these cases, hopefully without stepping on anybody's rights," said Jeffrey Brauerman, a former immigration judge and now an immigration attorney in Fort Lauderdale. "I think the judges will be pretty fair-minded. The key thing is to unplug the docket."

Florida has absorbed influxes before — including the Mariel Boatlift, which brought 125,000 Cubans in 1980, and fleeing Haitians in the '80s and '90s. But rarely have immigration courts resorted to expedited proceedings, sometimes dubbed a "rocket docket," to quickly resolve cases.

"This is a major stop," Brauerman said, "because when they come over the border, many hit the Greyhound bus and come all the way down to Miami, where there's a lot of family. Remember, we're still the gateway to the Americas."

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