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| Lindsey Greising Staff Attorney lgreising@advrights.org 612-341-3302 | Jennifer Prestholdt, JD, MALD Deputy Director mailto:jprestholdt@advrights.org 612-341-3302 |
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FOR IMMEDIATE RELEASE:

Dedicated Docket

May 28, 2021—The Advocates for Human Rights is concerned that the new “[Dedicated Docket plan](#)” the Biden administration announced on May 28 risks undermining due process in asylum adjudications—a move that furthers the harms wrought by the Administration’s failure to swiftly act to revoke illegal Trump-era policies.

The Dedicated Docket system proposed would force recently arrived asylum seekers to present their cases to immigration judges within short timelines, allowing continuances only in narrow circumstances, and without ensuring legal representation. “While we welcome measures to reduce delays for asylum seekers and strengthen protections in immigration proceedings,” said Sarah Brenes, AHR Director of the Refugee & Immigrant Program, “without adequate protections, asylum seekers will be forced to navigate exceedingly complex proceedings, resulting in the denial of bona fide cases and the illegal return of people to countries where they face persecution or torture.” The policy also places families on electronic monitoring who would otherwise be released on recognizance, “sending a message that the Biden Administration has chosen to continue robust funding to private prison/surveillance companies rather than to community organizations and non-profits that can provide community support and legal representation”.

The move comes while the Administration has failed to end many harmful and illegal policies of the Trump Administration. “Numerous cases remain pending in federal courts, which the Biden administration could swiftly conclude to ensure basic rights and end months of uncertainty for asylum seekers, organizations like ours and numerous pro bono attorneys.” Brenes added. President Biden also has the authority to reverse harmful precedent and policies, which essentially barred asylum for victims of gender-based violence and created backlogs and logjams, and to propose and finalize new regulations to expand asylum and due process protections. Yet, it has done none of these things and instead continues the harmful expulsions under Title 42 in addition to this latest action.

The Advocates for Human Rights renews calls for the Biden administration to take steps to enable timely and fair asylum hearings, including:

- Immediately vacate *Matter of A-B-*, *Matter of A-C-A-A-*, *Matter of L-E-A-* and other attorney general rulings made under Trump that illegally undermine protections for refugees fleeing persecution – a long-overdue step;
- Take appropriate actions to reverse illegal and harmful regulations issued by the Trump Administration which stripped asylum protections and due process;
- Support and provide government funding for full legal representation for indigent and vulnerable persons in removal proceedings;
- Enable timely, effective and fair decisions by restoring immigration judge discretion to manage dockets through administrative closure, using pre-hearing conferences and stipulations, and ensuring sufficient staffing including qualified interpreters while taking steps to address politicization of the immigration courts; and
- Reduce immigration court backlogs by terminating non-priority cases and those that can be resolved through USCIS, providing the asylum office with initial jurisdiction over all asylum applications, and ensuring USCIS does not unnecessarily refer bona fide cases to the immigration courts.

Since 1983, The Advocates has called on administrations to uphold and ensure the meaningful right to seek asylum consistent with our obligations under the Refugee Convention. “The Dedicated Docket is a worrying move which signals the Administration may be bowing to pressure for efficiency over upholding human rights as it promised,” said Brenes. We call on the Biden Administration to reverse this proposed policy, take the above-mentioned actions to undo prior harms, and immediately take steps to bring our asylum and immigration policies in-line with international best practices.

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The Advocates for Human Rights, a nonprofit organization headquartered in Minneapolis, is dedicated to the promotion of internationally recognized human rights. To learn more visit theadvocatesforhumanrights.org.