UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

HINES IMMIGRATION LAW, PLLC, et al.,

Plaintiffs,

v.

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW, et al.,

Defendants.

Case No. 26-cv-1018

PLAINTIFFS' EMERGENCY MOTION FOR A STAY UNDER 5 U.S.C. § 705

Plaintiffs Hines Immigration Law, PLLC, and The Advocates for Human Rights respectfully move for a stay under section 705 of the Administrative Procedure Act (APA), 5 U.S.C. § 705. For the reasons presented in the accompanying memorandum in support of this motion, and supported by the exhibits submitted therewith, Plaintiffs respectfully request that the Court enter an order staying a policy adopted by Defendants to single out and expedite the immigration proceedings of non-detained Somali noncitizens on a dedicated national docket, which Defendants began implementing no later than January 27, 2026 (the "Somali Fast-Track Policy"). As described in the memorandum, the Policy violates the APA and grievously impairs the rights of Somali noncitizens and their attorneys in immigration proceedings. The relief that Plaintiffs seek is detailed in the memorandum, accompanying exhibits, and proposed order.

Because the Policy is already causing irreparable harm to Plaintiffs, and because that harm will become even more severe on April 1, 2026 (the date of the first expedited individual merits hearing for a client of Plaintiff Hines Immigration Law scheduled pursuant to this Policy),

Plaintiffs respectfully request a ruling on this motion by March 31, 2026. Plaintiffs are also available for a hearing on this motion at the Court's convenience if the Court believes oral argument would aid it in reaching its decision by that date.

Pursuant to Local Rule 7(m), on March 24, 2026, at 10:27 AM ET, counsel for Plaintiffs emailed Alex Haas, Diane Kelleher, Glenn Girdharry, and Benjamin Moss, attorneys at the U.S. Department of Justice, to provide actual notice that Plaintiffs intended to file a complaint and emergency stay motion and to request Defendants' position on the motion. At the time of this filing, counsel for Defendants had not yet responded. On March 24, 2026, counsel for Plaintiffs provided a copy of the complaint after it was filed and also provided the motion and accompanying brief, declarations, and proposed order to Mr. Haas, Ms. Kelleher, Mr. Girdharry, and Mr. Moss.

Date: March 24, 2026

Respectfully submitted,

/s/ Jyoti Jasrasaria

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CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2026, I filed the foregoing document with the Clerk of Court for the U.S. District Court for the District of Columbia using the court's CM/ECF system. I further certify that a copy of the foregoing and accompanying memorandum and attachments will be deposited with the U.S. Postal Service for delivery to the below:

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MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS' EMERGENCY MOTION FOR A STAY UNDER 5 U.S.C. § 705

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INTRODUCTION

This suit challenges Defendants' unlawful decision to single out and fast-track the immigration proceedings of non-detained Somalis on a dedicated national docket before a handpicked subset of immigration judges (IJs). Defendants' "Somali Fast-Track Policy" marks an abrupt departure from the longstanding status quo for scheduling and conducting these proceedings. And it follows months of vitriol from President Trump targeting Somalis, including referring to them as "garbage" and declaring: "I don't want them in our country. I'll be honest with you. . . . Their country stinks."[1]

The Policy makes it far more difficult—and in some cases, nearly impossible—for immigration attorneys to effectively represent their non-detained Somali clients. Under the Policy, initial hearings have been scheduled en masse, creating irreconcilable scheduling conflicts for lawyers and forcing them to miss some hearings at the expense of others. Perhaps even worse, Somali nationals' final merits hearings—the last chance to make their case for humanitarian protection before the IJ—have been rapidly advanced under the new Policy, leaving attorneys with mere days or weeks to assemble evidence and prepare arguments instead of the six months or more that is typical. As if that were not enough of a thumb on the scale in favor of removal, these newly expedited hearings have been assigned to a subset of IJs who sit outside the noncitizen's venue and tend to have higher-than-average removal rates. Defendants have imposed this Policy even though their own laws, guidance, and regulations—not to mention the U.S. Constitution—acknowledge the right to counsel and the importance of effective preparation in such proceedings.

The Somali Fast-Track Policy violates the Administrative Procedure Act (APA) and requires an emergency stay. First, the Policy is contrary to law because it eviscerates multiple

[1] *WATCH: Trump says he doesn't want Somali migrants in the U.S., calls people 'garbage,'* PBS News (Dec. 2, 2025), https://perma.cc/6VHQ-Q62A.

statutory requirements, enshrined in the Immigration and Nationality Act (INA), that protect the rights of noncitizens. Second, the Policy is arbitrary and capricious because Defendants have no reasoned basis to deprive Somali nationals of a fair proceeding, and they failed to address multiple important aspects of the problem—including the Policy's fundamental due process defects and their own regulations and guidance, failed to account for weighty and longstanding reliance interests, and failed to consider reasonable alternatives to the Policy.

Because Plaintiffs face irreparable harm absent a stay, are likely to succeed on the merits of their APA claims, and satisfy the other criteria for preliminary relief, this Court should stay the Policy under 5 U.S.C. § 705. Although Plaintiffs are already experiencing irreparable harm from this Policy, Plaintiff Hines Immigration Law's first individual merits hearing under the Policy is scheduled for April 1, 2026, with several others following it closely. Given the stakes of these merits hearings, and the irreparable harm Plaintiffs and their clients will suffer if the Policy remains in effect on that date, Plaintiffs respectfully request a ruling by March 31, 2026.

BACKGROUND

I. The Constitution and federal law enshrine procedural protections for noncitizens in immigration proceedings.

Immigration proceedings are notoriously complex. They also carry enormous stakes, often involving matters of life or death. *See, e.g.*, *Padilla v. Kentucky*, 559 U.S. 356, 365 (2010) ("[D]eportation is a particularly severe 'penalty.'" (citation omitted)). That is especially true in asylum cases, where noncitizens face the threat of persecution, torture, or death if removed. Declaration of Kelsey Hines ("Hines Decl.") ¶¶ 112–17; *cf. Nken v. Holder*, 556 U.S. 418, 436 (2009) ("Of course there is a public interest in preventing [noncitizens] from being wrongfully removed, particularly to countries where they are likely to face substantial harm.").

In the face of these complexities, the Constitution and federal law guarantee certain basic protections. For one, the Due Process Clause of the Fifth Amendment and the INA require full and fair proceedings for noncitizens facing removal. *See, e.g.*, *Rosales v. ICE*, 426 F.3d 733, 736 (5th Cir. 2005) ("[D]ue process requires that [deportation] hearings be fundamentally fair." (citation omitted)); *see also Biwot v. Gonzales*, 403 F.3d 1094, 1098 (9th Cir. 2005); *Borges v. Gonzales*, 402 F.3d 398, 408 (3d Cir. 2005). To that end, the INA provides that noncitizens in removal proceedings shall have "a reasonable opportunity to examine the evidence," an opportunity "to present evidence," and an option "to cross-examine witnesses presented by the Government." 8 U.S.C. § 1229a(b)(4)(B); *see also* 8 C.F.R. § 1240.10(a)(4) (requiring IJ to "[a]dvise the respondent that he or she will have a reasonable opportunity to examine and object to the evidence against him or her, to present evidence in his or her own behalf and to cross-examine witnesses presented by the government").

Under the INA, moreover, noncitizens are entitled to legal representation of their own "choosing," but "at no expense to the Government." 8 U.S.C. §§ 1229a(b)(4)(A), 1362. The INA repeatedly emphasizes the importance of legal representation in immigration proceedings. *See*, *e.g., id.* § 1158(d)(4)(A)–(B) (requiring the government to advise asylum applicants "of the privilege of being represented by counsel" and to provide them with an updated list of people "who have indicated their availability to represent [noncitizens] in asylum proceedings on a pro bono basis"); *id.* § 1229(a)(1)(E) (providing that noncitizens "may" be represented by counsel and that they "will be provided (i) a period of time to secure counsel under subsection (b)(1) and (ii) a current list of counsel prepared under subsection (b)(2)"); *id.* § 1229(b)(2) (requiring the government to provide lists to noncitizens of pro bono legal services providers); *id.* § 1228(a)(2) (requiring that, in the case of noncitizens facing removal based on certain convictions, "the

Attorney General shall make reasonable efforts to ensure that the [noncitizen's] access to counsel and right to counsel under section 1362 of this title are not impaired"). The same is true of Executive Office for Immigration Review (EOIR) regulations, which provide that the IJ in a removal proceeding shall "[a]dvise the respondent of his or her right to representation, at no expense to the government, by counsel of his or her own choice authorized to practice in the proceedings." 8 C.F.R. § 1240.10(a)(1).

II. Immigration judges conduct removal proceedings in which the right to counsel plays a critical role.

When the Department of Homeland Security (DHS) wishes to remove a noncitizen, it generally must obtain an order of removal from an immigration judge, who conducts proceedings and finds facts before granting relief or ordering removal. *See* 8 U.S.C. §§ 1229a(a)(1), (c)(1)(A). In the ordinary course, the IJ who conducts these proceedings sits in the venue where the noncitizen is located. Hines Decl. ¶ 32.

A noncitizen typically appears before an IJ for two types of hearings—master calendar hearings and individual merits hearings. Master calendar hearings are generally procedural: the IJ explains the noncitizen's rights, the charges against them, and the nature of the proceedings. *See* 8 C.F.R. § 1240.10(a)(1)–(7). If the noncitizen is unrepresented, the IJ must provide a list of free or low-cost legal service providers and give the noncitizen an opportunity to find counsel. *See id.* § 1240.10(a)(1)–(2); *id.* § 1003.16; 8 U.S.C. § 1229a(b)(4)(A). Noncitizens may request a continuance of their master calendar hearing if they would like more time to speak to an attorney, prepare an application for relief, or otherwise think about how to proceed with their case. 8 C.F.R. § 1003.29; *id.* § 1240.6. If the noncitizen is already represented, and the attorney has submitted written pleadings, the master calendar hearing is typically vacated. *See* EOIR Policy Manual, Part II § 2.1(b)(1)(B), https://www.justice.gov/eoir/policy-manual-eoir (last visited Mar. 24, 2026);

Hines Decl. ¶¶ 17–18. The case is then placed in a queue to be set for an individual merits hearing. Hines Decl. ¶ 18; Declaration of Robin Carr ("Carr Decl.") ¶ 6; Declaration of Evangeline Dhawan-Maloney ("Dhawan-Maloney Decl.") ¶ 4.

The IJ must hold an individual merits hearing if the noncitizen has applied for relief from removal, including in the form of asylum. 8 C.F.R. § 1240.11. Noncitizens who are represented and not detained generally must submit supporting documents at least 30 days in advance of the merits hearing. EOIR Policy Manual, Part II § 2.1(b)(2)(B). At the merits hearing, the noncitizen must have the opportunity to testify, examine witnesses, and present evidence. 8 U.S.C. § 1229a(b)(4)(B); 8 C.F.R. § 1240.10(d). The IJ then decides whether to grant or deny the application for relief. 8 C.F.R. § 1240.12; *id.* § 1003.37.

The merits hearing is crucial to a noncitizen's case and requires extensive preparation by their attorney. Hines Decl. ¶¶ 23–30. For example, Kelsey Hines—owner and managing attorney of Plaintiff Hines Immigration Law, PLLC ("the Hines Firm")—spends on average at least 150 hours preparing for each merits hearing. Hines Decl. ¶ 30. Consistent with that need for preparation time, a merits hearing in a non-detained case is almost always set with at least six months' notice, and usually more. *E.g.*, Declaration of Alexis Dutt ("Dutt Decl.") ¶ 5; Dhawan-Maloney Decl. ¶ 4. As EOIR guidance explains, "the time between a master calendar hearing and an individual merits hearing, which often exceeds one year in a non-detained case, already encompasses substantial time for preparation." Policy Memorandum 21-13 from James R. McHenry III, Director of EOIR, at 5 (Jan. 8, 2021), https://perma.cc/N93N-LEG9 (hereinafter "PM 21-13"); *see also Matter of J-A-F-S-*, 29 I. & N. Dec. 195, 197 (BIA 2025) ("Individual hearings for non-detained cases are frequently scheduled far in advance due to the Immigration Courts' extremely high caseloads.").

In fact, EOIR regulations and guidance make clear that adequate preparation for these matters is essential. Attorneys may face sanctions if they do not provide competent representation, which "requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation." 8 C.F.R. § 1003.102(o). Attorneys must "[r]easonably consult with the client about the means by which the client's objectives are to be accomplished," including by "meet[ing] with the client sufficiently in advance of a hearing or other matter to ensure adequate preparation of the client's case." *Id.* § 1003.102(r)(2). Accordingly, an attorney's "workload must be controlled and managed so that each matter can be handled competently." *Id.* § 1003.102(q)(1). Sanctions may be imposed on an attorney "who takes on more cases than he or she can responsibly and professionally handle." PM 21-13, at 5.

Like other attorneys, Ms. Hines's practice is to complete most of her preparation after the merits hearing date is set. Hines Decl. ¶ 21; *see also* Carr Decl. ¶ 18 ("Country conditions evidence must be current and therefore must be obtained at the time of adjudication, not at the time of the initial filing."). Otherwise, the work she must undertake before a hearing—which includes finalizing reports about conditions in the noncitizen's home country, referring and obtaining a psychological evaluation, and conducting legal research in a field that can change week-to-week—would be out-of-date by the time the merits hearing arrived. Hines Decl. ¶¶ 22–28. Ultimately, these extensive efforts are well worth it for Ms. Hines and her clients: noncitizens with counsel have a significantly higher chance of obtaining relief in these complex proceedings. Hines Decl. ¶¶ 29, 120; Declaration of Hanne Sandison ("Sandison Decl.") ¶ 15; *see also* Ingrid Eagly & Steven Shafer, Am. Immigr. Council, *Access to Counsel in Immigration Court*, at 2–3 (Sep. 2016), https://perma.cc/2N67-528M (finding that immigrants with attorneys fared better at every stage of

the process and were nearly five times more likely than their unrepresented counterparts to obtain relief).

III. Immigration judges have broad discretion to conduct the proceedings before them.

Immigration judges are supposed to have broad discretion to manage their docket and ensure that each noncitizen receives a full and fair proceeding. EOIR regulations mandate that, in deciding cases, IJs "shall exercise their independent judgment and discretion and may take any action consistent with their authorities under the Act and regulations that is necessary or appropriate for the disposition or alternative resolution of such cases." 8 C.F.R. § 1003.10(b). EOIR guidance also makes clear that "all adjudicators at EOIR are independent in their decision-making in the cases before them." Policy Memorandum 25-42 from Sirce E. Owen, Acting Dir. of EOIR, at 1 (Aug. 22, 2025), https://perma.cc/HT47-6XSN (hereinafter "PM 25-42"). Accordingly, "no EOIR employee or officer can direct any adjudicator to rule in a particular way on a matter before him or her in the first instance." *Id.* at 2.

The Office of the Chief Immigration Judge is responsible "for the supervision, direction, and scheduling of the immigration judges in the conduct of the hearings and duties assigned to them." 8 C.F.R. § 1003.9(b). But the Chief Immigration Judge "shall have no authority to direct the result of an adjudication assigned to another immigration judge." *Id.* § 1003.9(c). And "the designation of a case as a priority is not intended to limit the discretion afforded an Immigration Judge under applicable law, nor is it intended to mandate or direct a specific outcome in any particular case." Policy Memorandum 25-47 from Sirce E. Owen, Acting Dir. of EOIR, at 3 (Sep. 12, 2025), https://perma.cc/95ML-C966 (hereinafter "PM 25-47").

IV. Defendants eliminate immigration judges' discretion and eviscerate noncitizens' right to a fair process by fast-tracking non-detained Somali immigration proceedings.

Of the 3.3 million pending cases in immigration court, about 3,200 involve Somali nationals. *Immigration Court Backlog*, Transactional Records Access Clearinghouse, https://tracreports.org/phptools/immigration/backlog (for "Immigration Court State," select "All-2026"; for "Nationality," select "Somalia") (last visited Mar. 24, 2026). About 2,700 of those cases involve non-detained Somali nationals. *Id.* (for "Custody," select "Never Detained"). Around half of both detained and non-detained Somali cases are out of Minnesota, but there are also more than a hundred such cases in each of Washington, Ohio, Illinois, and California, and several in other jurisdictions. *Id.*

In late January 2026, Defendants abruptly departed from the prevailing framework in these immigration proceedings for non-detained Somali nationals. *E.g.*, Declaration of Matthew Raymond Mockenhaupt ("Mockenhaupt Decl.") ¶ 5; Declaration of Imelda Maynard ("Maynard Decl.") ¶ 9. Specifically, Defendants have adopted and begun implementing a policy to rapidly set or advance immigration hearing dates—both master calendar and merits hearings—for Somalis. This Somali Fast-Track Policy has not been publicly promulgated, but its existence is evident from Defendants' actions, IJs' statements, and the common experiences of numerous attorneys who practice in this field. Under the Policy, Somali immigration cases are resolved on a dedicated nationalized docket, before a small subset of IJs, on a highly accelerated timeline. While this Policy has had an outsized impact in Minnesota due to the state's large Somali population, *e.g.*, Hines Decl. ¶ 37; Mockenhaupt Decl. ¶¶ 5, 9, it is being implemented across the nation, *e.g.*, Maynard Decl. ¶ 9 (Texas); Declaration of Adam Boyd ("Boyd Decl.") ¶¶ 4–6 (Washington State); Declaration of Caroline Fuchs ("Fuchs Decl.") ¶ 4 (Wisconsin); Declaration of Jacquelyn M. Kline

("Kline Decl.") ¶ 5 (Pennsylvania); Declaration of Lisa Pickering ("Pickering Decl.") ¶¶ 5–6 (California).[2]

As is evident from more than a dozen declarations submitted in support of this motion, the Policy has three central features: (1) master calendar hearings are scheduled for non-detained Somali immigration cases in which such hearings were previously vacated and are otherwise unnecessary; (2) individual merits hearings in these cases are set and advanced on short notice for no later than summer 2026, providing minimal time for counsel to prepare; and (3) all or nearly all these hearings are assigned to a subset of IJs who sit outside the Somali noncitizen's venue and often have higher-than-average removal rates. All these features are highly unusual and represent a sudden departure from the status quo in immigration proceedings.

First, pursuant to the Policy, IJs have abruptly reset Somali proceedings for master calendar hearings. Boyd Decl. ¶ 5; Dhawan-Maloney Decl. ¶ 5. They have provided as little as one or two weeks' notice. Maynard Decl. ¶ 9; Fuchs Decl. ¶ 4; Declaration of Abdiqani A. Jabane ("Jabane Decl.") ¶ 2; Declaration of Hannah Brown ("Brown Decl.") ¶ 5; Declaration of Nysha Operana ("Operana Decl.") ¶ 5; Declaration of Rachel Michelle Petersen ("Petersen Decl.") ¶ 10. The IJs have done so even in cases where there is no need for such a hearing because the noncitizen has already submitted written pleadings and has been placed in the scheduling queue for a merits hearing. Hines Decl. ¶¶ 38, 41; *see also* EOIR Policy Manual, Part II § 2.1(b)(1)(B). In some instances, several hearings have been scheduled within the same time block. Jabane Decl. ¶ 3 (attorney represented eight Somali clients whose cases were scheduled within same 30-minute

[2] *See also, e.g.*, Ximena Bustillo, *Immigration Courts Fast-Track Hearings for Somali Asylum Claims*, NPR (Feb. 9, 2026), https://perma.cc/M2J6-39RB (noting affected cases in Minnesota, Illinois, and Nebraska); Francia Garcia Hernandez, *Immigration Judge Fast-Tracks Asylum Hearings for Local Somali Asylum-Seekers*, Block Club Chicago (Feb. 18, 2026), https://perma.cc/YZ92-YMQH.

block); Declaration of Steven C. Thal ("Thal Decl.") ¶ 10 (IJ resorted to "mass hearing" on one date without taking individual appearances).

This practice has flooded the dockets of immigration attorneys with master calendar hearings. Ms. Hines, for example, has had 71 Somali master calendar hearings scheduled for between February 17 and July 31, 2026—with some even scheduled for the same time slot on the same day. Hines Decl. ¶¶ 47–48, 80. While this scheduling approach is a stark departure from the past, Ms. Hines's experience is not unique. Carr Decl. ¶ 11 (attorney has had approximately 26 master calendar hearings scheduled for between late March and late July 2026); Boyd Decl. ¶ 5 (firm has had to handle as many as 11 Somali master calendar hearings in one day); Mockenhaupt Decl. ¶ 5 (attorney has received at least 70 Somali master calendar hearing notices since late January 2026); Thal Decl. ¶ 10 (attorney had 23 Somali master calendar hearings in one week); Declaration of Lauren Lowry ("Lowry Decl.") ¶ 4 (attorney had 80% of Somali cases scheduled for master or merits hearings between February and July 2026). These newly scheduled hearings have upended the ability of immigration attorneys—who carefully curated their dockets to remain manageable under the usual framework for these proceedings—to provide effective counsel to their clients. Hines Decl. ¶¶ 13, 20, 124.

Second, the Policy has required IJs to rapidly advance individual merits hearings. Many attorneys have seen their dockets explode with merits hearings in Somali cases. Hines Decl. ¶ 81 (attorney has 39 Somali merits hearings scheduled between April 1 and July 31, 2026); Carr Decl. ¶¶ 11–12 (attorney has more than 70 Somali merits hearings scheduled between late March and late July 2026, including 20 in June alone); Mockenhaupt Decl. ¶¶ 9–10 (in last month, attorney has been scheduled for about 50 Somali merits hearings from mid-April to July 2026); Boyd Decl.

¶ 9 (firm has had "many" Somali merits hearings scheduled for May through July 2026); Thal Decl. ¶¶ 12–14 (attorney has 30 Somali merits hearings scheduled from April through June 2026).

In the usual course, as noted above, attorneys would have at least six months—and typically more than a year—to prepare for a merits hearing. Boyd Decl. ¶ 10 (merits hearings usually noticed "at least a year, if not two to three years, in advance"); Dhawan-Maloney Decl. ¶ 4; Dutt Decl. ¶ 5; *see also* Carr Decl. ¶ 5 (before adoption of Policy, attorney had 12 to 14 merits hearings set for 2026, "which reflected a typical and manageable caseload"). Now, however, merits hearings in non-detained Somali cases have been scheduled or advanced with as little as thirty days' notice. Lowry Decl. ¶ 5 (noting need to prepare for merits hearings "in a matter of weeks"); Kline Decl. ¶ 7; Dhawan-Maloney Decl. ¶ 7; Pickering Decl. ¶ 7; Operana Decl. ¶ 8. This too is highly unusual. Boyd Decl. ¶ 10 (attorney has "never seen such short timelines to prepare"); Petersen Decl. ¶ 7 (merits hearings are often scheduled "over a year in advance"); Jabane Decl. ¶ 2 (Somali merits hearings have been scheduled with "comparatively short preparation timelines"). And this aspect of the Policy is especially destructive because of the importance of supporting documents, which typically must be submitted no later than thirty days before the merits hearing. Kline Decl. ¶¶ 17, 19–20 (clients are "struggling to produce supporting documents . . . with such short notice," especially where they must schedule medical evaluations or gather evidence from outside the United States); Carr Decl. ¶ 18 ("[p]reparation of Somali asylum cases is particularly time-intensive"); Operana Decl. ¶ 9 (effective representation requires "a minimum of six months of preparation" for merits hearing). If a merits hearing is scheduled thirty-five days' out, for example, that means the attorney now has only five days to submit supporting documents—which can include thousands of pages, require translation, and involve hard to collect or specialized evidence such as identity and family documents, affidavits from

people living abroad, current country conditions reports, and expert materials. Carr Decl. ¶ 18; Hines Decl. ¶¶ 21–28, 57, 70. In some cases, moreover, the merits hearings are being scheduled for unusually short windows. Kline Decl. ¶¶ 11, 14 (noting several merits hearings scheduled for 30 minutes each and explaining "[t]here is no way that a full merits hearing can be conducted in a 30-minute time slot"); Declaration of Elizabeth M. Streefland ("Streefland Decl.") ¶ 12; Hines Decl. ¶¶ 75–76. Ms. Hines even had two Somali clients scheduled for merits hearings in the same 90-minute time slot, on the same day, before the same IJ, which she attests "has never happened to me or any lawyer I know during the entirety of the time I have been practicing law." Hines Decl. ¶ 57.

This practice, again, has thrown immigration attorneys' dockets into chaos. Ms. Hines has several weeks with four or five merits hearings scheduled and multiple days with two merits hearings scheduled, which is "unheard of." Hines Decl. ¶ 63. She attests that, under the new Policy, it will be nearly impossible for her to devote the time required to prepare for these complex proceedings. Hines Decl. ¶¶ 59, 78–82. The same is true for other attorneys who regularly represent non-detained Somali nationals in immigration court. Fuchs Decl. ¶ 13 ("Expedited proceedings make it almost impossible to provide the amount of evidence necessary to sustain a case."); Kline Decl. ¶¶ 15–16 (advancement of merits hearings on short notice "has put extreme and undue stress not only on my clients but myself and my staff as well," and has made it more difficult to find an available interpreter); Streefland Decl. ¶ 11 ("It has been a scramble to find expert witnesses because the few available experts are being flooded with requests to do work in a compressed timeline."); Dhawan-Maloney Decl. ¶ 12 (discussing fear "that I will have to withdraw from cases since I will be unable to adequately prepare for these rapid individual hearings that could now be scheduled"); Mockenhaupt Decl. ¶ 9 (ability to provide adequate

representation is "hindered" by vast number of merits hearings scheduled within short time); Operana Decl. ¶ 11 (this fast-tracking "forces attorneys to triage critical aspects of case preparation, increasing the risk of incomplete records, insufficient corroboration, and errors in testimony"); Petersen Decl. ¶¶ 16, 19–20 (expediting several cases for merits hearings is "disruptive," creates substantial logistical issues, and is "pretty much unprecedented"); Dutt Decl. ¶ 9 (attorneys are being scheduled "for anywhere from 1 to 3 individual hearings in one day").

IJs handling these Somali cases have also routinely denied or ignored requests to continue hearings. Fuchs Decl. ¶ 5; Streefland Decl. ¶ 8. Attorneys have requested continuances when, for example, they have unavoidable scheduling conflicts, such as another hearing at the same time on the same day before a different IJ. Hines Decl. ¶ 49. IJs nonetheless have refused to grant continuances, have granted only trivial continuances of mere days, or have simply vacated the master calendar hearing and proceeded directly to an individual merits hearing on an expedited timetable. Hines Decl. ¶¶ 50–52, 55–56; Mockenhaupt Decl. ¶ 9.[3]

In setting individual merits hearings, moreover, IJs have stated without elaboration that their "expedited" calendars available for scheduling "only go out" to a certain date—typically in June or July—and that they are unable to schedule beyond that date. Hines Decl. ¶¶ 58, 60–62; *see also* Streefland Decl. ¶ 9; Mockenhaupt Decl. ¶ 7; Dutt Decl. ¶ 9. In the past, IJs have scheduled hearings for up to two or three years out, with no indication that their calendars could not "go out"

[3] DHS—the prosecuting agency—has not moved to expedite these hearings, Hines Decl. ¶¶ 41–43, and DHS representatives have stated, "It doesn't matter if [the hearing] is advanced or not," Hines Decl. ¶ 44 (alteration in original). Instead, IJs have expedited these hearings sua sponte, Hines Decl. ¶ 41, even though EOIR guidance provides that "[i]f a party believes that a master calendar hearing is necessary where a hearing has been vacated or none has been scheduled, the party must make a written motion for master calendar hearing." EOIR Policy Manual, Part II § 2.1(c)(5); *see also* Hines Decl. ¶ 41 ("In my career, I have never had a master calendar hearing scheduled or advanced, or an individual calendar hearing advanced, by the immigration court without motion by either party.").

that far. Hines Decl. ¶ 61; *see also* Streefland Decl. ¶ 9 (until recent hearing, "I had never had a judge tell me they could not schedule[] a hearing later than a certain time period."). IJs have made clear that resolving cases on "this docket"—apparently referring to the docket of Somali nationals—is a "priority," that "[they]'ve got to hear all of them," that "we're all going to have to deal with this docket one way or the other," and that they have "limited options" to "accommodate counsel" when scheduling hearings. Hines Decl. ¶¶ 58, 64, 68; Mockenhaupt Decl. ¶ 7; *see also* Dutt Decl. ¶ 10 (IJ stated that "they had been asked to 'help out' on these cases and assigned these Somali dockets" and that "these cases would take priority"). Several IJs have told counsel, in response to questions about why they cannot schedule hearings past a certain date, that their "hands are tied" because the cases have been pending for a long time—even though similarly long-pending cases for noncitizens of other nationalities have not been expedited. Mockenhaupt Decl. ¶ 8. IJs have also advised counsel to raise any scheduling concerns with the "powers that be." Hines Decl. ¶ 58. Indeed, one immigration court clerk informed an attorney that the merits hearings for her non-detained Somali clients "had been scheduled by Headquarters, not by the Philadelphia Immigration Court itself." Kline Decl. ¶ 11.

Third, all or nearly all hearings for non-detained Somali nationals—including those that were previously assigned to other IJs—have been scheduled with a small subset of IJs, including Chief IJ Teresa Riley (who sits in Cleveland, OH), Assistant Chief IJ Sherron Ashworth (Oakdale, LA), Assistant Chief IJ Craig Defoe (Chicago, IL), Assistant Chief IJ Kevin Riley (Los Angeles, CA), IJ Chris Brisack (Conroe, TX), IJ Andrew Caborn (Conroe, TX), IJ Nina Carbone (Denver, CO), IJ Guy Grande (San Diego, CA), IJ Philip Taylor (Atlanta, GA), and IJ Abdias Tida (El Paso, TX). Mockenhaupt Decl. ¶ 6; Maynard Decl. ¶ 9; Boyd Decl. ¶ 6; Fuchs Decl. ¶¶ 6, 9; Brown Decl. ¶ 5; Streefland Decl. ¶ 4; Pickering Decl. ¶ 6; Operana Decl. ¶ 6; Thal Decl. ¶ 16; Hines

Decl. ¶¶ 60, 62, 64, 66. Many of these IJs have substantially higher removal rates and lower asylum grant rates compared to the national average. *See Judge-by-Judge Asylum Decisions in Immigration Courts FY 2020-2025*, Transactional Records Access Clearinghouse (Nov. 7, 2025), https://perma.cc/YSH3-X4PG; *Judge Profiles*, Mobile Pathways, https://perma.cc/UM3X-8838 (use "Select a Judge" dropdown menu) (last visited Mar. 24, 2026).

These IJs appear to be exclusively hearing Somali cases—even though those cases represent just a fraction of the overall immigration court docket. Maynard Decl. ¶ 11; Boyd Decl. ¶ 8; Brown Decl. ¶ 7; Pickering Decl. ¶ 8. It is highly irregular for IJs to be hearing cases involving immigrants of just one nationality. Maynard Decl. ¶ 17; Boyd Decl. ¶ 16; Pickering Decl. ¶ 10. The IJs have frequently scheduled multiple hearings for the same day and time slot. Brown Decl. ¶ 7. And they have allotted shorter periods for hearings than is typical. Boyd Decl. ¶ 13 (merits hearing scheduled for just 30-minute window).

In almost all these cases, the IJs are conducting proceedings remotely because they are physically located in venues other than those where the Somali nationals appearing before them live. Maynard Decl. ¶ 10; Boyd Decl. ¶ 7; Fuchs Decl. ¶ 6; Carr Decl. ¶ 14; Streefland Decl. ¶ 4; Dhawan-Maloney Decl. ¶ 6; Pickering Decl. ¶ 7. Until the recent adoption of this Policy, it was highly unusual for non-detained individuals' cases to be heard remotely by IJs sitting in another part of the country. Maynard Decl. ¶¶ 8, 16; Boyd Decl. ¶ 14; Streefland Decl. ¶ 5; Dhawan-Maloney Decl. ¶ 6; Pickering Decl. ¶ 9; Mockenhaupt Decl. ¶ 6. Appearing in person is advantageous for Somali nationals, especially where translation is required. Hines Decl. ¶ 32. And there are active IJs in the relevant jurisdictions who could hear the cases of these individuals in person. Hines Decl. ¶ 32.

All three aspects of the Policy represent an abrupt departure from the status quo in immigration proceedings. The record also makes clear that this Policy applies only to Somalis. With one exception, Ms. Hines has "not had asylum cases advanced for an individual who is not a native/citizen of Somalia." Hines Decl. ¶ 39. And in fact, that lone exception just illustrates how the Policy works: Ms. Hines has an Ethiopian client who appears to be categorized under "Somalia" in the EOIR system, so it is no surprise that her hearing has been expedited under the Policy. Hines Decl. ¶ 39. Again, Ms. Hines's experience is not at all unique. Boyd Decl. ¶ 11 (attorney's non-Somali cases are proceeding as usual in front of IJs in their jurisdiction, with merits hearings scheduled as far out as 2029); Kline Decl. ¶¶ 5–6 (attorney's Somali cases have been advanced for merits hearings, while other cases have not); Carr Decl. ¶ 8 (dozens of Ethiopian clients with pending asylum applications have not been scheduled for hearings); Dhawan-Maloney Decl. ¶ 10 ("I have not had a single case with a non-Somali Respondent set for a new master calendar hearing and then subsequently set for merits hearing in the last two months."); Lowry Decl. ¶ 7; Mockenhaupt Decl. ¶¶ 5, 8; Petersen Decl. ¶ 14.

Somali cases have been transferred to this new fast-track docket even under particularly unusual circumstances. One Texas attorney represents a Somali national under the age of 18 whose case was on the juvenile docket in El Paso. Maynard Decl. ¶¶ 7–8. On short notice, the case was transferred off the juvenile docket and onto an adult docket before IJ Ashworth—even though such a transfer is extremely uncommon. Maynard Decl. ¶¶ 9, 15. In another telling example, a Washington State attorney had a Somali client scheduled for a May 5, 2026, merits hearing before a Seattle IJ. Boyd Decl. ¶ 12. The hearing was reassigned to a California IJ on the Somali docket and reset for a merits hearing on May 22, 2026, meaning that her hearing will be completed remotely and *later* than it otherwise would have been. Boyd Decl. ¶ 12. And in yet another case, a

Somali's merits hearing was "prioritized for completion" (according to the IJ) and was advanced to April 2026 even though he is in state confinement for a criminal conviction and will not be parole-eligible until 2032. Brown Decl. ¶¶ 3, 9–10. These are all deviations from standard practice.

V. The Somali Fast-Track Policy irreparably harms Plaintiffs.

Defendants' new Policy targeting non-detained Somali nationals for fast-tracked proceedings has already inflicted enormous harm on Plaintiffs and the clients and communities they serve. That harm will only continue to grow absent immediate relief.

Hines Immigration Law, PLLC. The Hines Firm is the private law firm of a solo practitioner (Ms. Hines) who specializes in non-detained asylum cases, largely in Minnesota. Hines Decl. ¶¶ 2, 8, 10–13. The Policy has irreparably harmed the Hines Firm's core work, business interests, reputation, and clients.

The Hines Firm's core work includes providing high-quality legal representation to non-detained asylum applicants before EOIR. Hines Decl. ¶¶ 8, 13. The Policy substantially impedes this work because it upends the timeline on which the firm must prepare for each Somali client's individual merits hearings. Instead of having at least a year to prepare, the firm now must somehow prepare for dozens of complex, high-stakes hearings with only a few months—and in some cases, mere weeks—of notice. *E.g.*, Hines Decl. ¶¶ 58–76.

The Policy's impact on the Hines Firm has been staggering. Ms. Hines—the firm's founder and sole attorney—undertook her existing caseload with the reasonable expectation that individual merits hearings would proceed at the usual pace and that she would have at least one year to prepare for any given hearing. Hines Decl. ¶¶ 13, 20, 124. Ms. Hines typically invests at least 120 hours—and often much longer—preparing once the merits hearing date is set. Hines Decl. ¶ 30. Under the Policy, however, Ms. Hines will have to prepare at least 39, and up to 71, existing Somali cases for merits hearings over the next four months. Hines Decl. ¶¶ 37, 79. Even if Ms. Hines were to

work 12-hour days, seven days a week, she would be thousands of hours short of what is necessary to give each case the attention it requires. Hines Decl. ¶ 79. As a result, absent massive changes to the Hines Firm's business model—which may not even be feasible—it is essentially impossible for the firm to meet its core business obligations to both Somali and other clients while the Policy remains in place. Hines Decl. ¶¶ 77, 83–87. The Hines Firm has already been forced to divert resources to combat the effects of the Policy, and it has completely closed its doors to any new business while it deals with the flood of new hearings set under the Policy. Hines Decl. ¶¶ 88, 93–96.

Relatedly, the Hines Firm is facing and will continue to face significant monetary injury because of the Policy. Because the Hines Firm cannot possibly maintain even its current caseload unless it hires and pays for additional attorneys—which is itself not feasible under the circumstances—it will lose paying clients. Hines Decl. ¶¶ 92, 96. Indeed, based on advice she has received from ethics counsel, Ms. Hines will likely need to withdraw from a significant number of Somali cases because the Policy makes it nearly impossible for her to satisfy her ethical obligations to clients. Hines Decl. ¶¶ 124, 127. Meanwhile, the Hines Firm has been forced to cease accepting any new clients due to the current volume of cases. Hines Decl. ¶ 95. And the Policy is wreaking havoc on the Hines Firm's finances because the firm's typical payment schedule is tied to individual hearing dates. Hines Decl. ¶ 89. Clients have been struggling to make payments on expedited timelines, and therefore the Hines Firm has not been able to pay its sole attorney a full salary. Hines Decl. ¶¶ 90–92.

The Policy is also inflicting reputational harm on the Hines Firm. Ms. Hines has devoted her career to immigration law and has worked to build a sterling local reputation for her firm in that field. Hines Decl. ¶ 97. Because of the Policy, however, Ms. Hines has been forced to prepare

for individual hearings on a compressed timeline and therefore must withdraw from existing representations, while also turning down all new business. Hines Decl. ¶¶ 95, 127. The Policy puts the Hines Firm's exemplary success rate in defensive asylum cases in jeopardy as well, Hines Decl. ¶ 29, since it gives Ms. Hines substantially less time to prepare each client's case, and it requires her to appear before IJs who are likelier than average to deny asylum claims. The Policy thus threatens irreparable and incalculable harm to the Hines Firm's reputation and standing in the community. Hines Decl. ¶¶ 97–99. And it is "very possible . . . that Hines Immigration Law may be fundamentally unable to exist beyond this summer, as a direct result of the Somali Fast-Track Policy." Hines Decl. ¶ 100.

Finally, by denying the Hines Firm's clients the fair proceedings guaranteed by the INA and due process, the Somali Fast-Track Policy harms third parties with whom the firm has a close relationship: clients who seek to receive its assistance in navigating removal proceedings before the EOIR. The Hines Firm's Somali clients face significant obstacles to bringing litigation themselves, especially given their fear of retaliation from the government and the high stakes of their individual proceedings. Hines Decl. ¶ 104.

The Advocates for Human Rights. AHR is a Minneapolis-based nonprofit organization that "works to promote and protect human rights worldwide," including by providing "free, high-quality legal representation to low-income immigrants in the Upper Midwest." Sandison Decl. ¶¶ 5, 10. Without relief, the Somali Fast-Track Policy will continue to irreparably harm AHR by impairing its core programs, frustrating the organization's mission, requiring AHR to divert resources to meet its communities' critical need for support, and injuring its clients.

Facilitating high-quality immigration legal services and observing immigration court proceedings are at the heart of AHR's core business activities. Sandison Decl. ¶¶ 16, 27. The

Policy impairs AHR's ability to do both. First, because the Policy has overwhelmed the capacity of the private attorneys who specialize in this area and with whom AHR frequently partners, AHR has been unable to find volunteer attorneys to handle the new urgent requests for representation from non-detained Somali individuals whose cases are being rapidly advanced. Sandison Decl. ¶¶ 28–29. Instead, AHR's staff attorneys have taken on the work of ensuring that the unrepresented Somalis reaching out to them have at least some support and guidance going into their upcoming hearings, though they are unable to provide full representation given their own significant capacity limitations. Sandison Decl. ¶¶ 29–30. Second, because hearings taking place pursuant to the Somali Fast-Track Policy are largely being conducted virtually via Webex, AHR's volunteer court observers have not had access to the proceedings. Sandison Decl. ¶ 36. This aspect of the Policy makes it very difficult for AHR "to document and report on what is going on during immigration hearings for Somalis." Sandison Decl. ¶ 36.

These developments have presented obstacles to AHR's primary mission. The Policy makes it more difficult for AHR to ensure that fundamental human rights are protected in our immigration system through representation and observation, to reinforce the rule of law by engaging volunteer attorneys in pro bono services, and to provide rapid response to the influx of inquiries it is receiving from members of the community. Sandison Decl. ¶¶ 5, 11, 27, 37.

As a result, the Policy has drained the organization's resources, forcing it to divert staff time from its core programs to meet the pressing needs that the Policy creates. For example, AHR's new managing attorney has shifted her time and attention away from her supervision and management responsibilities to develop an emergency response to the Policy. Sandison Decl. ¶ 33. Moreover, every time AHR's attorneys take on a new urgent legal consult for a Somali individual who is either unrepresented or newly needs legal assistance because their retained counsel is unable

to continue representing them, that puts a significant strain on their ability to manage their other clients and projects. Sandison Decl. ¶¶ 30–31.

Finally, the Policy denies AHR's staff and volunteer attorneys the right to provide effective representation to their clients, and it denies AHR's clients the right to fair proceedings and equal protection. Sandison Decl. ¶¶ 29, 33.

LEGAL STANDARD

Section 705 of the APA authorizes a court reviewing an agency action to "issue all necessary and appropriate process to postpone the effective date of [the] agency action or to preserve status or rights pending conclusion of the review proceedings," "[o]n such conditions as may be required and to the extent necessary to prevent irreparable injury." 5 U.S.C. § 705. In deciding whether to issue a § 705 stay, the Court considers the familiar four-factor test governing preliminary injunctions. *See, e.g.*, *District of Columbia v. U.S. Dep't of Agric.*, 444 F. Supp. 3d 1, 15 (D.D.C. 2020). Accordingly, Plaintiffs must establish that "(1) they are likely to succeed on the merits, (2) they are likely to suffer irreparable harm in the absence of preliminary relief, (3) the balance of equities tips in their favor, and (4) an injunction is in the public interest." *Id.* (citing *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008)).

ARGUMENT

The federal government's decision to abruptly fast-track the immigration proceedings of Somali nationals is not only cruel and chaotic, but also unlawful. Defendants have violated the Administrative Procedure Act by adopting a policy of resolving the immigration cases of non-detained Somalis on a dedicated nationalized docket, before a small subset of IJs, on a highly accelerated timeline that leaves attorneys with insufficient time to prepare their clients' cases. This Somali Fast-Track Policy contravenes the INA's guarantees that noncitizens have meaningful access to counsel and a full and fair removal proceeding. And it is quintessential arbitrary and

capricious agency action, for which there could be no reasoned basis, as Defendants upended the weighty reliance interests of Somali noncitizens and their attorneys when they departed from the long-established status quo in immigration proceedings.

