

Judge to Baby: File an Asylum Application

 [notus.org/immigration/baby-asylum-hearing](https://www.notus.org/immigration/baby-asylum-hearing)

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A 1-year-old baby appeared in immigration court without legal representation this week in Arizona and received an instruction: File an asylum application before the next hearing or face deportation.

An attorney from the U.S. Committee for Refugees, one of the groups with a new contract to represent migrant children, was silent as it happened, [according to filings](#) Thursday in the legal dispute between a network of nonprofits and the Trump administration.

“The USCRI attorney did not speak up—let alone suggest that it is facially absurd to ask an unrepresented baby to do anything—despite knowing the baby would be ordered deported if unable to file the complicated application by the next hearing,” one filing says.

The baby is one of the unaccompanied migrant children who have had to represent themselves in immigration court since July 31, when a [contract](#) between the federal government and a network of nonprofits that provided legal services ended, the groups say in the court filings.

The end of the contract with the Acacia Center for Justice, which distributed the government funds to nearly 100 legal providers representing more than 24,000 kids, has led to confusion, the groups say. Minors are showing up unrepresented, despite two new contracts the Department of Health and Human Services awarded to the USCRI for \$20 million and [Our Rescue](#), an anti-human-trafficking organization, for \$158 million.

The network of nonprofits asked a judge to look into whether HHS is complying with the law and a court order that prevented the government from withdrawing services and funds for direct legal representation services to unaccompanied minors.

HHS has “spent the weeks since the contract with Acacia Center for Justice lapsed purporting to enter into multiple cooperative agreements to create a façade of compliance with the law and this Court’s order, but the result is chaos that has forced countless children to face their immigration court proceedings alone,” a court filing says.

A spokesperson from the Office of Refugee Resettlement, tasked with overseeing migrant minors, said in a statement to NOTUS Friday that USCRI attorneys first have to assess whether the children still have representation.

“This assessment remains ongoing because some [legal service provider] transitions appear unclear or incomplete,” the spokesperson said. “As USCRI confirms each child’s current representation status, it is conducting legal consultations to determine whether direct representation is appropriate, securing the

child's agreement to representation, and then entering as attorney of record where appropriate.”

In court declarations, attorneys and leaders of the nonprofits that previously were contracted to represent children say they've witnessed USCRI attorneys remain mum during immigrant children's court proceedings.

Roxana Avila-Cimpeanu, the deputy director of the Florence Immigrant and Refugee Rights Project, described in a court filing the incident the nonprofit witnessed Aug. 17 when the 1-year-old appeared unrepresented.

In another instance on Aug. 6, an unaccompanied minor without legal representation in a California court requested to voluntarily leave the country while the USCRI attorney present didn't say anything, according to a declaration from Cristel Stefany Martinez, managing director of California immigration law firm MNM Law Offices.

Richard Debaney, an ORR official, told the court last week that USCRI attorneys were providing coverage for all the hearings of 1,800 kids in the office's care. The government has released thousands more children to live with sponsors, often family members.

“Attorneys have been available to appear at all locations where upcoming hearings are scheduled and appearances have proceeded without complications,” Debaney wrote in a [court filing](#). “In locations where issues have arisen, in-person appearances have been prioritized.”

USCRI and Our Rescue didn't respond to NOTUS' request for comment.

In a [letter](#) to the Amica Center for Immigrant Rights, another of the nonprofits that operated under the old contract, Julie Beyer, USCRI's senior director of humanitarian legal services and field offices, wrote that cooperation among providers was needed to avoid misunderstandings.

“With respect to children who are not currently represented and who may have pending or upcoming asylum interviews, USCRI is evaluating referrals and service needs consistent with its contractual obligations, ethical obligations, and program requirements,” Beyer wrote Sunday in a letter submitted to the court by the groups suing the government. “Representation decisions will be made on a case-by-case basis based on the needs of the individual child and applicable program requirements.”

This story has been updated to reflect corrected court filings stating the 1-year-old appeared unrepresented in court on Aug. 17.

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