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New Report Finds Asylum-Seeking Families in Boston Ordered Removed Without Legal Representation and Without Their Day in Court

Research by the Harvard Immigration and Refugee Clinical Program exposes miscarriages of justice on the Biden administration's Dedicated Docket

CAMBRIDGE, MA – A [report](#) released today by immigration law experts at Harvard Law School reveals miscarriages of justice against asylum-seeking families on the Biden administration's Dedicated Docket in the Boston Immigration Court. Two years ago, the Biden administration launched the Dedicated Docket to fast-track immigration proceedings for asylum-seeking families arriving via the southern border. The report finds that these proceedings in effect fast track asylum seekers back to their home countries, where many fear persecution and death. Asylum seekers assigned to the Boston Dedicated Docket face disproportionately negative case outcomes, high rates of removal without their day in court, and barriers to accessing counsel.

The report, [*Denial of Justice: The Biden Administration's Dedicated Docket in the Boston Immigration Court*](#), released by the Harvard Immigration and Refugee Clinical Program (HIRCP), provides the first in-depth analysis of the Dedicated Docket in the Boston Immigration Court. The Boston Immigration Court Dedicated Docket is the largest in the country with over 20,000 asylum seekers, many of whom are children, being denied a fair and meaningful opportunity to be heard.

Among the report's main findings:

- Asylum seekers on the Boston Dedicated Docket face disproportionately negative outcomes. 34% of cases had resulted in removal orders, while only 4% of cases resulted in a grant of relief, as of September 2022.
- Asylum seekers on the Boston Dedicated Docket are ordered removed without their day in court. 73% of immigrants ordered removed were issued orders *in absentia* (i.e., when they did not appear at their hearings), even though in many cases immigrants never received notice of their hearing or faced confusion about where to go.
- Children accounted for at least 40% of those ordered removed.
- Access to representation improves outcomes, but many asylum seekers on the Boston Dedicated Docket do not have counsel. One hundred percent of immigrants that obtained relief as of September 2022 had legal representation at some point during their proceedings. Yet, less than 51% of immigrants were represented during that timeframe.
- The vast majority of pro bono legal service providers are at capacity and closed for intake, leaving asylum seekers on the Boston Dedicated Docket who cannot afford private lawyers few options for legal representation.
- 74% of the Boston Dedicated Docket was made up of asylum seekers from Brazil.

“Our research reveals that, contrary to the Biden administration’s claims, the Boston Dedicated Docket is neither expeditious nor fair to asylum seeking families. Immigrants are forced to navigate our labyrinthian immigration system without access to legal counsel, and many are ordered removed because they failed to attend their hearings through no fault of their own,” said Tiffany Lieu, Albert M. Sacks Clinical Teaching and Advocacy Fellow with the Harvard Immigration and Refugee Clinical Program at Harvard Law School.

The report’s findings confirm many of the concerns that advocates across the country have raised since the Dedicated Docket’s inception. HIRCP co-wrote a [letter](#) with advocates across the country in October 2022 calling on the Biden administration to terminate the Dedicated Docket, and a [follow-up letter](#) with continued concerns in June 2023.

“Families that fear return to their countries of origin have a right to seek asylum in the United States. The Dedicated Docket imposes often insurmountable barriers to accessing critical protection in violation of U.S. obligations under domestic and international law,” said Sabrineh Ardalan, Clinical Professor of Law and Director of the Harvard Immigration and Refugee Clinical Program at Harvard Law School. “The Biden administration should terminate the Dedicated Docket and take steps to safeguard asylum seekers from return to persecution, including by expanding access to counsel, and providing asylum seekers with a meaningful opportunity to be heard and to have their day in court.”

The report is available to read in full at:

http://harvardimmigrationclinic.org/files/2023/06/Dedicated-Docket-Report_FINAL.pdf.

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