The Policy has irreparable and dire consequences. It puts Somali asylum seekers at an increased risk of removal—to countries where they may face persecution and threats of physical violence—because their attorneys cannot feasibly devote the time they typically would to each case. The targeted nature of the Policy compounds that harm: attorneys who have worked to build a Somali client base have seen their dockets overloaded in recent weeks, leaving them in an ethical quagmire and potentially necessitating their withdrawal from certain cases. On the other side of the ledger, Defendants face no countervailing harms from a § 705 stay that halts this unlawful practice and restores the status quo in these proceedings. The factors for emergency relief are plainly met, and the Court should grant Plaintiffs' motion for a stay.

I. Plaintiffs are likely to show that the Somali Fast-Track Policy violates the APA.

Under the APA, courts can review "final agency action" and must set it aside if it is "not in accordance with law" or "arbitrary [and] capricious." 5 U.S.C. §§ 704, 706(2)(A), (C). Defendants' Somali Fast-Track Policy is final agency action and should be set aside under the APA for two independent reasons: it is contrary to law and arbitrary and capricious. Plaintiffs are therefore likely to succeed on the first two counts of the complaint.[4]

A. The Somali Fast-Track Policy is final agency action.

The Somali Fast-Track Policy is a reviewable final agency action. As an initial matter, "agency action need not be in writing to be judicially reviewable as a final action." *Aracely, R. v.*

[4] In addition to their APA claims, Plaintiffs assert constitutional claims that the Policy violates due process, equal protection, and the First Amendment. Complaint ¶¶ 89–102. Plaintiffs do not seek relief on those claims in this motion.

Nielsen, 319 F. Supp. 3d 110, 138 (D.D.C. 2018); *see also Venetian Casino Resort LLC v. EEOC,* 530 F.3d 925, 929 (D.C. Cir. 2008) (concluding that "the record" as a whole "leaves no doubt" that a policy exists, even though "the details . . . are still unclear"); *Grand Canyon Trust v. Pub. Serv. Co. of N.M.*, 283 F. Supp. 2d 1249, 1252 (D.N.M. 2003) (holding that "[b]oth law and logic" dictate that an unwritten agency policy is reviewable). Rather, to qualify as final, agency action (1) "must mark the consummation of the agency's decisionmaking process," and (2) "must be one by which rights or obligations have been determined, or from which legal consequences will flow." *Bennett v. Spear*, 520 U.S. 154, 177–78 (1997) (internal quotation marks and citation omitted). Both conditions are met here.

First, Defendants have completed their decisionmaking process. "The consummation prong of the finality inquiry requires [courts] to determine 'whether an action is properly attributable to the agency itself and represents the culmination of that agency's consideration of an issue,' or is, instead, 'only the ruling of a subordinate official, or tentative.'" *NRDC v. Wheeler*, 955 F.3d 68, 78 (D.C. Cir. 2020) (quoting *Soundboard Ass'n v. FTC*, 888 F.3d 1261, 1267 (D.C. Cir. 2018)). Here, the Somali Fast-Track Policy "reflect[s] a settled agency position," *Appalachian Power Co. v. EPA*, 208 F.3d 1015, 1023 (D.C. Cir. 2000), as demonstrated by Defendants' uniform approach to scheduling non-detained Somali nationals' immigration hearings across jurisdictions. *See supra* section IV; *see also R.I.L-R v. Johnson*, 80 F. Supp. 3d 164, 184 (D.D.C. 2015) (finding that ICE's unwritten policy of considering an allegedly impermissible factor in custody determinations was final agency action because it was "*particularized*" as opposed to a "generalized complaint about agency behavior" (citation omitted)); *Lightfoot v. District of Columbia*, 273 F.R.D. 314, 326 (D.D.C. 2011) ("Plaintiffs must first identify the 'policy or custom' they contend violates [the law] and then establish that the 'policy or custom' is common

to the class."); *cf. Bark v. U.S. Forest Serv.*, 37 F. Supp. 3d 41, 50 (D.D.C. 2014) (concluding that "a final agency action requires more" than an "amorphous description of the [agency's] practices"). Indeed, individual IJs have stated that their "hands are tied" by the "powers that be" when it comes to scheduling hearings for Somali nationals. Mockenhaupt Decl. ¶ 7; Hines Decl. ¶ 58. One immigration court clerk confirmed that expedited hearings for Somali nationals had been scheduled by "Headquarters." Kline Decl. ¶ 11. In other words, "the writing is on the wall" with respect to the acceleration of immigration hearings for non-detained Somali nationals. *Safari Club Int'l v. Jewell*, 842 F.3d 1280, 1289 (D.C. Cir. 2016).

Second, there is no question that the Policy determines Somali nationals' rights in their immigration cases, and it plainly has legal consequences. Defendants have already targeted hundreds, if not more, Somali nationals for expedited immigration proceedings under the Policy, and they do not appear to be slowing down. *E.g.*, Hines Decl. ¶ 81 (39 Somali merits hearings scheduled); Carr Decl. ¶¶ 11–12 (more than 70 Somali merits hearings scheduled); Mockenhaupt Decl. ¶¶ 9–10 (roughly 50 Somali merits hearings scheduled). The Policy plainly has a "direct and immediate" effect on the "day-to-day" business of the parties. *Abbott Labs. v. Gardner*, 387 U.S. 136, 152 (1967), *abrogated on other grounds by Califano v. Sanders*, 430 U.S. 99 (1977); *see also Las Ams. Immigrant Advoc. Ctr. v. Trump*, 475 F. Supp. 3d 1194, 1216 (D. Or. 2020) (finding agency actions final where "[b]oth policies change the way immigration judges run their dockets and their courtrooms"). And where, as here, an agency policy eliminates agency staff discretion, it has legal consequence sufficient to establish finality. *Texas v. EEOC*, 933 F.3d 433, 441 (5th Cir. 2019); *Phila. Yearly Meeting of Religious Soc'y of Friends v. DHS*, No. 25-cv-243, 2026 WL 280089, at *3 (D. Md. Feb. 3, 2026). The policy therefore meets the APA's "pragmatic" finality

test. *U.S. Army Corps of Eng'rs v. Hawkes Co.*, 578 U.S. 590, 599 (2016) (citation omitted); *see Biden v. Texas*, 597 U.S. 785, 808–09 (2022).

B. The Somali Fast-Track Policy is contrary to law.

The Somali Fast-Track Policy is contrary to law because it violates the INA in at least two ways: it prevents non-detained Somali nationals in immigration proceedings from being meaningfully represented by the counsel of their choice, and it deprives them of the right to a full and fair removal proceeding.

First, the Policy violates the statutory right to counsel. The INA guarantees noncitizens "the privilege of being represented (at no expense to the Government) by [] counsel . . . as he shall choose." 8 U.S.C. § 1362. For noncitizens facing deportation, "[t]he right to counsel is a particularly important procedural safeguard because of the grave consequences of removal." *Leslie v. Att'y Gen. of U.S.*, 611 F.3d 171, 181 (3d Cir. 2010). Given the "high stakes of a removal proceeding and the maze of immigration rules and regulations," "[o]ne way we ensure that the 'standards of fairness' are met is by guaranteeing that [noncitizens] have the opportunity to be represented by counsel." *Biwot*, 403 F.3d at 1098. The right to counsel requires *meaningful* representation. *See, e.g.*, *McFarland v. Scott*, 512 U.S. 849, 858 (1994) ("[T]he right to counsel necessarily includes a right for that counsel meaningfully to research and present a defendant's . . . claims."). Thus, Defendants "must provide [noncitizens] with reasonable time to locate counsel and permit counsel to prepare for the hearing." *Biwot*, 403 F.3d at 1099; *see Orantes-Hernandez v. Thornburgh*, 919 F.2d 549, 554 (9th Cir. 1990) (noncitizens' right to counsel "must be respected in substance as well as in name" (citation omitted)).

For the right to counsel to be meaningful, Defendants cannot impose "obstacles" such as "time restrictions" that have "the cumulative effect of … prevent[ing] [noncitizens] from contacting counsel and receiving any legal advice." *Orantes-Hernandez*, 919 F.2d at 565–66. But

the Somali Fast-Track Policy does precisely that. The Policy renders Somali noncitizens' right to counsel meaningless by severely compressing the timeframe under which counsel must be identified, agree to representation, and prepare the case. *E.g.*, Jabane Decl. ¶ 2 (noting short preparation timelines for merits hearings). The Policy's fast-tracking makes it nearly impossible for immigration attorneys to adequately prepare for individual merits hearings in compliance with their ethical obligations. *E.g.*, Hines Decl. ¶¶ 59, 77–82; Mockenhaupt Decl. ¶ 9. Because these attorneys cannot adequately prepare, and in some cases will be forced to withdraw, Hines Decl. ¶ 127, the Policy plainly interferes with Somali noncitizens' ability to meaningfully exercise their right to the counsel of their choice in these proceedings. *See Immigrant Defs. L. Ctr. v. Noem*, 781 F. Supp. 3d 1011, 1050 (C.D. Cal. 2025) (organization likely to succeed on right to access counsel claim where challenged policy limited window for attorney-client consultations and otherwise obstructed legal representation); *Torres v. DHS*, 411 F. Supp. 3d 1036, 1060 (C.D. Cal. 2019) (plaintiffs stated access to counsel claim where the "cumulative nature of the hindrances alleged . . . were tantamount to the denial of counsel"). And because the Policy is broadly affecting immigration attorneys in regions with significant Somali populations, many of these noncitizens will be left with no counsel at all. Hines Decl. ¶¶ 125–27; Sandison Decl. ¶ 28; *see also Zaid v. Exec. Off. of President*, No. 25-cv-01365, 2025 WL 3724884, at *11 (D.D.C. Dec. 23, 2025) (attorney likely to succeed on right to counsel claim where challenged government action "forced his clients to litigate their cases without the benefit of their chosen counsel"); *Susman Godfrey LLP v. Exec. Off. of President*, 789 F. Supp. 3d 15, 54 (D.D.C. 2025) (granting summary judgment on right to counsel claim because executive order "cuts [the firm] off at the knees and effectively denies the firm's clients its counsel").

Second, the Policy violates the right to a full and fair proceeding. The INA guarantees noncitizens "a reasonable opportunity to examine the evidence against [them], to present evidence on [their] own behalf, and to cross-examine witnesses presented by the Government." 8 U.S.C. § 1229a(b)(4)(B). It further provides that "[t]he determination of the immigration judge shall be based only on the evidence produced at the hearing." *Id.* § 1229a(c)(1)(A). In short, a noncitizen facing removal "is entitled to a full and fair removal hearing." *Matter of R-C-R-*, 28 I. & N. Dec. 74, 77 (BIA 2020). "For a removal hearing to be fair, the arbiter presiding over the hearing must be neutral and the immigrant must be given the opportunity to fairly present evidence, offer arguments, and develop the record." *Tun v. Gonzales*, 485 F.3d 1014, 1025 (8th Cir. 2007).

The Policy interferes with these guarantees in multiple ways. Because of the expedited hearings—targeted specifically at Somali noncitizens who are not detained—attorneys can no longer devote the amount of time necessary to fully prepare these complex cases. *E.g.*, Hines Decl. ¶¶ 59, 77–82. In some cases, merits hearings have been scheduled with less than thirty days' notice, meaning that the default deadline to submit essential supporting documents has already passed. *E.g.*, Lowry Decl. ¶ 5. In others, attorneys have mere days to gather the voluminous and specialized evidence they need to support their clients' claims for relief. *E.g.*, Hines Decl. ¶¶ 70–71. Under these circumstances, it is hard to see how the Somali noncitizens singled out by the Policy have a "reasonable opportunity" to present evidence and develop the record. *See Torres*, 411 F. Supp. 3d at 1062 (plaintiffs stated claim for violation of right to examine and present evidence where defendants restricted their ability to obtain witness affidavits and other key evidence).

The Policy has also turned the hearings themselves into a farce. Defendants have stripped away the opportunity for meaningful, individualized consideration to which a noncitizen is entitled and have installed in its place a bizarre scheme in which several cases are called at once, attorneys

suddenly have multiple hearings scheduled before different IJs in the same time slot, and complex merits hearings are crammed into thirty-minute windows. *E.g.*, Hines Decl. ¶¶ 47–48, 57; Kline Decl. ¶¶ 11, 14. To make matters worse, the Policy shuttles Somalis to remote hearings around the country before IJs with above-average removal rates—a radical departure from the usual practice of having them appear in person before IJs in their home jurisdiction. *E.g.*, Hines Decl. ¶ 32; Thal Decl. ¶¶ 16–17. Defendants have thus placed a heavy thumb on the scale in favor of removal, depriving Somali noncitizens of their right to a full and fair proceeding before an impartial adjudicator. *See Las Ams.*, 475 F. Supp. 3d at 1214 (plaintiffs pleaded facts suggesting systemic bias against immigrants and asylum seekers by pointing to "unusually high rate of denials for asylum petitions in some courts," "policies that require judges to fast-track certain cases or certain [noncitizens]," and statements from former attorney general and president).

C. The Somali Fast-Track Policy is arbitrary and capricious.

Under the APA, courts must set aside agency action that is "arbitrary [or] capricious." 5 U.S.C. § 706(2)(A). This "standard requires that agency action be reasonable and reasonably explained." *FCC v. Prometheus Radio Project*, 592 U.S. 414, 423 (2021). Agency action is arbitrary and capricious if the agency "entirely failed to consider an important aspect of the problem." *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983). "To be regarded as rational, an agency must also consider significant alternatives to the course it ultimately chooses." *Allied Loc. & Reg'l Mfrs. Caucus v. EPA*, 215 F.3d 61, 80 (D.C. Cir. 2000). While agencies are free to change their existing policies, they must "display awareness that" they are doing so, provide "good reasons for the new policy," and demonstrate that they have taken account of "reliance interests" engendered by the prior policy. *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009).

The Somali Fast-Track Policy is arbitrary and capricious for multiple reasons. First, Defendants failed to consider several important aspects of the problem. Defendants did not account for the enormous harm accelerating hearings in removal proceedings would have on Somali nationals, whose attorneys now face the prospect of inadequate time to prepare their cases. *E.g.*, Hines Decl. ¶¶ 59, 77–82. In some cases, attorneys will likely be forced to withdraw to comply with their ethical obligations, leaving these noncitizens to fend for themselves in proceedings with life-and-death stakes. Hines Decl. ¶¶ 125–27. These individuals will be hard-pressed to obtain relief on their own even in meritorious cases, meaning that more erroneous removals of noncitizens entitled to relief will occur. Hines Decl. ¶ 120.

Defendants also failed to consider the impact of the Policy on the attorneys themselves, who have been placed in ethical quagmires and have had their dockets thrown into chaos. *E.g.*, Hines Decl. ¶¶ 121–27. And the Policy has affected several other stakeholders and communities, including organizations that facilitate immigration legal services and offer consultations and resources, but are now overrun with requests for assistance. Sandison Decl. ¶¶ 24–37 (describing surge in outreach and strain on resources). Defendants accounted for none of these important aspects of the problem in adopting the Somali Fast-Track Policy. *See State Farm*, 463 U.S. at 43.

Second, Defendants substantially changed existing policies without acknowledgment or explanation. Previously, non-detained Somalis seeking relief from removal went through the same process as everyone else: master calendar hearings were vacated if written pleadings had been submitted; merits hearings were set at least six months (and usually longer) in advance; and cases were heard by an IJ in the noncitizen's jurisdiction. *E.g.*, Hines Decl. ¶¶ 18, 32; Dutt Decl. ¶ 5. In fact, EOIR guidance makes clear that merits hearings "are typically scheduled far in advance, which provides ample opportunity for preparation time, and often involve interpreters or third-party witnesses whose schedules have been carefully accommodated." PM 21-13, at 5; *see also id.*

(stating that "an individual merits hearing is typically scheduled far in advance and generally only after considering the availability of a respondent's representative"). This advance notice is essential for attorneys to prepare arguments and gather documents in these intricate cases. *E.g.*, Hines Decl. ¶¶ 21–28.

Without warning, Defendants have changed course. As detailed above, non-detained Somali cases have been expedited to an unprecedented degree under the Policy. Instead of having six months' notice or more before a merits hearing, attorneys now must prepare for these proceedings in as little as thirty days. *E.g.*, Kline Decl. ¶ 7. Moreover, these cases are now being heard remotely by IJs with higher-than-average denial rates who sit outside the noncitizen's jurisdiction. *E.g.*, Mockenhaupt Decl. ¶ 6; Thal Decl. ¶¶ 16–17. Defendants' failure to reasonably explain or even acknowledge this change in policy is arbitrary and capricious. *See Fox*, 556 U.S. at 515.

Third, Defendants failed to consider weighty and longstanding reliance interests. Immigration-focused legal service providers, like the Hines Firm, carefully design and manage their dockets to ensure they have adequate time to comply with ethical obligations by giving each case the extensive preparation it requires. *E.g.*, Hines Decl. ¶¶ 12–13. In doing so, these attorneys have reasonably expected that the predictable, established timelines to gather evidence and prepare for non-detained removal proceedings would continue to be followed. *E.g.*, Hines Decl. ¶ 21. Indeed, they may face sanctions if they do not manage their caseload responsibly. PM 21-13, at 5. Noncitizens in removal proceedings also have substantial interests in being able to appear before immigration judges with their chosen counsel, as the INA and EOIR regulations contemplate. 8 U.S.C. §§ 1229a(b)(4)(A), 1362; 8 C.F.R. § 1240.10(a)(1). These individuals had no reason to expect that their attorneys would suddenly be deluged with hearings, leaving those attorneys unable to devote the same attention to their cases. Finally, other organizations that facilitate

immigration legal services and support asylum seekers have relied on the status quo, which allows for a manageable flow of incoming clients—as opposed to the overwhelming surge they have seen in recent weeks. Sandison Decl. ¶¶ 24–37. Defendants completely disregarded all these reliance interests, which further renders the Policy arbitrary and capricious. *See DHS v. Regents of Univ. of Cal.*, 591 U.S. 1, 30–31 (2020).

Fourth, Defendants gave no apparent consideration to reasonable alternatives to the Policy. "An agency is required to consider responsible alternatives to its chosen policy and to give a reasoned explanation for its rejection of such alternatives." *Spirit Airlines, Inc. v. U.S. Dep't of Transp. & Fed. Aviation Admin.*, 997 F.3d 1247, 1255 (D.C. Cir. 2021) (internal quotation marks and citation omitted). While it is hard to imagine it could ever be reasonable to target a particular nationality in this manner, to the extent Defendants sought to expedite consideration of pending cases, they could have easily scheduled merits hearings without accelerating the timeline to such a degree that it is nearly impossible for attorneys to fulfill their ethical obligations to clients. And Defendants could have done so without abruptly departing from the customary practice by transferring Somali cases to out-of-venue IJs. Defendants' failure to consider reasonable alternatives to the chosen policy was arbitrary and capricious. *See id.*

Fifth, Defendants failed to consider or even acknowledge the Policy's impact on the constitutional and statutory rights of noncitizens in removal proceedings, as well as the rights of their attorneys. As discussed above, noncitizens are entitled to the counsel of their choice and to a full and fair proceeding. Attorneys also have their own interests in being able to counsel their clients. But the Policy severely undermines counsel's ability to timely and effectively prepare their clients' cases for hearings. Defendants apparently gave no consideration to the myriad ways in which the Policy tramples on these fundamental rights.

Finally, Defendants failed to consider their own regulations and guidance, which emphasize the importance of the right to counsel in removal proceedings and highlight the discretion of immigration judges. EOIR regulations dictate that attorneys must provide competent representation, 8 C.F.R. § 1003.102(o), and must "[r]easonably consult with the client about the means by which the client's objectives are to be accomplished," which includes "the duty to meet with the client sufficiently in advance of a hearing or other matter to ensure adequate preparation of the client's case," *id.* § 1003.102(r)(2). EOIR guidance further requires attorneys to ensure that their dockets are not overloaded. PM 21-13, at 5. But the Policy forces attorneys to juggle numerous hearings on short notice, sometimes scheduled for the same time slot on the same day. *E.g.*, Hines Decl. ¶¶ 47–48. The Policy thus disregards the agency's own regulations and guidance and makes it nearly impossible for attorneys to comply with their obligations of competence and diligence.[5]

II. Plaintiffs face irreparable harm absent emergency relief.

The Somali Fast-Track Policy has already inflicted irreparable harm on Plaintiffs, and that harm will only worsen absent a stay. The Policy raises "obstacles [that] unquestionably make it more difficult for [Plaintiffs] to accomplish their primary mission." *League of Women Voters of U.S. v. Newby*, 838 F.3d 1, 9 (D.C. Cir. 2016). These obstacles, described below, "provide injury for purposes both of standing and irreparable harm." *Id.*

[5] The Policy also interferes with EOIR regulations vesting broad discretion in immigration judges over their cases, 8 C.F.R. § 1003.10(b), and with EOIR guidance providing that "no EOIR employee or officer can direct any adjudicator to rule in a particular way on a matter before him or her in the first instance," PM 25-42, at 2; *see also* PM 25-47, at 3 (stating that "the designation of a case as a priority is not intended to limit the discretion afforded an Immigration Judge under applicable law, nor is it intended to mandate or direct a specific outcome in any particular case"). Noncitizens forced to appear for hearings without counsel—or with counsel who has had inadequate time to prepare—are far less likely to succeed in obtaining relief. Hines Decl. ¶ 120. The Policy effectively strips immigration judges of their discretion in individual cases by depriving applicants of a meaningful right to counsel, thereby tilting the scales against relief.

For the Hines Firm, the Policy has had a devastating effect on the firm's mission, which is to provide expert, high-quality, culturally sensitive, and trauma-informed legal services to asylum seekers. Hines Decl. ¶ 8. As Ms. Hines explains, the Policy has made it immeasurably more difficult for the firm to provide the high quality of representation that clients are accustomed to. Hines Decl. ¶ 77. Because of the volume of cases being expedited, it is simply not sustainable for Ms. Hines to devote the amount of preparation to each case that she otherwise would. Hines Decl. ¶¶ 78–82. The firm's non-Somali cases have suffered as well, since Ms. Hines cannot give them the same level of attention that clients have come to expect. Hines Decl. ¶¶ 93–94.

As courts in this District have explained, "[r]eputational injury may also be considered irreparable." *Urb. Sustainability Directors Network v. U.S. Dep't of Agric.*, No. 25-cv-1775, 2025 WL 2374528, at *36 (D.D.C. Aug. 14, 2025); *accord, e.g.*, *S. Educ. Found. v. U.S. Dep't of Educ.*, 784 F. Supp. 3d 50, 72 (D.D.C. 2025). The Hines Firm is facing—and will continue to face—reputational harm because of the Policy. Despite the extraordinary efforts of Ms. Hines and her staff, the Policy "is making it impossible for [Ms. Hines] to practice law or run a law firm that lives up to the standards for which [she is] known." Hines Decl. ¶ 97. As a result, both Somali and non-Somali clients have begun to express frustration with the firm's capacity to represent them. Hines Decl. ¶ 98. This frustration—which will almost certainly increase absent relief—harms both Ms. Hines's professional reputation and the viability of her firm. Hines Decl. ¶¶ 96–100. The threatened reputational damage to the Hines Firm stemming from the Policy further demonstrates irreparable harm. *See, e.g.*, *Susman Godfrey*, 789 F. Supp. 3d at 56 (finding irreparable harm where law firm "suffered reputational harms that are not monetarily reparable and that would continue if the court did not enter a permanent injunction").

The Policy has also irreparably harmed the Hines Firm's relationships with clients. The Policy has made it "nearly impossible" for Ms. Hines to satisfy her ethical obligations to all her

clients. Hines Decl. ¶ 109. She has been forced to reach out to other firms and nonprofit partners, only to find that their dockets are similarly swamped because of the Policy. Hines Decl. ¶¶ 110–11. As a result, Ms. Hines faces the imminent prospect of being forced to withdraw from her clients' cases, leaving them without the counsel of their choice—and perhaps no counsel at all—in proceedings with literal life-and-death stakes. Hines Decl. ¶¶ 112, 127. This interference with the attorney-client relationship, which is directly traceable to the Policy, also constitutes irreparable harm. *See, e.g.*, *Zaid*, 2025 WL 3724884, at *12 (concluding that interference with attorney-client relationship is "precisely the type of harm that is 'beyond remediation' by a court after the fact" (quoting *Chaplaincy of Full Gospel Churches v. England*, 454 F.3d 290, 297 (D.C. Cir. 2006))); *Emons Indus., Inc. v. Liberty Mut. Ins. Co.*, 749 F. Supp. 1289, 1293 (S.D.N.Y. 1990) (injury from forcing client to forgo counsel of choice "would be irreparable, as it would be impossible to quantify the harm suffered, and therefore impossible to compensate for it with money damages").

Finally, the Hines Firm has suffered financial injuries from the Policy. Ms. Hines attests that the Policy has upended her firm's financial model and fee structure, which were developed based on the long-established status quo for immigration proceedings. Hines Decl. ¶ 89. Under that model, retainer agreements include benchmarks for payment ninety days and thirty days before a client's merits hearing. Hines Decl. ¶ 89. Under the compressed timelines mandated by the Policy, however, many clients cannot meet their payment obligations, so the Hines Firm is generating less revenue despite staff working more hours than ever. Hines Decl. ¶¶ 90–92. On top of that, the Policy has forced the firm to turn away all new business and refund potential clients' consultation fees. Hines Decl. ¶ 95. These financial injuries establish injury-in-fact for standing purposes. *TransUnion LLC v. Ramirez*, 594 U.S. 413, 425 (2021) ("If a defendant has caused . . . monetary injury to the plaintiff, the plaintiff has suffered a concrete injury in fact under Article III."). And while "'economic loss does not, in and of itself, constitute irreparable harm,'

there is an exception when 'the loss threatens the very existence of the movant's business,'" *Wilmer Cutler Pickering Hale & Dorr LLP v. Exec. Off. of President*, 784 F. Supp. 3d 127, 172 (D.D.C. 2025) (citation omitted), or when the plaintiff's losses "could not be adequately compensated by legal remedies," *Perkins Coie LLP v. U.S. Dep't of Just.*, 783 F. Supp. 3d 105, 180 (D.D.C. 2025). Here, it is "very possible" that the Hines Firm "may be fundamentally unable to exist beyond this summer, as a direct result of the Somali Fast-Track Policy." Hines Decl. ¶ 100; *id.* ¶ 96 ("Without being able to take consultations and undertake work for new potential clients, our revenue stream will ultimately dry up."); *see Wilmer*, 784 F. Supp. 3d at 172 (finding irreparable harm where challenged order threatened "the very viability of the Firm's business model" (citation omitted)).

The Advocates for Human Rights likewise faces irreparable harm from the Policy. Facilitating high-quality immigration legal services and observing immigration court proceedings are at the heart of AHR's "core business activities." *FDA v. All. for Hippocratic Med.*, 602 U.S. 367, 395 (2024). The Policy "perceptibly impair[s]" AHR's ability fulfill these activities. *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 379 (1982). AHR has been unable to find volunteer attorneys to handle new urgent requests for representation from non-detained Somali individuals because the Policy has overwhelmed the capacity of its entire network of immigration lawyers. Sandison Decl. ¶¶ 28–29. Therefore, AHR's staff attorneys have taken on the work of ensuring that the unrepresented Somalis reaching out to them have at least some support and guidance going into their upcoming hearings, though they are unable to provide full representation given their own significant capacity limitations. Sandison Decl. ¶¶ 29–30. And AHR's volunteer court observers have not been able to access virtual hearings under the Somali Fast-Track Policy, which makes it very difficult for AHR to document and report on the proceedings. Sandison Decl. ¶ 36.

The Policy accordingly makes it more difficult for AHR to fulfill its core mission to ensure that fundamental human rights are protected in the immigration system through representation and

observation, to reinforce the rule of law by engaging volunteer attorneys in pro bono services, and to provide rapid response to the influx of inquiries it is receiving from members of the community. Sandison Decl. ¶¶ 5, 11, 27, 37.

The Policy has consequently drained the organization's resources, forcing it to divert staff time from its core programs to meet the pressing needs that the Policy creates. *See Havens Realty*, 455 U.S. at 379. For example, AHR's new managing attorney has shifted her time and attention away from her supervision and management responsibilities to develop an emergency response to the Policy. Sandison Decl. ¶ 33. Moreover, every time AHR's attorneys take on a new urgent legal consult for a Somali individual who is either unrepresented or newly needs legal assistance because their retained counsel is unable to continue representing them, that puts a significant strain on their ability to manage their other clients and projects. Sandison Decl. ¶¶ 30–31.

III. The balance of the equities and the public interest favor Plaintiffs.

The final two § 705 stay factors—balancing the equities and weighing the public interest—"merge when the Government is the opposing party." *Nken*, 556 U.S. at 435. Here, Plaintiffs' strong likelihood of success on the merits, discussed above, itself establishes that the equities and public interest favor preliminary relief. "It is well established that the Government cannot suffer harm from an injunction that merely ends an unlawful practice." *C.G.B. v. Wolf*, 464 F. Supp. 3d 174, 218 (D.D.C. 2020) (internal quotation marks omitted). Rather, "there is a substantial public interest in having governmental agencies abide by the federal laws . . . that govern their existence and operations." *Open Cmtys. All. v. Carson*, 286 F. Supp. 3d 148, 179 (D.D.C. 2017) (internal quotation marks omitted). There is therefore "generally no public interest in the perpetuation of unlawful agency action." *Id.* (internal quotation marks omitted). And "[t]he public interest is served when administrative agencies comply with their obligations under the APA." *Northern Mariana Islands v. United States*, 686 F. Supp. 2d 7, 21 (D.D.C. 2009).

Plaintiffs and their clients, meanwhile, will suffer critical harm if the Somali Fast-Track Policy remains in place. As explained above, the Policy strains the resources and capacity of Plaintiffs—limiting the number of noncitizens they can effectively serve—and will thwart meritorious claims for relief. The result is that Somali noncitizens will face unjust removal from the United States and be sent to countries where they will potentially face persecution and threats of physical violence. Hines Decl. ¶¶ 112–17. And there is undoubtedly "a public interest in preventing [noncitizens] from being wrongfully removed, particularly to countries where they are likely to face substantial harm." *Nken*, 556 U.S. at 436.

On the other side of the balance, Defendants will merely "be required to keep in place" the long-standing immigration court procedures that pre-date the Somali Fast-Track Policy "while judicial review of [their] new [policy] runs its course." *District of Columbia*, 444 F. Supp. 3d at 45. "That hardship pales in comparison to the injuries asserted by the plaintiffs." *Id.* Staying the Policy until the Court can determine its lawfulness merely "preserve[s] the relative positions of the parties" as they existed prior to the Policy taking effect in late January 2026. *Robertson v. Cartinhour*, 429 F. App'x 1, 2 (D.C. Cir. 2011) (citation omitted).

CONCLUSION

For these reasons, the Court should grant Plaintiffs' motion and stay the Somali Fast-Track Policy pursuant to 5 U.S.C. § 705, in accordance with Plaintiffs' proposed order.

Date: March 24, 2026

Respectfully submitted,

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Exhibit A

DECLARATION OF KELSEY HINES, ESQ.,
OWNER AND MANAGING ATTORNEY,
HINES IMMIGRATION LAW, PLLC

I, Kelsey Hines, declare under penalty of perjury that:

1. I am over the age of 18 and competent to testify to the facts contained in this Declaration.

2. I am the owner and managing attorney at Hines Immigration Law, PLLC, a private law firm based in Roseville, Minnesota. Hines Immigration Law specializes in complex immigration cases.

3. I founded Hines Immigration Law in August 2022. In my capacity as owner and as the only attorney at my firm, I have direct responsibility for representing all of Hines Immigration Law's clients and am familiar with the needs of the individuals we serve.

4. The facts set forth in this declaration are based on my personal knowledge, information provided to me by Hines Immigration Law's staff in the course of their duties, and review of Hines Immigration Law's records. If called as a witness, I could and would testify competently to the matters stated herein.

My Background

5. I am an attorney licensed to practice law in Minnesota since 2019 and admitted before several federal district and appellate courts.

6. I obtained my Juris Doctor in 2019 from the University of Minnesota Law School, with a full-ride merits-based scholarship. I was a Robina Public Interest Scholar, Jamie Grodsky Public Interest Scholar, Dean Distinguished Scholar, and Saeks Public Interest Fellow. Throughout law school, I tailored my studies and clerkships toward a career in immigrant rights, graduating with a specific "Immigration Law Concentration."

7. Since graduating law school, I have practiced as an attorney exclusively in the field of immigration law. I worked for multiple years at various immigration-specific law firms, including Wilson Law Group and Prokosch Law, focusing exclusively on immigration-related federal litigation, removal defense, family-based immigration, humanitarian immigration matters, and Board of Immigration Appeals (BIA) and Circuit Court appellate work.

Hines Immigration Law's Asylum Practice

8. I founded Hines Immigration Law in August 2022 with the explicit purpose of serving asylum seekers, though we also handle some family-based immigration cases, naturalization cases, and a variety of federal litigation, including Administrative Procedure Act and/or mandamus suits. Our firm's mission is to provide expert, high-quality, culturally-sensitive, and trauma-informed legal services to our clients.

9. I am the only attorney at my firm, with three full-time paralegals and one to two part-time interns, depending on the season. While many immigration lawyers are solo practitioners, I have more paralegal and staff support than most solo practitioners of whom I am aware.

10. Immigration courts have "detained" dockets and "non-detained" dockets, based on whether the immigrants appearing in the proceedings are in immigration detention or are living in the community. Based on my experience in the field, it is most common for a practitioner to focus their practice on either the detained docket or the non-detained docket.

11. On the detained docket, the full merits of asylum cases are usually adjudicated within two to four months. Detained dockets move so quickly that practitioners only have a small handful of active matters at one time. They begin preparing for merits right away, as soon as removal proceedings are initiated, by securing a psychological evaluation, securing a country

conditions expert, finalizing the asylum applicant's detailed declaration, briefing eligibility for relief, etc., with the knowledge that the merits hearing will be set two to four months out.

12. In contrast, non-detained individual cases are typically set for merits hearings at least twelve months after the notice of hearing, and often eighteen to twenty-four months or beyond. In my entire career, I have never had a non-detained individual calendar hearing scheduled with less than twelve months' notice at the absolute minimum. This mirrors what the Executive Office for Immigration Review (EOIR) expressly contemplates in its Operating Policies and Procedures Memoranda (OPPM). The existing policy framework treats "far in advance" ("exceeds one year") non-detained individual calendar hearings as a presumption of adequate preparation time.

13. Hines Immigration Law represents only asylum-seeking immigrants in removal proceedings who are not in detention. I made this choice when I founded the firm because the detained docket moves much more quickly than the non-detained docket. I know that practitioners can only competently handle the preparation of one to two full merits asylum hearings at a time if they are working on the detained docket. In contrast, representing individuals on the non-detained docket allows me to represent more clients at a slower and more predictable pace. In other words, I built my practice around the non-detained docket intentionally, based on the normal course of operations for the non-detained docket that has typified immigration law practice for decades.

14. There are generally three types of hearings in immigration court: master calendar hearings, contested removability hearings, and individual calendar (merits) hearings.

15. The Notice to Appear (NTA) is the initial charging document in removal proceedings. Once the Department of Homeland Security (DHS) files/dockets an individual's

NTA with the immigration court, jurisdiction vests with the immigration court, and removal proceedings begin. *See* 8 C.F.R. § 1003.14(a). By law, the NTA must include the date, time, and location of the first master calendar hearing.

16. The purpose of a master calendar hearing is outlined in Section 3.14 of the Immigration Court Practice Manual (ICPM). Such hearings are "held for pleadings, scheduling, and other similar matters." *See* ICPM § 3.14(a). Immigration judges manage a number of case-related issues through master calendar hearings, including but not limited to: advising respondents of their rights to counsel, to present evidence, and to appeal decisions to the Board of Immigration Appeals; explaining the charges in non-technical language as well as the consequences for failure to appear at subsequent hearings; and taking pleadings, narrowing the factual and legal issues, and setting deadlines for briefing. *See* ICPM § 3.14(e).

17. When an attorney has entered an appearance on behalf of a non-detained respondent (by filing Form EOIR-28, Notice of Entry of Appearance as Attorney) at least 15 days prior to a master calendar hearing, the presence of the respondent and their representative is waived and the hearing is vacated. *See* ICPM § 3.1(b)(i)(B). If either party believes that a master calendar hearing is necessary, a written motion for master calendar hearing must be filed. *See* ICPM §§ 3.1(b)(i)(B); 3.1(c)(v).

18. After the initial master calendar hearing is vacated, the court typically issues a call-up date for the submission of written pleadings, wherein the respondent responds to the allegations and removability charges in the NTA. On occasion, where the NTA was improperly served, or where NTA allegations are denied or NTA removability charges contested, the case will be set for a contested removability hearing. Most often, allegations are admitted, charges

conceded, relief identified, and language/interpretation needs specified. The case then goes into the "scheduling queue," awaiting the setting of the individual calendar hearing.

19. The individual calendar hearing, also referred to as the "merits hearing," is the final asylum "trial" for each particular case. In my experience, merits hearings for non-detained asylum cases are most often scheduled for a minimum of three hours. These hearings often last four to six hours or even longer. Sometimes, they have to be continued to a later date due to their length.

20. I personally screen and select each of my asylum clients at Hines Immigration Law, turning away the vast majority of individuals who consult with me and agreeing to represent only those individuals with the cases that I believe have the strongest claims under the Immigration and Nationality Act (INA).

21. My legal strategy for non-detained defensive asylum cases, consistent with the training I have received from every supervisor thus far in my career, has been to start with a basic application for asylum (highlighting the past harms and summarizing the feared future harms) and then to prepare the remaining portions of the case (at least 70-85% of the work) once the individual hearing is scheduled. I have always operated under the assumption that the individual hearing date will be scheduled at least one year out from the day it is noticed. This calendaring process has been consistent and predictable for the entity of my career and, as I understand from the mentors who taught me, for the entirety of the time they have practiced immigration law – nearly 30 years.

22. There are many aspects of preparation for an individual asylum merits hearing that cannot take place until a hearing is scheduled, due to the need for the information presented at the hearing to be as current as possible on the date of the hearing. The preparation that cannot

take place before the merits hearing is scheduled includes retaining and coordinating availability with a country conditions expert able to testify as to the current conditions in the asylum seeker's home country; lay witness testimony coordination; obtaining an updated psychological evaluation, which typically includes guidance for the immigration judge to understand how the respondent's prior trauma may presently impact their affect, memory, and other aspects of testimony at trial; legal briefing (particularly essential now, with the BIA overturning decades-old precedent weekly); and preparing written country conditions evidence, which must be current to assess future fears at the time of the Individual Hearing adjudication.

23. I invest many, many, many hours in asylum merits hearing preparation. My work on asylum cases before merits hearing filing deadlines often includes gathering and preparing 100+ page country condition indexes with apposite quotes tailored to the facts of the specific case, several thousand pages of tailored country conditions reports and articles, 20+ page applicant affidavits, country condition expert reports and coordinated oral expert testimony at the hearing, written witness testimony and coordinated oral witness testimony at the hearing, recent forensic medical examinations (FMEs) and scar documentation as applicable (which I secure shortly before the merits hearing through various partnerships with physicians in the area), recent psychological/post-traumatic stress disorder (PTSD) assessments for the applicant (which I secure shortly before the merits through various partnerships with psychologists in the area), and tailored legal memorandums which are often 20-40+ pages long single-spaced. I do not "copy and paste" the work in my cases. Before the hearing, I meet with the client for at least two lengthy prep appointments, and I also prep each of the witnesses (including any expert witnesses) at least once. Each client's case is prepared independently and thoroughly, based on the facts of that particular case.

24. This approach is particularly essential for my Somali cases, as country conditions in Somalia are constantly changing because various regions have incredibly complex governing bodies and clan dynamics. I have read more than thirty books describing different country conditions in Somalia.

25. While I take detailed notes throughout the preparation of a client's case, I do not generally finalize a client's story in an affidavit until the hearing date is proximate. As a social-worker-turned-lawyer, I know that individuals who have experienced severe trauma and persecution, as many asylum-seekers have, experience their memories in a non-linear form. Some clients remember more details shortly after their arrival in the United States and forget those details as months and years pass and they start to heal; others remember fewer details upon arrival due to PTSD symptoms but recall those details with time and psychological treatment.

26. By the filing deadline, which is typically 30 days before the merits hearing, all "amendments to applications for relief, additional supporting documents, updates to witness lists, and other such documents" must be filed. *See* ICPM § 2.1(b)(2)(B). This includes, at a minimum, an updated ("Red-Lined") Form I-589, Application for Asylum and Withholding of Removal with a detailed declaration from the Respondent; a Witness List; evidence establishing the Respondent's identity (for Somalia, this requires two "affidavits of birth," pursuant to the U.S. Visa Reciprocity Schedule for Somalia); and "reasonably available corroborative evidence" showing "the general conditions in the country from which [they] are seeking asylum" and "the specific facts on which [they] are relying to support [their] claim." "If evidence supporting the claim is not reasonably available" or "the respondent is not providing such corroboration," then they "must explain why." Supporting evidence "may include but is not limited to newspaper

articles, affidavits of witnesses or experts, medical and/or psychological records, doctors' statements, periodicals, journals, books, photographs, official documents, or personal statements or live testimony from witnesses or experts." The I-589 instructions further state: "If you have difficulty discussing harm you have suffered in the past, you may wish to submit a health professional's report explaining this difficulty." *See* Instructions, Form I-589, Application for Asylum and Withholding of Removal.

27. In sum, my pre-trial submissions in total often exceed 3,000 to 5,000 pages of tailored evidence, particularly for my Somali asylum cases which are notoriously complex.

28. For these reasons and more, having a non-detained case "trial-ready" at all times is impracticable, poor lawyering, and a fundamental impossibility.

29. At Hines Immigration Law, our success rate is very high: the overwhelming majority of my clients with defensive asylum cases have been granted relief by immigration judges. I only have a small handful that are on appeal with the BIA. I believe the reason for my high grant rate is (a) the strength of the claims of the individuals I agree to represent, and (b) the amount of hours that my team and I invest in hearing preparation.

30. I estimate that, on average, a single defensive asylum merits case easily takes me more than 150 hours to prepare to the standard that I usually prepare these cases. I estimate that at least 70-85% of this work (about 120 hours of prep for an average of 150 hours total) is required before the merits hearing and cannot be finalized until the merits date is known, for the reasons set forth above. Several of my Somali asylum cases have recently taken me much longer than 150 hours to prepare, sometimes exceeding 200 or 300 hours.

The New Somali Fast-Track Policy

31. Last month (February 2026), I suddenly began to receive dozens of notices scheduling both master calendar hearings and merits hearings for my Somali cases. Many of these notices were to schedule hearings with as little as ten days' notice. While the occasional reset is not unusual, the volume of cases I have had reset and the suddenness of the reset dates is unprecedented in my time practicing immigration law.

