

Summary: Immigration Court Efficiency and Children’s Court Act of 2023

Unaccompanied children face daunting obstacles in navigating the complex U.S. immigration system, and their unique vulnerability demands a unique system to adjudicate their claims. Many children have traveled hundreds or thousands of miles to the United States, often completely on their own, to escape extreme violence, sexual abuse, human trafficking, and other dangers. They appear in a U.S. immigration court system designed for adults, and with no guaranteed right to counsel, they often cannot navigate the system and pursue their claims for legal relief. The status quo creates practical challenges for the courts and the attorneys that represent the government, and it creates unfairness for the children involved.

The Immigration Court Efficiency and Children’s Court Act is part of the solution to creating a more child-friendly environment in which unaccompanied children are more likely to receive due process while simultaneously relieving strain on the immigration court system nationwide. Drawing from best practices for children’s proceedings employed in other judicial settings, the bill would establish a Children’s Court within the Executive Office for Immigration Review (EOIR) focused on the adjudication of unaccompanied children’s removal proceedings. The Court would help relieve strain on the immigration courts by aggregating these similar cases and streamlining the handling of pending cases of children who have claims awaiting adjudication by U.S. Citizenship and Immigration Services (USCIS), thereby avoiding duplication of efforts by multiple government agencies, all while increasing adjudication fairness.

The Children’s Court established under the Act would include:

- **Specially Trained Personnel:** Under the Act, judges overseeing the Children’s Court would have specialized training and experience working with children. Their training would include docket management practices for addressing operational challenges arising from this population’s unique vulnerabilities; methods for explaining proceedings to children; and child-sensitive questioning techniques, including trauma-informed interviewing and adjudication methods. The Department of Homeland Security (DHS) attorneys representing the government in these cases would also be trained in child-sensitive practices and children’s claims for immigration relief.
- **Child Participation Protocols:** The Children’s Court would encourage children’s full participation in their proceedings. The Act would establish child-appropriate procedures for the Court that would be responsive to the developmental levels of child respondents and would help ensure that children understand the proceedings, that they are treated appropriately for their developmental stage, and that they have sufficient time to secure counsel.
- **Coordination with Legal Services Organizations:** The Act requires the Children’s Court to coordinate with legal service providers and pro bono attorneys that serve unaccompanied children with the goal of expanding legal representation and avoiding waste of judicial resources. Such coordination should include providing space in the court building for legal service organizations to conduct legal screenings of unrepresented children with cases before the Children’s Court.

The Immigration Court Efficiency and Children’s Court Act would lead to benefits for both children and the government agencies involved in adjudicating children’s claims. For example, the bill would improve:

- **Fairness in Children's Proceedings:** Through improved training for court personnel and improved courtroom environment and procedures, the Act would help ensure that children have a fair process as they pursue their claims for immigration relief.
- **Immigration Court Efficiency:** Specialized judges and attorneys steeped in considerations and procedures affecting the adjudication of children's cases would create new efficiencies that would streamline the court's operations in addition to strengthening due process.
- **Connection to Full Legal Representation:** Coordinating with legal services organizations so that children access legal screening at the same time and place as their proceedings would result in children obtaining counsel faster and more efficiently, minimizing unneeded court time and in many cases preventing delays in proceedings.
- **Child Safety and Well-being:** A structure that allows for the presence of legal and social service organizations at children's dockets could provide a touchpoint for children to have a confidential conversation with an adult who may be able to identify children who are particularly vulnerable, have been victims of trafficking, or are at risk of other forms of exploitation. These connections could be especially valuable in preventing and addressing the exploitation of immigrant children in the labor market.

The Immigration Court Efficiency and Children's Court Act is a commonsense proposal that would make meaningful progress in improving immigration proceedings for unaccompanied children.