32. Also surprising was the fact that these cases were all being set with out-of-state immigration judges, including judges physically located in Louisiana, Texas, and Georgia. In Minnesota, our cases are heard in person at the immigration court in Fort Snelling. To the best of my knowledge, there are active immigration judges in Minnesota who could continue to hear my clients' cases in person. In my experience, in-person hearings offer significant advantages to my clients and their cases, especially when translation is required. While scheduling sometimes necessitates the substitution of immigration judges, I have never had an entire category of cases reassigned to a set of judges outside the state whose calendars appear to be made up only of these cases. I can recall only one other time in my career where an immigration judge in Texas covered an individual calendar hearing by video for an immigration judge in Minnesota, because the Minnesota immigration judge was out sick that day.

33. Upon consulting with colleagues from other immigration firms, I realized that they, too, were having Somali cases rapidly set or advanced with the same group of out-of-state judges.

34. I currently have a total of 113 defensive asylum cases on the active docket with the EOIR. Because of how carefully I manage my docket, this number is relatively low for the

size of my practice. In my experience, most similarly situated immigration attorneys carry between 100 and 300 or more active cases.

35. Of these 113 active defensive asylum clients, many were in the scheduling queue, while others were set for individual hearings later in 2026, in 2027, or in 2028.

36. Of these 113 active cases, 73 are natives and citizens of Somalia.

37. Specifically, of my 73 Somali asylum-seeking clients on the non-detained active docket, as of the date of this declaration (March 24, 2026), 71 (all but two) have been rapidly set or advanced since the first week of February 2026. Put another way, 97% of my non-detained Somali asylum cases have been rapidly advanced in the past month.

38. Some of these 71 cases were previously set for individual hearing in late 2026, in 2027, or in 2028. Some were set for an initial master calendar hearing months or years out, and we were anticipating the master calendar hearing would be cancelled in accordance with ICPM § 3.1(b)(i)(B), as detailed above. Most were in the scheduling queue and not set for a date yet, which is typical.

39. With a single exception, I have not had asylum cases advanced for an individual who is not a native/citizen of Somalia. In that exceptional case, my client is ethnically Somali, but she is a native and citizen of Ethiopia. Her NTA indicates she is a native/citizen of Ethiopia, and her Form I-589 indicates she is a native/citizen of Ethiopia. However, likely the result of a data input error with EOIR, her case seems to be categorized in EOIR's system under "SOMALIA." I know this because when I enter her alien registration number ("A number") into the online "EOIR Automated Case Information" website, and I select "ETHIOPIA," it says "No case found." When I enter her A number with "SOMALIA," her case pulls up. Aside from this one Ethiopian client, every client in my caseload who has had a hearing scheduled or advanced

with one of these out-of-state immigration judges since early February 2026 has been a native and citizen of Somalia.

40. I have spoken at length with at least fifteen colleagues who report similar figures: 85-100% of their Somali asylum cases have been rapidly advanced since the first week of February 2026.

41. EOIR is the agency within the Department of Justice (DOJ) that houses immigration judges who adjudicate immigration cases. The Department of Homeland Security (DHS) is the prosecuting agency. These fast-tracked matters were all set by EOIR without a motion by DHS to advance, to set a master calendar hearing, or to set an individual calendar hearing. In other words, the court, not the prosecution, has chosen to expedite these cases. This is unprecedented, based on my experience. As stated previously, the Immigration Court Practice Manual explicitly says that master calendar hearings for represented non-detained respondents will be vacated, and if either party wants a master calendar hearing, they "must" file a motion. In my career, I have never had a master calendar hearing scheduled or advanced, or an individual calendar hearing advanced, by the immigration court without motion by either party.

42. It is clear to me that these hearings are not being reset on DHS's initiative, because at the reset master calendar hearings for my Somali clients, I have heard my opposing counsel, DHS Assistant Chief Counsels (ACCs) so state on the record.

43. I have also reviewed transcripts of the Digital Audio Recordings (DARs) for several of these hearings. Those transcripts are attached as Exhibits 1-17 to this declaration and are consistent with my recollection of the hearings.

44. For example, in a hearing on March 12, 2026 in front of Immigration Judge Tida, my opposing counsel suggested that he did not care "[i]f the matter gets advanced or not." *See* Ex. 12 at *3.

45. These reset master calendar hearings (at least for the individuals that I represent, and those of several colleagues with whom I have spoken) were coordinated to start on February 17, 2026. Of note, this was the first date of the holy month of Ramadan, celebrated by the vast majority of Somalis and Muslims around the world.

46. Many of these rapidly-set master calendar hearings have been scheduled with less than ten days' notice.

47. For many of these master calendar hearings, I have been scheduled for up to nine clients at the same day and time in front of the same immigration judge.

48. For others, I have been scheduled for multiple clients on the same day and time but with different immigration judges, thus making it functionally impossible for me to attend for all clients due to direct scheduling conflicts.

A. Functional Denial of Requests to Continue Master Calendar Hearings

49. Given the literal impossibility of appearing in different courts for different clients at the same time, I have filed multiple requests for continuances of master calendar hearings in which competing simultaneous hearings have been set. My success has been limited.

50. One immigration judge has granted several of my motions to continue but continued the master calendar hearings for only one week. While that might be enough time if I were only facing one reset hearing, when I am facing dozens, it is of limited use because the reset hearing is still likely to conflict with another hearing.

51. Another judge has often refused to rule at all on my timely-filed motions to continue the master calendar hearings.

52. A third judge has actually issued orders denying my motions to continue the master calendar hearings, stating "good cause has not been established," even where I have a direct scheduling conflict. Ex. 18.

53. These scenarios have left me to scramble to find colleagues willing to cover on very short notice so that my clients are not forced to attend a hearing without any attorney present at all. I am grateful to my colleagues, and all of us cover for one another from time to time, but it is much harder to find coverage now because all the attorneys I know who represent significant numbers of Somalis, have expertise with Somali asylum-related issues, and are familiar with Somali culture are themselves overwhelmed by their own conflicting hearings.

54. These systematic, artificially created, and easily avoidable conflicts deprive me of the opportunity to provide representation for my clients, eliminate my ability to "read the room" and specifically the judge to understand where they might be going with regards to a particular client's case, and deprive my clients of the ability to have their lawyer, with whom they have developed an attorney-client relationship and in whom they have confided often very personal details of their lives, present.

55. In other cases, the immigration judges have "granted" the motions to continue the master calendar hearings, finding good cause and stating, "[T]he immigration court will serve Respondent with notice of the next hearing date." However, the case is then *not* set for a continued master calendar hearing date as would be customary, but is instead set straight for individual merits hearing, without consulting my calendar, and without a master calendar hearing.

56. This new practice deeply problematic because (a) it does not allow me the opportunity to state orally on the record at the master calendar hearing our due process objections to the rapid setting of the merits hearing, thus denying my ability to preserve the record for my client, and (b) it does not allow me the opportunity to at least ask for a date that does not directly conflict with my schedule or the schedules of potential experts. Indeed, in several of these cases, the motion to continue the master calendar hearing due to direct attorney conflict has been "granted," only to be set for a merits hearing instead of a master calendar hearing and on a date that directly conflicts with another date on my EOIR calendar. The merits hearings set via this process are some of the most expedited I have.

57. In several of these cases, the individual merits hearings have been set for 32 days, 34 days, or 40 days out, leaving just two, four, or ten days until the 30-day pre-filing deadline. And in at least one scenario, two of my Somali clients' cases were set for individual merits hearing on the exact same date, during the exact same 90-minute time slot, with the exact same immigration judge. This has never happened to me or any lawyer I know during the entirety of the time I have been practicing law.

B. Impossible Time Frame for Individual Merits Hearings

58. I have repeatedly objected, on the record, to the rapid setting of individual merits hearings, explaining that this is preventing me from providing ethical and effective representation to my clients, some of whom I have represented for years. In response, the immigration judges have said that "expedited" calendars "only go out" (extend) until a certain date, they have "limited options," and I may raise my concerns with the "powers that be."

59. Starting with the February 17-18, 2026 master calendar hearings, the individual merits hearings were being set for late March, April, and May 2026. This means that I would

have as little as two weeks before the pre-hearing filings would be due and only six weeks to prepare the case. This is not feasible for the dozens of cases I now have to prepare.

60. For example, the morning of February 17, an immigration judge stated: "I do not currently have dates out available as far out as June. My docket is much more, I don't know what you call it, expedited or streamlined than that… I can't go into June." Ex. 1 at *7. At another hearing the afternoon of February 17, another immigration judge said: "I just get assigned a docket. So, I think, you know, your concerns can be elevated elsewhere. . . [y]ou know, I've got to get dockets done. They're assigned to me, so I've got to get them done." Ex. 3 at *4.

61. By the master calendar hearings in early March 2026, I was explicitly told by the immigration judges on multiple occasions that their calendars did not go beyond the "end of June." In the past, and in all of my non-Somali cases still, immigration judges have scheduled hearings as far as two or three years in advance, without mentioning anything about their calendars not being able to "go out" that far.

62. As of the past few days, it appears that at least some least some of the Somali Fast-Track immigration judges' calendars go into July. However, as recently as March 16, one immigration judge stated that his calendar still did not go beyond the end of May. *See* Ex. 17.

63. On multiple days in May, June, and July 2026, I am now scheduled for two individual merits hearings for Somali asylum cases per day. There are several weeks where I have four or five individual hearings per week. In my entire career, I cannot recall a time that I have had more than two non-detained merits hearings in one month, definitely never two in one week, and two in one day is literally unheard of.

64. The immigration judges on these cases have repeatedly said at these master calendar hearings that their calendars (now presumably filled with back-to-back Somali asylum

hearings) are also rapidly compressed. For example, on February 17, an immigration judge said, "You know, I got just as many cases as you all are getting. So I try to get things scheduled where there are not conflicts, but that's kind of impossible to always do… There's a lot of cases coming up. I've got a lot of cases." Ex. 3 at *4. On March 10, an immigration judge said, "Let me tell you what it sounds like, counsel. It sounds like you need help, and you might need another attorney to help you. That's what it sounds like. . . . I get it, but I've got to hear all of them, so, hey, we're all going to have to deal with this docket one way or the other." Ex. 6 at *2. Later in that master calendar hearing, the immigration judge said: "It's not that serious." *Id.*at *3. "You're making this way more difficult than it needs to be. We all are just trying to figure this out, so we can set the merits, but you're making a problem out of it. There's no issue here." *Id.*

65. Artificially compressing the timeframe for an asylum seeker's individual hearing in order to resolve an entire docket of cases in a matter of months is unprecedented in my experience. It is also unnecessary, and in addition to the irreparable harm it creates for attorneys and their Somali clients, it also results in the bumping of cases for other asylum seekers who may have been waiting years for their cases to be adjudicated.

66. As soon as I realized only my Somali cases were being suddenly expedited, I began to raise my concerns on the record with the immigration judges assigned to these cases. *See, e.g.*, Ex. 2 at *1 ("[Y]our attorney noted for the record some objections to that, things like—that that does not allow adequate time to prepare and other kinds of due process challenges. But the Court has determined we should go forward. And so, I have set merits dates in all your cases."); Ex. 3 at *4 ("I just wanted to make – put it into the record and into the DAR that this respondent has a right to legal counsel in these proceedings. And as an attorney, I'm bound by multiple ethical rules, including competence, diligence, and communication."); Ex. 7 at *1-2

("[T]his scheduling blitz is unsustainable for these Respondents who have a right under the ICPM and by statute to counsel of their choosing."); Ex. 9 at *1 ("I strongly disagree with what is happening here today, and I would like the record to reflect that this individual is being deprived of her ability to prepare her case, to document her case, and to have counsel of her choosing. This is a massive due process violation."); Ex. 11 at *1 (Counsel: "I have been scheduled for two-thirds of my docket in the last 30 days. This initiative, which is led purely by EOIR or DOJ, has absolutely decimated the ability for Somali asylum seekers to have counsel of their choosing or due process.).

67. I have also filed multiple written motions to continue these rapidly-set individual merits hearings. Some of these motions to continue are based on a direct scheduling conflict (in at least two of the cases, two clients have been scheduled for the exact same hearing slot with the exact same judge). *See, e.g.*, Ex. 19.

68. I did receive rulings on the motions to continue for direct scheduling conflicts. In one case, the immigration judge granted the motion to continue and continued the matter several weeks; however, the order stated: "The Court notes that the current circumstances are relatively unique, so the motion is granted. However, particularly given the number of cases handled by this attorney and the Court's objective to hold expeditious hearings, some other solutions, such as arrangements with alternate counsel, may be needed to be made if future hearing dates set by the Court are not acceptable or feasible. The Court wishes to reasonably accommodate counsel but has limited options." Ex. 20.

69. In another example, in a case that had been in the scheduling queue, I received notice on February 10, 2026, that a master calendar hearing was set for February 25, 2026. The next day, on February 11, I promptly filed a motion to continue the February 25 master calendar

hearing, explaining I was scheduled to appear in multiple other matters at the exact same date and time. On February 22, the immigration judge granted the motion to continue the master calendar hearing, stating "The Immigration Court will serve Respondent with notice of the next hearing date."

70. However, despite "granting" the continuance request, the case was not set for a continued master calendar hearing. Instead, the next day, on February 23, 2026, I received a notice scheduling the case directly for individual merits hearing on March 30, 2026. With a pre-filing deadline of 30-days prior, that left just five days between when I received the individual hearing notice and the individual hearing filing deadline. Nothing like this has ever happened in the entire time I have been practicing immigration law, nor has it occurred to anyone else before the Somali Fast-Track Policy was implemented, as far as I am aware.

71. On February 27, I promptly filed a detailed motion to continue the March 30 individual hearing. First, I explained that I again had a pre-existing EOIR scheduling conflict, as I was scheduled in another rapidly-set Somali case the same date/time. Further, I detailed multiple reasons for our request that the matter be continued at least five months to allow adequate preparation time, as five days was patently inadequate. On March 18, the Court granted the motion "due to the counsel's claimed scheduling conflict," but continued only two days, from March 30 until April 1, 2026.

72. With the exception of the motions concerning a direct scheduling conflict, most of the motions to continue I have filed are based on the sudden compression of the time my client and I have to prepare their case. As I have explained in these motions, the critical question is not the length of time the asylum petition has been pending before EOIR or the date of the I-589 filing; instead, the critical question is the length of time between the date on the non-detained

individual hearing notice and the date of the pre-hearing filing deadline. I have explained that at least 70-85% of non-detained asylum case preparation is structurally impossible to complete before an individual hearing is set and that multiple pieces of evidence and important aspects of preparation are essentially impossible to accomplish on this expedited timeline. I have argued that denial of the continuance request would violate the respondents' right to substantive and procedural due process, right to counsel of their choosing, and right to present evidence and witnesses on their behalf.

73. To date, as of March 24, 2026, I have not yet received a single written ruling on any motions to continue individual calendar hearings except for those where there was a direct scheduling conflict. Not one judge has addressed the due process concerns I have raised.

74. EOIR typically schedules individual calendar hearings for three- or four-hour time slots. On any given day, an immigration judge would have at most two individual hearings: one set in the morning, and one in the afternoon.

75. A few of my upcoming hearings have been scheduled for the standard three-hour slots. However, most of my Somali Fast-Track individual calendar hearings have been slotted for only 90 minutes. The Somali Fast-Track immigration judges now appear to have four individual hearings calendared per day.

76. Ninety minutes is categorically inadequate to put on all but the most simple, straightforward case for a fluent English-speaking asylum seeker. An individual asylum merits hearing typically includes direct examination, cross-examination, and re-direct of the respondent and all witnesses. Witnesses include experts and fact witnesses. All of the testimony needs to be interpreted into the asylum-seeker's language. In fact, individual hearings often run over the three to four hours that are typically set.

The Somali Rocket Docket Policy is Seriously, Immediately, and Irreparably Harming Hines Immigration Law and Its Clients

A. Impact on Firm and Efforts to Mitigate Harm

77. The Somali Fast-Track Policy is seriously harming Hines Immigration Law's ability to provide the quality of representation to our Somali clients that is our standard of practice for all clients. In some cases, the Policy is making it effectively impossible to represent our clients at all.

78. As stated above, I estimate it takes me a minimum of 150 hours to prepare a non-detained Somali asylum case for an individual merits hearing, with approximately 120 of those hours taking place once the individual hearing is scheduled. Multiplying this number by the number (71) of Somali cases that have been set for expedited hearings over the next few months equals a minimum of 8,520 hours to adequately prepare these cases. Several of our cases have taken significantly longer, sometimes exceeding 300 hours in total, to prepare.

79. Since the Somali Fast-Track Policy went into effect in February 2026, I have been working approximately twelve hours per day, seven days a week, to manage my caseload, and still that is not enough. This schedule provides me with 84 working hours per week, which results in 1,560 hours between March 24 and July 31, 2026. That is less than 20% of the more than 8,520 hours I need to prepare my Somali clients' cases adequately if they are all set for hearings by July 31, 2026—and less than 35% of the more than 4,680 hours I need to prepare for the 39 merits hearings that have already been scheduled during this timeframe.

80. These calculations do not take the time needed to attend individual master calendar hearings and merits hearings into account. I have had 71 master calendar hearings, all for Somali clients, placed on my calendar for between February 17, 2026, and July 31, 2026. Although EOIR schedules master calendar hearings for 30 minutes, in fact they often take

multiple hours because counsel is required to be ready in the waiting room while other master calendar hearings take place.

81. As of today's date (March 24, 2026), I currently have 39 individual merits hearings set between April 1 and July 31, 2026. All 39 are natives and citizens of Somalia seeking asylum.

82. These calculations also do not take into account the time I have had to spend drafting motions for continuances to avoid direct scheduling conflicts between cases.

83. I have done everything within my power to mitigate the harm the Somali Fast-Track Policy is causing my firm and my clients.

84. While our firm is used to occasional late nights and time crunches to prepare for a particular hearing, this kind of unrelenting pressure to accomplish an inhuman amount of work in an incredibly compressed period of time is not sustainable. In addition to working overtime myself, I am asking my staff to work hours far beyond what are normal or typical for them.

85. Hines Immigration Law has three full-time paralegals, two of whom are fluent in Somali and English. As a result of the Somali Fast-Track Policy, they are being asked to complete significantly more work in less time, and the pace, pressure, and stress in the office has increased ten-fold since February 2026. The atmosphere is frantic and all staff are overwhelmed. The team is aware that I am working 80+ hour weeks.

86. All three paralegals have each shared with me individually and collectively that the stress caused from this Somali Fast-Track Policy has impacted their personal physical and mental health. The compassion fatigue, the shared stress and anxiety from close client contact and relationships, and the added pressure from these timelines that are mathematically impossible have deeply impacted my team's health and morale.

87. This has been difficult for me personally and professionally, because I have prided myself on carefully curating an office culture at Hines Immigration Law that uplifts, encourages, and protects employees' well-being.

88. Since this Somali scheduling blitz began in February 2026, I have added two part-time interns. Both interns are college-aged, and they are both fluent in Somali and English. Our three paralegals have had to take on leadership responsibilities supervising these interns as they complete tasks like red-lining forms, collecting client information, and returning client calls.

89. The Somali Fast-Track Policy is also upending Hines Immigration Law's financial model and fee structure because our retainers were predicated on the practice of immigration law as I have previously known it. For asylum seekers, our removal defense retainers are flat fee, with a portion deposited to begin representation, and the remainder due monthly pursuant to a payment plan (starting 90 days after the client receives their work permit, which is often about one year after their arrival to the United States). Often, non-detained asylum clients have their balances nearly paid or paid in full by the time of their individual merits hearing. However, there are a few benchmarks embedded in the retainer agreements, which still do not contemplate the current reality. The retainers state that 90 days before the individual merits hearing, the balance must not exceed a certain amount; and 30 days before the individual merits hearing, the balance must be paid in full. This is a customary and typical way of structuring a fee agreement in immigration law practice, and is consistent with the fee structures in other immigration firms where I have worked and with which I am familiar.

90. Many of the clients affected by the unprecedented Somali case advancements have had their hearings set with less than 90 days' notice. Our retainer agreements are not structured for this situation.

91. Moreover, many clients were out-of-work during "Operation Metro Surge" in the Twin Cities. Many clients have shared that they cannot meet their payment obligations under the new, suddenly compressed timeline. Our firm is therefore unable to generate income for many of these representations.

92. Accordingly, although my staff and I are working more hours than we have ever worked before, we are bringing in less revenue. I am personally taking only about half of my salary to ensure I am still able to meet payroll for my employees and meet other expenses.

93. In addition to the harm to my firm's ability to manage our Somali asylum seekers' cases, the Somali Fast-Track Policy is seriously harming our ability to represent Hines Immigration Law's other clients to our standard of practice. My current caseload includes 40 non-Somali non-detained clients seeking asylum and other relief, two cases pending in front of the BIA, approximately 200 clients seeking benefits like adjustment of status or family-based petitions pending in front of U.S. Citizenship and Immigration Services ("USCIS"), and nearly 30 consular processing cases.

94. Being forced to focus almost exclusively on the Somali cases means that I am unable to attend to my other clients' needs in the way that I generally would. I pride myself on being accessible to my clients, many of whom understandably struggle to trust individuals from outside their cultures and communities. In my experience, accessibility is an essential part of developing a strong attorney-client relationship, which is fundamental to providing the best representation to clients. The situation is now such that many of our non-Somali asylum clients who call with questions about their pending cases explicitly say things in voicemails like, "I know you're very busy with the Somali asylum cases, but please call me back when you can." While I am grateful for their patience and understanding, all of my clients deserve the level of

prompt communication and personal attention that is Hines Immigration Law's standard of practice.

95. By mid-February, I had to make the difficult decision to turn away any and all new business. We cancelled all of the consultations that were scheduled for late February, March, and April, apologizing and refunding each potential client their $250 consultation fee. We then completely removed the consultation scheduling option from our website. We now direct all potential-new-client calls elsewhere.

96. Because responding to the Somali Fast-Track policy is consuming nearly all of Hines Immigration Law's available resources, I do not know how the firm will survive once we get through these cases. Without being able to take consultations and undertake work for new potential clients, our revenue stream will ultimately dry up.

97. I have spent years earning a reputation as a competent, ethical attorney whose firm provides excellent services to its clients and treats its employees with respect and care. The Somali Fast-Track Policy is making it impossible for me to practice law or run a law firm that lives up to the standards for which I am known.

98. Notwithstanding my own best efforts to professionally manage my docket and provide excellent representation to all of my clients, both my Somali and non-Somali clients are starting to become frustrated and disappointed with the management of their cases and Hines Immigration Law's capacity to provide representation. Although it takes years to build a professional reputation, that reputation can be undone in a matter of moments, as (understandably) upset clients vent their frustrations to their friends, families, and communities.

99. The potential loss of reputation is incredibly painful to me personally as well as professionally, and it is deleterious to my firm. I went to law school in Minnesota and I have

been building my practice in Minnesota. This is my community and I plan to practice here for the rest of my career. I am passionate about immigration law and I have spent years learning how to practice it very well. Losing my carefully built reputation harms my professional identity and may damage the viability of Hines Immigration Law. Losing my practice would be devastating to me, as I would feel that I am letting down my clients as well as my deeply valued employees, all of whom placed their utmost trust in me.

100. I have spoken candidly and at length with my friends, my family, and my employees about the very possible outcome that Hines Immigration Law may be fundamentally unable to exist beyond this summer, as a direct result of the Somali Fast-Track Policy.

B. Impact on My Clients and Efforts to Mitigate Their Harm

101. I have made my clients aware of both the new settings for their cases and the Somali Fast-Track Policy which is compressing the time frame to prepare their cases.

102. As an asylum-focused firm founded by a former social worker, Hines Immigration Law is prepared to handle clients with trauma and anxiety. We have intentionally and carefully structured our office to be as trauma-informed as possible. Physically, our office has low-lighting lamps, tissues on every desk, and multiple bins with stress balls, clay, magnets, fidget toys, and adult coloring books that even our seemingly "hardest" clients tend to reach for when recounting their traumatic memories with us. We strive to be as culturally-sensitive as possible, with prayer rugs and prayer space available for our Muslim clients. Relationally, I have gone to great lengths to train our team to navigate PTSD and trauma in our professional relationships with our clients. For example, we avoid long interviews due to their emotional toll, we take breaks, we use incredibly careful and intentional interviewing techniques, and we do all

that we can to avoid re-traumatizing our asylum-seeking clients. It is not uncommon for clients to cry in my office; most days, throughout my career, that has occurred multiple times per day.

103. Notwithstanding these preparations and our years of experience working with traumatized populations, in the month since the Fast-Track Policy commenced our Somali clients are coming to us with a level of sheer, unmitigated terror that we have not previously witnessed and that is very difficult to manage. The profound and intense anxiety is even more palpable than the terror my clients expressed throughout the recent Operation Metro Surge, when clients who were here lawfully seeking asylum were watching members of their community be pulled from their vehicles, having the windows to their apartment complexes shattered, and their doors bashed in without warrants. I would estimate that the vast majority of our clients know at least one, if not many, fellow asylum seeker friends who were detained during Operation Metro Surge. Their terror since December 1, 2025 has been intense. Their terror since the flood of Somali-only hearing notices in February 2026 has been even more intense.

104. My Somali clients are petrified by the idea of taking any action that would cause the government to rule against them in their asylum cases. Even though exercising their rights to protest the impact of the Fast Track Policy on their due process entitlement to a full and fair hearing on their asylum claims should not result in any retaliation against them in their asylum proceedings, the idea of asserting their due process rights is anathema to them due to the fear of jeopardizing their ability to obtain asylum.

105. Several of our firm's paralegals have shared with me that our clients are crying as we work through their case preparation.

106. Historically, pausing to be there for our clients as they re-live traumatic experiences has been embedded into the fabric of our firm's culture and systems. Now, however,

with these timelines and at this volume, we are forced to move forward, apologize profusely, but continue with case preparation questions. This risks re-traumatizing clients and damaging our attorney-client relationship. The more time that a legal team has to work with an asylum applicant in advance of their hearing, the more efficient and accurate the information. The current, unprecedented circumstances are preventing us from providing the quality of representation and preparation that is our standard of practice, and damaging the attorney-client relationships we have so intentionally structured and carefully nurtured.

107. Even after I explain the situation and the clients are fully aware of the impossibility of my providing all of them with the standard of practice for which I am known and because of which they retained me, not one of my clients has requested a different attorney.

108. I built a practice based on my commitment to providing high quality representation to asylum seekers, who, due to their histories of trauma and persecution, are both some of the most vulnerable and the strongest people I have ever known. My clients trust and rely on me because I invest the time to know them. I know their stories, I know their families, and I know the Somali community, including the political history of Somalia and Somali culture. The level of trust and confidence I have built with my clients develops over years and cannot be easily replicated with another lawyer. My clients have chosen me for a reason, and I do not want to withdraw from any of these cases.

109. Even though my clients do not want me to withdraw from their representation and I do not want to withdraw from their representation, I recognize that the Somali Fast-Track Policy has made it nearly impossible for me to provide my clients with ethical representation, so I have sought alternatives.

110. I reached out to multiple firms in the area who I know handle asylum cases, asking if they have capacity to substitute in on some or many of these cases. Unfortunately, every firm has told me they are also facing the same onslaught of rapidly-set Somali asylum cases, and their associates have no capacity to substitute in on a single additional case.

111. I also reached out to a local nonprofit partner, the Advocates for Human Rights, which is spending significant time and resources attempting to fill the gap itself but does not have capacity to handle the surge in need.

112. The reality for many of my clients is that if I withdraw from their cases, they will go unrepresented into their asylum hearings, the outcome of which may literally be life or, if they lose and are removed to Somalia, death.

113. The U.S. State Department Travel Advisory currently advises against travel to Somalia due to crime, terrorism, civil unrest, health, kidnapping, and privacy. The Travel Advisory notes that "[v]iolent crime is common throughout Somalia, including kidnapping and murder." U.S. Dep't of State, *Somalia Travel Advisory* (May 14, 2025), https://perma.cc/KXK6-78DN.

114. Many of my Somali asylum-seeking clients have personally survived kidnapping, imprisonment, torture, assassination attempts, and/or witnessed serious violence or the murder of an immediate relative or colleague.

115. Several of my Somali asylum-seeking clients were persecuted by and fear future persecution by the terrorist group Al Shabaab for a variety of reasons, including but not limited to their Sufi religious beliefs/practices; having worked with or had an immediate relative affiliated with the Federal Government of Somalia (FGS), a Federal Member State (FMS) government, an international NGO, the United Nations, the African Union (AMISOM/ATMIS),

an LGBTQ+ organization, or another organization deemed "un-Islamic" by Al Shabaab; or having otherwise violated any one of Al Shabaab's various religious edicts.

116. Several of my Somali asylum-seeking clients belong to minority clans, considered "impure," "polluted," "unclean," and "untouchable" in Somali society. Members of minority clans are forbidden to socialize as equals with others, excluded from political participation and employment, and suffer lifelong disdain, avoidance, abuse, exclusion, insecurity, and violence.

117. All of my female Somali asylum-seeking clients have suffered female genital mutilation or circumcision (FGM/C). Many have also survived child marriage, forced marriage, domestic violence, brutal and repeated sexual assaults, abductions, gang rapes, and violence from state and non-state actors.

118. There is strong precedential Eighth Circuit case law unambiguously holding that FGM/C constitutes persecution. In my entire career, I have never had an FGM/C-based Somali asylum case denied by USCIS or an immigration judge, nor have I ever heard of such a denial. Somalis have significantly higher asylum grant rates than national averages.

119. Given these facts, if provided with a fair trial, my Somali clients have a very strong chance of prevailing on their claims for asylum, withholding of removal, and/or Convention Against Torture (CAT) protection under existing U.S. law.

120. However, both I and my Somali clients are very concerned about their likelihood of success without counsel. Immigration court data indicate that the likelihood an immigrant will succeed in obtaining relief in immigration court is significantly diminished if they are unrepresented. *See, e.g.*, Where Can You Win in Immigration Court? The Impact of Lawyers, Detention, Geography, and Policy, American Immigration Council (November 20, 2025) (analyzing immigration court data revealing that that between FY2019 and FY2024, only 26.9%

of respondents with legal representation—regardless of custody status—were ordered removed, compared with 61.8% of unrepresented respondents).

C. Impact on My Ethical Obligations as an Attorney and Efforts to Mitigate Harm

121. I have consulted at length about this situation with the Minnesota Office for Lawyers Professional Responsibility (OLPR).

122. I first called on February 16, 2026 to seek an advisory opinion. I called back on six separate occasions to follow-up, indicating the situation was urgent and time sensitive.

123. Finally, on March 4, 2026, I was able to speak at length with the Director, Susan Humiston. We spoke for approximately 75 minutes.

124. During that conversation, Ms. Huminston confirmed that I have an ethical obligation under Minnesota Rule of Professional Conduct 1.3 to control my caseload to provide diligent and competent ethical representation. She confirmed that 113 asylum cases, based on the details I have described above, was an absolutely ethical caseload when I assumed responsibility for the cases, but now, as the result of this unprecedented scheduling blitz targeting Somali asylum seekers, I may need to ethically withdraw from a portion of these 71 matters to maintain an ethical caseload. Ms. Humiston was emotional, empathetic, and shocked.

125. We discussed the reality that my withdrawal would likely mean that my clients are left unrepresented. She suggested that I try to mobilize pro bono support, which I have tried to do, as mentioned above, but thus far have been unsuccessful in finding any attorneys where I can refer the cases from which I'll likely need to withdraw.

126. Regarding which specific cases to withdraw from, Ms. Humiston suggested "choosing" those who have hearings set the furthest out. Still, those furthest out are still

just months away, and I am incredibly doubtful that I or those clients will be able to find another attorney to represent them on this timeframe.

127. Without relief, I will likely be forced to withdraw from a significant number of my Somali clients' cases. This is an awful prospect to me, both personally and professionally, and will likely be both emotionally and practically devastating to my Somali clients and their likelihood of success in obtaining asylum, because it will be difficult if not impossible for them to obtain other counsel. I am continuing to evaluate my docket and await resolution to my many pending requests for continuance.

Exhibits

128. Attached to this declaration are several exhibits which I reference in the foregoing paragraphs.

129. **Table A-1** is a true and correct copy of a log that sets forth excerpted colloquy from some of the master calendar hearings that I attended on behalf of my clients from February 17 through March 16.

130. **Exhibits 1 through 17** are each a transcription of a Digital Audio Recording (DAR) that I downloaded from the EOIR Courts & Appeals System (ECAS). To the best of my knowledge, each transcript is consistent with each DAR that I downloaded. The only redactions in the transcripts are of my clients' personally identifiable information. Based on my review and recollection, each DAR is a true and correct recording of a master calendar hearing that I attended. I can provide copies of each DAR to the Court upon request.

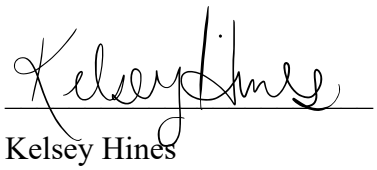
131. **Exhibit 18** is a true and correct copy of an order issued by Immigration Judge Abdias Tida on March 10, 2026.

132. **Exhibit 19** is a true and correct copy of a motion to continue (redacted) that I filed with the Immigration Court in Fort Snelling, MN on March 17, 2026. I can provide copies of the exhibits that I filed in support of the motion to the Court upon request.

133. **Exhibit 20** is a is a true and correct copy of an order issued by Immigration Judge Chris Brisack on March 9, 2026.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on March 24, 2026



Kelsey Hines

Table A-1

Excerpted Colloquy from Master Calendar Hearing Digital Audio Recording Transcripts

Ex. 1: IJ Brisack 2.17-1 at *1-2, 7-8

JUDGE CHRIS BRISACK: Ms. Hines?

KELSEY HINES: Your Honor, I'm totally on board with advancing the individual hearing.

KELSEY HINES: And I respect the court's desire to resolve matters as promptly as possible.

KELSEY HINES: In a normal situation, two and a half months or so would be more than enough time to prepare an individual hearing.

KELSEY HINES: But I have been scheduled for master calendar hearings or advanced individual hearings in about half of my EOIR docket in the last week.

KELSEY HINES: I'm okay with hearings being in a short time period, but I'd like a couple of months to get them ready. So I would ask for an individual hearing date sometime in June 2026 or later, if at all possible.

JUDGE CHRIS BRISACK: Ms. Hines, I do not currently have dates available as far out as June. My docket is much more, I don't know what you call it, expedited or streamlined than that.

JUDGE CHRIS BRISACK: So, I'm happy to try to work with you on dates in May, but I can't go into June.

Ex. 2: IJ Brisack 2.17-2 at *1-2, 3-5

JUDGE CHRIS BRISACK: Your attorney had asked for more time before we move forward in the way that the court has decided we should and will move forward.

JUDGE CHRIS BRISACK: And your attorney noted for the record some objections to that, things like - that that does not allow adequate time to prepare and other kind of due process challenges.

JUDGE CHRIS BRISACK: But the Court has determined that we should go forward.

JUDGE CHRIS BRISACK: And so, I have set merits dates in all of your cases.

JUDGE CHRIS BRISACK: Those merits dates range between May 11 and May 21st

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KELSEY HINES: I would like to add orally into the record that each of these seven respondents have had master calendar hearings scheduled with less than 15 days' notice.

KELSEY HINES: That these advancements appear to be an unprecedented special calendar devoted entirely to respondents from one country: Somalia.

KELSEY HINES: This follows several months of comments from our Executive,

KELSEY HINES: calling citizens of Somalia, "Filthy, dirty, disgusting."

KELSEY HINES: "I don't want them in our country. We don't want them in our country."

KELSEY HINES: I have asked the court to please put into the record any rules or internal memoranda or directives governing the expedited nature of these Somali asylum hearings.

KELSEY HINES: I have let the court know that in the last 10 days, I've been scheduled for about half of my EOIR docket, over a two-month period,

KELSEY HINES: Forty-five cases that are at least showing in my portal. There perhaps may be more according to the Department at the beginning of the hearing.

KELSEY HINES: These respondents have a right to legal counsel in these proceedings by statute and the ICPM.

KELSEY HINES: As an attorney, I'm bound by ethical rules of competence, diligence, and communication.

KELSEY HINES: And I have objected to the setting of seven individual hearings over a seven-day time period,

KELSEY HINES: On the non-detained docket,

KELSEY HINES: But understand that Judge Brisack does not have hearing dates later than May 21st available at this time.

KELSEY HINES: And for all those reasons, we object to the setting of this individual hearing, but we'll do our very best to prepare.

JUDGE CHRIS BRISACK: All right. Thank you. In brief response, I'll just mention that - and in response to Ms. Hines' question about rules governing, I indicated that I did not have specific rules other than the general rule to try and get to cases as quickly and expeditiously as reasonably possible, consistent with due process.

JUDGE CHRIS BRISACK: And then one other point, that it doesn't take away from the general gist of what Ms. Hines said, I'm not disagreeing with her point, that it's a lot of cases in a short period of time.

Ex. 3: IJ Taylor 2.17 at *3-4

KELSEY HINES: I want to let Your Honor know that I, in the last 10 or so days, have been scheduled for 45 different cases on this new docket that seems to be dedicated exclusively to Somali nationals.

KELSEY HINES: Following comments from our executive branch that Somali nationals are "filthy, dirty, disgusting, and we don't want them in our country."

KELSEY HINES: I would ask Your Honor to identify and provide both parties and put into the record all procedural rules and memoranda or directives governing this new docket that has been created.

JUDGE PHILIP P. TAYLOR: Hold on. Well, you know, I just get assigned a docket. So, I think, you know, your concerns can be elevated elsewhere. What I'd ask - you know, I've got to get dockets done. They're assigned to me, so I've got to get them done. . . As far as conflicts, you know, I got just as many cases as you all are getting. So I try to get things scheduled where there's not conflicts, but that's kind of impossible to always do. . . .
. . .

KELSEY HINES: Understood, Your Honor. I just wanted to make - put it into the record and into the DAR that this respondent has a right to legal counsel in these proceedings. And as an attorney, I'm bound by multiple ethical rules, including competence, diligence, and communication in a rapidly scheduled, at this point, we'll have... If these are all set between April or May, I will have more than 50 individual hearings in a month time frame. So I request that if an individual hearing is set, that it be set for June 2026 or later.

Ex. 4: IJ Caborn 2.25 at *3-4

JUDGE ANDREW J. CABORN: Okay. So, that's June 10th at one. And then any additional documents by the third. Anything else you would like to discuss for this matter?

KELSEY HINES: Yes, just very briefly, just so that it's in the record of proceedings. I would just like to note that the scheduling of this case was set with less than 30 days' notice for this master a non-detained docket, dedicated now exclusively to citizens and nationals of one country following comments from our Executive that citizens of this country are "filthy, dirty, and disgusting. I don't want them in our country. We don't want them in our country." I have notified the court that of my about 100 or so defensive asylum matters, about 70 are citizens and nationals of Somalia. And in more than 60 of those, I have now been set for rapid hearing and have been told that these judges have orders, presumably from headquarters, that they cannot set these out more than a few months on the non-detained docket. So, I will be filing a written motion to continue for respondent's right to counsel and my ability to provide competent and quality legal representation in this case.

Ex. 5: IJ Caborn 3.3 at *2

KELSEY HINES: I personally and many other colleagues of mine have never in our history of practicing before EOIRs, spanning many administrations, been scheduled for a non-detained individual hearing with less than one year notice, much less mere weeks. So for all those reasons, I would contest the rapid nature of this scheduling, and due process concerns, and concerns of targeted attacks on individuals from one nationality. Thank you.

Ex. 6: IJ Tida 3.10-1 at *2-3

KELSEY HINES: I am not available May 29th, I've got a list of conflicts in front of me. I would like to be very, very clear on the record that I, in total, have about 100 or so defensive asylum matters, about two-thirds of those are Somali natives, and the last, as I'm sure you're well aware, since the first week of February, apparently EOIR or DOJ has given some sort of directive to expedite these cases, which I understand and am in full support of. Moving forward with matters, this is obviously targeted toward one nationality, but I physically cannot do… As of now I'm at almost 70 cases, I cannot do 70 merits hearings in a two-month time frame.

JUDGE ABDIAS TIDA: Okay.

KELSEY HINES: I'm scheduled almost every day between now and July, so --

JUDGE ABDIAS TIDA: Well, let me tell you what it sounds like, counsel. It sounds like you need help, and you might need another attorney to help you. That's what it sounds like.

KELSEY HINES: That's --

JUDGE ABDIAS TIDA: So anyway, so here's what we'll do. I get it, but I've got to hear all of them, so, hey, we're all going to have to deal with this docket one way or the other. All right, so--

Ex. 7: IJ Tida 3.10-2 at *1-2

KELSEY HINES: I am, Your Honor. As you're aware from other matters, we are explicitly requesting that this matter be set for a date in July 2026 or later. I can give my reasons for that whenever you are ready.

JUDGE ABDIAS TIDA: Well, what are your reasons?

KELSEY HINES: My reasons are that since February 2026, so in the last 30 days, approximately two-thirds of my EOIR docket has been rapidly advanced without motion by DHS. All of these individuals are natives and citizens of Somalia. And while I recognize this court's desire and DOJ's desire to move cases forward expeditiously, and I agree with that intention and that motive, that must be done in such a way that Respondents are not stripped of their ability to have counsel of their choice. And when one attorney has what is a very ethical

number of cases before EOIR, and two-thirds, almost 70 cases, are rapidly set back to back to back to back, that's not due process. I may ethically need to withdraw from several of these cases. I know at a prior master, you recommended that I hire a new attorney. I can't… If all of these cases were being set for this fall, I could cancel everything else and focus on just prepping these. But this blitz, this scheduling blitz is unsustainable for these Respondents who have a right under the ICPM and by statute to counsel of their choosing.

JUDGE ABDIAS TIDA: Okay. All right. So what do we have available in June?

Ex. 8: IJ Tida 3.10-3 at *1-2

KELSEY HINES: I have repeatedly stated that I am not available May or June. I am being told that the court only has openings through June 30th, 2026, effectively depriving this individual of his right to counsel. And what is happening here today is not right or normal.

JUDGE ABDIAS TIDA: All right, so actually the court no longer has June 30th. We gave that to you. And so now the last date we have available is June 29th. All right, counsel, are you available June 29th at 1 p.m. for a merits hearing?

KELSEY HINES: This leaves no time to prepare my actual cases. I do not have another hearing scheduled at the exact same time as June 29th as you just proposed. I cannot effectively prepare these cases in that time period.

JUDGE ABDIAS TIDA: All right, thank you, counsel. The court will set this matter for a merits hearing on June 29th at 1 p.m. central. The call-up date will be 10 days prior to the date of the hearing, which will be June 19th. For the record, the court gave counsel the furthest date that it has available. All right, and anything on this, Counsel Williams?

Ex. 9: IJ Tida 3.10-4 at *1

KELSEY HINES: I am not available April, May, or June. I am being told that the most up-to-date date available is June 29, 2026. I agree this case is ready for a merits hearing. I strongly disagree with what is happening here today, and I would like the record to reflect that this individual is being deprived of her ability to prepare her case, to document her case, and to have counsel of her choosing. This is a massive due process violation.

JUDGE ABDIAS TIDA: Thank you. Do you have a hearing…are you free for a hearing, rather, counsel, on June 29th, 2026 at 8:30 a.m.?

KELSEY HINES: I am scheduled with you at 1 p.m. That is thus far the only hearing I am physically scheduled for that day.

JUDGE ABDIAS TIDA: Okay. All right. So this hearing will be held, the merits hearing, on June 29th, 2026 at 8:30 a.m. The call-up date will be June 19th. For any additional docs.

Ex. 10: IJ Tida 3.10-5 at *1-2

KELSEY HINES: I'm not prepared to move forward to a merits if we are moving it forward to June, 2026, as I cannot competently represent this individual and that does not leave sufficient time for her to prepare this case. I would ask for a continued merits hearing.

JUDGE ABDIAS TIDA: All right, are you asking for continuance because you don't have time to prepare this case, counsel?

KELSEY HINES: That's correct, I've been scheduled for approximately two-thirds of my docket in the last 30 days. I am scheduled for hearing almost every morning and afternoon between now and the end of June. I cannot physically, ethically, and competently represent what was previously an incredibly ethical and manageable caseload. And I have spoken at length with the Office for Lawyers of Professional Responsibility about this matter.

JUDGE ABDIAS TIDA: Okay, I don't find good cause in your continuance and so the motion is denied. The court will schedule this matter for a merits hearing and give the Respondent the appropriate time to prepare. All right, do you have a hearing…are you available, counsel, for a hearing on May 21st, 2026 at 10:30 a.m.?

KELSEY HINES: I have a morning and afternoon hearing on May 21st. I would ask, if at all possible, if you have anything in late June or the latest date that you possibly have, considering the fact that you're asking or inviting me to file a motion and it appears that's a foregone conclusion.

JUDGE ABDIAS TIDA: Is June 8th available at 1:00?

KELSEY HINES: I have morning and afternoon individual hearings on June 8th.

JUDGE ABDIAS TIDA: Okay, what about June…

KELSEY HINES: We're very soon going to be reaching I physically don't have the slots, so.

JUDGE ABDIAS TIDA: June 9th, what about June 9th, counsel, at 1:00?

KELSEY HINES: I will, again, be filing a motion to continue that I am sure will be denied. I do not technically have another hearing June 9th at one o'clock

Ex. 11: IJ Tida 3.10-6 at *1-2

KELSEY HINES: I'm orally asking for continuance of this master calendar hearing. I have been scheduled for two-thirds of my docket in the last 30 days. This initiative, which is purely led by EOIR or DOJ, has absolutely decimated the ability for Somali asylum seekers to have counsel of their choosing in due process. And frankly, what is happening here today is an absolute embarrassment.

JUDGE ABDIAS TIDA: All right. The motion to continue is denied. Respondent counsel hasn't provided good cause. And so the court will set this matter for a merits hearing and will give the Respondent the appropriate time to prepare for the hearing. All right. Counsel, are you available for a hearing on June 25th at 1 p.m.?

KELSEY HINES: I am not. I have an individual hearing that exact same time, out of state.

JUDGE ABDIAS TIDA: OK. What about June 18th at 1 p.m.?

KELSEY HINES: I am not. I will be on a plane to an out-of-state individual hearing.

JUDGE ABDIAS TIDA: June 17th at 1 p.m.?

KELSEY HINES: I have individual hearings June 15th, 16th, 17th, 18th.

JUDGE ABDIAS TIDA: At 1 p.m.?

KELSEY HINES: Yes.

JUDGE ABDIAS TIDA: All right. What about June 17th at 10:30 a.m.?

KELSEY HINES: I have not personally ever had an individual hearing take less than two, three hours. So I don't know how I could possibly be done by one o'clock.

JUDGE ABDIAS TIDA: Counsel, do you have a hearing on June 17th, 2026, at 10:30 a.m.?

KELSEY HINES: I do not have a hearing June 17th at 10:30 a.m.

JUDGE ABDIAS TIDA: This matter is going to be set for a merits hearing on June 17th at 10:30 a.m. ...

Ex. 12: IJ Tida 3.12-1 at *1-3

KELSEY HINES: Your Honor, we're not we're not prepared to move to merits today if this calendar remains constrained in such a way that predetermines the outcome. Respondent's not prepared to set this matter for merits in April, May, or June of 2026. I'm asking for the opportunity to have two to five minutes to explain why on the record. I'm happy to do so in all seven cases today if you would like to record all at once, but I would like the opportunity to explain why we are not prepared to move to merits in any of these seven matters that I have before you this morning.

JUDGE ABDIAS TIDA: All right, in all seven cases you can file a motion to explain why you're not prepared. All right, so what I'll do right now… I don't see what's funny, counsel.

KELSEY HINES: It's not, it's not funny.

Ex. 13: IJ Tida 3.12-2 at *1-3

KELSEY HINES: Respondent is not prepared to move to merits if this calendar remains constrained in such a way that predetermines the outcome. No, Respondent is not prepared to set this matter to merits in such a rushed timeline. Your Honor has a choice as an independent adjudicator per 8 CFR 103.10b and is not constrained by CIJ directive pursuant to 8 CFR 103.9c, which cannot override your right as an independent judge when the authority to schedule in such a rapid manner directs the results of adjudication. No, I am not available July 14th at 8:00 a.m. I do not have a hearing on July 14th at 8:00 a.m., but this client will not have a prepared merits on that date and will be prejudiced if this court sets that date today.

JUDGE ABDIAS TIDA: All right, the merits will be set. Go ahead, counsel.

Ex. 14: IJ Tida 3.12-3 at *1

KELSEY HINES: The Respondent is not prepared to move this matter to merits if it remains constrained in such a way that predetermines the outcome. There are multiple pieces of evidence that he is unable to gather in that time, and I am unable to provide competent representation by that date. Setting it for that date will prejudice Respondent, and I will be filing a written motion to continue. However, to answer your direct question, I do not currently have an individual hearing set for July 27, 2026 at the time you have proposed.

JUDGE ABDIAS TIDA: Okay, this matter will be set. . .

Ex. 15: IJ Tida 3.12-4 at *1-2

KELSEY HINES: I am not available on July 13th at one o'clock. Respondent is not prepared to move this matter to merits on such an abridged timeline. Every case that you have called today is Somali. Your Honor has a choice and has the adjudicative authority to set this for a later date or to hold this until a later date is available. That does not allow Respondent enough time to do things that cannot be done until an individual hearing is set, such as obtain a country conditions expert, obtain updated country condition evidence, and obtain an updated psychological evaluation. Additionally, counsel has been scheduled for 70 of her what was before a reasonable 100 asylum cases, and counsel would like the record to reflect that she has filed multiple motions to continue with this judge for direct scheduling conflicts, which have been denied as recently as yesterday. And if this hearing is set for that date, Respondent will be prejudiced, and this record reflects why. To that end, counsel has another hearing that same day, July 13th. Sitting two merits in one day does not allow me the opportunity to adequately prepare this case, however, I do not have a hearing at 1 p.m.

JUDGE ABDIAS TIDA: Do you have a merit set at 1 p.m. on that day?

KELSEY HINES: I do not.

JUDGE ABDIAS TIDA: The merits are set at 1 p.m. on July 13th

Ex. 16: IJ Tida 3.12-5 at *1

KELSEY HINES: Respondent is not prepared to move to merits on July 15th as the calendar remains constrained in such a way that predetermines the outcome. DHS is not moving to advance these cases. There are multiple pieces of evidence that Respondent has been unable to gather in this short timeframe. And the CIJ's authority under 103.9(c) shall have no authority to direct to the results of an adjudication. So if the CIJ is able to schedule every Somali case for rapid merits in a matter of months, that's not a coincidence, that's policy. To answer your question directly, we oppose a setting of this hearing in July. However, I do not physically have another hearing on July 15th, 2026 at 1 p.m. And I'll be filing a written motion to continue outlining those reasons.

Ex. 17: IJ Taylor 3.16 at *2-5

KELSEY HINES: Your Honor, we are not prepared to move this matter to merits if the matter is going to be set for merits before October 2026. We are definitely not prepared to do so on an April 20th timeline. I can outline my reasons for that on the record orally today, if you would like. Otherwise, I'm happy to do so in writing.

JUDGE PHILIP P. TAYLOR: Okay.

KELSEY HINES: I do have another master with you next week. If we want to continue it to then, I'm happy to brief this issue on the [INDISCERNIBLE 00:03:57].

JUDGE PHILIP P. TAYLOR: Well, what's the main reason for not - what's the main reason for not wanting to go to a merits?

KELSEY HINES: Quite a few reasons. One is due process, the second is statutory right to counsel, and the other is there are multiple pieces of evidence that are physically unable to be initiated or gathered before a merits date is set. Traditionally, as reflected in several OPPMs, which I am happy to brief, it's explicitly contemplated that a non-detained merits is set out far in advance is the language that's used, which the OPPMs contemplate as a year or more. Setting, I have about two thirds of my EOIR docket, which was previously a very ethical and manageable caseload of about 100 cases. Of those, I have 73 that are natives and citizens of Somalia. Of those 73, 63, so about 85%, have been rapidly set or advanced in this Somali rocket docket scheduling initiative. I

have spoken at length with the Office for Lawyers of Professional Responsibility about my ability to competently prepare even one or two merits in that timeline, much less 63. And so, proceeding with the proposed timeline of anything in April, May, June, or even July of 2026, in these matters will directly prejudice the client and ultimately waste the court's resources insofar as it will lead to interlocutory appeals, remands, circuit court appeals, and so forth. I have a lot more reasons that I'm happy to brief.

****

KELSEY HINES: And if I may, Your Honor, can I just ask, for the record, just clarification on whether the decision to set the merits today is your independent adjudicative authority per CFR 103.10(b) or if you are setting this matter under what you perceive to be directives from perhaps the Chief Immigration Counsel's office under 103.9(b)(3), only because I do think that that distinction will matter to a reviewing body?

JUDGE PHILIP P. TAYLOR: Well, I don't know if it will or not, but I'm setting it based on the schedule that I have available for myself.

KELSEY HINES: So, is that the latter then, a directive based on your scheduling availability rather than your independent adjudicative authority?

JUDGE PHILIP P. TAYLOR: I'm not too sure if there's a difference. I'm telling you what days I have available in my schedule. These are the dates that I currently have open, and I'm trying to find you a one o'clock spot. So, I'm scheduling based on what I have available.

KELSEY HINES: Pursuant to the scheduling directives [INDISCERNIBLE 00:09:37].

JUDGE PHILIP P. TAYLOR: There's no scheduling... I don't have a scheduling directive. I schedule based on what I have available. So, what I have available for you, if you want a one o'clock slot, is May 26th of 2026.

KELSEY HINES: Okay. And just - I'm

not trying to be difficult. I'm just trying to get as clear of a record as possible for all parties involved. I just want to make sure I'm hearing you correctly that you don't believe you have the independent adjudicative authority at this time to set beyond what your schedule allows on this Somali docket.

JUDGE PHILIP P. TAYLOR: I scheduled...

KELSEY HINES: If [INDISCERNIBLE 00:10:19].

JUDGE PHILIP P. TAYLOR: If this was a... I'm just scheduling with the dates I have available. I just scheduled the next date I have available, so I'm not running any other directives. I'm not trying to make your life difficult. I'm scheduling with what I have available, and I've got dates available, and I gave you one. I don't know what else you need. I'm not, you know, this - my schedule is not dictated by anybody but myself. So, you know, that's the date I have available for a one o'clock hearing.

KELSEY HINES: Okay. That answers my question, that your schedule is set by you and you alone. That does help me frame my understanding of what's happening. Thank you.

JUDGE PHILIP P. TAYLOR: All right. Let me talk to the respondent real quick. All right, sir. We have a final trial currently scheduled for May 26.

Exhibit 1

2.17 - Brisack – 1
Democracy Forward Foundation
March 22, 2026
Transcript by TransPerfect

[00:00:00]

KELSEY HINES: Okay. I will have [redacted] hidden. If you could admit the other person that just says, "Kelsey Hines Client," that way, he can appear on the video in the next room over.

JUDGE CHRIS BRISACK: That's fine. All right. Let me go ahead and swear in the interpreter. To the interpreter, would you please raise your right hand. Thank you. Do you swear or affirm that the interpretation you'll provide from English to Somali and Somali to English will be true and accurate to the best of your abilities?

TRANSLATOR: Yes, I do.

JUDGE CHRIS BRISACK: Thank you. You can put your hand down. And so, to make sure I understand who's who, through the interpreter, to the individual who's seated and listed as "Kelsey Hines Client," can you tell me who you are?

[TRANSLATOR]

TRANSLATOR: [redacted]

JUDGE CHRIS BRISACK: Okay. Thank you, sir.

[TRANSLATOR]

JUDGE CHRIS BRISACK: All right. I'm going to let in the person who's named "Guest," who identified themselves as "Guest" and say who they are, and then we'll see if they - if there are any objections to them being allowed in. I've let in someone named "Guest." Can you tell me who you are, please. Hello. I see you've unmuted yourself. Who are you?

[redacted]: [redacted]

JUDGE CHRIS BRISACK: And do you have a case with me today or what? Through the interpreter, do you have a case with me today?

[TRANSLATOR]

TRANSLATOR: Yes, Your Honor. I have a case before you.

JUDGE CHRIS BRISACK: And I'm sorry. Tell me again your name.

[TRANSLATOR]

TRANSLATOR: [redacted]

[redacted]: [redacted]

JUDGE CHRIS BRISACK: Okay. Hold on a minute.

[TRANSLATOR]

JUDGE CHRIS BRISACK: Okay. I think that's number six. Okay. And, sir, you have an attorney, Nysha Diana Operana. Does that sound right?

[TRANSLATOR]

TRANSLATOR: Nysha.

JUDGE CHRIS BRISACK: Right.

TRANSLATOR: Yes. That's the name, Your Honor. Nysha.

JUDGE CHRIS BRISACK: Okay. That attorney has not joined us yet. We're not set to begin until at the earliest 8:30. So, I'm going to put you back in the lobby for right now.

[TRANSLATOR]

JUDGE CHRIS BRISACK: I'll come get you when we have your attorney.

[TRANSLATOR]

JUDGE CHRIS BRISACK: Okay?

[redacted]**:** [redacted]

JUDGE CHRIS BRISACK: Thank you.

TRANSLATOR: Thank you.

JUDGE CHRIS BRISACK: All right. Let me go ahead and introduce the first case. I am Immigration Judge Chris Brisack, and I'm here at the Conroe, Texas Immigration Court. Today is February - excuse me, sorry - 17, 2026. It's 8:13 in the morning. I'm ready to take up a case out of the Fort Snelling docket, and it is filed 246-306-194 in the matter of [redacted] - I'm sorry. [redacted],

[00:05:00]

[redacted] The respondent is appearing by televideo out of where he's located.

JUDGE CHRIS BRISACK: He is non-detained. He also is represented by an attorney, and she's appearing by televideo as well as is government counsel. Let me go ahead and get the attorneys to introduce themselves, and then we'll use the interpreter and have the respondent introduce himself. So, first though, could I ask Respondent's counsel, please introduce yourself.

KELSEY HINES: Good morning, Your Honor. Kelsey Hines, H-i-n-e-s, for Respondent.

KEVIN LEAR: Kevin Lear for the Department.

JUDGE CHRIS BRISACK: All right. Thank you. Through the interpreter, sir, I know you told me your name earlier, but I wasn't recording yet. Could you please repeat your name?

[TRANSLATOR]

TRANSLATOR: [redacted].

JUDGE CHRIS BRISACK: All right. Thank you. All right. In this particular case, this case got transferred to me. This is through the interpreter.

[TRANSLATOR]

JUDGE CHRIS BRISACK: Let me tell you, what I think I'm aware has happened previously.

[TRANSLATOR]

JUDGE CHRIS BRISACK: And then we'll talk about what should happen next. I believe that previously, a merits hearing had been set in the case for May 19 of 2027.

[TRANSLATOR]

JUDGE CHRIS BRISACK: This case has been pending for quite a while. There was an I-589 filed back in 2023.

[TRANSLATOR]

JUDGE CHRIS BRISACK: And the charge was previously sustained.

[TRANSLATOR]

JUDGE CHRIS BRISACK: So, it looks to me like although it would be subject to a much quicker hearing date, that it should be ready for a merits hearing.

[TRANSLATOR]

JUDGE CHRIS BRISACK: And Ms. Hines mentioned that she wanted to ask for a continuance.

[TRANSLATOR]

JUDGE CHRIS BRISACK: So let me get the positions of the attorneys.

[TRANSLATOR]

JUDGE CHRIS BRISACK: This is on how you believe we should proceed.

[TRANSLATOR]

JUDGE CHRIS BRISACK: Ms. Hines?

[TRANSLATOR]

KELSEY HINES: Your Honor, as it relates to this master calendar hearing, the reason I mentioned asking for a continuance is pure volume of hearings that I've been scheduled for today and in the coming weeks.

TRANSLATOR: Is that for interpretation, Your Honor, or are you talking to...?

JUDGE CHRIS BRISACK: Yeah. Please interpret.

TRANSLATOR: Okay.

[TRANSLATOR]

KELSEY HINES: I would like to put into the record that my client's hearing is part of a pretty unprecedented special calendar that seems to be devoted entirely to Somali respondents, beginning on the anticipated start date of Ramadan.

[00:10:00]

[TRANSLATOR]

KELSEY HINES: The purpose of today's hearing is unclear to counsel.

[TRANSLATOR]

KELSEY HINES: I would ask that Your Honor identify and provide both parties and put into the record all rules, memorandum, or directives governing the IJ's scheduling and conduct of this hearing that were not contained in the current statute regulations or policy manuals.

[TRANSLATOR]

KELSEY HINES: If we are proceeding with the master calendar hearing today, our ask is simply that we reset this for an individual hearing as it was previously set until very recently.

[TRANSLATOR]

KELSEY HINES: I've had no correspondence with counsel for the government.

[TRANSLATOR]

JUDGE CHRIS BRISACK: Okay.

KELSEY HINES: Thank you.

[TRANSLATOR]

JUDGE CHRIS BRISACK: Thank you. Mr. Lear?

KEVIN LEAR: Good morning, Your Honor. I think it's appropriate for the court to set this case for a merits hearing. Go ahead, Mr. Interpreter.

[TRANSLATOR]

KEVIN LEAR: I don't have any insight into the volume of cases that are moved or anything, but the court should continue, as it always does, to treat every case individually. This case appears to be ready for a merits hearing.

[TRANSLATOR]

JUDGE CHRIS BRISACK: Okay. Thank you.

[TRANSLATOR]

JUDGE CHRIS BRISACK: All right. To respond to a couple of the points made by Ms. Hines.

[TRANSLATOR]

JUDGE CHRIS BRISACK: Number one, the purpose of today's hearing is to get an assessment of where we're at on the case.

[TRANSLATOR]

JUDGE CHRIS BRISACK: And to see if there are any issues that I was not aware of that are not apparent from the record.

[TRANSLATOR]

JUDGE CHRIS BRISACK: And then to take the appropriate action to move the case forward.

[TRANSLATOR]

JUDGE CHRIS BRISACK: There are no specific directives governing me on this, other than the general directive, which is always true, to try to get to the merits as quickly as reasonably possible.

[TRANSLATOR]

JUDGE CHRIS BRISACK: Consistent with due process.

[TRANSLATOR]

JUDGE CHRIS BRISACK: All right. So, it appears to me - I realize that it would be a - it would accelerate the merits date, but it appears to me that the case has been pending for quite a while.

[TRANSLATOR]

JUDGE CHRIS BRISACK: And that it would be appropriate for me, I believe, to set it for a merits hearing date. And I'm looking at May of this year.

[00:15:00]

[TRANSLATOR]

JUDGE CHRIS BRISACK: And my current thinking is to set a document deadline of two weeks prior to whatever the merits date is.

[TRANSLATOR]

JUDGE CHRIS BRISACK: So, those are my general thoughts. I'm trying to remember if there's anything else Ms. Hines brought up that that doesn't cover.

[TRANSLATOR]

JUDGE CHRIS BRISACK: Let me go ahead and let you all respond to that and give me any specific thoughts.

[TRANSLATOR]

JUDGE CHRIS BRISACK: Ms. Hines?

KELSEY HINES: Your Honor, I'm totally on board with advancing the individual hearing.

[TRANSLATOR]

KELSEY HINES: And I respect the court's desire to resolve matters as promptly as possible.

[TRANSLATOR]

KELSEY HINES: In a normal situation, two and a half months or so would be more than enough time to prepare an individual hearing.

[TRANSLATOR]

KELSEY HINES: But I have been scheduled for master calendar hearings or advanced individual hearings in about half of my EOIR docket in the last week.

[TRANSLATOR]

KELSEY HINES: I'm okay with hearings being in a short time period, but I'd like a couple of months to get them ready. So I would ask for an individual hearing date sometime in June 2026 or later, if at all possible.

[TRANSLATOR]

JUDGE CHRIS BRISACK: Thank you. Mr. Lear, your input, if any.

[TRANSLATOR]

KEVIN LEAR: The department's ready to proceed whenever the court schedules the case for hearing on the merits.

[TRANSLATOR]

JUDGE CHRIS BRISACK: Okay. Thank you.

[TRANSLATOR]

JUDGE CHRIS BRISACK: Ms. Hines, I do not currently have dates available as far out as June. My docket is much more, I don't know what you call it, expedited or streamlined than that.

[TRANSLATOR]

JUDGE CHRIS BRISACK: So, I'm happy to try to work with you on dates in May, but I can't go into June.

JUDGE CHRIS BRISACK: I appreciate what you're saying, and your flexibility, and how you've said it on your side.

[TRANSLATOR]

JUDGE CHRIS BRISACK: But I'm going to go ahead and set these for hearing dates in May. If you end up with more specific problems or conflicts, then you can always file a motion in a specific case and bring up whatever the specific conflicts are.

[TRANSLATOR]

[00:20:00]

JUDGE CHRIS BRISACK: And I am sensitive and aware to the large number of cases that are being moved around.

[TRANSLATOR]

JUDGE CHRIS BRISACK: And I know you have a big percentage of them, apparently, but the same thing is happening with my schedule and dock.

[TRANSLATOR]

JUDGE CHRIS BRISACK: All right. So, I'll note - I'll trade in general that you are making an objection to the dates that I'm setting.

[TRANSLATOR]

JUDGE CHRIS BRISACK: If you want to add anything else for the record, that's fine, but then let's talk about specific dates.

[TRANSLATOR]

JUDGE CHRIS BRISACK: What I'd be particularly interested in trying to avoid, if I can, within reason, is if you already have other settings that are already at the same date and time.

[TRANSLATOR]

JUDGE CHRIS BRISACK: I'll try to work around those to the extent I, again, reasonably can.

[TRANSLATOR]

JUDGE CHRIS BRISACK: Do you have your calendar there?

[TRANSLATOR]

KELSEY HINES: I do.

JUDGE CHRIS BRISACK: Okay. Was there anything else you wanted to put on the record before we talk dates?

KELSEY HINES: No. Go ahead.

[TRANSLATOR]

JUDGE CHRIS BRISACK: All right. I have dates available. We'll start with mid-May, May 11 morning or afternoon, May 12 morning or afternoon, May 13 afternoon, May 14 morning afternoon, May 15 morning and afternoon. And I realize that you have, like, five cases or whatever. So if you want to be thinking about - if I was you, I couldn't help but think about all five.

JUDGE CHRIS BRISACK: And you can also tell me, for example, if you want, they're going to be very close together no matter what. But if you want me to try to accommodate something where, at least with me, your every other day or something like that, I'm open to trying to accommodate that also.

[TRANSLATOR]

KELSEY HINES: Your Honor, you mentioned your calendar does not go into June. Do you happen to have anything available the week of the 18th or the 25th?

[TRANSLATOR]

JUDGE CHRIS BRISACK: I do have May 18th. I don't have May 25th.

FEMALE 1: May 25th is a holiday.

JUDGE CHRIS BRISACK: Because that's a holiday, apparently.

[TRANSLATOR]

JUDGE CHRIS BRISACK: It's Memorial Day.

KELSEY HINES: My preference, Your Honor, actually, the entire week of the 11th and

[00:25:00]

the week of the 18th, I am open but for the morning of the 20th and the morning of the 21st.

JUDGE CHRIS BRISACK: Okay.

KELSEY HINES: I will ask if at all possible to spread the hearings out as much as physically possible. If we could do at least two or three days in between each one, if at all possible.

JUDGE CHRIS BRISACK: Okay.

[TRANSLATOR]

JUDGE CHRIS BRISACK: All right. I realize I may be jumping ahead and that it's unwarranted, so - because we still need to talk about the others. But let me give you the dates that I have available that are around the time that you're telling me, because I think those - that's reasonable. And then you can try to allocate those in the way that you think works best. But let's try to assume for now. Again, it may not end up that way, but for now, I think you have seven clients. So figure out the best way to allocate the seven. Okay? You understand what I'm saying?

KELSEY HINES: Yes, Your Honor.

[TRANSLATOR]

JUDGE CHRIS BRISACK: Okay. And I think you said May... Well, let me give you the dates. And I think you were talking about between, what was it, May 11, and what was the end date? The 20th? 21st? You said the week of May 11th and then the week - another week. I forget what you said.

KELSEY HINES: Yep. The week of May 11th, the week of May 18th, or the week of May 25th. [INDISCERNIBLE 00:27:01] the Court is closed, and that I have - I'm only physically scheduled in another courtroom the mornings of the 20th and the 21st.

JUDGE CHRIS BRISACK: Okay. Let me give you the dates that I'm going to ask that you choose from, and then you tell me what works best. Okay? Are you okay waiving interpretation of this logistical stuff?

KELSEY HINES: Sure. Interpreter, can you just explain quickly? We're going to waive interpretation for figuring out dates.

TRANSLATOR: Sure.

[TRANSLATOR]

JUDGE CHRIS BRISACK: All right. I've got May 11 morning or afternoon, so that's two choices, May 12th morning or afternoon, May 13 afternoon only, May 14 morning or afternoon, May 15 morning or afternoon, May 18, 19, 20, and 21 morning or afternoon on both, on all of those. And I know you mentioned a couple of those. You've already got other things. I think you said the morning of the 20th and 21st. So, I realize those won't work for you. So, just act as if I didn't offer those.

KELSEY HINES: Sure. So, just to be clear, the court is moving to set seven individual hearings over the course of a 10-day period?

JUDGE CHRIS BRISACK: Yep.

KELSEY HINES: Okay. I would just [INDISCERNIBLE 00:28:59] on the record to my ability to adequately prepare these cases in that time frame and respondents having a right to counsel. With that said, let's, I guess, start this one with May 21st in the afternoon.

JUDGE CHRIS BRISACK: I'm sorry, which one are we talking about?

KELSEY HINES: The hearing we're on right now, [redacted].

JUDGE CHRIS BRISACK: Okay.

KELSEY HINES: We can take this on May 21st in the afternoon.

JUDGE CHRIS BRISACK: Okay. Hold on. I'm making a note.

KELSEY HINES: Sure.

JUDGE CHRIS BRISACK: Okay. Keep going.

[00:30:00]

KELSEY HINES: Would you like me to give proposals for the others, Your Honor?

JUDGE CHRIS BRISACK: Yeah. Why don't we just make sure that - I realize you have your objections, but in general, let's make sure that we can have at least a tentative game plan and take it from there. And what we'll do, if it's all right with you, is we'll talk about what dates the court is going to set, and then we can talk to everybody as a group, basically, if you want to go over what's happened, and what we're doing, and the dates that would apply.

KELSEY HINES: Sure. I suppose it's due afternoons. I don't have any afternoon conflicts the week of the 11th or the 18th. So we can spread out the seven over those 10 days, however the Court would like, noting my objection.

JUDGE CHRIS BRISACK: Right. Okay. So we've got May 21st for [redacted]. And do you have a preference on - let's just take them one at a time. On [redacted], which are the dates?

KELSEY HINES: There's no preference on any of them. So I suppose let's do... I mean, some of these are going to be one day after another because there's seven people over 10 days, so...

JUDGE CHRIS BRISACK: Okay.

KELSEY HINES: I suppose, yeah, any afternoon.

JUDGE CHRIS BRISACK: Okay.

KELSEY HINES: Over that time period.

JUDGE CHRIS BRISACK: All right. Let's go with then, [redacted] we'll set for May 11 at one o'clock. [redacted], we'll have May 12 at one o'clock. Let's go with - for [redacted], go with May 14, one o'clock. For [redacted], go with [INDISCERNIBLE 00:33:01], I'm sorry, one o'clock.

KELSEY HINES: What was the date on that one? I apologize, Your Honor.

JUDGE CHRIS BRISACK: May 15.

KELSEY HINES: Okay.

JUDGE CHRIS BRISACK: Then you have two more. [redacted], let's go with [redacted], May 19, one o'clock. And [redacted], May 20th at one o'clock. Actually, would you prefer - I realize you don't prefer any of these, but given what I'm ruling, would you prefer that [redacted] be on May 18 at one o'clock? Because then, you'd do two in a row on the 18th and 19th. You'd have the 20th off. And then we have the very first one we set was the 21st. So, you'd have a day in between to get ready on that, otherwise...

KELSEY HINES: Sure. Yeah. Let's do... Yeah, let's do [redacted] on the 18th.

JUDGE CHRIS BRISACK: Right. Okay. I'm sorry. What I said earlier about that being May 20th at one o'clock, that's no longer correct.

KEVIN LEAR: Did you get all that?

FEMALE 1: Yes, sir. Trying to give her a call-up date.

KEVIN LEAR: I'm sorry, what?

[00:35:00]

FEMALE 1: Going to give her a call-up date.

JUDGE CHRIS BRISACK: Yeah. And the call-up date - excuse me, I'm sorry. The call-up date for all of these will be two weeks prior to whatever the merits date is.

KELSEY HINES: Understood, Your Honor.

JUDGE CHRIS BRISACK: Okay. All right.

KEVIN LEAR: Sorry. What was the date for [redacted]?

FEMALE 1: 5/15.

JUDGE CHRIS BRISACK: That was May 15 at one o'clock. All right. And Ms. Hines, I'm going to bring everybody back in and talk to everybody all at once. Did you say everybody's in a room outside of your office or something? Is that what you said?

KELSEY HINES: Yeah. Give me just one second. I'll get everybody in one room.

JUDGE CHRIS BRISACK: Hold on. Hold on, because I was just going to say, is there anything else anybody wants to put on the record before I bring in the respondents and summarize for the respondents kind of what's going on?

KELSEY HINES: Nothing for me.

JUDGE CHRIS BRISACK: Mr. Lear?

KEVIN LEAR: Nothing additional from the department at this time.

JUDGE CHRIS BRISACK: Okay. Then yes, Ms. Hines, if you'd please go ahead and get them and arrange - whatever is the best way for you. If you want to bring them into your office, if you want them to connect through the other one that's already connected, whatever works.

KELSEY HINES: Okay. [INDISCERNIBLE 00:37:12 – 00:37:32]

JUDGE CHRIS BRISACK: Hold on a minute while - I'm also going to change the recording to include everybody. Just a minute.

Exhibit 2

2.17 - Brisack – 2-7
Democracy Forward Foundation
March 22, 2026
Transcript by TransPerfect

[00:00:00]

JUDGE CHRIS BRISACK: Ms. Hines, let me just confirm: As far as you know, we've got all seven respondents in the other room there. Does that sound right?

KELSEY HINES: There is one respondent that is logged in virtually. He should be on now. He logged in at 8:30. I have six here in person with me, and the one that is attending virtually is [redacted].

JUDGE CHRIS BRISACK: Hold on. Let me find him. [redacted]. Okay. Yeah. He's signed in as [redacted]. Let me let him in.

KELSEY HINES: Great.

JUDGE CHRIS BRISACK: All right. For the interpreter, I've let in somebody named [redacted]. Are you [redacted]? And I'm sorry, I don't know how to pronounce your name, [redacted] For the interpreter. You're on mute, Interpreter.

TRANSLATOR: Yes, Your Honor. I muted myself earlier.

[TRANSLATOR]

TRANSLATOR: Yes. I'm [redacted].

JUDGE CHRIS BRISACK: Okay. Thank you. All right. Again, through the interpreter. I'm going to go ahead and talk to all of you that are clients of Ms. Hines.

[TRANSLATOR]

JUDGE CHRIS BRISACK: We've been talking about how the court should proceed in your cases.

[TRANSLATOR]

JUDGE CHRIS BRISACK: Your attorney had asked for more time before we move forward in the way that the court has decided we should and will move forward.

[TRANSLATOR]

JUDGE CHRIS BRISACK: And your attorney noted for the record some objections to that, things like - that that does not allow adequate time to prepare and other kind of due process challenges.

[TRANSLATOR]

JUDGE CHRIS BRISACK: But the Court has determined that we should go forward.

[TRANSLATOR]

JUDGE CHRIS BRISACK: And so, I have set merits dates in all of your cases.

[TRANSLATOR]

JUDGE CHRIS BRISACK: Those merits dates range between May 11 and May 21st.

[TRANSLATOR]

JUDGE CHRIS BRISACK: And all of these hearings are being set for the afternoon at one o'clock Central Time.

[TRANSLATOR]

JUDGE CHRIS BRISACK: And in all of these cases, the Court is also setting a document deadline of two weeks prior to each individual's merits hearing date.

[TRANSLATOR]

TRANSLATOR: Got it.

JUDGE CHRIS BRISACK: If your attorney is okay with it, I'll let her tell

[00:05:00]

each of you the specific dates that were agreed to.

[TRANSLATOR]

JUDGE CHRIS BRISACK: Ms. Hines, if you'd prefer, I can do it. But I'm just trying to save time.

[TRANSLATOR]

JUDGE CHRIS BRISACK: Okay.

KELSEY HINES: I'm okay relaying the dates, Your Honor. I would just like an opportunity at some point, while we're on the record in all of these cases, to get my objections on the record.

[TRANSLATOR]

JUDGE CHRIS BRISACK: Absolutely. That's where I was headed next.

[TRANSLATOR]

JUDGE CHRIS BRISACK: Okay. Go ahead. Whenever you're ready.

[TRANSLATOR]

JUDGE CHRIS BRISACK: And to the interpreter, you will need to interpret this, please.

TRANSLATOR: I will, Your Honor.

JUDGE CHRIS BRISACK: Thank you.

KELSEY HINES: I would like to add orally into the record that each of these seven respondents have had master calendar hearings scheduled with less than 15 days' notice.

[TRANSLATOR]

KELSEY HINES: That these advancements appear to be an unprecedented special calendar devoted entirely to respondents from one country: Somalia.

[TRANSLATOR]

KELSEY HINES: This follows several months of comments from our Executive,

[TRANSLATOR]

KELSEY HINES: calling citizens of Somalia, "Filthy, dirty, disgusting."

[TRANSLATOR]

KELSEY HINES: "I don't want them in our country. We don't want them in our country."

[TRANSLATOR]

KELSEY HINES: I have asked the court to please put into the record any rules or internal memoranda or directives governing the expedited nature of these Somali asylum hearings.

[TRANSLATOR]

KELSEY HINES: I have let the court know that in the last 10 days, I've been scheduled for about half of my EOIR docket, over a two-month period,

[TRANSLATOR]

KELSEY HINES: Forty-five cases that are at least showing in my portal. There perhaps may be more according to the Department at the beginning of the hearing.

[TRANSLATOR]

KELSEY HINES: These respondents have a right to legal counsel in these proceedings by statute and the ICPM.

[TRANSLATOR]

KELSEY HINES: As an attorney, I'm bound by ethical rules of competence, diligence, and communication.

[TRANSLATOR]

[00:10:00]

KELSEY HINES: And I have objected to the setting of seven individual hearings over a seven-day time period,

[TRANSLATOR]

KELSEY HINES: On the non-detained docket,

[TRANSLATOR]

KELSEY HINES: But understand that Judge Brisack does not have hearing dates later than May 21st available at this time.

[TRANSLATOR]

KELSEY HINES: And for all those reasons, we object to the setting of this individual hearing, but we'll do our very best to prepare.

[TRANSLATOR]

KELSEY HINES: That's it for Respondents. Thank you.

[TRANSLATOR]

JUDGE CHRIS BRISACK: All right. Thank you. In brief response, I'll just mention that - and in response to Ms. Hines' question about rules governing, I indicated that I did not have specific rules other than the general rule to try and get to cases as quickly and expeditiously as reasonably possible, consistent with due process.

[TRANSLATOR]

JUDGE CHRIS BRISACK: And then one other point, that it doesn't take away from the general gist of what Ms. Hines said, I'm not disagreeing with her point, that it's a lot of cases in a short period of time.

[TRANSLATOR]

JUDGE CHRIS BRISACK: But just to clarify, mostly because I don't want there to be confusion about the dates, I think she said there were seven hearings over seven days. I think it's actually seven hearings over 10 days.

[TRANSLATOR]

JUDGE CHRIS BRISACK: But I'm not saying that to minimize her point.

[TRANSLATOR]

JUDGE CHRIS BRISACK: All right. Mr. Lear, was there anything you wanted to put on the record with regard to any of these cases?

[TRANSLATOR]

JUDGE CHRIS BRISACK: Mr. Lear is the government attorney, by the way.

[TRANSLATOR]

KEVIN LEAR: I just would like to note that although we set all these for merits, they're not all similarly situated.

[TRANSLATOR]

KEVIN LEAR: It appears some of them have not had rights and advisals given.

[TRANSLATOR]

KEVIN LEAR: And some have not had pleadings taken.

[TRANSLATOR]

KELSEY HINES: Your Honor, if I may, [INDISCERNIBLE 00:14:57] have been filed in all seven.

[00:15:00]

[TRANSLATOR]

KELSEY HINES: I'm conceding - I can't go through each one, but a charge is conceded in at least all of the cases.

[TRANSLATOR]

KELSEY HINES: And we would waive a reading of the formal advisals.

[TRANSLATOR]

KELSEY HINES: Which I've already explained to each respondent and will do so again.

[TRANSLATOR]

JUDGE CHRIS BRISACK: And I'll just add to that, that I believe I double-checked, and I think that in every case, there has been an I-589 filed. It may have been a while ago, but there's at least a I-589 for each case.

[TRANSLATOR]

JUDGE CHRIS BRISACK: But Ms. Hines, I appreciate you acknowledging those things and helping us get past all that.

[TRANSLATOR]

JUDGE CHRIS BRISACK: Okay. I'm sorry. We may have interrupted you, Mr. Lear. You can please continue if you would like.

KEVIN LEAR: No, that's fine. That's helpful. I don't have files for these cases because they're not in EOIR exactly. So, the record's not quite clear for that, but I appreciate it.

[TRANSLATOR]

JUDGE CHRIS BRISACK: All right. So to all of the respondents, if you have any questions, you should talk to Ms. Hines. That's your best source for an answer.

[TRANSLATOR]

JUDGE CHRIS BRISACK: Was there anything else before we go off the record?

[TRANSLATOR]

KELSEY HINES: Nothing for Respondents.

[TRANSLATOR]

JUDGE CHRIS BRISACK: Mr. Lear, anything else?

KEVIN LEAR: Nothing else.

[TRANSLATOR]

JUDGE CHRIS BRISACK: All right. All right then. Thank you to everyone. We'll go ahead and have you disconnect. Thank you, Ms. Hines. You can also disconnect.

[TRANSLATOR]

KELSEY HINES: [INDISCERNIBLE 00:18:52]. Thank you.

JUDGE CHRIS BRISACK: Thank you.

TRANSLATOR: All right. Thank you. Bye-bye.

Exhibit 3

2.17 - Taylor
Democracy Forward Foundation
March 22, 2026
Transcript by TransPerfect

[00:00:00]

JUDGE PHILIP P. TAYLOR: All right. We should be on the record. This is Immigration Judge Philip P. Taylor. It's February 17th, 2026, 2:58 p.m. Eastern, 1:58 Central here on [redacted]. Here on behalf of the respondent, we have today...

KELSEY HINES: Good afternoon, Your Honor. Kelsey Hines, H-i-n-e-s, for Respondent.

JUDGE PHILIP P. TAYLOR: And on behalf of the department.

MALE 1: [INDISCERNIBLE 00:00:27].

JUDGE PHILIP P. TAYLOR: Welcome to you both. Our proceeding's interpreted into the Somali language. Our sworn Somali language interpreter is [INDISCERNIBLE 00:00:32]. Let me talk to the respondent for a moment. Good afternoon, sir. I'm Judge Taylor, and I've been assigned to your immigration case.

[TRANSLATOR]

JUDGE PHILIP P. TAYLOR: I'm going to talk to the lawyers about some preliminary matters, and I'll come back and talk with you, okay?

[TRANSLATOR]

JUDGE PHILIP P. TAYLOR: All right. Ms. Hines, a couple questions here. Is your client still residing in the United States?

KELSEY HINES: Yes.

JUDGE PHILIP P. TAYLOR: Is he seeking pre-conclusion voluntary departure?

KELSEY HINES: No.

JUDGE PHILIP P. TAYLOR: It looks like some written pleadings were filed, yes, on the 11th - February 11th, 2026. And it looks like admissions and concessions, is that correct?

KELSEY HINES: That's correct.

JUDGE PHILIP P. TAYLOR: All right. And I don't see a designated country. Does department have a recommendation?

MALE 1: [INDISCERNIBLE 00:01:41].

JUDGE PHILIP P. TAYLOR: All right. We'll designate Somalia as the country of removal should that become necessary in the future. I do see a couple of 589's, one August of '23, the other February 16th of this year. Looks like updated. Any relief other than the 589's filed?

KELSEY HINES: Not with the court, Your Honor. He does have a temporary protected status application pending with CIS, and I filed a copy of that. But before the Court, it's just the 589.

JUDGE PHILIP P. TAYLOR: Okay. All right. Yeah. I think I learned today that TPS is set to expire on March 17th. Let's see what happens with that. But in the end, TPS prevents removal, not necessarily proceedings. But we'll cross one bridge at a time, I guess. All right. I'm going to get this case in line to be reviewed. I've got to see if I can review it. If it stays with me and goes to a master calendar, we'll let you know. I'll keep it WebEx for everybody's convenience, and then it'll be 15 days for any additional evidence, okay?

KELSEY HINES: Sure. Can I have that part, that last part interpreted for respondent?

JUDGE PHILIP P. TAYLOR: Yes. Let me try it again. Let me just do - let me update them this way through the interpreter. All right. So, I've had a good talk with the lawyers.

[TRANSLATOR]

JUDGE PHILIP P. TAYLOR: I'm going to put your case in line to be reviewed.

[TRANSLATOR]

JUDGE PHILIP P. TAYLOR: If it gets scheduled for a final trial in front of me, I'll send a notice out.

[TRANSLATOR]

JUDGE PHILIP P. TAYLOR: And if I take the case to a final trial, then I'll keep it as a internet-based, video-based hearing for your convenience.

[TRANSLATOR]

JUDGE PHILIP P. TAYLOR: Please stay in contact with your lawyer.

[TRANSLATOR]

JUDGE PHILIP P. TAYLOR: If she calls asking for any information, or for documents, or to even have a meeting, please respond to her promptly.

[TRANSLATOR]

JUDGE PHILIP P. TAYLOR: Do you have any questions for me?

[TRANSLATOR]

JUDGE PHILIP P. TAYLOR: If he's talking, Ms. Hines, I can't hear him.

TRANSLATOR: Yeah, we can't hear. No. No, Your Honor.

JUDGE PHILIP P. TAYLOR: Okay. All right. Thank you. Let me talk to the lawyers again.

[TRANSLATOR]

JUDGE PHILIP P. TAYLOR: All right.

TRANSLATOR: Okay.

JUDGE PHILIP P. TAYLOR: Anything further on behalf of the respondents?

KELSEY HINES: There are a few additional things I would like to enter into the record, Your Honor, orally.

JUDGE PHILIP P. TAYLOR: Go ahead.

[00:05:00]

KELSEY HINES: First as to consideration or possible consideration of H-A-A-V-pretermission, I would just like to note that there are multiple disputed issues of fact.

JUDGE PHILIP P. TAYLOR: Okay. Do you want to submit something in writing? Because I'm going to review these before I get them scheduled. So, if you want to submit something in writing for me to consider, then please do.

KELSEY HINES: Sure. I was just orally mentioning that there were multiple issues of disputed issues of fact. Second, I would like to make a couple of notes about scheduling or requests as to scheduling if the Somali interpreter could interpret this.

TRANSLATOR: Yes, ma'am.

KELSEY HINES: I want to let Your Honor know that I, in the last 10 or so days, have been scheduled for 45 different cases on this new docket that seems to be dedicated exclusively to Somali nationals.

[TRANSLATOR]

KELSEY HINES: Following comments from our executive branch that Somali nationals are "filthy, dirty, disgusting, and we don't want them in our country."

[TRANSLATOR]

KELSEY HINES: I would ask Your Honor to identify and provide both parties and put into the record all procedural rules and memoranda or directives governing this new docket that has been created.

JUDGE PHILIP P. TAYLOR: Hold on. Well, you know, I just get assigned a docket. So, I think, you know, your concerns can be elevated elsewhere. What I'd ask - you know, I've got to get dockets done. They're assigned to me, so I've got to get them done. So if you have issues, like I said, I'm going to review these. If you think that there are issues that I need to, you know - like, you mentioned conflicts of facts. I don't know if that's going to be an H-A-A-V- issue for you, but whatever you want me to consider as I'm reviewing this to see if they can be set for merits, please get that filed. As far as conflicts, you know, I got just as many cases as you all are getting. So I try to get things scheduled where there's not conflicts, but that's kind of impossible to always do. So if a conflict comes up, please file, you know, a notice and list what cases you have so I can go and look at them. I try to resolve conflicts based upon oldest case first. So, you know, it helps to have numbers of cases that you have conflicts with so I can go through and look to see what the conflicts are. But, you know, I'm not trying to make you try, you know, three cases simultaneously. So, watch your docket. There's a lot of cases coming up. I've got a lot of cases. So, you know, just if you run into a conflict, file essentially a conflict notice, you know, letting us know that you have multiple cases on a day. We'll do what we can to make sure that your schedule works for you.

KELSEY HINES: Understood, Your Honor. I just wanted to make - put it into the record and into the DAR that this respondent has a right to legal counsel in these proceedings. And as an attorney, I'm bound by multiple ethical rules, including competence, diligence, and communication in a rapidly scheduled, at this point, we'll have... If these are all set between April or May, I will have more than 50 individual hearings in a month time frame. So I request that if an individual hearing is set, that it be set for June 2026 or later.

JUDGE PHILIP P. TAYLOR: Okay. Well, I don't know what I'm setting for, but again, if you come up with a conflict, you know, let us know right away and we'll - I'll see what I can... If there's a conflict with my cases, but I would say with anybody's court, anybody's docket if you wind up with conflicts, you know, file essentially what I would call a conflict notice. And we'll get it worked out for you. No one expects you to be in three places at once, okay?

KELSEY HINES: Understood, Your Honor.

JUDGE PHILIP P. TAYLOR: All right. I think that covers everything. So unless there's anything else, we can adjourn this. Anything from the department?

[TRANSLATOR]

MALE 1: [INDISCERNIBLE 00:09:35].

JUDGE PHILIP P. TAYLOR: All right. Let me ask the respondent. Sir, do you have any questions before we adjourn?

[TRANSLATOR]

TRANSLATOR: No.

JUDGE PHILIP P. TAYLOR: Okay. All right. Ms. Hines, anything further?

KELSEY HINES: Nothing for Respondent. Thank you.

JUDGE PHILIP P. TAYLOR: All right. We'll adjourn this on ITQ. Everybody have a great day.

KELSEY HINES: You as well.

[00:10:00]

TRANSLATOR: You too. Bye.

JUDGE PHILIP P. TAYLOR: If I can get it to adjourn TQ.

Exhibit 4

2.25 - Caborn - 1-2
Democracy Forward Foundation
March 22, 2026
Transcript by TransPerfect

[00:00:00]

JUDGE ANDREW J. CABORN: [INDISCERNIBLE 00:00:01] February 25th, 2026 on record 241-020-167, [INDISCERNIBLE 00:00:06] Respondent present with counsel Attorney Hines joining via WebEx, Kevin Lear for the department via WebEx, and our associate interpreter in the Somali language also via WebEx. Through our interpreter to the respondent: Sir, good morning. Can you please confirm your full name.

[TRANSLATOR]

TRANSLATOR: [redacted] [INDISCERNIBLE 00:00:28] [redacted].

JUDGE ANDREW J. CABORN: All right. Thank you, sir. And is Somali your preferred language?

[TRANSLATOR]

TRANSLATOR: Yes.

JUDGE ANDREW J. CABORN: All right. Thank you. I'm going to speak to your attorney about your case, sir, and I'll speak to you again.

[TRANSLATOR]

JUDGE ANDREW J. CABORN: All right. Good morning, Ms. Hines. So, in this matter, we do have an I-589, written pleadings, and also supporting documents. I understand from your last case that your schedule is rather packed. Do you want me to put this on the afternoon, same afternoon as your previous case? I understand that you are going to be seeking more time at some point, but do you want to set it on June 8th or set it on a different day?

KELSEY HINES: Yes. I would just like to see here, could we do at least, so that I don't have two individual hearings on the same day, could we do - you mentioned June 10th.

JUDGE ANDREW J. CABORN: Absolutely. Morning or afternoon?

KELSEY HINES: Afternoon, please.

JUDGE ANDREW J. CABORN: Okay. So, that's June 10th at one. And then any additional documents by the third. Anything else you would like to discuss for this matter?

KELSEY HINES: Yes, just very briefly, just so that it's in the record of proceedings. I would just like to note that the scheduling of this case was set with less than 30 days' notice for this master a non-detained docket, dedicated now exclusively to citizens and nationals of one country following comments from our Executive that citizens of this country are "filthy, dirty, and disgusting. I don't want them in our country. We don't want them in our country." I have

notified the court that of my about 100 or so defensive asylum matters, about 70 are citizens and nationals of Somalia. And in more than 60 of those, I have now been set for rapid hearing and have been told that these judges have orders, presumably from headquarters, that they cannot set these out more than a few months on the non-detained docket. So, I will be filing a written motion to continue for respondent's right to counsel and my ability to provide competent and quality legal representation in this case.

JUDGE ANDREW J. CABORN: All right. Thank you. Mr. Lear, anything from DHS before we conclude for the day?

KEVIN LEAR: No, Your Honor. Thank you.

JUDGE ANDREW J. CABORN: All right. Through our interpreter to the respondent: Sir, I've set your case for an asylum hearing on June 10th at one o'clock.

[TRANSLATOR]

TRANSLATOR: Okay.

JUDGE ANDREW J. CABORN: All right. Thank you, sir. That's all for today. We are adjourned.

KELSEY HINES: Could I just clarify on the record, Your Honor, I apologize, just that the filing deadline would be one week prior as well?

JUDGE ANDREW J. CABORN: That's correct. Yes. The third.

KELSEY HINES: Okay.

JUDGE ANDREW J. CABORN: All right. And we are adjourned.

Exhibit 5

3.3 - Caborn - 1-4
Democracy Forward Foundation
March 22, 2026
Transcript by TransPerfect

[00:00:00]

[INDISCERNIBLE 00:00:04 – 00:00:17]

[TRANSLATOR]

JUDGE ANDREW J. CABORN: Oh, you're on mute, sir.

[TRANSLATOR]

TRANSLATOR: [redacted] [INDISCERNIBLE 00:00:32]

JUDGE ANDREW J. CABORN: Thank you, sir. Your attorney, sir, has joined us via video. I will speak to your attorney.

[TRANSLATOR]

JUDGE ANDREW J. CABORN: And I'll speak to you again, sir.

[TRANSLATOR]

TRANSLATOR: Okay.

JUDGE ANDREW J. CABORN: All right. Good morning again, Ms. Hines. So in this matter, we have written pleadings in I-589. If you're ready to set to a merits hearing, I can offer you the morning of June 25th.

KELSEY HINES: Okay. Again, I'll be filing a written motion to continue given capacity and volume of hearing scheduled with one attorney in a short time frame. But for the purposes of setting today, I physically am available the morning of June 25th.

JUDGE ANDREW J. CABORN: All right. And that's at 10:30 or 8:30 on the 25th?

KELSEY HINES: Let's do 10:30.

JUDGE ANDREW J. CABORN: And that would leave the 18th as the filing deadline. Anything else you'd like to discuss?

KELSEY HINES: Nothing at this time, just incorporating the statement that I made earlier in the record.

JUDGE ANDREW J. CABORN: All right. Thank you. Ms. Stafford?

MS. STAFFORD: Nothing further from DHS. Thank you, Your Honor.

JUDGE ANDREW J. CABORN: All right. To the respondent, sir, I've set your case for an asylum hearing June 25th at 10:30 a.m.

[TRANSLATOR]

TRANSLATOR: Okay.

JUDGE ANDREW J. CABORN: All right. Thank you, sir. That's all for today.

[TRANSLATOR]

KELSEY HINES: I personally and many other colleagues of mine have never in our history of practicing before EOIRs, spanning many administrations, been scheduled for a non-detained individual hearing with less than one year notice, much less mere weeks. So for all those reasons, I would contest the rapid nature of this scheduling, and due process concerns, and concerns of targeted attacks on individuals from one nationality. Thank you.

JUDGE ANDREW J. CABORN: All right. Thank you. So, we are on the record in all four of Ms. Hines' matters. At this time, Ms. Stafford, did you wish to put anything on the record at this time?

MS. STAFFORD: Thank you, Your Honor. No.

JUDGE ANDREW J. CABORN: And with regard to the particular case ending [redacted], Ms. Hines, is there anything else that you would like to put on the record in that matter before we adjourn?

KELSEY HINES: Nope. That is it for that one.

JUDGE ANDREW J. CABORN: All right. Thank you. Let me adjourn... Oh, let me advise the respondent. I'm sorry. Through our interpreter to the respondent. Ma'am, I've scheduled your case for an asylum hearing on June 11th at 2:30 p.m.

[TRANSLATOR]

FEMALE 1: Okay.

TRANSLATOR: Okay.

JUDGE ANDREW J. CABORN: All right. Thank you, ma'am. That is all for today.

Exhibit 6

3.10 - 1
Democracy Forward Foundation
March 19, 2025
Transcript by TransPerfect

JUDGE ABDIAS TIDA: Are we on the record? This is immigration Judge Abdias Tida at the Houston Immigration Courts presiding over cases in the BLM jurisdiction. Today's date, March 10th, 2026. Before the court is the following case for a Master Calendar hearing, [redacted]. Respondent is present and is being represented by counsel. Counsel for the Respondent, please state your name for the record.

INTERPRETER: [Somali]

RESPONDENT: [Somali]

INTERPRETER: My name is [redacted].

JUDGE ABDIAS TIDA: Thank you.

RESPONDENT: [redacted].

INTERPRETER: [redacted].

JUDGE ABDIAS TIDA: All right. Morning, Counsel Hines. DHS is being represented by ACC Williams. We do have a Somali interpreter present as well. All right. To the Respondent, sir, do you give counsel permission to speak on your behalf?

INTERPRETER: [Somali]

RESPONDENT: Yes [in Somali]

JUDGE ABDIAS TIDA: All right. Thank you. All right. Counsel Hines, it looks like written pleadings were provided on February 11th, 2026. Respondent did concede proper service. Respondent admits allegation 1, 2, 3, 4, all right, and concedes the charge under 212(a)(6)(AI) and declines to designate based on his admissions and concessions. I'll sustain the allegations and the charge on the notice to appear, and find him removable as charged by current convincing evidence. As he is a native and citizen of Somalia, the court will direct Somalia as the country of removal if that becomes necessary. All right, counsel, it looks like there's a I-589 already on file per your written pleadings. The Respondent, let's see, I don't think it says on the written pleadings where he is alleging to have entered or when he had entered the United States, but it is his burden, and so we'll proceed with whatever evidence he's intent to submit. Is I-589 the sole avenue for relief, counsel?

KELSEY HINES: It is, Your Honor. Temporary protected status, obviously, is pending, there was just a lawsuit filed on that, but before the court, yes, the 589 is the sole relief.

JUDGE ABDIAS TIDA: Okay, all right, I guess we can set this for a merits hearing, give you time to supplement the record. I have dates in May. Are you available, counsel, I'll push this further back –

KELSEY HINES: No…

JUDGE ABDIAS TIDA: May 29th, by chance, at 1 p.m.?

KELSEY HINES: I am not available May 29th, I've got a list of conflicts in front of me. I would like to be very, very clear on the record that I, in total, have about 100 or so defensive asylum matters, about two-thirds of those are Somali natives, and the last, as I'm sure you're well aware, since the first week of February, apparently EOIR or DOJ has given some sort of directive to expedite these cases, which I understand and am in full support of. Moving forward with matters, this is obviously targeted toward one nationality, but I physically cannot do… As of now I'm at almost 70 cases, I cannot do 70 merits hearings in a two-month time frame.

JUDGE ABDIAS TIDA: Okay.

KELSEY HINES: I'm scheduled almost every day between now and July, so --

JUDGE ABDIAS TIDA: Well, let me tell you what it sounds like, counsel. It sounds like you need help, and you might need another attorney to help you. That's what it sounds like.

KELSEY HINES: That's --

JUDGE ABDIAS TIDA: So anyway, so here's what we'll do. I get it, but I've got to hear all of them, so, hey, we're all going to have to deal with this docket one way or the other. All right, so--

KELSEY HINES: Where is this directive coming from? [CROSSTALK 00:04:28]

JUDGE ABDIAS TIDA: Hey, counsel, counsel, counsel, hold on, hold on, hold on. Counsel, there's no soliloquies on my docket. We're trying to just hammer out a date for this merits. We're not discussing policy or directives. The only thing that interests me right now is the date for this merits. That's it. All right, so --

KELSEY HINES: Okay, can we set it for July or later, and if not, why?

[00:05:00]

JUDGE ABDIAS TIDA: Counsel, you seem to think that you're going to, like, run this hearing. You're demanding answers to questions that I don't have. Like I said, we're

going to hammer out a date. I don't even know why we're having this conversation. So let's figure out a date for the merits, and we'll move on. Understood? I'll wait. Do you understand, counsel?

KELSEY HINES: Understand what?

JUDGE ABDIAS TIDA: Okay. Good. All right. So what do we have in June, Norma?

KELSEY HINES: I am unavailable for March, April, May, or June. So setting it for July will be [CROSSTALK 00:05:37].

JUDGE ABDIAS TIDA: Counsel, please be quiet. Give me a second. Give me a second.

KELSEY HINES: Okay. I apologize.

JUDGE ABDIAS TIDA: My goodness. It's not that serious.

KELSEY HINES: It's very serious. This is this man's life.

JUDGE ABDIAS TIDA: No, it's not. No, I'm not talking about the Respondent, Counsel. It's not that serious that we're trying to figure out a date. You're making this way more difficult than it needs to be. We all are just trying to figure this out so we can set the merits, but you're making a problem out of it. There's no issue here.

NORMA: June 3rd at 10:30?

JUDGE ABDIAS TIDA: June 3rd? What time?

NORMA: June 5th at one o'clock?

JUDGE ABDIAS TIDA: All right, so June 5th at one. Anything else in June?

NORMA: June 8th at one o'clock.

JUDGE ABDIAS TIDA: Anything else?

NORMA: June 11th.

JUDGE ABDIAS TIDA: June 11th. All right. I have June 5th at 1 o'clock, June 8th at 1 o'clock, and June 11th at 1 o'clock. Any one of those work?

KELSEY HINES: I have 1 p.m. individual hearings each of those days.

JUDGE ABDIAS TIDA: Okay. What about mornings on those days?

NORMA: June 8th at 10:30.

JUDGE ABDIAS TIDA: June 8th at 10:30.

KELSEY HINES: We're setting now merits twice a day?

JUDGE ABDIAS TIDA: Counsel, does June 8th at 10:30 work for you, yes or no?

KELSEY HINES: No.

JUDGE ABDIAS TIDA: We're going to set it on June 8th.

KELSEY HINES: I do not have –

JUDGE ABDIAS TIDA: We're setting this on June 8th at 10:30. All right. Your call-up will be 10 days prior to the date of the hearing. I don't know what you all think this is. All right. So June 8th at 10:30 for the merits, call-up 10 days prior to the date of the hearing. Please advise the Respondent to pay his asylum fees. Anything else, counsel?

KELSEY HINES: Yeah, I'll be filing a written motion to continue, and the department has not asked to advance this matter.

JUDGE ABDIAS TIDA: Very good. And I'll review it. Counsel Williams, anything on this matter?

ACC WILLIAMS: No, Your Honor. Nothing further on this matter.

JUDGE ABDIAS TIDA: All right. We're adjourned. Oh, to the Respondent. Sir, keep in touch with your attorney. You'll be further advised. That is all for today. We are adjourned.

INTERPRETER: [Somali]

RESPONDENT: Aye.

INTERPRETER: OK.

JUDGE ABDIAS TIDA: Thank you.

Exhibit 7

3.10 - 2
Democracy Forward Foundation
March 19, 2025
Transcript by TransPerfect

JUDGE ABDIAS TIDA: We're on the record This is Immigration Judge Abdias Tida at the Houston Immigration Courts presiding over cases in the BLM jurisdiction. Today's date is March 10, 2026. Before the court is the following case for a master calendar hearing. [redacted]. Mr. [redacted] is present and is being represented by counsel. Counsel, please state your name for the record.

KELSEY HINES: Good afternoon, Your Honor. Kelsey Hines for Respondent.

JUDGE ABDIAS TIDA: Thank you. DHS is being represented by ACC Williams. We do have a Somali interpreter present whom the court has sworn in. All right, to the Respondent, sir, good afternoon to you. Your attorney is present. Do you give counsel permission to speak on your behalf?

INTERPRETER: [Somali]

RESPONDENT: [Somali]

INTERPRETER: Yes.

JUDGE ABDIAS TIDA: Thank you. All right. Looks like written pleadings were filed on February 11, 2026. Respondent concedes proper service. Respondent also concedes to the sole charge of removal and declined to designate. The Respondent also concedes to the allegations therein. All right, and so based on the Respondent's admissions and concessions, I'll sustain the allegations and the charge on the notice to appear. I find the Respondent removable as charged by clear and convincing evidence. As the Respondent is a native and citizen of Somalia, court will designate Somalia as the country of removal if that becomes necessary. All right, counsel, it looks like we have a 9589 on file. Are you prepared to move this to a merits hearing?

KELSEY HINES: I am, Your Honor. As you're aware from other matters, we are explicitly requesting that this matter be set for a date in July 2026 or later. I can give my reasons for that whenever you are ready.

JUDGE ABDIAS TIDA: Well, what are your reasons?

KELSEY HINES: My reasons are that since February 2026, so in the last 30 days, approximately two-thirds of my EOIR docket has been rapidly advanced without motion by DHS. All of these individuals are natives and citizens of Somalia. And while I recognize this court's desire and DOJ's desire to move cases forward expeditiously, and I agree with that intention and that motive, that must be done in such a way that Respondents are not stripped of their ability to have counsel of their choice. And when one attorney has what is a very ethical number of cases before EOIR, and two-thirds, almost 70 cases, are rapidly set back to back to back to back, that's not due process. I may ethically need to withdraw from several of these cases. I know at a prior master, you

recommended that I hire a new attorney. I can't… If all of these cases were being set for this fall, I could cancel everything else and focus on just prepping these. But this blitz, this scheduling blitz is unsustainable for these Respondents who have a right under the ICPM and by statute to counsel of their choosing.

JUDGE ABDIAS TIDA: Okay. All right. So what do we have available in June?

NORMA: [Off-Mic 00:04:04]

JUDGE ABDIAS TIDA: All right. All right. So the court has eight thirties, ten thirties, and one o'clock slots. And I mean, at least from the court's experience, some of the ten thirties, depending on what happens at eight thirty, may or may not be rescheduled at the time of the merits hearing. And so what the court will do is do its best to accommodate the Respondents. At least at this time, the court's calendar goes up to June 30th and not beyond that. And so what the court will do is attempt to provide you, counsel, with the latest dates and time slots that it has. And certainly you can file a motion in the future, but that's the best I can do. All right. Are you available, counsel, on June 30th at 1 p.m.?

[00:05:05]

KELSEY HINES: I am not available anytime in June, as mentioned. However, if the question is, am I physically scheduled for another hearing at 1 p.m. on June 30th? Is that the question that I'm being asked?

JUDGE ABDIAS TIDA: Well, I'm not asking if you're going to the beach, Counsel. We're talking about a hearing. What else would I be asking? I'm asking you, are you available for a hearing on June 30th at 1 o'clock?

KELSEY HINES: And I'm telling you, I am not available, given the amount of cases that have been rapidly set and advanced. I am not available to represent this individual in April, May or June. The date of June 30th at 1 o'clock, I do not have another individual hearing scheduled that day, if that is the question that you are asking.

JUDGE ABDIAS TIDA: All right. So June 30th, 1 o'clock for this one. All right. Your call up will be 10 days prior to the date of the hearing, which will be June 20th for a merits hearing.

KELSEY HINES: I would like the digital audio recording to reflect that counsel for the department seemed to laugh and claps in laughter.

ACC WILLIAMS: Your Honor, just for the record, no one was laughing or clapping. I sat down in my chair because my shoe fell off and I got back up. I just want that record to reflect that. And if counsel has a problem with me sitting down and standing up, she can

take it up with whoever she wants to. But just for the record, what you will not do is say I did anything disrespectful to your client, you, or this court. Thank you, Your Honor.

JUDGE ABDIAS TIDA: Thank you, Counsel Williams. All right. This matter is set for merits on June 30th, 2026 at what time did I say 1 o'clock? 1 p.m. All right. Call up for any additional documents will be June 20th. All right. Anything further on this, Counsel Hines?

KELSEY HINES: I will just add, we are very much reaching a point where I physically will not have slots available, even if I'm not preparing any of these cases and I'm doing nothing but individual hearings. And I know I have five more master calendar hearings with you today, quite a few on Thursday and quite a few next week. So I just want the record to reflect that. These Respondents are effectively being told that they cannot have the attorney of their choice.

JUDGE ABDIAS TIDA: All right. To the Respondent, to the interpreter: Sir, your final hearing will be held on June 30th, 2026.

INTERPRETER: [Somali]

JUDGE ABDIAS TIDA: Mr. Interpreter, that wasn't clear at all. Your voice sounds very muffled. Let's try that again.

INTERPRETER: Okay, okay.

JUDGE ABDIAS TIDA: Sir, your hearing will be held on June 30th, 2026.

INTERPRETER: Okay. [Somali]

RESPONDENT: [Somali]

INTERPRETER: [Somali]

RESPONDENT: [Somali] Thank you.

INTERPRETER: All righty, I have that, thank you.

JUDGE ABDIAS TIDA: All right, sir. Keep in touch with your attorney and she will further advise you. That is all for now. Thank you.

RESPONDENT: Thank you, Your Honor.

INTERPRETER: [Somali]

JUDGE ABDIAS TIDA: You're welcome, Sir.

RESPONDENT: [Somali]

INTERPRETER: Thank you.

JUDGE ABDIAS TIDA: Thank you. We're adjourned.

Exhibit 8

3.10 - 3
Democracy Forward Foundation
March 19, 2025
Transcript by TransPerfect

JUDGE ABDIAS TIDA: We're on the record, this is Immigration Judge Abdias Tida at the Houston Immigration Courts presiding over cases in the BLM jurisdiction. Today's date is March 10th, 2026. Before the court is the following case for a master calendar hearing [redacted]. Mr. [redacted] is present and is being represented by counsel. Counsel, please state your name for the record.

KELSEY HINES: Kelsey Hines for Respondent.

JUDGE ABDIAS TIDA: Thank you. DHS is being represented by ACC Williams. We do have a Somali interpreter present whom the court has sworn in. Mr. [redacted], good afternoon to you, sir. Your attorney is present. Do you give counsel permission to speak on your behalf?

INTERPRETER: [Somali]

RESPONDENT: Yes [in Somali].

JUDGE ABDIAS TIDA: Thank you, sir. All right, looks like written pleadings were filed on June 19th, 2025. The Respondent concedes proper service of the notice to appear, admits the allegations one through five, and concedes the second charge of removal based on the Respondent's concessions. I'll sustain the allegations in the charge on the notice to appear and find the Respondent removable as charged by clear and convincing evidence, and to be clear, for the record, the charge being conceded to is 212(a)(6)(a)(i) of the…uh…and so the Respondent is removable as charged. And the court will direct Somalia as the country of removal as it is the Respondent's country of nativity and citizenship. All right, we do have an application for asylum on file. All right, counsel, looks like this matter is right to be set for a merits hearing. Are you prepared to move this to a merits hearing?

KELSEY HINES: I have repeatedly stated that I am not available May or June. I am being told that the court only has openings through June 30th, 2026, effectively depriving this individual of his right to counsel. And what is happening here today is not right or normal.

JUDGE ABDIAS TIDA: All right, so actually the court no longer has June 30th. We gave that to you. And so now the last date we have available is June 29th. All right, counsel, are you available June 29th at 1 p.m. for a merits hearing?

KELSEY HINES: This leaves no time to prepare my actual cases. I do not have another hearing scheduled at the exact same time as June 29th as you just proposed. I cannot effectively prepare these cases in that time period.

JUDGE ABDIAS TIDA: All right, thank you, counsel. The court will set this matter for a merits hearing on June 29th at 1 p.m. central. The call-up date will be 10 days prior to

the date of the hearing, which will be June 19th. For the record, the court gave counsel the furthest date that it has available. All right, and anything on this, Counsel Williams?

ACC WILLIAMS: Nothing from the department, Your Honor.

JUDGE ABDIAS TIDA: All right, the Respondent should also be reminded, counsel, to pay the asylum fees. Again, I understand that counsel, as previously stated, may have some issues with the date being assigned for the merits hearing. Counsel is certainly permitted to put any grievances or anything it wished to make the court aware of in a motion. If there's nothing further, to the Respondent, sir, your final hearing will be held on June 29th, 2026, at 1 p.m.

INTERPRETER: [Somali]

JUDGE ABDIAS TIDA: All right, keep in touch with your attorney, and she will further advise you. That is all for now. Thank you.

INTERPRETER: [Somali]

JUDGE ABDIAS TIDA: All right, we are adjourned. Thank you.

Exhibit 9

3.10 - 4
Democracy Forward Foundation
March 19, 2025
Transcript by TransPerfect

JUDGE ABDIAS TIDA: We're on the record. This is Immigration Judge Abdias Tida at the Houston-Jefferson Street Immigration Court presiding over cases in the BLM jurisdiction. Today's date, March 10th, 2026, before the court is the following case for a master calendar hearing, [redacted]. Respondent is present and is being represented by counsel. Counsel, please state your name for the record.

KELSEY HINES: Kelsey Hines for Respondent.

JUDGE ABDIAS TIDA: Thank you. DHS is being represented by ACC Williams. We do have a Somali interpreter present whom the court has sworn in. All right, Madam [redacted], good afternoon. Your attorney is present. Do you give counsel permission to speak on your behalf?

INTERPRETER: [Somali]

RESPONDENT: Yes [in Somali]

JUDGE ABDIAS TIDA: All right, thank you. Looks like pleadings have already been taken in this matter by a prior judge. This case was transferred over to me. Recently, pleadings were taken on July 9th, 2024. There is an I-589 on file and was filed on November 14th, 2023. An updated application, it seems, was filed on April 23rd, 2025. All right, counsel. Looks like this matter is right to be scheduled for a merits hearing. Are you prepared to do so?

KELSEY HINES: I am not available April, May, or June. I am being told that the most up-to-date date available is June 29, 2026. I agree this case is ready for a merits hearing. I strongly disagree with what is happening here today, and I would like the record to reflect that this individual is being deprived of her ability to prepare her case, to document her case, and to have counsel of her choosing. This is a massive due process violation.

JUDGE ABDIAS TIDA: Thank you. Do you have a hearing…are you free for a hearing, rather, counsel, on June 29th, 2026 at 8:30 a.m.?

KELSEY HINES: I am scheduled with you at 1 p.m. That is thus far the only hearing I am physically scheduled for that day.

JUDGE ABDIAS TIDA: Okay. All right. So this hearing will be held, the merits hearing, on June 29th, 2026 at 8:30 a.m. The call-up date will be June 19th. For any additional docs.

KELSEY HINES: If I may, Your Honor, is there anything on the record on this one or the next few that DHS -- I just was curious if we wanted to stipulate to anything, perhaps, to speed things up, or if DHS can stipulate to anything, I guess, at this time?

ACC WILLIAMS: We will not be stipulating, Your Honor.

JUDGE ABDIAS TIDA: There you have it. All right. So the call-up date is June 19th. Again, any grievances or issues concerning the court's management of its docket and the time slots that it has available, counsel can certainly can put it in a motion or contact the appropriate parties. All right. If there is nothing further, to the Respondent, your final hearing will be held on June 29th, 2026 at 8:30 a.m.

INTERPRETER: [Somali]

JUDGE ABDIAS TIDA: All right. Keep in touch with your attorney. She will further advise you, Madam. That is all for today.

INTERPRETER: [Somali]

JUDGE ABDIAS TIDA: All right, thank you, we're adjourned.

Exhibit 10

3.10 - 5
Democracy Forward Foundation
March 19, 2025
Transcript by TransPerfect

JUDGE ABDIAS TIDA: All right, we're on the record. This is Immigration Judge Abdias Tida at the Houston Immigration Courts presiding over cases in the BLM jurisdiction. Today's date, March 10th, 2026. Before the court is the following case for master calendar hearing [redacted]. Respondent is present and is being represented by counsel. Counsel, please state your name for the record.

KELSEY HINES: Kelsey Hines, for Respondent.

JUDGE ABDIAS TIDA: Thank you, DHS is being represented by ACC Williams. We do have a Somali interpreter present whom the court has sworn in. To the Respondent, good afternoon, Madam [redacted]. Your attorney is present. Do you give counsel permission to speak on your behalf?

INTERPRETER: [Somali]

RESPONDENT: Yes, [in Somali]

JUDGE ABDIAS TIDA: Thank you. All right, written pleadings. Let's see, were pleadings taken? No, pleadings were not taken yet. All right, written pleadings were filed on June 13th, 2025. Those pleadings, the Respondent conceded proper service. Respondent admits allegations one, two, three, and four and conceded the charge under 212(a)(6)(A)(I)(I) and declines to designate a country should removal become necessary. Based on those admissions and concessions, the court will sustain the allegations and the charge in the notice to appear, find the Respondent removable as charged by clear and convincing evidence. As the Respondent is a native and citizen of Somalia, court designates Somalia as the country of removal if that becomes necessary. All right, looks like we have an I-589 on file, evidence filed recently as well. All right, counsel, looks like this matter is right for a merits hearing. Are you prepared to move this to a merits?

KELSEY HINES: I'm not prepared to move forward to a merits if we are moving it forward to June, 2026, as I cannot competently represent this individual and that does not leave sufficient time for her to prepare this case. I would ask for a continued merits hearing.

JUDGE ABDIAS TIDA: All right, are you asking for continuance because you don't have time to prepare this case, counsel?

KELSEY HINES: That's correct, I've been scheduled for approximately two-thirds of my docket in the last 30 days. I am scheduled for hearing almost every morning and afternoon between now and the end of June. I cannot physically, ethically, and competently represent what was previously an incredibly ethical and manageable caseload. And I have spoken at length with the Office for Lawyers of Professional Responsibility about this matter.

JUDGE ABDIAS TIDA: Okay, I don't find good cause in your continuance and so the motion is denied. The court will schedule this matter for a merits hearing and give the Respondent the appropriate time to prepare. All right, do you have a hearing…are you available, counsel, for a hearing on May 21st, 2026 at 10:30 a.m.?

KELSEY HINES: I have a morning and afternoon hearing on May 21st. I would ask, if at all possible, if you have anything in late June or the latest date that you possibly have, considering the fact that you're asking or inviting me to file a motion and it appears that's a foregone conclusion.

JUDGE ABDIAS TIDA: Is June 8th available at 1:00?

KELSEY HINES: I have morning and afternoon individual hearings on June 8th.

JUDGE ABDIAS TIDA: Okay, what about June…

KELSEY HINES: We're very soon going to be reaching I physically don't have the slots, so.

JUDGE ABDIAS TIDA: June 9th, what about June 9th, counsel, at 1:00?

KELSEY HINES: I will, again, be filing a motion to continue that I am sure will be denied. I do not technically have another hearing June 9th at one o'clock.

JUDGE ABDIAS TIDA: All right, this matter will be set for June 9th at one o'clock. The call up for any additional docs will be May 26th. All right, yeah, certainly if counsel wishes to file a motion to continue or motion for any other reason, court will certainly review that motion. To the Respondent, your final hearing will be held on June 9th, 2026.

INTERPRETER: [Somali]

JUDGE ABDIAS TIDA: Keep in touch with your attorney. She will further advise you.

INTERPRETER: [Somali]

JUDGE ABDIAS TIDA: All right, thank you, that is all for today.

INTERPRETER: [Somali]

JUDGE ABDIAS TIDA: All right, we're adjourned.

Exhibit 11

3.10 - 6
Democracy Forward Foundation
March 19, 2025
Transcript by TransPerfect

JUDGE ABDIAS TIDA: We're on the record. This is Immigration Judge Abdias Tida at the Houston Immigration Courts presiding over cases in the BLM jurisdiction. Today's date, March 10th, 2026. Before the court, is the following case for master calendar hearing [redacted]. Respondent is present and is being represented by counsel. Counsel, please state your name for the record.

KELSEY HINES: Kelsey Hines for Respondent.

JUDGE ABDIAS TIDA: Thank you. DHS is being represented by ACC Williams. We do have a Somali interpreter present whom the court has sworn in. All right. Looks like pleadings were previously taken by a prior judge on June 13th, 2025. There is an I-589 on file as well. All right. And the fees were paid for the application receipt provided on March 10th, 2026. All right. Looks like this matter is ready to be scheduled for a merits hearing. Counsel, are we moving this to a merits hearing?

KELSEY HINES: I'm orally asking for continuance of this master calendar hearing. I have been scheduled for two-thirds of my docket in the last 30 days. This initiative, which is purely led by EOIR or DOJ, has absolutely decimated the ability for Somali asylum seekers to have counsel of their choosing in due process. And frankly, what is happening here today is an absolute embarrassment.

JUDGE ABDIAS TIDA: All right. The motion to continue is denied. Respondent counsel hasn't provided good cause. And so the court will set this matter for a merits hearing and will give the Respondent the appropriate time to prepare for the hearing. All right. Counsel, are you available for a hearing on June 25th at 1 p.m.?

KELSEY HINES: I am not. I have an individual hearing that exact same time, out of state.

JUDGE ABDIAS TIDA: OK. What about June 18th at 1 p.m.?

KELSEY HINES: I am not. I will be on a plane to an out-of-state individual hearing.

JUDGE ABDIAS TIDA: June 17th at 1 p.m.?

KELSEY HINES: I have individual hearings June 15th, 16th, 17th, 18th.

JUDGE ABDIAS TIDA: At 1 p.m.?

KELSEY HINES: Yes.

JUDGE ABDIAS TIDA: All right. What about June 17th at 10:30 a.m.?

KELSEY HINES: I have not personally ever had an individual hearing take less than two, three hours. So I don't know how I could possibly be done by one o'clock.

JUDGE ABDIAS TIDA: Counsel, do you have a hearing on June 17th, 2026, at 10:30 a.m.?

KELSEY HINES: I do not have a hearing June 17th at 10:30 a.m.

JUDGE ABDIAS TIDA: This matter is going to be set for a merits hearing on June 17th at 10:30 a.m. All right. Call-up date will be 10 days prior to the date of the hearing. All right. Let's set the call-up date for June 4th, as a matter of fact, 2026. All right. And just for an FYI for parties, this is going to be a 10:30 merits. If the court has an 8:30 and has to push the 10:30 forward or to a different date, the court will certainly contact parties or inform parties and try to get some concurrence on a new date. However, at this time, this will be set for 10:30 a.m. All right. To the Respondent, to the interpreter, your final hearing will be held on June 17th, 2026, at 10:30 a.m. Wait, was that the date, the 17th, right? Yeah. June 17th at 10:30 a.m. Go ahead, Mr. Interpreter.

INTERPRETER: [Somali]

JUDGE ABDIAS TIDA: All right. Keep in touch with your attorney and she will further advise you.

INTERPRETER: [Somali]

RESPONDENT: Okay.

JUDGE ABDIAS TIDA: All right. Thank you. That is all for now. Thank you, ma'am.

INTERPRETER: [Somali]

JUDGE ABDIAS TIDA: All right. We're adjourned.

Exhibit 12

3.12 - 1
Democracy Forward Foundation
March 19, 2025
Transcript by TransPerfect

JUDGE ABDIAS TIDA: We're on the record, this is Immigration Judge Abdias Tida at the Houston Immigration Courts presiding over cases in the BLM jurisdiction. Today's date is March 12, 2026. Before the court is the following case for a master calendar hearing, a number [redacted]. Respondent is present and is being represented by Counsel Hines. DHS is being represented by ACC Dio Loren. We do have a Somali interpreter present whom the court has sworn in. Good morning to the Respondent. Good morning, sir. Your attorney is present. Do you give counsel permission to speak on your behalf?

RESPONDENT: Yes, Your Honor.

INTERPRETER: [Somali]

RESPONDENT: Yes.

JUDGE ABDIAS TIDA: All right, thank you, sir. This matter was transferred over to me from a prior judge. It looks like pleadings were already taken on December 12, 2024. I-589 was filed on January 10, 2025. The court also has the receipt that the application fees were paid. Well, this matter is right to be moved to a merits hearing at this time and so the court will do so. All right, let's see when you have some availability.

KELSEY HINES: Your Honor –

JUDGE ABDIAS TIDA: Yes, counsel?

KELSEY HINES: Your Honor, we're not we're not prepared to move to merits today if this calendar remains constrained in such a way that predetermines the outcome. Respondent's not prepared to set this matter for merits in April, May, or June of 2026. I'm asking for the opportunity to have two to five minutes to explain why on the record. I'm happy to do so in all seven cases today if you would like to record all at once, but I would like the opportunity to explain why we are not prepared to move to merits in any of these seven matters that I have before you this morning.

JUDGE ABDIAS TIDA: All right, in all seven cases you can file a motion to explain why you're not prepared. All right, so what I'll do right now… I don't see what's funny, counsel.

KELSEY HINES: It's not, it's not funny.

JUDGE ABDIAS TIDA: Is something funny?

KELSEY HINES: [INDISCERNIBLE 00:02:25]

JUDGE ABDIAS TIDA: Am I Cedric the entertainer? Am I a comedian? Nothing's funny. I don't know what's…I don't know what's wrong with you. What's funny? Is something funny?

KELSEY HINES: I think nothing is funny about what's happening here today, Your Honor.

JUDGE ABDIAS TIDA: Then why are you laughing?

KELSEY HINES: It was not a laugh. It was a reaction to being told that --

JUDGE ABDIAS TIDA: All right, never mind, counsel.

KELSEY HINES: -- I cannot –

JUDGE ABDIAS TIDA: Let's see when you're available, counsel.

KELSEY HINES: What is the point of having a lawyer? What is the point of having a lawyer if I'm not allowed to speak?

JUDGE ABDIAS TIDA: Counsel…counsel…counsel

KELSEY HINES: You will not rule on my motion. I am allowed to speak, Your Honor.

JUDGE ABDIAS TIDA: Counsel, you haven't made a motion, so be quiet.

KELSEY HINES: Your Honor, you talk above me every single time.

JUDGE ABDIAS TIDA: Counsel, you haven't made a motion. Be quiet.

KELSEY HINES: I have, I have filed multiple motions with you with direct scheduling conflicts and you have denied them.

JUDGE ABDIAS TIDA: Counsel, you have not made a motion this morning. Counsel…

KELSEY HINES: Yesterday you denied motions for direct scheduling conflicts.

JUDGE ABDIAS TIDA: Counsel, I will mute you. I will not be talking at the same time as you. You have not made a motion this morning. You are disrespectful and rude and the court will not put up with you, counsel, and that's on the record. Every time you've appeared before this court –

KELSEY HINES: It will be on the record before the board and before the [PH 00:03:31] docket.

JUDGE ABDIAS TIDA: You've been rude, counsel, and I will not be putting up with that. I won't put up with your abuse and your rudeness. All right, so I will go down a few dates. If you have any grievance, file it to the powers that be. That's great. Or file a motion. You will not be engaging in any soliloquies on this record. File a motion. That is all. Thank you. And that goes for all seven cases. Thank you.

KELSEY HINES: I file motions and you deny them for direct scheduling conflicts. That happened yesterday. So what is the point of a motion when it's a foregone conclusion?

JUDGE ABDIAS TIDA: All right. Are you available June 10th, 2026 at 8:30 a.m.?

KELSEY HINES: I am not available April, May, or June of 2026, and this Respondent will not have a prepared merits and will be prejudiced if the date is set in April, May or June of 2026.

JUDGE ABDIAS TIDA: Do you have a hearing scheduled on June 10th, 2026 at 8:30?

KELSEY HINES: I have two individual hearings on June 10th, 2026. I have one at 8:30 a.m. and I have one at 1:30 p.m. This Respondent will not have a prepared merits at that date, if this date is chosen at that time, and this record reflects that.

JUDGE ABDIAS TIDA: Do you have a hearing scheduled on July 13th at 8:30 a.m.?

KELSEY HINES: I do not have a hearing on July 13th.

JUDGE ABDIAS TIDA: All right. This matter is set for July 13th at 8:30 a.m. Your call up date will be July 3rd.

KELSEY HINES: Department, are you advancing this matter? Asking to advance this matter?

JUDGE ABDIAS TIDA: Counselor Dio Loren, do you have any issues?

DIO LOREN: If the matter gets advanced or not is – sorry, Your Honor.

JUDGE ABDIAS TIDA: Counselor Dio Loren, do you have any issues with the date that the court just set?

DIO LOREN: I have no issues with the date the court set, Your Honor.

JUDGE ABDIAS TIDA: Very good, thank you. All right, if there's nothing further, to the Respondent, sir, your final hearing will be held on July 13th, 2026 at 8:30 a.m.

INTERPRETER: [Somali]

JUDGE ABDIAS TIDA: All right, sir, keep in touch with your attorney. I'm sure she'll further advise you. That is all for now.

INTERPRETER: [Somali]

JUDGE ABDIAS TIDA: Thank you, we're adjourned. All right, grab the next person, counsel.

Exhibit 13

3.12 - 2
Democracy Forward Foundation
March 19, 2025
Transcript by TransPerfect

JUDGE ABDIAS TIDA: We're on the record, this is immigration Judge Abdias Tida at the Houston Immigration Courts presiding over cases in the BLM jurisdiction. Today's date is March 12th, 2026. Before the court is the following case for a master calendar hearing. [redacted]. Respondent is present and is being represented by counsel, Counsel Hines. DHS is being represented by ACC Dio Loren. We do have a Somali interpreter present whom the court has sworn in. All right, to the Respondent: Good morning to you, sir. Your attorney is present. Do you give counsel permission to speak on your behalf?

INTERPRETER: [Somali]

RESPONDENT: [Somali]

INTERPRETER: Yes, they do.

JUDGE ABDIAS TIDA: All right, thank you, sir. Our written pleadings were filed on March 26th, 2025. In those pleadings, the Respondent did concede proper service, has admitted allegations one through four, and concedes the sole charge of removal under 21286AI based on his admissions and concessions. I'll sustain the notice to appear. I find the Respondent removable as charged by clear and convincing evidence. As the Respondent is a native and citizen of Somalia the court will designate Somalia as the country of removal if that becomes necessary. All right, at this time, the court will move this matter to a final hearing. All right, counsel, do you have a hearing -- are you available for a final hearing on July 14th at 8:30 a.m.?

KELSEY HINES: Respondent is not prepared to move to merits if this calendar remains constrained in such a way that predetermines the outcome. No, Respondent is not prepared to set this matter to merits in such a rushed timeline. Your Honor has a choice as an independent adjudicator per 8 CFR 103.10b and is not constrained by CIJ directive pursuant to 8 CFR 103.9c, which cannot override your right as an independent judge when the authority to schedule in such a rapid manner directs the results of adjudication. No, I am not available July 14th at 8:00 a.m. I do not have a hearing on July 14th at 8:00 a.m., but this client will not have a prepared merits on that date and will be prejudiced if this court sets that date today.

JUDGE ABDIAS TIDA: All right, the merits will be set. Go ahead, counsel.

DIO LOREN: Your Honor, pleadings were conducted back in 2025, March, written pleadings. They were sustained in April 2025, and the I-59 was filed in 2025. That's plenty of time for them to prepare for the hearing scheduled this year.

JUDGE ABDIAS TIDA: All right, thank you, counsel.

DIO LOREN: The I-59 has been on file since 2025.

JUDGE ABDIAS TIDA: Thank you.

KELSEY HINES: I'm happy to respond.

JUDGE ABDIAS TIDA: No, there's not going to be a response.

KELSEY HINES: Got it.

JUDGE ABDIAS TIDA: The hearing is set for July 14th, 2026, at 8:30 a.m. All right, the call up would be July 4th for any additional docs. All right, to the Respondent: Sir, just a reminder to be sure to pay your application fees.

INTERPRETER: [Somali]

JUDGE ABDIAS TIDA: Your final hearing will be held on July 14th, 2026, at 8:30 a.m.

INTERPRETER: [Somali]

JUDGE ABDIAS TIDA: All right, keep in touch with your attorney, and you'll further be advised.

INTERPRETER: [Somali]

JUDGE ABDIAS TIDA: All right, that is all for now. We are adjourned.

INTERPRETER: [Somali]

JUDGE ABDIAS TIDA: Thank you.

Exhibit 14

3.12 - 3
Democracy Forward Foundation
March 19, 2025
Transcript by TransPerfect

JUDGE ABDIAS TIDA: We're on the record, this is Immigration Judge Abdias Tida at the Houston Immigration Courts presiding over cases in the BLM jurisdiction. Today's date, March 12th, 2026. Before the court is the following case for a master calendar hearing, A number [redacted]. Respondent is present and is being represented by counsel. Morning to you, sir. Through the interpreter, your attorney is present, do you give counsel permission to speak on your behalf?

INTERPRETER: [Somali]

RESPONDENT: Yes [in Somali]

JUDGE ABDIAS TIDA: All right, thank you. All right, well, it looks like we have…let's see, I don't see an application filed. All right, we have written pleadings filed on February 11th, 2026. In those pleadings, the Respondent conceded proper service, admits allegations one through four, and concede to the charge of removal under 212(a)(6)(AI), declines to designate a country if removal should be directed. Based on his admissions and concessions, I'll sustain the notice to appear. I find the Respondent removable as charged by clear and convincing evidence. As the Respondent is a native and citizen of Somalia, the court will designate Somalia as the country of removal if that becomes necessary. All right, counsel, I'm seeing fees paid for the application. Unless I'm missing it, I'm not seeing the application on my record here.

KELSEY HINES: Your Honor, so this is initially an affirmative asylum that was closed and forwarded. So I believe DHS was supposed to upload. Regardless, we did yesterday at 9 p.m. file a redlined I-589, so it may just be pending in ECAS. And then also back in February, we filed a copy of the affirmative receipt notice showing that it was filed on January 26th, 2023.

JUDGE ABDIAS TIDA: Okay, yep, I have the I-589 that you filed. For the record, the court did receive that on March 11th, 2026. All right, well, this matter is right for a merits hearing. All right, counsel, do you have a merits set for…another merits or availability on July 27th, 2026 at 1 p.m.?

KELSEY HINES: The Respondent is not prepared to move this matter to merits if it remains constrained in such a way that predetermines the outcome. There are multiple pieces of evidence that he is unable to gather in that time, and I am unable to provide competent representation by that date. Setting it for that date will prejudice Respondent, and I will be filing a written motion to continue. However, to answer your direct question, I do not currently have an individual hearing set for July 27, 2026 at the time you have proposed.

JUDGE ABDIAS TIDA: Okay, this matter will be set. Oh, go ahead, counsel, Dio Loren.

DIO LOREN: Your Honor, the Respondent was NTA'd in 2022 and signed for it. So this case, this matter has been pending for many years. He also filed, as the Respondent's counsel stated, an application with USCIS, so he had an opportunity for years to gather evidence and prepare for his hearing on the merits.

JUDGE ABDIAS TIDA: Thank you. All right, this matter will be set for a merits hearing on July 27th, 2026 at 1 p.m. Call up for any additional docs will be July 17th. All right, the Respondent already paid the application fees. Anything on this, Counsel Dio Loren, as far as the biometrics?

DIO LOREN: Fingerprints have been captured, Your Honor.

JUDGE ABDIAS TIDA: Okay, all right, well, if there's nothing further from either party, to the Respondent: Sir, your final hearing will be held on July 27th, 2026 at 1 p.m.

INTERPRETER: [Somali]

JUDGE ABDIAS TIDA: All right, keep in touch with your attorney and you'll further be advised.

INTERPRETER: [Somali]

JUDGE ABDIAS TIDA: All right, thank you, we're adjourned.

Exhibit 15

3.12 – 4
Democracy Forward Foundation
March 19, 2025
Transcript by TransPerfect

JUDGE ABDIAS TIDA: We're on the record. This is Immigration Judge Abdias Tida at the Houston Immigration Courts, presiding over cases in the BLM jurisdiction. Today's date is March 12, 2026. Before the court is the following case for a master calendar hearing. [redacted]. Respondent is present and is being represented by Counsel Hines. DHS is being represented by ACC Dio Loren. We do have a Somali interpreter present, whom the court has sworn in. All right, to the Respondent, good morning to you, sir. Your attorney is present. Do you give Counsel permission to speak on your behalf?

INTERPRETER: [Somali]

RESPONDENT: Yes, yes. [in Somali]

JUDGE ABDIAS TIDA: All right, thank you. All right, looks like pleadings have not been addressed. We have written pleadings filed on May 25, 2023. In those pleadings, Respondent concedes proper service, admits allegations one through three, and states that he arrived in the United States at or near San Isidro, California on December 20, 2022. Respondent does deny allegation four in the notice to appear, which states that he was not admitted or paroled after inspection by an immigration officer. Respondent urges that he's released from DHS. Okay, all right, so let's look at the notice to appear. Well, the Respondent also concedes to sole charge of removal identified in the document or notice to appear under 212(a)(6)(ai). All right, so Respondent is denying allegation four, but conceding to the charge. Are you standing by that denial, counsel, or how is the Respondent's response at this time, considering he's already admitting the charge of EUE, but denying that he was not admitted or paroled?

KELSEY HINES: Yes, Your Honor, we stand by denying that allegation, but I don't necessarily think that that allegation is necessary to meet that charge, given the disjunctive – it says, "or arrived at a place or time other than as designated by the Attorney General." And so there was an initial EUE, albeit he was, I believe, a positive CFI, and later released on 212(d)(5) parole, but we do concede the charge in that regard as to EUE.

JUDGE ABDIAS TIDA: All right, if the Respondent initially entered without inspection, the court has sustained allegation number four, and since the charge has already been conceded to, the court will sustain the document, the notice to appear, find the Respondent removable as charged by clear and convincing evidence. Respondent did decline to designate a country of removal. The court directs Somalia as the country of removal based on nativity and citizenship. All right, there is an I-589 on file back in April 27, 2023. The receipt was filed as well, that the application's fees were paid on August 5, 2025, and so the court will move this matter to a merits hearing. All right, counsel, I have open July 13th at one o'clock. Do you have a hearing set on that date? Are you available?

KELSEY HINES: I am not available on July 13th at one o'clock. Respondent is not prepared to move this matter to merits on such an abridged timeline. Every case that you

have called today is Somali. Your Honor has a choice and has the adjudicative authority to set this for a later date or to hold this until a later date is available. That does not allow Respondent enough time to do things that cannot be done until an individual hearing is set, such as obtain a country conditions expert, obtain updated country condition evidence, and obtain an updated psychological evaluation. Additionally, counsel has been scheduled for 70 of her what was before a reasonable 100 asylum cases, and counsel would like the record to reflect that she has filed multiple motions to continue with this judge for direct scheduling conflicts, which have been denied as recently as yesterday. And if this hearing is set for that date, Respondent will be prejudiced, and this record reflects why. To that end, counsel has another hearing that same day, July 13th. Sitting two merits in one day does not allow me the opportunity to adequately prepare this case, however, I do not have a hearing at 1 p.m.

JUDGE ABDIAS TIDA: Do you have a merit set at 1 p.m. on that day?

KELSEY HINES: I do not.

JUDGE ABDIAS TIDA: The merits are set at 1 p.m. on July 13th. The call up will be July 3rd. And for the record, oh, I think I've already stated this for the record. This I-589 has been filed since 2023. This was almost three years ago next month. All right, to the Respondent: Sir, your final hearing will be held on July 13th, 2026 at 1 p.m.

INTERPRETER: [Somali]

JUDGE ABDIAS TIDA: All right, be sure to keep in touch with your attorney so you'll further be advised.

INTERPRETER: [Somali]

JUDGE ABDIAS TIDA: All right. Anything on this, Counsel Dio Loren, before I adjourn?

DIO LOREN: Fingerprints have been captured, Your Honor.

JUDGE ABDIAS TIDA: All right. Thank you. All right. If there's nothing further –

DIO LOREN: Nothing further from the department.

JUDGE ABDIAS TIDA: Thank you, if there’s nothing further, we're adjourned.

Exhibit 16

3.12 – 5
Democracy Forward Foundation
March 19, 2025
Transcript by TransPerfect

JUDGE ABDIAS TIDA: All right, we're on the record. This is Immigration Judge Abdias Tida at the Houston Immigration Courts presiding over cases in the BLM jurisdiction. Today's date is March 12th, 2026. Before the court is the following case for a master calendar hearing. A number [redacted], Respondent is present and is being represented by Counsel Hines. DHS is being represented by ACC Dio Loren. We do have a Somali interpreter present whom the court has sworn in. To the Respondent, good morning to you, sir. Your attorney is present. Do you give counsel permission to speak on your behalf?

INTERPRETER: [Somali]

RESPONDENT: Yes [in Somali].

JUDGE ABDIAS TIDA: Thank you. All right, looks like we do have a 9589 which was filed on February 23rd, 2024. Written pleadings were filed on February 22nd, 2024. Okay, so in those pleadings, Respondent conceded proper service, admitted to the four factor allegations, conceded to the sole charge under 21286AI. Seeks I-589 relief, asylum withholding in CAT. All right, based on his admissions and concessions, I'll sustain notice to appear, find him removable as charged by current convincing evidence. As the Respondent is a native and citizen of Somalia, the court will designate Somalia as the country of removal if that becomes necessary. All right, it looks like the application fees were paid on November 11th -- let me make sure -- 2025. All right, the court will be setting this matter to a merits hearing. All right, counsel, are you available for merits on July 15th, 2026, either at 8:30 or 1 o'clock?

KELSEY HINES: Respondent is not prepared to move to merits on July 15th as the calendar remains constrained in such a way that predetermines the outcome. DHS is not moving to advance these cases. There are multiple pieces of evidence that Respondent has been unable to gather in this short timeframe. And the CIJ's authority under 103.9(c) shall have no authority to direct to the results of an adjudication. So if the CIJ is able to schedule every Somali case for rapid merits in a matter of months, that's not a coincidence, that's policy. To answer your question directly, we oppose a setting of this hearing in July. However, I do not physically have another hearing on July 15th, 2026 at 1 p.m. And I'll be filing a written motion to continue outlining those reasons.

DIO LOREN: Your Honor, in response to that.

JUDGE ABDIAS TIDA: Go ahead, Counsel Dio Loren.

DIO LOREN: Your Honor, in response to that, the Respondent entered in 2022. So he's been present long enough to obtain evidence that he would list to obtain. He was NTA-ed November 1st, 2022. And at that time he did sign the NTA, so it was delivered in person. Further, on February 23rd, 2024, the Respondent's counsel moved to have the merits

hearing moved up and was ready to proceed on an [PH 00:04:03] I-5? application? at that time.

JUDGE ABDIAS TIDA: Thank you.

DIO LOREN: As you can see from the [PH 00:04:09] e-rope.

JUDGE ABDIAS TIDA: Thank you, Counsel Dio Loren. All right, well, so the court will set this matter for merits on July 15th, 2026 at 8:30 a.m., with a call up 10 days prior to July 5th, 2026.

KELSEY HINES: Sorry, Your Honor, you said 8:30 a.m., I just want to make sure.

JUDGE ABDIAS TIDA: Yes, 8:30 a.m. on July 15th, 2026, with a call up of July 5th for any additional documents.

KELSEY HINES: Thank you.

JUDGE ABDIAS TIDA: All right, Counsel Dio Loren, any issues with the biometrics on this matter?

DIO LOREN: Your Honor, the fingerprints have been captured.

JUDGE ABDIAS TIDA: Okay, all right, well, to the Respondent, sir, I've set your case for final hearing on July 15th, 2026 at 8:30 a.m.

INTERPRETER: [Somali]

JUDGE ABDIAS TIDA: All right, sir, keep in touch with your attorney. You'll further be advised. That is all for today, thank you for appearing.

INTERPRETER: [Somali]

RESPONDENT: Thank you.

JUDGE ABDIAS TIDA: All right, sir, we are adjourned.

Exhibit 17

3.16 - Taylor
Democracy Forward Foundation
March 22, 2026
Transcript by TransPerfect

[00:00:00]

JUDGE PHILIP P. TAYLOR: So, let's go on the record. This is Immigration Judge Philip P. Taylor on March 16th, 2026, 12:02 p.m., here on [redacted]. Ms. Kelsey Hines is here on behalf of the respondent. [INDISCERNIBLE 00:00:13] here on behalf of the department. Mr. Abdul is our sworn Somali interpreter. Let's make sure that we have the correct respondent through the interpreter. Sir, can you tell me your full legal name and turn on your camera.

[TRANSLATOR]

JUDGE PHILIP P. TAYLOR: Yeah. I think you're - I think your microphone is muted.

[TRANSLATOR]

[redacted]: [redacted].

JUDGE PHILIP P. TAYLOR: All right, sir. Are you driving at this point, or are you parked somewhere?

[redacted]: No. No, I'm back here.

JUDGE PHILIP P. TAYLOR: All right. I don't know if showing up in your car for court is such a good idea, but we'll go ahead and go forward. My interpreter there? He keeps coming and going. I don't know what he's doing.

TRANSLATOR: Yes. I'm there. Can you hear me, sir?

JUDGE PHILIP P. TAYLOR: I can. You keep disappearing on us from this side, it sounds like. I don't know if we've got a bad connection.

TRANSLATOR: No. I was there. He was just talking in English, so...

JUDGE PHILIP P. TAYLOR: Okay.

TRANSLATOR: I was just hearing you.

JUDGE PHILIP P. TAYLOR: All right. Let me talk to the respondent again. All right. So, I don't know if showing up in your car for court is such a good idea.

[TRANSLATOR]

TRANSLATOR: I just come out from the car right now. I'm in right now office where I was just working before. I just go outside in the office.

JUDGE PHILIP P. TAYLOR: Okay. I'm going to talk to the lawyers about some preliminary matters, and then I'll come back and talk with you.

[TRANSLATOR]

TRANSLATOR: Okay.

JUDGE PHILIP P. TAYLOR: Looks like pleading's previously done on September 1st, 2023. I believe they're admissions and concessions. Does your client still reside and live in the United States?

KELSEY HINES: Yes.

JUDGE PHILIP P. TAYLOR: Is he seeking pre-conclusion voluntary departure?

KELSEY HINES: No.

JUDGE PHILIP P. TAYLOR: It looks like there's a 589 on file. Any other relief other than the 589 that's been filed?

KELSEY HINES: Not before the court, Your Honor. He does have a TPS application pending with CIS. The termination of that was just enjoined by a district court, but I'm aware that we can still proceed before court with the 589, which is the only relief before the court.

JUDGE PHILIP P. TAYLOR: All right. It looks like we can get this set for a final trial, and the next date I have is for this coming April 20th at 1 p.m. Central Time.

KELSEY HINES: Your Honor, we are not prepared to move this matter to merits if the matter is going to be set for merits before October 2026. We are definitely not prepared to do so on an April 20th timeline. I can outline my reasons for that on the record orally today, if you would like. Otherwise, I'm happy to do so in writing.

JUDGE PHILIP P. TAYLOR: Okay.

KELSEY HINES: I do have another master with you next week. If we want to continue it to then, I'm happy to brief this issue on the [INDISCERNIBLE 00:03:57].

JUDGE PHILIP P. TAYLOR: Well, what's the main reason for not - what's the main reason for not wanting to go to a merits?

KELSEY HINES: Quite a few reasons. One is due process, the second is statutory right to counsel, and the other is there are multiple pieces of evidence that are physically unable to be initiated or gathered before a merits date is set. Traditionally, as reflected in several OPPMs, which I am happy to brief, it's explicitly contemplated that a non-detained merits is set out far in advance is the language that's used, which the OPPMs contemplate as a year or more. Setting, I

have about two thirds of my EOIR docket, which was previously a very ethical and manageable caseload of about 100 cases. Of those, I have 73 that are natives and citizens of Somalia. Of those 73, 63, so about 85%, have been rapidly set or advanced in this Somali rocket docket scheduling initiative. I

[00:05:00]

have spoken at length with the Office for Lawyers of Professional Responsibility about my ability to competently prepare even one or two merits in that timeline, much less 63. And so, proceeding with the proposed timeline of anything in April, May, June, or even July of 2026, in these matters will directly prejudice the client and ultimately waste the court's resources insofar as it will lead to interlocutory appeals, remands, circuit court appeals, and so forth. I have a lot more reasons that I'm happy to brief.

JUDGE PHILIP P. TAYLOR: So, how about we do this? I'm going to schedule for the next available that I have. Case has been pending since July of 2023, 589 on file since - I'm sorry, he - no, I'm sorry. He arrived on March 2nd, 2023, and NTA issued March 4th of 2023. So, an NTA was filed, and then 589 was filed June of 2023. And now, it's March of 2026. We're coming up on a three-year mark pretty quickly. I understand things have gotten really busy for lawyers. I'm not trying to, you know, ding your schedule at all, but I also have the obligation to move these cases that get assigned to me. So you're welcome... I'll give you the court date. You're welcome to file your briefs, file your motion to continue, etc. Certainly happy to look at it. I know detained cases traditionally get dragged out. Non-detained get dragged out. Detained cases get done within, you know, 60 days or less, really. So, should be able to move these non-detained quicker than we have been moving them anyway. So, I'll give you the next date that I have, which is April 20th of this year, 2026. We can do 1 p.m. Central, and then you can certainly file all that stuff you talked about.

KELSEY HINES: When would the call update be, Your Honor?

JUDGE PHILIP P. TAYLOR: 15 days prior. I will give you - I have a couple other dates. Just looking at my schedule. I've got more to go. I could do... Do you prefer morning times or afternoon times? Which do you prefer for your schedule? I understand you're going to file stuff, I get that, but just for scheduling purposes today...

KELSEY HINES: Afternoons, generally.

JUDGE PHILIP P. TAYLOR: Afternoon, generally?

KELSEY HINES: Afternoons.

JUDGE PHILIP P. TAYLOR: So then let's do... Let me find a one o'clock spot. Let's do a one o'clock on May 22nd. One o'clock, May 22nd.

KELSEY HINES: Give me just one moment, Your Honor. I just want to check. I've got... I cannot do the 22nd. I have an 8:30 a.m. individual and a one o'clock individual on the 22nd of May.

JUDGE PHILIP P. TAYLOR: You got that, okay. The next one o'clock I would have would be May 26th.

KELSEY HINES: I, again, will file a written motion to continue arguing why respondent is not prepared to proceed on May 26th. I do not physically have another hearing that date and time.

JUDGE PHILIP P. TAYLOR: Okay.

KELSEY HINES: And if I may, Your Honor, can I just ask, for the record, just clarification on whether the decision to set the merits today is your independent adjudicative authority per CFR 103.10(b) or if you are setting this matter under what you perceive to be directives from perhaps the Chief Immigration Counsel's office under 103.9(b)(3), only because I do think that that distinction will matter to a reviewing body?

JUDGE PHILIP P. TAYLOR: Well, I don't know if it will or not, but I'm setting it based on the schedule that I have available for myself.

KELSEY HINES: So, is that the latter then, a directive based on your scheduling availability rather than your independent adjudicative authority?

JUDGE PHILIP P. TAYLOR: I'm not too sure if there's a difference. I'm telling you what days I have available in my schedule. These are the dates that I currently have open, and I'm trying to find you a one o'clock spot. So, I'm scheduling based on what I have available.

KELSEY HINES: Pursuant to the scheduling directives [INDISCERNIBLE 00:09:37].

JUDGE PHILIP P. TAYLOR: There's no scheduling... I don't have a scheduling directive. I schedule based on what I have available. So, what I have available for you, if you want a one o'clock slot, is May 26th of 2026.

KELSEY HINES: Okay. And just - I'm

[00:10:00]

not trying to be difficult. I'm just trying to get as clear of a record as possible for all parties involved. I just want to make sure I'm hearing you correctly that you don't believe you have the independent adjudicative authority at this time to set beyond what your schedule allows on this Somali docket.

JUDGE PHILIP P. TAYLOR: I scheduled...

KELSEY HINES: If [INDISCERNIBLE 00:10:19].

JUDGE PHILIP P. TAYLOR: If this was a... I'm just scheduling with the dates I have available. I just scheduled the next date I have available, so I'm not running any other directives. I'm not trying to make your life difficult. I'm scheduling with what I have available, and I've got dates available, and I gave you one. I don't know what else you need. I'm not, you know, this - my schedule is not dictated by anybody but myself. So, you know, that's the date I have available for a one o'clock hearing.

KELSEY HINES: Okay. That answers my question, that your schedule is set by you and you alone. That does help me frame my understanding of what's happening. Thank you.

JUDGE PHILIP P. TAYLOR: All right. Let me talk to the respondent real quick. All right, sir. We have a final trial currently scheduled for May 26.

[TRANSLATOR]

JUDGE PHILIP P. TAYLOR: Your lawyer has a number of things to prepare and get ready for.

[TRANSLATOR]

JUDGE PHILIP P. TAYLOR: So please stay in contact with her office.

[TRANSLATOR]

JUDGE PHILIP P. TAYLOR: When she calls asking for information, or documents, or to have a meeting, please respond to her promptly.

[TRANSLATOR]

[redacted]**:** Okay.

KELSEY HINES: Your Honor, I do sincerely apologize. I was looking at my EOIR calendar. I pulled up my word document with a running list of direct conflicts. The date of May 26th, 2026, I will be out of the country the 26th, 27th, and 28th of May. So, I am so sorry. I physically have a direct scheduling conflict on the 26th of May. Are there any other dates that you have available on your calendar? It doesn't need to be in the afternoon.

JUDGE PHILIP P. TAYLOR: Well, I mean, I have some April dates available. I was trying to give you a little more time. And then in May, the May dates I have available are the dates you're going to be out, it looks like.

KELSEY HINES: Okay. What is the date that you have available?

JUDGE PHILIP P. TAYLOR: For a one o'clock, I could do...

KELSEY HINES: I could do any time. It doesn't need to be one.

JUDGE PHILIP P. TAYLOR: Okay. All right. So, let's go with... Do you prefer April or May?

KELSEY HINES: I prefer October if you have June or July - but if your calendar only goes until the end of May...

JUDGE PHILIP P. TAYLOR: Goes to the end of May at this point.

KELSEY HINES: And again, it's not just my preference, it's just for this client's right to proceed. But I would take the latest possible date that you have available. So obviously, the notation, we'll be filing a motion to continue.

JUDGE PHILIP P. TAYLOR: I understand.

KELSEY HINES: I'll also add just that most days, right now, I have at least one, if not two merits hearings set almost every day, April, May, June, and July thus far.

JUDGE PHILIP P. TAYLOR: And I usually get three merits set per day. And if you're in a detained setting, they're setting five, it seems. Let's see.

KELSEY HINES: Sure.

JUDGE PHILIP P. TAYLOR: The latest date... Trying to avoid your conflicts for May that I have is May 22nd at 10 a.m. Have they opened up? Do I have any [INDISCERNIBLE 00:14:01]?

KELSEY HINES: I have morning and afternoon individuals that day with Judge Carbone.

JUDGE PHILIP P. TAYLOR: Okay. So, that won't work. I'm just going to work backwards. May 21st, I have two morning slots, 8:30 or 10 a.m.

KELSEY HINES: I have a one o'clock individual that day. I've never in my career prepped two individuals for the same day, but I do theoretically have a slot open the morning of the 21st.

JUDGE PHILIP P. TAYLOR: Okay. Let's do 8:30 on the 21st then.

KELSEY HINES: Okay. Thank you.

JUDGE PHILIP P. TAYLOR: [INDISCERNIBLE 00:14:41] 521. Let me update the respondent on that then. Let me talk to respondent. All right, sir. We're going to change the date and time for your hearing.

[00:15:00]

Mr. Interpreter, are you there, sir?

[redacted]**:** Yes.

JUDGE PHILIP P. TAYLOR: I lost my interpreter. What happened to him? Where did he go? I don't know. Hold on. [SILENCE 15:44-16:12]

TRANSLATOR: Hi, Your Honor. Can you hear me?

JUDGE PHILIP P. TAYLOR: I can hear you now. Yes, sir.

TRANSLATOR: Yes.

JUDGE PHILIP P. TAYLOR: All right. Let me...

TRANSLATOR: There was a disconnection. I don't know.

JUDGE PHILIP P. TAYLOR: I don't know. It fell off. All right. Let me talk to the respondent. All right. So, we had a change in your final trial date.

[TRANSLATOR]

JUDGE PHILIP P. TAYLOR: It's going to be now currently scheduled for May 21st at 8:30 a.m.

[TRANSLATOR]

JUDGE PHILIP P. TAYLOR: And your attorney is working on a number of things, so please stay in contact with her office.

[TRANSLATOR]

JUDGE PHILIP P. TAYLOR: And please respond to her quickly when she calls asking for information or to have a meeting. Okay?

[TRANSLATOR]

[redacted]**:** [INDISCERNIBLE 00:17:22].

JUDGE PHILIP P. TAYLOR: I didn't hear what he said. Is he a - did you hear that okay?

[TRANSLATOR]

TRANSLATOR: Yes. I hear.

JUDGE PHILIP P. TAYLOR: Okay. All right. I'm going to talk to the lawyers again. All right. Ms. Hines, anything further at this time?

KELSEY HINES: Just noting, for the record, that the department has not moved to advance this matter, and that we will be promptly filing a written motion to continue, which will be respondent's first request to continue this matter.

JUDGE PHILIP P. TAYLOR: All right. Get that. We'll take a look at it. Anything else?

KELSEY HINES: Nothing for Respondent. Thank you.

JUDGE PHILIP P. TAYLOR: Okay. All right. We'll adjourn then. Have a good day.

KELSEY HINES: Thank you. You as well.

JUDGE PHILIP P. TAYLOR: Let's see if I can move him. He's [redacted]... We'll adjourn that on the 17.

Exhibit 18

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
FORT SNELLING IMMIGRATION COURT

Respondent Name:
[redacted]

To:

Hines, Kelsey Judith
1700 West Highway 36
Suite 120
Roseville, MN 55113

A-Number:
[redacted]

Riders:
In Removal Proceedings
Initiated by the Department of Homeland Security
Date:
03/10/2026

ORDER OF THE IMMIGRATION JUDGE

☑ Respondent ☐ Department of Homeland Security has filed a motion for a continuance of the hearing scheduled for 03/16/2026

Upon reading and considering the motion, and any opposition from the non-moving party, the motion is:

☐ granted because good cause has been established for the requested continuance. 8 C.F.R. § 1003.29.

☑ denied because good cause has not been established for the requested continuance. 8 C.F.R. § 1003.29.

☑ Further explanation:

The respondent has a pending I-589 application before the Court and written pleadings were also filed. The respondent through counsel may certainly motion the Court to advance this matter to a merit hearing if there aren't any preliminary issues to discuss at a master calendar hearing.

☐ The hearing is rescheduled until
☑ The immigration court will serve Respondent with notice of the next hearing date.

Immigration Judge: TIDA, ABDIAS 03/10/2026

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [ ] Alien | [ ] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : [redacted] | A-Number : [redacted]

Riders:

Date: 03/11/2026 By: OLIVAS, NORMA, Court Staff

Kelsey Hines, Esq.
MN Attorney ID: 0401226
EOIR Attorney ID: AA027446
Hines Immigration Law, PLLC.
1700 S Hwy 36 Service Dr, Suite 120
Roseville, MN 55113
(612) 643-9272
kelsey@hinesimmigration.com
Our File #: [redacted]

NON-DETAINED

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
FORT SNELLING, MINNESOTA

In the Matter of: [redacted] ***Respondent*** **In Removal Proceedings**	**A** [redacted]

Respondent's URGENT Motion to Continue March 16, 2026 Master Calendar Hearing due to Pre-Existing EOIR Attorney Scheduling Conflict

Honorable Immigration Judge **Abdias E. TIDA**	**Master Calendar Hearing** **March 16, 2026 at 8:30am**

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
FORT SNELLING, MINNESOTA

In the Matter of: [redacted] ***Respondent*** **In Removal Proceedings**	**A** [redacted]

Respondent's Motion to Continue

Respondent, through undersigned Counsel (Kelsey Hines), hereby respectfully asks this Court to continue the Monday, March 16, 2026 (8:30am) non-detained master calendar hearing. **Counsel has a pre-existing direct scheduling conflict, as she is already scheduled for another hearing the same date/time before a different Immigration Judge**. That fact alone warrants good cause to grant this motion to continue pursuant to 8 C.F.R. § 1003.29 and ICPM § 5.10(a). **Counsel explicitly requests that this matter be continued to a date in July 2026 or later.** In support of this motion, Respondent and counsel hereby aver:

1. On February 20, 2026, this Court issued a notice stating this case has been scheduled for a master calendar hearing ("MCH") on **March 16, 2026** at 8:30am. The MCH was scheduled to be via WebEx with Immigration Judge Abdias Tida from the **Houston, Texas** Immigration Court, despite Respondent respondent's residence in Minnesota and the venue of these proceedings lying with the **Ft. Snelling, Minnesota** Immigration Court.

2. Respondent's Counsel hereby files this motion as promptly as possible, asking IJ Tida to please continue this rapidly-set MCH, as Counsel is already scheduled for a hearing the same day and time before a different immigration judge. **On Monday, March 16, 2026, Counsel is already scheduled for a separate hearing for a different client at 8:30am before a different Immigration Judge**. That hearing is also a rapidly-set MCH for a Somali asylum seeker; but that case was set slightly sooner, which is why Counsel seeks to continue this matter as it was scheduled after that hearing. Counsel and Respondent cannot reasonably secure alternate counsel on such short notice. Based on this scheduling conflict alone, a continuance is warranted.

    a. An Immigration Judge may grant a motion for a continuance in immigration court proceedings "for good cause shown." 8 C.F.R. § 1003.29; *see also* Immigration Court Practice Manual ("ICPM"), Chapter 5.10(a). Surely, good cause exists here.

b. **The scheduling of simultaneous hearings creates a direct and unavoidable conflict that renders Counsel's appearance physically impossible.** Counsel cannot physically or meaningfully represent two separate clients simultaneously in two separate proceedings at the same time in two different WebEx rooms.

c. Counsel is a solo practitioner and the only attorney at her firm. She does not have associate counsel available to cover hearings, nor can she secure outside counsel to cover the hearing on such short notice. Given the volume and simultaneity of the hearings, it is not reasonably possible to obtain substitute counsel in such a short timeframe consistent with ethical obligations.

d. Respondent has a legal right to counsel of their choice in these proceedings. 8 U.S.C. § 1362; ICPM § 2.1(a). **Denial of a continuance under these circumstances would effectively deprive Respondent of the ability to appear with retained Counsel through no fault of Respondent or Counsel**.

e. Granting a continuance in this matter would not prejudice the government and would preserve the integrity of removal proceedings by ensuring orderly, prepared, and meaningful participation by Counsel. Indeed, the Department of Homeland Security ("DHS") has not filed any motion to advance, expedite, or set a hearing in this matter. *See ICPM* § 3.1(c). This rapid advancement is, apparently, purely DOJ/EOIR-initiated.

3. **Counsel respectfully requests (nay, pleads) that this matter please be continued to a date in July 2026 or later. In the past 4 weeks alone, nearly two-thirds of Counsel's EOIR docket has been rapidly advanced, as part of what appears to be a DOJ/EOIR-led initiative labeling all Somali nationals as "priority." Counsel has had nearly 70 separate cases rapidly advanced, with what will soon be well over 100 hearings rapidly set in a matter of mere days, weeks, and months.**

a. This matter is on the non-detained docket. There is no need for this case to proceed rapidly. As mentioned, DHS has not filed a single motion to advance, a single motion to set MCH, or a single motion to set ICH in this case. *See ICPM* § 3.1(c). This rapid advancement is, apparently, purely DOJ/EOIR-initiated.

b. Over the past four weeks, since the first week of February 2026, Respondent's Counsel has received an absolute onslaught of sudden hearing notices scheduling rapid hearings in **nearly 70 separate cases** (about **two-thirds of her EOIR caseload**), all defensive asylum cases exclusively for natives/citizens of one country (Somalia), all set with what appears to be a select list[1] of out-of-state IJs and ACIJs around the country, and all scheduled in a matter of mere weeks or months. Many of these cases were already set for ICH in 2027 or 2028 with IJs in their district's Immigration Court, or in the scheduling queue.

[1] Judges Craig Defoe, Nina Carbone, Teresa Riley, Chris Brisack, Andrew Caborn, Sherron Ashworth, Abdias Tida, Phillip Taylor

c. These rapidly-set hearings on these Somali-only dockets began on February 17, 2026, the first date of the Holy Month of Ramadan for Muslims.

d. This unprecedented "blitz" scheduling/advancement initiative follows explicit comments from the U.S. government about Somalis which warrant explicitly mentioning herein. Throughout December 2025 and January 2026, the United States executive branch has openly and repeatedly claimed that Somalis – as an entire people group (the vast majority of whom in the U.S. are U.S. citizens[2]) – are "**filthy**," "**dirty**," "**disgusting,**" "**garbage**." Somalia is a "**hellhole,**" "**shithole**," "**disaster.**" Somali people "**contribute nothing**." They are "**all pirates.**" "**I don't want them in our country**." "**We don't want them in our country**."[3] The President then brandished a large banner of his face on the Department of Justice (DOJ) building.[4]

e. After attending several of these MCHs, Counsel can report that it appears these IJs have direct orders from DOJ/EOIR Headquarters ("HQ") that they must move these matters to completion by April, May, or June 2026. This appears to be the case regardless of their lamented acknowledgment that this new Somali docket, and the sudden, drastic, and rapid change in pace associated with this docket, has destroyed Respondent's Counsel's ability (and the ability of many practitioners who specialize in East African asylum matters) to provide continued competent and ethical legal representation. **These Respondents cannot find new counsel in this timeframe. <u>This initiative has decimated the right to counsel for Somali asylum seekers.</u>** Counsel continues to plead with the IJs and ACIJs on this new docket. However, still, **no written guidance has been released or provided, and no reasons have been provided for this drastic, rapid, and unprecedented change in scheduling pace for nationals of one country**.

f. Counsel has practiced exclusively immigration law her entire career, which has now spanned multiple administrations, including the first Trump administration. In her entire career, Counsel has never, before February 2026, been scheduled for a non-detained ICH with less than 12 months' notice. Counsel has never had even had two MCHs scheduled for the same date/time, much less the 8, 9, 10+ clients she is now being scheduled for all the same day/time. In many cases, such as this very case, Counsel is being scheduled for multiple hearings the same day/time with different judges, and where motions to continue are being ignored, respondents are being forced to appear without retained counsel. In some cases, EOIR has literally scheduled Counsel's clients for ICH on the exact same day and time with the same judge.

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[2] *See e.g.,* https://minnesotareformer.com/briefs/most-somali-people-in-america-and-minnesota-are-citizens/
[3] *See e.g.,* https://www.forbes.com/sites/saradorn/2025/12/10/trump-calls-somalia-filthy-dirty-disgusting-ridden-with-crime-in-affordability-speech/
[4] *See e.g.*, https://www.pbs.org/newshour/politics/trumps-face-is-now-on-the-justice-department-headquarters

g. To the extent that there may be a retort that some of these cases have been pending for several years, thus Respondent's Counsel should "be ready" for trial at any time and at all times, this argument must be quickly disregarded as dishonest and ingenuine. This has never been the standard or expectation, and if it is indeed now the case that an immigration attorney can be rapidly scheduled for his or her entire EOIR docket, it is only reasonable and ethical to allow a period of time for lawyers to adjust their firms' procedures, staffing needs, fee structures, and so forth. More importantly, it has never made any practical sense (for *any* party involved in these proceedings – Respondent and Respondent's Counsel, *DHS, or the Court*) for an immigration attorney to keep all cases "trial ready" at all times, before the ICH is scheduled. Again, to date, these cases have been in the scheduling queue for multiple years. Country conditions are fluid and regularly changing. Case law is regularly changing, and, under this administration's Board of Immigration Appeals (BIA), changing at a rapid pace with decades-old BIA precedent being overturned on a nearly weekly basis. Counsel usually prepares written declarations with clients exceeding 20 pages (in large part to aid DHS and the Court, as doing so can streamline oral testimony), and indeed meets regularly with her defensive asylum clients while their case is pending. However, to finalize and submit a detailed affidavit in 2021 or 2022 for an individual hearing that will not occur until some unknown future date in 2027 or 2028 or later, would be plainly poor lawyering and legal strategy. A respondent may remember certain details of their past persecution in their home country within their first year of arrival, then forget the specifics of those details as years' pass. Alternatively, a respondent might remember very few details upon their arrival to the United States in a state of active acute PTSD, and, after several years of mental health care and community support, remember additional details or chronology of the traumas they endured. For these reasons and so many more, it has never been the case that Respondents' Counsels should have all files ready for trial at all times. Some sense of systems, structure, expectations, reason, and rationale must prevail in the face of EOIR HQ demands, or this cannot be called a Court, and this cannot be called due process.

h. Since this onslaught began on February 6, 2026, Counsel is working 10-16+ hour days 7 days per week. She has stopped taking any and all new consultations, and she will continue to work around-the-clock toward attempting to the best of her ability to recalibrate her firm to meet these rapid and often overlapping deadlines. **She has consulted with multiple colleagues, federal litigators, and the Minnesota Office of Lawyers' Professional Responsibility (OLPR).**

    i. OLPR has confirmed that such an aggressive and sudden scheduling of one people group is unprecedented in the entire legal field. Counsel's caseload was entirely ethical and manageable, but with this scheduling blitz – intentional or not – counsel may have no choice but to withdraw as counsel, as she cannot ethically and competently handle this many hearings, without warning, all at once, as one human being and solo attorney.

i. Again, DHS – the actual "prosecutor" in what is meant to be adversarial and fair proceedings with a neutral arbitrator "judge" – has not filed a motion to set MCH, motion to set IH, or motion to advance these proceedings. In one of these MCHs, the attorney for DHS openly said, "I don't care when this is set, your honor, no rush."

j. This Court has refused to provide any explanation or documentation as to what directives these IJs have been apparently given by EOIR HQ to "complete" Somali cases by a certain date, without warning, without explanation, without adequate time to prepare these files, without respect for removal defense attorney's ethical obligations as lawyers, and without respect for the constitutional and legal rights of respondents in removal proceedings.

k. For many Somali asylum seekers, including this Respondent, these proceedings are quite literally matters of life or death.

4. For all of these reasons, good cause exists for a continuance.

a. In order to allow Respondent's counsel's office time to recalibrate in preparation for these hearings to ensure Counsel can ethically represent Respondent in these proceedings in spite of a rapid change of pace in scheduling on this new docket dedicated exclusively to Somali nationals, Respondent's counsel respectfully requests that this matter please be rescheduled for a date in **July 2026 or later**. Additionally, Counsel has already had to file motions to continue in multiple cases due to recent rapid scheduling overlap; several motions to continue remain outstanding, and Counsel's calendar is now so overloaded between now and July that if this case is re-set before then, it is likely that another motion to continue will be required.

b. Alternatively, at a minimum, Counsel requests this matter be reset for a date coordinated with her physical availability, as it appears today. Thus far, counsel is unavailable the following dates. Please also note the following:

i. Many of these WebEx MCHs require waiting in the waiting room for multiple hours**,** and for many of these MCHs, Counsel is scheduled for 7, 8, 9, 10+ clients at a time.

ii. The scheduling of these hearings appears to be rapidly evolving. In the past week or so, many of these matters have been shuffled around and re-set for different dates and times or with different IJs, often with as little as 1-3 days' notice.

iii. **Periods of time must exist for actual casework, client meetings, and hearing preparation**. Such time already does not exist in the existing schedule, such that, as mentioned above, Counsel has consulted with

OLPR and may need to withdraw from several of many of the below-listed matters, leaving these Respondents with very little time to obtain new counsel.

iv. For reference and context, **those in bold below have been rapidly scheduled since February 6, 2026.**

- March 9, 2026: **Morning MCH, afternoon MCH**
- March 10, 2026: **Multiple overlapping and conflicting MCHs all morning and afternoon**
- March 11, 2026: Multiple existing appointments; AILA sub-committee meeting
- March 12, 2026: **Multiple overlapping morning MCHs**
- March 16, 2026: **Multiple overlapping and conflicting morning MCHs**
- March 23, 2026: **Morning MCH**
- March 24, 2026: **Morning MCH; Afternoon ICH**
- March 25, 2026: **Afternoon MCH**
- March 26, 2026: **Travel to out-of-state MCH**
- March 27, 2026: **Out-of-state MCH**
- March 30, 2026: **Morning ICH**
- March 31, 2026: **Morning MCH**
- April 1, 2026: **Multiple morning MCHs**
- April 9, 2026: **Morning MCH**
- April 15, 2026: **Morning MCH; overlapping morning ICH**
- April 17, 2026: **Morning MCH**
- April 21, 2026: **Morning MCH; afternoon ICH**
- April 23, 2026: **Multiple MCHs all day**
- April 27, 2026: **Multiple overlapping afternoon ICHs**
- May 4-8: Out of office (pre-planned, but may need to cancel for the purpose of needing to prepare for all of these rapidly-set ICHs)
- May 11, 2026: **Afternoon ICH**
- May 12, 2026: **Afternoon ICH**
- May 14, 2026: **Afternoon ICH**
- May 15, 2026: **Afternoon ICH**
- May 18, 2026: **Morning MCH; Afternoon ICH**
- May 19, 2026: **Afternoon ICH**
- May 20, 2026: **Morning MCH**
- May 21, 2026: **Afternoon ICH**
- May 22, 2026: Pre-planned personal out-of-country travel
- May 25, 2026: Office closed; Pre-planned personal out-of-country travel
- May 26, 2026: Pre-planned personal out-of-country travel
- May 27, 2026: Pre-planned personal out-of-country travel; **overlapping ICH**

- May 29, 2026: AILA Upper Midwest Conference
- June 8, 2026: **Afternoon ICH**
- June 10, 2026: **Afternoon ICH**
- June 11, 2026: **Afternoon ICH**
- June 15, 2026: **Out-of-state ICH**
- June 16, 2026: **Out-of-state ICH**
- June 17, 2026: **Out-of-state ICH**
- June 18, 2026: **Travel from out-of-state ICH**
- June 19, 2026: Office closed
- June 22, 2026: **Afternoon ICH**
- June 25, 2026: **Afternoon ICH**

WHEREFORE, Respondent and undersigned counsel respectfully requests this Court to grant Respondent's motion to continue and reschedule the recently scheduled March 16, 2026 master calendar hearing to a later date, **specifically a date in July 2026 or later.**

Kelsey Hines, Esq.

03/06/2026
Date

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
FORT SNELLING, MINNESOTA

In the Matter of: [redacted] ***Respondent*** **In Removal Proceedings**	**A** [redacted]

CERTIFICATE OF SERVICE

I, Kelsey Hines, hereby certify that service of Respondent's Motion to Continue to the Office of the Principal Legal Advisor is not required. I electronically filed this document. This case has an electronic record of proceeding, and the opposing party is participating in ECAS.

/s/ Kelsey Hines
Signature

03/08/2026
Date

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
FORT SNELLING, MINNESOTA

In the Matter of: [redacted] A Number: [redacted]

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the **Respondent's Motion to Continue the March 16, 2026 MCH (specifically to a date in July 2026 or later),** it is HEREBY ORDERED that the motion be

□ GRANTED □ DENIED because:

□ DHS does not oppose the motion.
□ The respondent does not oppose the motion.
□ A response to the motion has not been filed with the court.
□ Good cause has been established for the motion.
□ The court agrees with the reasons stated in the opposition to the motion.
□ The motion is untimely per _____.
□ Other:

Deadlines:

□ The application(s) for relief must be filed by _____.
□ The respondent must comply with DHS biometrics instructions by _____.

_____ _____
Date Immigration Judge

Certificate of Service

This document was served by: [ ] Mail [ ] Personal Service

To: [ ] Alien [ ] Alien c/o Custodial Officer [ ] Alien's Atty/Rep [ ] DHS Date: _____

By: Court Staff _____

Exhibit 19

Kelsey Hines, Esq.
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EOIR Attorney ID: AA027446
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Our File #: 10135.101

NON-DETAINED

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
FORT SNELLING, MINNESOTA

In the Matter of: [redacted] ***Respon ent*** **In Removal Proceedings**	**A** [redacted]

Honorable Immigration Judge **Chris A. BRISACK**	**Individual Calendar Hearing** **April 21, 2026 at 1:00pm**

Respondent's URGENT Motion to Continue the Recently Set April 21, 2026 Individual Calendar Hearing

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
FORT SNELLING, MINNESOTA

In the Matter of: [redacted] ***Respondent*** **In Removal Proceedings**	**A** [redacted] **Respondent's Urgent Motion to Continue the Recently-Set April 21, 2026 Individual Calendar Hearing**

I. INTRODUCTION

Respondent, [redacted] through undersigned counsel, Kelsey Hines, hereby moves this Court to continue the Individual Calendar Hearing ("ICH," "IH," or "merits hearing"), scheduled on February 13, 2026 for **April 21, 2026 at 1:00pm**, with a 30-day filing deadline of March 23, 2026[1]. This is Respondent's first written motion to continue the individual hearing. The Department of Homeland Security (DHS) has not moved to advance or set this hearing. Respondent seeks a continuance of **at least six (6) months, until October 2026 or later**.

Respondent, through Counsel, would have verbally objected to the Court's *sua sponte* rapid setting of this IH had it been scheduled orally at a master calendar hearing ("MCH"). However, there was no MCH. On February 13, 2026, the Court set this case directly to a rapidly-advanced IH, without asking if Respondent was prepared to proceed, without asking if Respondent planned to have lay witnesses or expert witnesses testify, and without consulting with Respondent's Counsel as to her availability or the availability of witnesses.

Since February 2026, EOIR has launched an initiative targeting exclusively asylum seekers from one country – Somalia – for rapid non-detained ICHs at an unprecedented pace.[2] Undersigned Counsel has 113 defensive asylum clients on EOIR's active docket, 73 of whom are from Somalia. Of those 73, 66 (90%) have had their cases rapidly advanced in a matter of mere days or weeks in this "Somali Rocket Docket" scheduling blitz.[3]

Denying this continuance request would directly prejudice this Respondent, deprive him a reasonable opportunity to present evidence and witnesses on his behalf, violate his due process rights, and violate his statutory right to counsel of his choosing. This "Somali Rocket Docket" without continuances as proposed herein would directly harm this Respondent, who genuinely fears for his life, as well as harm the 66+ other non-detained Somali asylum seekers represented by undersigned counsel. This is not a docket management dispute. This is a question of whether nearly 70 people will receive the hearing the Constitution and INA guarantee before being deported

[1] Because the deadline falls on a Sunday, it is the following business day. *See* ICPM § 2.1 (6)(2)(A).

[2] *See Tab B* (reports corroborating EOIR's unprecedented rapid acceleration of non-detained asylum hearings, exclusively for asylum seekers from Somalia, since February 2026) *(Tabs B.1 – B.10) (enclosed).*

[3] *See Tab A* (Affidavit from Attorney Kelsey Hines) at ¶¶ 19, 23.

to one of the most dangerous countries on earth. This is not about Counsel's convenience. It is about whether people live or die. This extreme scheduling compression eviscerates these respondents' ability to adequately prepare and present the evidence that stands between them and deportation to persecution, torture, or death.

The relevant question is not the length of time this matter has been pending before EOIR or the date of I-589 filing; instead, the relevant question is the length of time between the date of the non-detained IH notice and the date of the non-detained IH filing deadline (here, just 38 days). This is because at least 70-85% of non-detained asylum case preparation is structurally impossible to begin until an IH is set. The I-589 filing date is irrelevant to this work.

The 15-30% of pre-hearing-setting work is completed in this case, as it is in all 66 cases. The initial Form I-589, written pleadings, red-lined I-589, affidavits of birth, and asylum fee (AAF) receipt have all been filed. Respondent has worked diligently with Counsel in drafting his detailed declaration and in gathering corroborating evidence, and he continues to do so.

However, the 70-85% of post-hearing-setting work could not have been started until February 13, 2026, the date this IH was scheduled. The timeline is a mathematical impossibility. If these respondents are forced to IHs unprepared, they will go to hearing without an updated forensic psychological evaluation, which cannot be arranged on this timeframe, meaning the IJ has no recent expert basis to understand why their testimony may appear fragmented, inconsistent, or emotionally flat. They will go without a country conditions expert, which cannot be arranged on this timeframe (nor can the few Somalia experts with sufficient qualifications testify in this volume of cases when they are all being heard so rapidly), meaning the IJ must assess country conditions without expert guidance. They will go without sufficiently prepared updated country conditions evidence, which are inherently fluid, particularly for a country as rapidly evolving and complex as Somalia, and cannot be completed until the IH is set. They will go without a finalized detailed affidavit describing their past harms, as finalizing the affidavit before an IH is set is patently poor legal strategy for credibility reasons, given the reality that many trauma-survivors have more, less, or fragmented memories as time passes. They will testify about the worst experiences of their lives without adequate hearing preparation with counsel of their choosing, which requires dozens of hours of preparation and interpretation. This Respondent will be directly prejudiced if this matter is not continued. He has a strong claim for relief, and he deserves a reasonable opportunity to gather/prepare this evidence and to prepare for this hearing with his retained attorney of choice.

If this Court denies this Motion to Continue, Counsel asks that the Immigration Judge expressly indicate in the order whether their position is (A) they lack the independent discretion to continue this matter (perhaps due to a priority-setting or timeline-setting directive from the EOIR Office of the Chief Immigration Judge ("CIJ") pursuant to 8 C.F.R. § 1003.9(b)(3)), **or (B) they are independently exercising their discretion pursuant to § 1003.10(b) in finding that good cause has not been established**. 8 C.F.R. § 1003.9(c) expressly forbids any CIJ guidance from directing the result of an IJ's independent adjudication. 8 C.F.R. § 1003.10(b) broadly vests the IJ with sole independent adjudicative authority; and current EOIR OPPMs 25-42[4], 25-48[5], and 21-13[6] expressly state that IJs retain independent discretion over their dockets to reschedule and continue cases before them. If the Court is acting on a directive it believes overrides that authority, Counsel asks the Court to state so plainly. Alternatively, if the Court is indeed acting on its own independent discretion, Counsel asks the Court to expressly affirm that it is doing so, so that the reviewing bodies may review for an abuse of that discretion.

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[4] *PM 25-42, Adjudicator Independence and Impartiality* (copy available at Exhibit Tab D.2, enclosed) ("Immigration Judges are required to adjudicate cases independently and impartially without favor to either party, [..] independent in their decision-making in the cases before them. [..] [T]hey exercise independent judgment and discretion when adjudicating cases. [..] **[They] must exercise [their] authority according to [their] own understanding and conscience**. Therefore, **no EOIR employee or officer can direct any adjudicator to rule in any particular way** on a matter.")

[5] *PM 25-48, Case Priorities and Immigration Court Performance Measures* (copy available at Tab D.1, enclosed) ("**Immigration Judges retain discretion over their dockets to reschedule cases**") ("The designation of a case as a priority is not intended to limit the discretion accorded an Immigration Judge under applicable law, nor is it intended to mandate or direct a specific outcome in any particular case.")

[6] *PM 25-17, Cancellation of Director's Memorandum 22-05 and Reinstatement of Policy Memoranda 19-05, 21-06, and 21-13* (copy available at Exhibit Tab D.3, enclosed) (reinstating PM 21-13); *PM 21-13, Continuances* (copy available at Exhibit Tab D.4, enclosed) ("**EOIR management does not possess authority to direct the result of an adjudication by an Immigration Judge by directing the Judge to grant or deny a continuance request in specific cases**. [..] **A continuance request based solely on agency completion goals or an employee's individual performance appraisal is improper and contrary to well-established law**. [..] Nothing in this PM limits an adjudicator's independent judgment and discretion in adjudicating cases or an adjudicator's authority under applicable law.") ("The time between a master calendar hearing and individual merits hearing, which often exceeds one year in a non-detained case, already encompasses substantial time for preparation." [..] [I]ndividual merits hearing[s] [..] are typically scheduled far in advance, which provides ample opportunity for preparation time, and often involve interpreters or third-party witnesses whose schedules have been carefully accommodated. [..] [A non-detained] individual merits hearing is typically scheduled far in advance and generally only after considering the availability of a respondent's representative.") ("Fundamental fairness and due process require that legal proceedings be postponed in appropriate circumstances. […] **The appropriate use of continuances serves to protect due process, which Immigration Judges must safeguard above all**.")

II. FACTUAL SUMMARY

Respondent, [redacted] is a Somali-speaking asylum seeker from Somalia who promptly retained undersigned Counsel, Kelsey Hines, to represent him in these proceedings shortly after they entered the United States to seek asylum.

Attorney Hines is an experienced solo practitioner with three paralegals. *See Tab A (Hines Aff.)* ¶¶ 6-11. She currently has 113 non-detained asylum cases on EOIR's active docket; some of which were set for individual hearing in late 2026, 2027, or 2028, and many of which were in the Court's scheduling queue. *Id.* ¶ 19. Of Attorney Hines' 113 active non-detained asylum cases before EOIR, **73** are citizens/natives of Somalia. *Id.*

Beginning the first week of February 2026, EOIR created an unprecedented "Somali Rocket Docket," rapidly advancing almost all Somali asylum cases toward individual merits hearing in a matter of mere days or weeks. *See Tab B (reports corroborating EOIR's unprecedented rapid acceleration of non-detained asylum hearings, exclusively for asylum seekers from Somalia, since February 2026) (Tabs B.1 – B.10) (enclosed); Tab A (Hines Aff.)* ¶¶ 24-36. These MCHs began on February 17, 2026, the first date of the holy month of Ramadan, celebrated by Somalis and Muslims around the world. *Id.* ¶ 28; *Tabs B.1, B.7, B.9.*

This Somali scheduling blitz follows months of commentary from the U.S. government suggesting that Somalis have "bad genes," are "very, very rough people," "filthy," "dirty," "disgusting," "garbage," "low IQ people" "poisoning the blood of our country," "terrorizing" and "taking over the once great State of Minnesota," "roving the streets looking for prey," "ripping us off;" they "just run around killing each other" and "the only thing they're good at is going after ships"; they are "pirates" who "have stolen all of our money"; they are "killers" and "leeches"; they "don't work," "do nothing but complain" and "bitch," "they contribute nothing"; they "are non-compatible with Western Civilization" and "destroy everything that America stands for." *See Tab C (Reports highlighting various comments from the current U.S. Federal Government indicating apparent institutional bias against natives/citizens of Somalia) (Tabs C.1 – C.39) (enclosed).* In the 90 days leading up to this Somali Rocket Docket initiative, the President explicitly stated of Somali immigrants: "**We're getting their people out**;" "Send them back to where they came from;" "**I don't want them in our country**. I'll be honest with you, OK? Somebody would say, oh, that's not politically correct. I don't care. I don't want them in our country… Their country stinks and **we don't want them in our country**;" "They're scammers.

They always will be. **And we're getting them out**" as "we liberate our country from this cultural scourge." *Id.* at *Tabs C.12, C.15, C.16, C.29* (emphasis added).

It appears rather clear what the government wants: Somalis out, as quickly as possible. However, the U.S. Constitution and the INA still exist, and the Department of Justice ("DOJ") still must process each of these individual cases before EOIR in accordance with the law.

Of Attorney Hines' 73 Somali asylum cases on EOIR's active non-detained docket, **66** (90%) have thus far been rapidly set and/or advanced in the past month. *See Tab A (Hines Aff.* ¶¶ 24-26). She has not had a single non-Somali case advanced. *Id.* These figures mirror reports from other practitioners, who similarly report that 85%-100% of their non-detained Somali cases have been rapidly advanced since early February, all being set for unprecedented rapid non-detained individual hearings in **March, April, May, or June 2026, with a few now being set in July 2026**, over the objections of Respondents and their attorneys. *Id.* ¶ 27; *see also Tabs B.1 – B.10.*

The former Chief Immigration Judge (CIJ) at the Fort Snelling, Minnesota immigration Court, Ryan Wood, recently commented publicly on this Somali Rocket Docket, highlighting its absolutely unprecedented nature. He stated: "[T]he EOIR director and the Office of the Chief Immigration Judge have the authority to prioritize certain cases, but pulling cases based on nationality is unprecedented. I can't think of another example going through all the other priority dockets, where, silently the EOIR has pulled cases forward based on nationality. [..] My view is always to try and give the benefit of the doubt, but I'm struggling to see how this is aboveboard." *Tab B.10.* Even former IJ Andrew Arthur, who now works for a think tank that pushes to *restrict* immigration, concedes publicly that this docket is "unusual." *Tab B.9.*

The Department of Homeland Security (DHS) has not moved to advance any of these 66 matters, nor does it appear DHS has moved to advance any matters on this Somali Rocket Docket. *See Tabs B.1 – B.10; Tab A (Hines Aff.)* ¶ 28. At some of these MCHs, counsel for DHS has actually stated on record, "It doesn't matter to me," "I'm cool with whenever, Judge," "Doesn't matter if it's advanced or not." *Id.* ¶ 28(a)(i) – 28(a)(iii).

Available evidence converges on a clear picture. Attorney Hines' caseload was ethical and manageable; now it is not. This could not have been predicted or anticipated. Until this unprecedented scheduling blitz targeting one nationality, non-detained removal cases have consistently had 12-18+ months between the date of individual hearing notice and the date of

individual hearing, a premise EOIR itself relies upon.[7] Removal defense attorneys carry dockets ranging from 70 – 250+[8] cases across all procedural stages, while actively preparing only for 1-3 merits at any given time. A docket of 113 non-detained removal cases is thus entirely manageable, ethical, and reasonable. What has happened to Counsel Hines – nearly 70 non-detained cases scheduled rapidly and simultaneously – has no historical precedent.

This creates a mathematical impossibility for Attorney Hines' continued representation of these 66 respondents, if these matters are not continued, notwithstanding Counsel and Respondents' diligence to date. *Tab A (Hines Aff.* ¶¶ 21-22; 36(a-c)); *See also Tab E (Additional reports corroborating Respondent's counsel's ethical number of non-detained caseload on EOIR's active docket [113 cases] and the mathematical impossibility of preparing nearly 70 non-detained merits hearings in a matter of mere weeks/months from the date of the IH hearing notice, as proposed by this court) (Tabs E.1 – E.4).* As stated above, at least 70-85% of non-detained asylum

[7] *See Tab A* (Hines Aff.) ¶ 12 ("In my entire career, I have never had a non-detained individual calendar hearing scheduled with less than 12 months' notice at the absolute minimum, often longer"), ¶ 13 ("I have recently consulted with more than 20 colleagues, each of whom have spent many years practicing removal defense before EOIR, and each echo this experience. Detained cases, of course, move quickly. However, none of us have ever in our careers had a non-detained individual hearing notice set the non-detained individual hearing for less than 12 months after the notice. Often, the hearings are set out for 18 months, 24 months, or longer."), ¶ 15 ("I have always operated under the assumption that the individual hearing date will be known for a minimum of 12 months or, put another way, that the date between the IH hearing notice and the IH will be a minimum of 12 months"); *Tab B.9 (Fast-tracked asylum hearings for Somali refugees being held in secret, Minnesota Star Tribune)* ("Immigrants who are not in custody typically wait eight months to more than a year between hearing dates") ("Immigrants often wait eight months or more between hearing date"); *Tab B.10 ('We just want a fair trial': How the 'Somali rocket docket' is upending the asylum process, Sahan Journal)* ("Typically, final hearings are scheduled around a year after initial hearings"); *Tab D.4* (PM 21-13) ("[T]he **time between a master calendar hearing and an individual merits hearing**, which [..] **exceeds one year in a non-detained case**, encompasses substantial time for preparation") ("Such hearings are [..] **scheduled far in advance**, which provides ample opportunity for preparation time, and often involve interpreters or **third-party witnesses whose schedules have been carefully accommodated**") ("An individual merits hearing is [..] scheduled **far in advance** and [..] **only after considering the availability of a respondent's representative**") (emphasis added); *Tab D.5* (Good cause for a continuance, EOIR proposed rule) ("This proposed rule recognizes that **a significant amount of preparation time [exists] between a master calendar hearing and an individual hearing**") ("The proposed rule contemplates that, **following the scheduling of a merits hearing**, **parties have ample time to prepare for the hearing**") (emphasis added)

[8] A 2025 law review article found that in 2024, 16,976 representatives provided counsel to approximately 1.4 million immigrants facing removal, averaging **82** cases per attorney. Some attorneys in EOIR's database handled only 1 case, while others had **more than 1,000.** *See Tab E.2 (enclosed).* A 2023 AILA report found that most removal defense attorneys have **70 or more** active cases at one time. *See Tab E.1 (enclosed*). A 2021 UFW caseload assessment found that the average first-year staff attorney had **150** active cases, second-year staff attorney had **200** active cases, third-year staff attorney had **225** active cases, and senior attorney had **250** active cases. *See Tab E.4 (enclosed).* Finally, it is worth noting EOIR recently stopped providing researchers with essential data identifying how many immigration attorneys are representing immigrants in its caseload. *See Tab E.3 (enclosed).* The absence of per-attorney caseload data is a gap created by EOIR refusing to release its data. TRAC has explicitly questioned whether EOIR "attempts to expedite case processing times" and "suddenly changing hearing schedules [are] making workload less predictable," which is precisely what has happened here. *Id.*

case preparation is structurally impossible to complete before a merits hearing is set. *Id.* Attorney Hines reasonably estimates that a single non-detained Somali defensive asylum merits hearing takes her **more than 150 hours** to prepare, with **at least 120 hours required after issuance of the hearing notice**. *Id*. This scheduling blitz, without a continuance of at least six (6) months, thus plainly creates a mathematical impossibility**.** *Id.*

Attorney Hines is not alone in these sentiments. According to a recent survey of over 300 asylum practitioners, the first empirical study of its kind, even a "relatively straightforward" defensive asylum case takes an **absolute "minimum" of 50 to 75 hours**. *High-Stakes Asylum: How Long an Asylum Case Takes and How We Can Do Better,* American Immigration Lawyers Association (June 14, 2023) (copy available at *Tab E.1,* enclosed). The report further notes that "**most asylum cases are not straightforward**," and "**cases with significant complexity take far more time than this estimate**," citing "complicating factors" such as "past trauma experienced by the applicant," "language barriers," and "procuring [..] expert witnesses." *Id.* (emphasis added) One surveyed asylum practitioner explained: "Each case is different. All of them take at least twice as long as we estimate at the outset." *Id.* Another asylum attorney stated their most recent defensive asylum case "has taken **over 300 hours of prep**, including for the merits." *Id.*

The low end of this estimate, 50-75 hours, is radically conservative and plainly inaccurate for Somali cases, which are categorically more complex for multiple reasons, including but not limited to: (1) the need for interpreters, (2) clan/region complexities, (3) Al-Shabaab/region complexities, (4) overlapping complex claims, (5) CLP arguments (as applicable), and (6) trauma severity. First, most Somali clients require an interpreter, which roughly doubles the time for every client-facing activity. Second, clan-based persecution claims are notoriously complex, as persecution analysis is clan- and region-specific. Clan dynamics in Mogadishu are vastly different from clan dynamics in Jubaland. Third, Harakaat-al-mujahideen Al-Shabaab ("Al Shabaab") dynamics vary by region and change rapidly over time, as Al Shabaab's presence, control, and targeting differ between various regions throughout the country. Country conditions evidence, including the question of who the "government actor" is in a certain region, must be compiled region-by-region, not nationally. Fourth, many of these cases have multiple overlapping persecution grounds, adding to the cases' complexity. Many of these cases involve layered claims: FGM/C + forced marriage + clan violence; Al Shabaab targeting for imputed political opinion + Sufi religious practice; etc. Each ground requires separate evidence, separate legal analysis, and

separate nexus arguments.[9] Fifth, several of these 66 cases entered after May 11, 2023, thus facing the CLP bar, which requires case-specific exception arguments (family unity, imminent risk to life/safety, trafficking). This is an additional legal and factual layer absent from pre-CLP cases. Sixth, the trauma severity in these cases is significant and cannot be understated. These respondents are survivors of targeted assassination attempts; witnessed the assassination, rape, or brutal violence of an immediate family member in front of them; suffered kidnapping, imprisonment, torture, rape, death threats, etc. Trauma-informed practice requires slower, more careful interview techniques, especially through an interpreter. For these six reasons and more, Counsel's estimate of at least **150 total hours**, **120 hours after the IH is set**, represents an honest assessment of the work involved in adequately and competently preparing these matters for trial.

To that end, the estimate that 70-85% of total work cannot be completed until after the merits hearing is set is reasonable and consistent with reports from hundreds of other asylum attorneys. Multiple aspects of asylum hearing preparation – including but not limited to (1) finalizing updated country conditions reports; (2) finalizing respondent's affidavit/declaration; (3) referring and obtaining an updated psychological evaluation; (4) referring and obtaining updated physician evaluations of scars or physical injuries; (5) conducting up-to-date legal research and finalizing the legal memorandum/brief; (6) finding a country conditions expert, communicating with that expert, coordinating with their availability for the merits hearing, and having at least one prep appointment with that expert before the hearing; (7) drafting the witness list, coordinating with lay witnesses; and having at least one prep appointment with all witnesses before the hearing; and (8) having a minimum of two meetings with the respondent before the merits hearing (Counsel's practice is usually at least three pre-merits prep appointments) – all cannot occur until after the merits date is known.

To that end, the aforementioned AILA report explicitly recognizes that "supporting evidence is dynamic – particularly country conditions," and the vast majority of case preparation steps cannot be completed until the merits hearing is set. *Tab E.1.* Surveyed attorneys estimated

[9] Regarding the second, third, and fourth factors mentioned here ([2] clan/region complexities; [3] Al-Shabaab/region complexities; and [4] overlapping complex claims for relief), all of which deal with the inherent complexity in Somali asylum claims, the former Chief Immigration Judge from the Fort Snelling, Minnesota Immigration Court, Ryan Wood, stated publicly: "Out-of-state judges may not have the same grasp on the intricacies of Somali asylum cases. What is concerning is that our bench in Minnesota has significant experience with **Somali cases**, which **are very complicated**. There's a very complicated history, and unique Eighth Circuit law, on these issues." *Tab B.10* (emphasis added).

a minimum of at least **14 hours** to research and develop new/updated country conditions evidence before a merits hearing. *Id.* Conditions in Somalia, perhaps more than any country on earth, are rapidly evolving. Well-founded fear is an inherently forward-looking standard. The country conditions index – the compilation of articles, reports, State Department assessments, NGO findings, and news sources documenting current conditions in the respondent's specific home region – must be current as of the hearing date, not months or years prior. Somalia's security situation, clan dynamics, dynamics between the Federal Government of Somalia (FGS) and various Federal Member States, and Al Shabaab's territorial control, all change continuously. A 2023 country conditions packet does not describe 2026 Somalia. DHS will challenge stale evidence, and the IJ should give it reduced weight. Each respondent's regional, clan, and persecution profile requires a tailored, current index with current and case-specific country reports.

After the hearing is scheduled, the AILA report confirms that working "with experts to provide testimony to support an asylum seeker's case," including "country-condition experts to describe ongoing conflict in a country," "mental health professionals to explain trauma," or "a doctor to document physical scars or other [current] symptoms" adds a minimum of **24 hours** to case preparation. *Tab E.1.*

A qualified country conditions expert must draft a case-specific opinion based on *current* country conditions. The expert must be current on conditions at the time of hearing, such that arranging ahead of time on a non-detained docket often scheduled multiple years' out is not possible. Moreover, it is worth noting that the pool of qualified Somali country conditions experts is extremely small – there are a limited number of academics, researchers, and former government analysts with the expertise to testify credibly on these complex topics. These experts are often professors, government advisors, and high-level academics. They have limited availability, and 60+ simultaneous cases competing for their time creates the same bottleneck.

Counsel also cannot obtain an updated forensic psychological evaluation until the merits date is set. A psychological assessment must reflect the respondent's *current* mental state. The Board has itself recognized that mental health is "not a static condition" and "varies over time." *Matter of M-A-M-*, 25 I&N Dec. 474, 480 (BIA 2011). Evaluators need a hearing date to schedule and prioritize.

Most surveyed asylum attorneys reported meeting with their clients "10 or more times" over the course of the case, most of those meetings taking place after the merits date is set. *Tab E.1.* The attorney "will engage in rigorous interviewing," and surveyed practitioners estimated that the meeting time needed "to prepare the asylum seeker for a merits hearing ranges from **5 to 15 hours**, though it could [and often does] take longer." *Id.* If an interpreter is required, the attorneys estimated that this adds about **11 hours** of time to preparing the client before the merits hearing. To that end, "trauma causes memory loss," and "recommendations for effectively navigating PTSD and trauma in the attorney-client relationship include avoiding long interviews due to their emotional toll leading to lower efficiency, using careful interviewing techniques, generally avoiding re-traumatizing the asylum seeker, and working to lower their anxiety. These techniques require time to navigate and cannot be accomplished in one visit." *Id.* The report continues: "The more time an attorney has to work with an asylum applicant in advance of their [hearing], the more efficient and accurate the information with which the asylum adjudicator must work, *which in turn saves government time*." *Id.* (emphasis added). Surely, this Respondent being abandoned by their retained Counsel mere days/weeks before their merits hearing, will greatly escalate their trauma response and prejudice their ability to testify credibly.

Counsel also must finalize the respondent's affidavit/declaration with respondent prior to the merits hearing. Counsel usually prepares written declarations with clients exceeding 20 pages (in large part to aid DHS and the Court, as doing so can streamline oral testimony), and indeed meets regularly with her defensive asylum clients while their cases are pending. However, to finalize and submit a detailed affidavit in 2022 for an individual hearing that will not occur until some unknown future date in 2027 or 2028 or later, would be plainly poor lawyering and legal strategy. A respondent may remember certain details of their past persecution in their home country within their first year of arrival, then forget the specifics of those details as years pass. Alternatively, a respondent might remember very few details upon their arrival to the United States in a state of active acute PTSD, and, after several years of mental health care and community support, remember additional details or chronology of the traumas they endured.

Legal research and briefing also cannot be finalized before the merits hearing is set. The AILA report acknowledges that "legal research" adds a minimum of an additional **11 hours** to hearing preparation. *Tab E.1.* Further, asylum law often changes "from the time a client hires an attorney to the time their case is before an adjudicator," meaning "the attorney will need to do

additional legal research to account for changes in the law" after the merits hearing is scheduled. *Id.* This is particularly true in 2026, as the Board has been upending decades of precedent on a weekly basis. From January 31, 2025 through February 13, 2026, the BIA/AG have issued 77 precedential decisions, a "record number."[10] The BIA has been actively redefining elements of asylum law, including particular social group analysis, nexus requirements, credibility standards, and bars to relief. The legal landscape has been in unprecedented flux since January 2025. A legal brief prepared even months ago would be obsolete. Counsel must research and incorporate the current state of the law at the time of the hearing, which cannot be known until close to the hearing date. This is not a static legal field; it is one in which the governing law is changing week by week. Moreover, the legal argument must tie evidence to the elements of the claim, which, from a practical perspective, can only be finalized once the full evidentiary record is established. Thus, having all of these matters fully briefed before the merits hearings were set was not possible.

Thus, Attorney Hines cannot prepare all of these cases for merits in this timeframe. It is a literal mathematical impossibility for Attorney Hines and her existing team to competently prepare these cases for merits. *See Tab A (Hines Aff.* ¶¶ 21-22; 36(a-c) (specifically detailing the hours required vs. hours available)).

Even if Attorney Hines were able to hire multiple associate attorneys or contract attorneys to assist with hearing preparation in the coming days/weeks (assuming the respondents felt comfortable and consented, which should in no way be a foregone assumption, particularly with such a deeply traumatized client base) (and even assuming there were attorneys available, at a time when attorneys are fleeing the immigration field *en masse*), the impossibility still would persist. This scheduling blitz is patently unworkable. Even five additional asylum attorneys – onboarded instantly, today – would still leave a massive shortfall, mathematically. Moreover, there are none available. The Star Tribune reported 208 advanced Somali cases across just three Minnesota attorneys. *See Tab D.8.* Every qualified Somali asylum practitioner in the country is experiencing this same compression, now carrying an impossible caseload from this same blitz. This is not one attorney's staffing problem. It is a systemic impossibility created by this Somali Rocket Docket. Further, even if an attorney appeared tomorrow, if the attorney was experienced in Somali asylum

[10] *The BIA and AG's Systemic Destruction of Noncitizens' Rights in Removal Proceedings*, National Immigration Project (Feb. 19, 2026), available at https://nipnlg.org/work/resources/bia-and-ags-systemic-destruction-noncitizens-rights-removal-proceedings

cases and required no training, and if the client consented, every case transferred would require hours of onboarding through a Somali interpreter and hours of file review before a single hour of preparation begins. Those are hours subtracted from the available pool, not added to it.

In the end, the fact remains: Attorney Hines' caseload (appx. 100 cases) was limited, deliberately-curated, and manageable. What EOIR has done is take a model that worked and made it impossible. The efficient path is not to propose that Counsel hire attorneys who do not exist. It is to let Counsel prepare these cases at 3 to 5 per month, starting in October 2026, and produce prepared hearings instead of 66-73 appeals.

The situation is dire if this Court does not continue this matter, and Respondent will be directly prejudiced as a result. Attorney Hines has spoken at length with the Office for Lawyers of Professional Responsibility (OLPR) and will likely ethically need to withdraw from several or most of these matters if they are not continued. *See Tab A (Hines Aff.)* ¶¶ 36(a-d); 38(a-e). She has contacted multiple non-profits seeking pro-bono support and multiple firms, all of whom are at capacity. *Id.* ¶ 37(a-d) ("If I, as a well-connected immigration attorney, am unable to secure alternative representation for even one of my clients on such a short timeframe, I am certain that my clients would be unable to find an attorney on their own in this timeframe if I am forced to withdraw as their counsel for ethical reasons."). Thus, if this matter is not continued, Respondent will likely be *de facto* forced to proceed unrepresented in the most important hearing of their lives – a hearing that is quite literally a matter of life and death – despite retaining competent counsel and diligently preparing their case, through no fault of the respondent or Attorney Hines and solely resulting from the government's own discretionary action targeting Somali asylum seekers.

Respondent, through Counsel Hines, respectfully asks this Court to continue the individual hearing to a date **at least six (6) months out – in October 2026 or later.** Counsel wishes to highlight what she is proposing, not just what she is opposing. **Counsel proposes 3 to 5 merits hearing per month, starting October 2026. This still far exceeds the national standard, but would have all 66 cases completed by late 2027 or early 2028, an accelerated timeline that still prioritizes these cases. This proposal also preserves government resources, as providing this time for hearing preparation now is a greater use of resources as opposed to the alternative – BIA appeal, Circuit Court litigation, remand, right back to where we are today.** For these reasons, and the reasons which follow, Counsel asks the Court to please grant this continuance as proposed.

III. ARGUMENT

The decision on this continuance request lies solely and exclusively with the Immigration Judge. Respondent has established "good cause" for a continuance pursuant to 8 C.F.R. § 1003.29 and "exceptional circumstances" pursuant to INA § 208(d)(5)(A)(iii).

First, the existing policy framework treats "far in advance" (one year) non-detained IH scheduling as a presumption of adequate preparation time. Where, as here, the scheduling is not far in advance, that presumption does not arise, and the standard good-cause analysis should apply with heightened scrutiny.

Second, denial of this continuance would, under these unique and unprecedented circumstances, violate Respondent's right to due process and to counsel of his choosing. Multiple pieces of evidence, including updated country conditions evidence, a recent expert psychological evaluation, and a country conditions expert, could not have been reasonably obtained prior to the setting of this hearing, and Respondent is unable to gather this evidence and present these witnesses in the mere 38 days allotted. Moreover, his retained counsel is unable to provide competent, diligent, and communicative representation to Respondent and to the 65 other Somali asylum seekers she represents who have also had their cases rapidly advanced in recent weeks. She has consulted with the Office for Lawyers Professional Responsibility (OLPR) and confirmed that although her caseload was previously manageable, she may now need to ethically withdraw if these cases are not continued. Counsel has been unable to obtain alternate coverage and, if she has been unable to find coverage on this timeline, she strongly believes Respondent would also be unable to find an attorney who can take over his case before his merits hearing. Thus, denial of this continuance would violate Respondent's statutory right to counsel and Constitutional right to due process in these proceedings.

Third, administrative efficiency alone can never justify the denial of a continuance. Regardless, it is sound docket management to carefully consider administrative efficiency, which here supports a continuance. It would be a wasteful use of adjudicative resources to plow ahead immediately and a better use of resources to set these 66 cases for 3-5 merits per month, starting in October 2026, thereby completing all cases by late 2027.

Fourth, the 180 day mandate pursuant to INA § 208(d)(5)(A)(iii) does not preclude a continuance here. EOIR cannot selectively invoke the 180-day mandate for one nationality. The 180 days have already elapsed. Regardless, the statute's own exception applies here. If these are not "exceptional circumstances," the phrase has no meaning.

Fifth, and finally, this is Respondent's first request to continue this merits hearing, and Respondent has otherwise acted with reasonableness and diligence in these proceedings.

A. <u>This Decision Lies Exclusively with the Immigration Judge (IJ).</u>

First, as outlined above, the decision regarding whether to grant or deny this motion to continue lies solely and exclusively with the Honorable Immigration Judge Chris Brisack. Any potential scheduling directives from the Office of Chief Immigration Judge (CIJ) (per 8 C.F.R. § 1003.9(b)(3)) cannot override the IJ's independent adjudicative authority to continue this individual hearing (per § 1003.10(b)) where, as here, the rapid setting *de facto* "directs the result" of adjudication, which is expressly forbidden by § 1003.9(c).

During or following several of these rapidly-set MCHs on this Somali docket, Respondent's Counsel has been told by various IJs orally or in writing that their "expedited" calendars "only go out" until a certain date, they have "limited options," and Counsel may raise her concerns with "the powers that be." *See Tab A (Hines Aff.)* ¶ 34-35.

However, the regulations and existing OPPMs confirm that the decision of whether to grant or deny this continuance lies with the IJ and the IJ alone.

The IJ has the authority to continue this hearing to a later date which allows Respondent adequate time to prepare. The regulation says "shall," which means the IJ *must* use his or her independent judgment and authority. *See* 8 C.F.R. § 1003.10(b) ("Judges shall exercise independent judgment" for "any action" "necessary or appropriate for the disposition."). If this acceleration of exclusively Somali cases is coming from a scheduling directive, presumably from the Office of the Chief Immigration Judge (CIJ)'s priority-setting machinery per 8 C.F.R. § 1003.9(b)(3), the IJ's hands are not tied. 8 C.F.R. § 1003.9(c) explicitly says that directive cannot override the IJ's independence as a judge. 8 C.F.R. § 1003.9(b)(3) does provide the CIJ power for priority-setting, docket management, and time frames. However, this is followed with an absolute prohibition: the CIJ "shall have no authority to direct the result of adjudication." 8 C.F.R. § 1003.9(c). "Shall not" is an absolute prohibition. "Shall" is mandatory. Again, the IJ's

independent adjudicative scope includes "any action consistent with [their] authority that is necessary or appropriate for the disposition." This is extraordinarily broad. This is not a narrow grant to rule yes or no. It covers everything that goes into the disposition of this person's asylum claim, including whether to proceed on a fundamentally unfair and prejudicial timeline. The scheduling timeline thus far proposed is so compressed that the outcome is obviously pre-ordained. The scheduling is functioning as results-directing. When docket management targets a single nationality and produces timelines that prevent preparation, it's result-directing as a matter of CIJ policy, and that is expressly forbidden by 8 C.F.R. § 1003.9(c). The CIJ regulation protects genuine administrative scheduling coordination. It does not protect scheduling that predetermines results. It does not protect scheduling clearly designed to produce specific outcomes for a specific nationality. If the CIJ can predetermine the outcome of every Somali asylum case by giving respondents' counsel mere days/weeks to prepare 60-70+ merits hearings (scheduling back-to-back-to-back, rapidly overlapping hearings, denying continuances for direct scheduling conflicts, providing no preparation time to arrange a country condition expert, an updated psychological evaluation, preparation with their chosen counsel, etc.), then § 1003.9(c) doesn't prohibit anything. If scheduling so rapidly as to prohibits preparation isn't "directing the result," then the prohibition in § 1003.9(c) is meaningless. Current OPPMs confirm this truth, as outlined above. *See fn. 4-6, supra.*

Therefore, the decision on this continuance lies solely and exclusively with the Immigration Judge. As indicated above, if this Court believes it is foreclosed from granting this continuance request due to an EOIR directive, Respondent asks that the Court state so plainly.

B. Respondent has Established "Good Cause" for a Continuance pursuant to 8 C.F.R. § 1003.29 and "Exceptional Circumstances" pursuant to INA § 208(d)(5)(A)(iii).

1. The existing policy framework treats "far in advance" non-detained IH scheduling as a presumption of adequate preparation time. Where, as here, the scheduling is not far in advance, that presumption does not arise, and the standard good-cause analysis should apply with heightened scrutiny.

This record clearly establishes that the existing policy framework treats "far in advance" scheduling between non-detained IH hearing notice and IH date as the norm. *See e.g., Tab D.4* (PM 21-13) ("[T]he **time between a master calendar hearing and an individual merits hearing**, which [..] **exceeds one year in a non-detained case**, encompasses substantial time for

preparation") ("Such hearings are [..] **scheduled far in advance**, which provides ample opportunity for preparation time, and often involve interpreters or **third-party witnesses whose schedules have been carefully accommodated**") ("An individual merits hearing is [..] scheduled **far in advance** and [..] only after considering the availability of a respondent's representative") (emphasis added); *Tab D.5* ("This proposed rule recognizes that **a significant amount of preparation time [exists] between a master calendar hearing and an individual hearing**") ("The proposed rule contemplates that, **following the scheduling of a merits hearing**, **parties have ample time to prepare for the hearing**") (emphasis added)*; Matter of Cahuec Tzalam,* 29 I&N Dec. 195, 196 (BIA 2025) ("Individual hearings for non-detained cases are [..] scheduled far in advance").

While the existing OPPMs say continuances of merits hearings should be rare, that rests squarely on the reasoning that such hearings are "generally scheduled out far in advance." That is not just a policy preference – it is a factual premise that the policy rests on. Where, as here, the hearing was not scheduled far in advance, the respondent is not asking for something the guidance was designed to prevent. This scenario is a factual situation the guidance never contemplated. The timeline in this case, even at the individual level, allows **just 38 days** between individual hearing notice and individual hearing filing deadline. Cumulatively, Respondent's Counsel's docket is predominately Somali asylum seekers, and she is scheduled for nearly two-thirds of her cases on this rapid timeline. *See Tab A (Hines Aff.).* The restrictive approach to merits hearings continuances described in the OPPMs, by EOIR's own logic, applies only when the scheduling assumption holds true. Here, it clearly does not.

2. Denial of this continuance would, under these unique and unprecedented circumstances, violate Respondent's right to due process and to counsel of their choosing.

i. Right to Due Process

Respondents in removal proceedings are **entitled to procedural and substantive due process** pursuant to statute, the Fifth Amendment of the U.S. Constitution, and EOIR guidance.

The U.S. Constitution guarantees substantive and procedural due process rights for all persons in the United States, regardless of their immigration status, and those rights are Constitutionally protected for all individuals in removal proceedings before Immigration Courts.

See e.g., Wong Wing v. United States, 163 U.S. 228, 238 (1896) ("[T]he Constitution is not confined to the protection of citizens. [..] [A]ll persons within the territory of the United States are entitled to the protection guaranteed by those amendments."); *Mathews v. Diaz,* 426 U.S. 67, 77 (1976) ("There are literally millions of [non-citizens] within the jurisdiction of the United States ... [t]he Fifth Amendment as well as the Fourteenth Amendment, protects every one of these persons [with] due process of law."); *Landon v. Plasencia*, 459 U.S. 21, 32 (1982) ("[All individuals] are "entitled to a fair hearing when threatened with deportation"); *Reno v. Flores*, 507 U.S. 302, 306 (1993) ("It is well established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings."); *Zadvydas v. Davis,* 533 U.S. 678, 693 (2001) ("[O]nce [someone] enters the country, the legal circumstance changes, for the Due Process Clause applies to all 'persons' within the United States…whether their presence here is lawful, unlawful, temporary, or permanent"); *Lopez v. Heinauer,* 332 F.3d 507, 512 (8th Cir. 2003) ("The Supreme Court has long recognized that deportable [noncitizens] are entitled to due process."); *Al Khouri v. Ashcroft,* 362 F.3d 461, 464 (8th Cir. 2004) ("It is well-settled that [..] [noncitizens] are entitled to the Fifth Amendment's guarantee of due process of law in deportation proceedings.") ("The Fifth Amendment's due process clause mandates that removal proceedings be fundamentally fair."); *Tun v. Gonzales*, 485 F.3d 1014, 1025 (8th Cir. 2007) ("For a removal hearing to be fair, the arbiter presiding over the hearing must be neutral, and the immigrant must be given the opportunity to fairly present evidence, offer arguments, and develop the record.").

By statute, noncitizens in removal proceedings "shall have a reasonable opportunity to examine the evidence against [them], to present evidence on [their] own behalf, and to cross-examine witnesses presented by the Government." INA § 240(b)(4); 8 U.S.C. § 1229a(b)(4); *see also* 8 C.F.R. § 1240.10(a)(4). **The Eighth Circuit has confirmed that due process requires that an asylum applicant "must be allowed to present additional evidence and witnesses on their own behalf."** *Ramirez v. Sessions*, 902 F.3d 764 (8th Cir. 2018) (emphasis added); *see also Tun v. Gonzales*, 485 F.3d 1014, 1025 (8th Cir. 2007) ("[The] immigrant **must be given the opportunity to fairly present evidence, offer arguments, and develop the record**.").

As mentioned, the applicable OPPMs explicitly confirm that "fundamental fairness and due process require that legal proceedings be postponed in appropriate circumstances," and "the appropriate use of continuances serves to protect due process, which Immigration Judges must

safeguard above all." *PM 21-13 (copy available at Tab D.4) (reinstated by PM-25-17, available at Tab D.3).*

Denial of this continuance would violate Respondent's right to due process insofar as it would deprive Respondent of a reasonably fair opportunity to prepare multiple important pieces of evidence for the record which cannot be prepared before an individual hearing date is set. Respondent is not prepared to proceed with the scheduled merits, as additional evidence they seek to obtain and documentation they seek to prepare is probative, significantly favorable, and was not reasonably obtainable before the setting of this non-detained individual hearing. This evidence includes but is not limited to: (1) updated country conditions evidence, (2) country conditions expert, and (3) updated expert forensic psychological evaluation.

Pursuant to *Matter of L-A-C-*, 26 I&N Dec. 516, 525 (BIA 2015), Respondent has shown that multiple pieces of evidence, as outlined herein, "could not have been reasonably obtained in advance and presented at [their] merits hearing." Pursuant to *Matter of Sibrun*, 18 I&N Dec. 354 (BIA 1983), Respondent has reasonably shown that this lack of preparation occurred despite their diligent good faith effort to be ready to proceed, and that the additional evidence they seek to present is probative, noncumulative, and significantly favorable to their case. Denial of this continuance would cause actual prejudice to Respondent and materially affect the outcome of this case. Respondent does not present "bare, unsupported allegations;" instead, they have "specifically articulate[d] the particular facts involved or evidence [they] would have presented." *Sibrun* at 357.

Additionally, as mentioned above and as detailed below, this compressed timeline creates a mathematical impossibility for preparation time. As detailed in the fact section above, respondent is unable to prepare multiple pieces of evidence and multiple aspects of their case on this expedited timeline, including updated country conditions, an updated psychological evaluation, a country conditions expert, updated legal briefing, and more.

Circuit courts have consistently confirmed the importance of country condition expert reports and expert oral testimony in asylum claims and explicitly found due process violations where IJs have not allowed sufficient time to obtain such evidence or disregarded such evidence once in the record. *See e.g., Yang v. Gonzales,* 427 F.3d 1117, 1121–22 (8th Cir.2005); *Tun v. Gonzales*, 485 F.3d 1014, 1025 (8th Cir. 2007); *Niam v. Ashcroft*, 354 F.3d 652, 660 (7th Cir.2004); etc.

In conclusion, Respondent is unable to gather multiple integral pieces of evidence, including but not limited to an expert psychological evaluation, an expert country conditions report (and coordinating expert oral testimony at the hearing), updated country conditions, and additional pieces of evidence he is unable to gather in the mere 38 days alotted.

ii. Right to Counsel of Choice

Additionally, continuance of this proceeding for at least six months is warranted to protect Respondent's right to counsel of their choosing.

Respondents in removal proceedings are **entitled to counsel <u>of their choosing</u>** by statute. *See* INA § 292; 8 U.S.C. § 1362 ("In any removal proceedings before an immigration judge and in any appeal proceedings before the Attorney General from any such removal proceedings, the person concerned shall have the privilege of being represented [at no expense to the Government[by such counsel, authorized to practice in such proceedings, as he shall choose."); *see also* ICPM § 2.3(a) ("A [noncitizen] in immigration proceedings may be represented by an attorney of his or her choosing."); *Matter of C-B-,* 25 I&N Dec. 888 (BIA 2012) ("Respondents in immigration proceedings have the statutory and regulatory privilege of being represented by counsel of their choice.").

Counsel must provide competent representation. By regulation, competent representation before EOIR "*requires the legal knowledge, skill, <u>thoroughness</u>, and <u>preparation</u> reasonably necessary for the representation*," including "inquiring into and analysis of the factual and legal elements of the problem, and use of methods and procedures meeting the standards of competent practitioners." 8 C.F.R. § 1003.102(o) (emphasis added). Counsel cannot thoroughly prepare this case on such a rushed timeline.

Counsel must provide diligent representation. By regulation, diligent representation before EOIR requires "reasonable diligence and promptness in representing a client." 8 C.F.R. § 1003.102(q). "A practitioner's workload must be controlled and managed so that each matter can be handled competently." *Id.* at § 1003.102(q)(1). "Reasonable promptness" includes "complying with all time and filing limitations." *Id.* at § 1003.102(q)(2). "*A practitioner should carry through to conclusion all matters undertaken for a client*, consistent with the scope of representation as previously determined by the client and practitioner, unless the client terminates the relationship or the practitioner obtains permission to withdraw in compliance with applicable rules and

regulations." *Id.* at § 1003.102(q)(3) (emphasis added). Again, Counsel's workload was entirely ethical and manageable at the time she took this case and has only been rendered unmanageable by this Somali-focused scheduling blitz, which is entirely unprecedented.

Counsel must provide communicative and responsive representation. By regulation, a practitioner must "maintain communication with the client throughout the duration of the client-practitioner relationship." 8 C.F.R. § 1003.102(r). "It is the obligation of the practitioner to take reasonable steps to communicate with the client in a language that the client understands." *Id.* "Reasonable consultation with the client includes *the duty to meet with the client sufficiently in advance of a hearing or other matter to ensure adequate preparation of the client's case and compliance with applicable deadlines*." *Id.* at § 1003.102(r)(2) (emphasis added). Again, Counsel has been given such little time between the scheduling of the individual hearing and the individual hearing filing deadline, that these ethical obligations cannot be met if this hearing is not continued.

The Eighth Circuit has consistently confirmed that violation of a Respondent's statutory right to counsel of their choosing may amount to a due process violation. *See e.g., U.S. v. Torres-Sanchez,* 68 F.3d 227, 230 (8th Cir. 1995) ("A [noncitizen] has the statutory right to counsel at his own expense pursuant to 8 U.S.C. § 1252(b)(2)," [..] [and], in some circumstances, depriving a [noncitizen] of the right to counsel may raise a due process violation."); *Al Khouri v. Ashcroft,* 362 F.3d 461, 464 (8th Cir. 2004) ("It is well-settled that [..] [noncitizens] have a statutory right to counsel at their own expense, 8 U.S.C. § 1229a(b)(4)(A), and are entitled to the Fifth Amendment's guarantee of due process of law in deportation proceedings. In certain circumstances, depriving a [noncitizen] of the right to counsel may rise to the level of a due process violation."); *Njoroge v. Holder,* 753 F.3d 809, 811 (8th Cir. 2014) (same).

The U.S. District Court for the District of Minnesota has confirmed that **a noncitizen's "right to counsel" is "fundamental" and warned the government "not to treat it casually, since the right must be respected in substance as well as in name."** *Jiang v. Houseman,* 904 F.Supp. 971, 978 (D. Minn. 1995). "There are no mechanical tests for deciding when a denial of a continuance is so arbitrary as to violate due process, since the answer must be found in the circumstances present in every case, particularly in the reasons presented to the trial judge at the time the request is denied. While every denial of a continuance does not violate due process, [..] **a myopic insistence upon expeditiousness in the face of a justifiable request for delay can**

render the right to defend with counsel an empty formality." *Id.* at 978 (citing *Ungar v. Sarafite,* 376 U.S. 575, 589 (1964)). The court concluded:

> **In directing the availability of counsel so as to represent the interests of [noncitizens], [..] Congress intended that such access should be real and not imaginary or ephemeral. The right to legal advice would be hollow, indeed, if those needing those advices were required to surmount herculean obstacles.** […] To accord validity to the IJ's denial of a reasonable continuance in this matter would be to relegate the Petitioner's right to counsel 'an empty formality,' which we are not prepared to do."

Id. at 980.

As a direct corollary to the language used in *Jiang*, **a recent article about this exact "Somali Rocket Docket" explicitly states: "The glut of these cases makes preparing a herculean effort**." *Somali 'Rocket Docket': Lawyers say fast-tracked asylum cases could have life or death impact, Kare11 (Mar. 12, 2026) (copy available at Tab B.7, enclosed).*

To deny this continuance request and proceed with this hearing as scheduled would violate Respondent's statutory right to counsel of his choosing and due process rights.

While there is no case law at present addressing the extremely unusual facts presented with the instant continuance request in this case, there are several Eighth Circuit examples that may be useful comparisons, including *Torres-Sanchez*, *Al-Khouri,* and *Njoroge.*

In *Torres-Sanchez*, the respondent waived his right to counsel. *U.S. v. Torres-Sanchez,* 68 F.3d 227, 230, 231 (8th Cir. 1995). The IJ "informed Torres-Sanchez of his right to representation and offered him amply opportunity to obtain counsel by granting a continuance for that purpose." *Id.* He "did in fact confer with counsel prior to the rescheduled deportation hearing, but the attorney did not take the case. At the rescheduled hearing, [he] again appeared without counsel, and before proceeding, the IJ again inquired as to the reason he appeared without counsel. Torres-Sanchez responded, 'I feel that I am going to be deported to Mexico so maybe I don't need an attorney.' The [IJ] informed him that he had a right to counsel, he could proceed without counsel if he did not want an attorney and had not made arrangements for one; Torres-Sanchez responded, 'Okay.' Torres–Sanchez stated that after consulting with an attorney before the rescheduled hearing, he gave up and became very discouraged. Although Torres–Sanchez expressed some frustration over his attempt to obtain counsel, that frustration, in our view of the record, stemmed from his realization that he faced the inevitable consequence of deportation, not from a lack of opportunity to retain counsel. In any event, the mere inability to obtain counsel does not constitute a violation

of due process. Torres–Sanchez responded on the record, after conferring with an attorney sometime before the continued hearing took up, that he did not think he needed counsel. In light of all the circumstances, we conclude that the IJ's decision to proceed with the hearing was not improper." *Id.*

In *Al Khouri,* the respondent similarly waived his right to counsel and was himself responsible for his situation. *Al Khouri v. Ashcroft,* 362 F.3d 461, 464 (8th Cir. 2004). The Court noted: "First, noncitizens are free to waive their statutory right to counsel, which Mr. Al Khouri did." *Id.* at 464. "Second, Mr. Al Khouri is entirely to blame for the situation that unfolded at his hearing which resulted in his proceeding without representation of counsel. It would be nonsensical to recognize a constitutional entitlement to a continuance based on counsel's withdrawal when petitioners themselves are responsible for the withdrawal. Six months before the hearing, Ms. Brown warned Mr. Al Khouri that, if he did not contact her to make payment arrangements and to prepare his case, she would withdraw her representation. Three months before the hearing, she informed him that she indeed filed a motion to withdraw with the court, and she advised Mr. Al Khouri to find an attorney. An IJ has wide discretion to manage his or her docket, and it was not an abuse of discretion to deny Mr. Al Khouri's request for a continuance, especially where [..] [he] bore the blame for his counsel's withdrawal." *Id.*

In contrast to the respondents in *Al Khouri* and *Torres-Sanchez,* this Respondent has not waived their right to counsel, and this Respondent is not at all responsible for the current predicament, nor is their retained Counsel. Respondent wishes to proceed with Attorney Hines as their chosen representative and has complied with all contractual obligations.

In *Njoroge,* the respondent was unrepresented at their master calendar hearing in February 2009, when the IJ set the case for individual hearing in May 2010 (**15 months away**). *Njoroge v. Holder,* 753 F.3d 808, 810 (8th Cir. 2014). The respondent waited to consult with an attorney until April 2010, just one month before the merits hearing. *Id.* Mere weeks before the merits hearing, the attorney filed a notice of appearance and a motion for a continuance, asserting the respondent had only recently retained him, and he needed more time to prepare for the upcoming hearing. *Id.* The IJ denied the motion to continue. *Id.* The day of the final hearing, the respondent appeared without the attorney, explaining to the IJ that the attorney had informed her by telephone the day before that he could not attend the hearing, but gave her no reason. *Id.* The IJ ruled that the hearing would go forward. *Id.* Based on these facts, the Eighth Circuit Court of Appeals "assumed" "that

the IJ violated Njoroge's statutory right to counsel." *Id.* at 812. The Court reasoned that "the IJ was aware that Njoroge had counsel, and Njoroge explained to the IJ that counsel had notified her the day before the hearing that he could not attend. DHS indicated its discomfort with proceeding in counsel's absence and requested that the IJ attempt to contact Njoroge's counsel via telephone, but the IJ declined to do so." *Id.*

The facts of this case are significantly stronger than those in *Njoroge,* where the Eighth Circuit assumed the IJ had violated the respondent's statutory right to counsel and right to due process and fundamentally fair proceedings. Here, this Respondent has retained counsel from the outset of their proceedings, and Counsel has filed a detailed motion to continue outlining the reasons that continuing with this hearing will violate Respondent's right to counsel and right to due process in these proceedings.

Respondent does not wish to obtain new counsel. Counsel has been unable to obtain alternate counsel for Respondent, despite her best efforts in reaching out to multiple firms and non-profits. *See Tab A (Hines Aff.)* ¶¶ 37a – 37c. Even if she were able to obtain alternate counsel on such a rapid timeline, and even if Respondent consented to this substitution, the new attorney would be entirely unfamiliar with this case, and gaining the trust and rapport needed for effective representation would not be possible with the limited time available before this individual hearing. This reality is particularly true in asylum cases. Practitioners working with an asylum seeker who has been severely traumatized require multiple meetings over a lengthy period of time to establish a relationship of trust. These vulnerable clients often need many months of trust-building to be able to discuss the source of their trauma and to adequately prepare their case. *Compare with Matter of M-A-M-*, 25 I&N Dec. 474 (BIA 2011) (wherein the Board acknowledged the special nature of proceedings with respondents with diminished mental capacity). The complexity of this case, the reality that an interpreter is required, and multiple additional factors confirm that a continuance is warranted to protect Respondent's right to adequate and competent preparation with counsel of their choosing.

In conclusion, undersigned counsel does not have adequate time for full client preparation before this individual hearing, including preparation for additional evidence gathering, hearing preparation, and cross-examination preparation, in the mere 38-days alotted. Doing so would be a "herculean" effort and mathematical impossibility.

3. Administrative efficiency alone can never justify the denial of a continuance; and it would be a wasteful use of adjudicative resources to plow ahead immediately.

Administrative efficiency alone can never justify the denial of a continuance, and it would actually preserve judicial resources to grant this continuance as proposed. The relevant OPPMs confirm that administrative efficiency cannot be the only factor considered by an IJ with regard to a motion for a continuance. Additionally, "a decision on a continuance based solely on agency case completion goals or an employee's individual performance appraisal is improper and contrary to well-established law." *PM 21-13 (Tab D.4).* Still, it is sound docket management to carefully consider administrative efficiency.

To that end, what Counsel has actually proposed herein is the most efficient path forward for all parties. Counsel is not refusing to work. Counsel is proposing precisely what this Court also wants – expeditious adjudication of these cases within the confines of due process. Counsel is proposing the fastest possible schedule that produces prepared hearings:

- **3 to 5 merits hearings per month, starting October 2026**
- **All 66 cases completed by late 2027 or early 2028** (or **up to 73**, assuming all of Counsel's Somali asylum cases are eventually scheduled) (Counsel is obviously not taking new asylum matters moving forward and has stopped all consultations since this blitz began the first week of February 2026)
- While Counsel fundamentally disagrees with the prioritizing of one nationality over all other cases and believes such priority-setting is fundamentally unconstitutional, this proposal still prioritizes these Somali cases ahead of the normal docket.
- This proposal produces one hearing, one decision, one outcome per case – not a hearing, possible interlocutory appeals to the BIA, a probable merits appeal to the BIA, possible Circuit Court litigation, remands, and remanded hearings before the IJ.

The alternative – forcing all 66-73 cases to merits between March and July 2026 – produces:

- 66-73 potential BIA interlocutory appeals of the continuance denials
- 66-73 unprepared hearings
- 66-73 BIA appeals
- A significant number of Eighth Circuit petitions
- Every remanded case returning to the IJ, restarting the process

Granting these continuances as proposed thus aids, not harms, the goal of expeditiously adjudicating these cases to completion.

4. The "180 day mandate" does not foreclose a continuance here, as exceptional circumstances clearly exist.

In response to inquiries from the press, it appears EOIR has made the 180-day statutory mandate the centerpiece of its public defense of the Somali docket scheduling blitz. The exact statement, issued by EOIR spokesperson Kathryn Mattingly and published across multiple outlets (Minnesota Reformer, March 12, 2026; Star Tribune, March 13, 2026; KARE 11; NPR) *(Tabs B.1-B.10)*, reads:

> "All cases are adjudicated in accordance with the applicable law. Moreover, EOIR is required by federal law to adjudicate asylum applications within 180 days. The suggestion that EOIR should delay adjudicating certain groups of cases is contrary to both EOIR's mission and the law."

This statement has been repeated verbatim across every media inquiry about the Somali Rocket Docket. It is the government's official position. It is also misleading, disingenuous, and illogical.

i. The Statute – What it Actually Says

What the statute actually says is as follows: "In the absence of exceptional circumstances, final administrative adjudication of the asylum application, not including administrative appeal, shall be completed within 180 days after the date an application is filed." INA § 208(d)(5)(A)(iii), 8 U.S.C. § 1158(d)(5)(A)(iii). Three elements are critical: "in the absence of exceptional circumstances," "final administrative adjudication," and "after the date an application is filed."

First: "in the absence of exceptional circumstances" confirms the statute contains its own exception. The question is not whether the 180-day mandate exists — it does. The question is whether exceptional circumstances exist. 66 to 73 simultaneous cases for a single attorney, a mathematical impossibility of preparation, and a scheduling blitz with no precedent in EOIR's 43-year history are, by any reasonable definition, exceptional circumstances.

Second: "final administrative adjudication" confirms this mandate is for a final adjudication — meaning a decision on the merits. An adjudication that denies asylum because respondent was denied the opportunity to present evidence and denied their statutory right to

counsel of their choosing is not a final adjudication on the merits. It is a procedural default that will be reversed on appeal and remanded for a new hearing. The 180-day clock continues on remand. Forcing an unprepared hearing does not satisfy the mandate — it prolongs it.

Third, "after the date an application is filed" confirms the reality that many of these I-589s were filed in 2022, 2023, 2024, and 2025, and the 180-day clock expired years ago. EOIR is not racing to meet a deadline — the deadline has already passed. The blitz does not bring these cases into compliance with § 208(d)(5)(A)(iii). It merely creates the appearance of urgency for cases where the statutory timeline was already blown. Even EOIR's allies acknowledge this. Andrew Arthur, a former immigration judge who now works for the Center for Immigration Studies (a think tank that advocates for reduced immigration), told KARE 11: "Because of the backlog, immigration courts have not generally met that 180-day goal in years." Arthur — who is sympathetic to EOIR's enforcement mission — used the word "goal," not "requirement." *See Tab B.7.* Even from the government's perspective, 180 days is aspirational, not operational. EOIR's own scheduling of many of these cases previously placed them in 2027 and 2028 — years, not months, from filing. This scheduling was not an error or an oversight. It reflected the system's actual capacity. EOIR's own conduct demonstrates that the 180-day mandate has not been operational for these cases or for the system as a whole for years.

ii. EOIR Cannot Selectively Invoke the 180-Day Mandate

The 180-day mandate applies to *all* asylum applications, not just Somali cases. Thus, EOIR's public comment that opponents of the Somali Docket are suggesting that "EOIR should delay adjudicating certain groups of cases" is nonsensical. These cases are clearly not being treated the same, as Somali cases are being exclusively expedited.

At the end of FY2025, EOIR had 2,424,061 pending asylum applications. If EOIR were genuinely attempting to comply with § 208(d)(5)(A)(iii), it would need to adjudicate all 2.4 million pending asylum cases within 180 days — approximately 13.5 million cases per year at steady state (2.4M backlog + ~800K new filings). With about 700 judges, that would require each judge to complete approximately 18,367 cases per year — or 70 merits hearings per day, every business day, with no days off. This is obviously impossible.

EOIR is not attempting to comply with the 180-day mandate across the board. It is selectively invoking the mandate for one nationality — Somali — while leaving millions of other

asylum cases on multi-year timelines. Somali asylum seekers represent less than 1% of all defensive asylum cases pending before EOIR. *See Tab B.7.* This selective application raises equal protection concerns and also undermines the legitimacy of the 180-day justification: if the mandate does not require EOIR to rush Venezuelan, Guatemalan, or Chinese cases, it does not require EOIR to rush Somali cases either.

iii. The Statute's Own Exception Applies Here

The "exceptional circumstances" exception in § 208(d)(5)(A)(iii) is not defined by the statute. But these circumstances are, by any reasonable measure, exceptional. As NPR reported: "There's a lack of historical precedent for an entire docket to be created for one nationality." *See Tab B.1.* Single attorneys have had 40, 60, 100+ cases simultaneously advanced, unprecedented in EOIR's 43-year history. *See Tabs B.1-B.10.* Several matters have been pulled forward from 2027-2028 to April-July 2026, a rapid and sudden 12-24+ month compression. Every qualified Somali asylum attorney in the affected market is overloaded. Just 3 attorneys have 208 cases. *Id.* Preparation is an impossibility. Moreover, DHS has no interest in targeted expedition, stating in the record at multiple MCHs they do not care when the IH is set, and having filed zero motions to advance in any of these cases. If these are not "exceptional circumstances," the phrase has no meaning.

5. This is Respondent's first request to continue this merits hearing; and Respondent has otherwise acted with reasonableness and diligence in these proceedings.

Finally, the Board has advised consideration of "the number of continuances granted previously." *See Matter of L-A-B-R-,* 27 I. & N. Dec. 405, 413 (A.G. 2018). This is Respondent's first request to continue this hearing, further supporting the conclusion that good cause has been established to grant this request. Additionally, Respondent has otherwise acted with reasonableness and diligence in these proceedings. As detailed above, Respondent has retained counsel, timely filed their application for relief, submitted written pleadings, submitted a red-lined I-589, paid their AAF, and met regularly with their attorney and their legal case manager to advance their case in preparation for the merits hearing once their hearing is set. They simply cannot proceed on this timeline, given the extreme factors outlined herein. These factors further affirm that a continuance is warranted.

IV. CONCLUSION

For all these reasons, Respondent and Counsel ask the Court to grant this continuance, setting this case for merits hearing in October 2026 or later. Counsel specifically proposes that these 66 cases be set **for 3-5 merits hearings per month, starting in October 2026**. **If the Court is amenable, Counsel can soon file a complete list of all A numbers affected by this Somali scheduling initiative that are currently scheduled with IJ Brisack.**

Again, if the Court denies this continuance request, Counsel asks that the Court specify whether it is doing so according to its own adjudicative authority or if it feels that authority has been overridden by EOIR/CIJ directive.

Respondent in no way seeks this continuance as a dilatory tactic. Extraordinary circumstances exist within the meaning of INA § 208(d)(5)(A)(iii), and good cause exists to continue this merits hearing within the meaning of 8 C.F.R. § 1003.29.

Respectfully submitted,

Kelsey Hines, Esq.

03/17/2026
Date

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
FORT SNELLING, MINNESOTA

In the Matter of: **File No. A** [redacted]

[redacted]
Respondent

In Removal Proceedings

Exhibits in Support of Respondent's Motion to Continue

Tab	Description	Page(s)
	A. Affidavit from Respondent's Counsel	
A.1	**Sworn affidavit from Respondent's Counsel, Kelsey Hines**, dated March 14, 2026, addressing her ethical and manageable EOIR non-detained caseload prior to February 2026, the crushing impact of this unprecedented Somali scheduling blitz since February 2026, her unsuccessful efforts to secure alternate counsel for Respondent on this rushed timeframe, and her detailed conversation with the Director of Minnesota's Office for Lawyers Professional Responsibility (OLPR)	2-14
	B. Reports corroborating EOIR's Unprecedented Rapid Acceleration of Non-Detained Asylum Hearings, Exclusively for Asylum Seekers from Somalia, since February 2026	
B.1	**Immigration courts fast-track hearings for Somali asylum claims**, National Public Radio (NPR) (Feb. 9, 2026), available at https://www.npr.org/2026/02/09/nx-s1-5707217/somali-asylum-cases-rescheduled - "Dozens of asylum cases filed by Somali migrants in immigration courts were suddenly rescheduled and recategorized over the weekend, according to four lawyers interviewed by NPR." - "NPR has learned that lawyers across at least three states, Minnesota,	16-19

	Illinois and Nebraska, received notices starting Friday night that moved up hearings for their clients to later this month and next month. Some of these hearings were previously scheduled to take place by 2028; others hadn't yet been scheduled." - "NPR spoke with the four attorneys on the condition of anonymity out of fear of reprisals for their clients." - ""There's a lack of historical precedent for an entire docket to be created for one nationality," one lawyer said, noting that the Trump administration has also politically targeted Somali immigrants. The cases appear to have been referred to a set of immigration judges who grant asylum at lower rates than the national average, according to an NPR review of EOIR data. "This is the first time EOIR has been so obviously a political tool," the lawyer said." - "Lawyers spent the weekend scrambling with the sudden notices. In several cases, the lawyers told NPR they were scheduled for multiple conflicting hearings on the same date and time but in front of different judges and in states as far away as Louisiana, Illinois and Texas." - "I haven't seen a demographic pull like this where they are targeting specific nationalities," said David Wilson, a Minnesota immigration attorney with a dozen affected cases, in an interview with NPR. Another attorney in his office has about a dozen affected cases, he said."	
B.2	**Immigration Courts Fast-Track Somali Asylum Hearings: Lawyers fear the move is the first step toward deportation without due process**, Minneapolis Today (Feb. 9, 2026), available at https://nationaltoday.com/us/mn/minneapolis/news/2026/02/09/immigration-courts-fast-track-somali-asylum-hearings/ - "[D]ozens of asylum cases filed by Somali migrants in immigration courts were suddenly rescheduled and recategorized over the weekend, according to four lawyers interviewed by NPR. The lawyers fear this appears to be a coordinated effort between the Executive Office for Immigration Review and the Department of Homeland Security to reject Somali asylum applications, [..] fast-tracking their deportation and limiting due process." - "More than 100 cases have been affected, with lawyers across at least three states receiving notices that moved up hearings for their Somali clients to later this month and next month. Some of these hearings were previously scheduled to take place by 2028, while others hadn't	20-21

	yet been scheduled." - "The cases appear to have been referred to a set of immigration judges who grant asylum at lower rates than the national average."	
B.3	**How Trump is Rigging Immigration Courts Against Somali Migrants**, Popular Information (Feb. 9, 2026), available at https://popular.info/p/how-trump-is-rigging-immigration?utm_campaign=post&utm_medium=email&triedRedirect=true&_src_ref=google.com - "During a December 2 cabinet meeting, President Trump unleashed a torrent of bigoted invective against Somali migrants. "We're going to go the wrong way if we keep taking in garbage into our country," Trump said. "They come from hell, and they complain and do nothing but bitch." At the same meeting, Trump made clear that he wanted all Somalis to be kicked out of the United States. "I don't want them in our country," Trump announced. "Their country is no good for a reason. Their country stinks, and we don't want them in our country."" - "At a December 10 event in Pennsylvania, Trump reprised his dehumanizing tirade, calling Somalia a "shithole" nation. "The Somalians should be out of here," Trump said, describing their homeland as "filthy, dirty, disgusting, [and] ridden with crime."" - "It is clear what Trump wants, but all migrants in the United States have due process rights under federal law. Specifically, Somali migrants have the right to appear before an immigration judge and seek asylum based on a well-founded fear of persecution based on race, religion, political views, or another protected category. This is a particular risk in Somalia, where al-Shabaab, an Islamist militant group, is responsible for hundreds of thousands of civilian casualties." - "The Trump administration, however, appears to be manipulating the judicial process to dramatically reduce the chance that Somali immigrants are granted asylum." - "Matthew Hoppock is an immigration lawyer based in Kansas City. He currently represents eight Somali migrants in immigration court. On February 4, Hoppock said that all his cases had been reassigned to a new immigration judge. While the cases will still be heard in Kansas City, this new judge will preside via video conference from Louisiana. According to Hoppock, other immigration lawyers representing Somalis have had their cases reassigned to the same	22-26

	judge on the same day."	
B.4	**Important Information for the Somali Community**, CAIR Washington (Feb. 11, 2026), available at https://www.cairwa.org/blog/2-11-2026-important-info-somalis/ - "Immigration Courts are fast-tracking hearings for Somali immigrants in removal proceedings. It is confirmed to be happening in Seattle Immigration Court. Somali nationals, who are already in removal proceedings, are receiving notices advancing their immigration court hearings." - "The advanced docket only applies to Somalis in removal proceedings."	27-28
B.5	**As Immigration Hearings Accelerate, Somali Asylum Seekers Fear Losing Due Process**, South Seattle Emerald (Feb. 24, 2026), available at https://southseattleemerald.org/voices/2026/02/24/opinion-as-immigration-hearings-accelerate-somali-asylum-seekers-fear-losing-due-process - "Across the Seattle region, Somali families are living with a level of fear that few others in our city fully see. This fear is rooted in sudden immigration court changes and in a national climate that feels increasingly unstable for people seeking asylum." - "In recent months, immigration attorneys in multiple states, including here in Washington, have reported that Somali asylum hearings were abruptly rescheduled to earlier dates, in some cases moved forward by months or even years. Families who believed they had time to prepare are now scrambling to gather documentation, secure legal representation, and revisit traumatic experiences under compressed timelines." - "While reducing backlog is important, accelerating individual cases without expanding access to legal representation risks creating a different kind of injustice. Research consistently shows that representation dramatically impacts asylum outcomes. A study by the American Immigration Council found that detained immigrants with legal representation were up to five times more likely to obtain relief than those without counsel. In asylum cases specifically, representation is one of the strongest predictors of success." - "When hearings are moved up with limited notice, asylum seekers may not have adequate time to secure attorneys, gather affidavits, obtain country condition reports, or prepare testimony. Due process depends not only on having a hearing, but on having a meaningful	29-31

	opportunity to present evidence." - "Immigration court data also shows disparities in outcomes depending on geography and adjudicator assignment. Research examining federal immigration court decisions has documented significant variation in asylum grant rates across judges and jurisdictions. These disparities underscore why procedural safeguards and adequate preparation time matter." - "Seattle and King County are home to one of the largest Somali communities in the United States. Somali residents are entrepreneurs, health care workers, faith leaders, students, and parents volunteering in schools. Many fled civil war, political persecution, or extremist violence. They came here believing in the promise of protection under U.S. asylum law, which is grounded in the Immigration and Nationality Act and international refugee conventions." - "Due process is not a technicality. It is the foundation of a just immigration system. If we believe in fairness and human dignity, then we must insist that procedural protections remain at the center of asylum adjudication." - "The families affected are not abstractions. They are our neighbors. Their safety and stability are part of Seattle's future."	
B.6	**Immigration judges speeding up removal cases involving Somali people**, Minnesota Reformer (Mar. 12, 2026), available at https://minnesotareformer.com/2026/03/12/judges-speeding-up-removal-cases-involving-somali-people/ - "On Jan. 30, as immigration attorney [Matthew Mockenhaupt was representing a client in a hearing, his email inbox flooded with calendar invites from the court. He'd never seen the court schedule so many hearings on such short notice — and, even stranger, all of the cases involved people from Somalia. " - "Since then, the pattern has continued, impacting around 70 or 80 of Mockenhaupt's Somali clients, he said. He's gotten the impression that immigration courts have created an expanded docket solely for Somali nationals, quickening the pace of President Donald Trump's deportation campaign." - "[O]ther attorneys in Minnesota, Illinois and Nebraska said their Somali clients had hearings rescheduled to take place much sooner than anticipated, within one or two months, despite the massive backlog of millions of immigration cases nationwide."	32-33

	- "[T]he bottom line is that it's unconstitutional. […] You can't target an entire group of people based on their nationalities, because it violates the equal protection clause of the Fifth Amendment." - "The focus on speeding up removal proceedings for Somali immigrants came after Trump made racist remarks against Somali people at a cabinet meeting on December 3, around the same time DHS was launching Operation Metro Surge, which the administration said would target Somali immigrants. 'I don't want them in our country,' Trump said. 'Their country is no good for a reason. Their country stinks and we don't want them in our country.' Later in the same rant, he referred to Somali people as 'garbage' who don't work 'and do nothing but complain.'"	
B.7	**Somali 'Rocket Docket': Lawyers say fast-tracked asylum cases could have life or death impact**, Kare11 (Mar. 12, 2026), available at https://www.kare11.com/article/news/investigations/somali-rocket-docket-lawyers-fast-tracked-asylum-cases-could-have-life-or-death-impact/89-e2737884-553e-47f2-9e75-be6502ca35e8 - "Lawyers who represent Somali asylum seekers say their cases are being suddenly fast-tracked, a move they believe makes winning asylum nearly impossible." - "'We're calling it the Somali Rocket Docket,'" said Minneapolis attorney Robin Carr." - "Immigration attorneys say beginning in early February, nearly every case they had involving a Somali national with a pending asylum claim was put on the court calendar for an initial hearing and a speedy trial." - "They mentioned the uptick seemed to align with the start of the religious holiday, Ramadan." - "Cases that typically take years are now all set to be tried by June." - "Carr says she has 105 different clients now set for trial, with hearings in the coming months. On occasions, Carr says she has nine hearings in a single day. In June, her schedule is jam-packed; nearly every day has a trial scheduled." - "It's overwhelming is what it is," she said. "Each of those trial dates represents a human being."	34-36

	- "Fellow immigration attorney Kelsey Hines says she has 63 cases involving Somali asylum seekers—suddenly scheduled within the last month." - "'I have never in my career seen such an intentionally obvious directive from the Department of Justice to target one nationality,'" Hines said." - "The two lawyers argued that the glut of cases makes preparing a herculean effort. Asylum cases involve hiring country experts, contacting family overseas, and obtaining documents from Somalia." - "According to the website TRAC, a nonprofit based at Syracuse University that collects federal data, the nation has a backlog of over 3.3 million open immigration cases. Somalis make up less than 1% of that. - But the group has come under fire from President Trump amid a social services fraud scandal. The president has called Somali immigrants "garbage" and said he wants them to leave the country. "I don't want them in our country. Their country is no good for a reason," Trump said in December." - "Carr and Hines say their clients have very strong cases. Hines teared up as she described how many had seen family members killed or had suffered torture. The attorneys fear the deck is being stacked against Somali people with credible fear, and if they can't properly prepare cases for clients who've fled persecution, it could be a matter of life and death. "I genuinely to my core believe that if they are sent back, they will be tortured or killed," Hines said."	
B.8	**Fast-tracked asylum hearings for Somali refugees being held in secret**, The Minnesota Star Tribune (Mar. 12, 2026), available at https://www.startribune.com/fast-tracked-asylum-hearings-for-somali-nationals-being-held-in-secret/601595495?utm_source=gift - "The Fort Snelling Immigration Court is holding expedited online hearings, largely in secret, for Somali nationals with asylum claims. Nicknamed the "rocket docket" by attorneys and court observers, the only public notice of these hearings is a sheet of paper pinned to a board each day in the lobby of immigration court in the Bishop Henry Whipple Federal Building. The dockets are often incomplete or inaccurate. Everyone appears for the hearings remotely and observers are rarely allowed. While the immigrants who are the subject of the proceedings are in Minnesota, the judges and government attorneys are in other states."	37-42

	- "The practice is the latest example of the diminishing transparency in courts operated by the Executive Office for Immigration Review since President Donald Trump returned to office promising mass deportations. At Fort Snelling, courtrooms are often locked, dockets are redacted and observers are restricted, contrary to federal law stipulating most hearings be open to the public." - "[D]eputy executive director of the Minnesota chapter of the Council on American-Islamic Relations, said immigration officials have not provided an explanation about fast-tracked online hearings for Somali refugees. He noted that family members are unable to observe the hearings. 'When hearings are expedited, families lose the ability to hire counsel and gather evidence,' Adan said. 'It is a due process issue.'" - "Matthew Mockenhaupt, a local immigration attorney, said at the end of January he was flooded with notices of rescheduled hearings for clients who are Somali nationals with asylum claims. Immigrants who are not in custody typically wait eight months to more than a year between hearing dates." - "[He] had dozens of previously in-person hearings fast-tracked to online and is expected to prepare for 40 final asylum hearings in the coming months." - "These hearings can take weeks to prepare for because they require attorneys to gather and present police reports, medical records and other evidence about why their clients fear torture and reprisal if they are sent back to countries they fled." - ""'The bottom line is they are targeting an entire group of people based on their nationality,' [he] said. 'The way this docket is going forward is unprecedented. We have never had an entire nationality of people that have been scheduled at such a rapid pace.'""	
B.9	**Lawyers say government is fast-tracking Somali hearings in Minnesota**, Bring Me The News (Mar. 13, 2026), available at https://bringmethenews.com/minnesota-news/lawyers-say-government-is-fast-tracking-somali-asylum-hearings-in-minnesota - "Immigration attorneys and an immigrant rights group are sounding the alarm on expedited hearings for asylum-seekers from Somalia in the wake of President Donald Trump's recurring attacks on Minnesota's Somali community."	43-45

	- "Last month, hearings for more than 100 other Somali asylum-seekers were abruptly moved up to February or March in immigration courts in Minnesota, Illinois and Nebraska, per NPR. Some were previously set to be held by 2028, while others hadn't yet been scheduled. - "Asylum claims typically take years before a decision is made. Immigrants often wait eight months or more between hearing dates." - "Twin Cities immigration attorneys [..] told KARE 11 that nearly all of their Somali clients with pending asylum cases were recently put on the court calendar for an initial hearing and a speedy trial, adding that the timing seemed to align with the start of Ramadan, a monthlong Muslim holiday." - "'We're calling it the Somali Rocket Docket,'" said [one attorney], who represents 105 Somali asylum-seekers now scheduled to be tried by June." - "[Another attorney] is handling 63 similar asylum cases, which typically take years, all scheduled for hearings within the last month. 'I have never in my career seen such an intentionally obvious directive from the Department of Justice to target one nationality,' she said."	
B.10	**'We just want a fair trial': How the 'Somali rocket docket' is upending the asylum process**, Sahan Journal (Mar. 17, 2026), available at https://sahanjournal.com/immigration/somali-asylum-seekers-expedited-cases/ - "In recent weeks, immigration attorneys in Minnesota and other states say scores of Somali asylum clients have had their hearings expedited, creating concerns over due process and access to attorneys, a phenomenon colloquially referred to as the "Somali rocket docket."" - "During one week in late February immigration attorney Steven Thal said he had 23 master calendar hearings — "an intolerable number for an individual attorney to handle." The rapid-fire and unmanageable scheduling of cases is "an unprecedented assault against Somalis," he added." - "The next few weeks could determine the safety of Ibrahim, a Somali asylum seeker. Ibrahim fled to the United States in 2023 after facing repeated death threats from an insurgent group. He applied for asylum, received his work permit, landed several caretaker roles and	46-55

	is now the father of a U.S. citizen daughter. But the timeline of his asylum case abruptly sped up this month. And he's not alone. Ibrahim, who asked to use a pseudonym out of fear of retaliation, had his initial immigration hearing — known as a master calendar hearing — unexpectedly scheduled for this month. His final hearing to decide his future in the U.S. will be held in April, only four weeks later." - "Typically, final hearings are scheduled around a year after initial hearings." - "The sudden change to the asylum process added further complications to an already difficult year for Somali nationals in Minnesota, Ibrahim said, as he has watched his community increasingly targeted by the federal government. "Everything was promising, and we have waited the wait time, and we have been working," he said, of Somali asylum seekers. "After the new administration came in, they have made things so much [more] difficult for immigrants. **How Somalis have been targeted is way different from how everyone else [has been treated].""** - "Minneapolis attorney Robin Carr said the flurry of expedited hearings for Somali clients started in late January for her, as hearing notices began clogging up her electronic calendar. "It's just impossible to keep track of my schedule by just looking at these notices that I receive electronically, because there's just too many," she said. Carr is one of the Minnesota attorneys most affected by the influx, since Somali asylum seekers make up a large portion of her client base." - "Kelsey Hines, an attorney based in Roseville, said she is facing similar challenges, as what was typically a manageable caseload has become impossible to maintain. Hines Immigration Law has 113 cases of asylum seekers in removal hearings, 73 filed by Somali nationals. All but 10 of the Somali clients' cases have been rapidly set for hearings since early February. Her other clients, including those from Ethiopia, Kenya, Afghanistan, Cameroon, Guinea, and Liberia among other countries, have not had expedited hearings. She said the situation has overwhelmed firms like hers and Carr's that focus on asylum cases." - "Snelling Immigration Court, has been monitoring the influx of Somali cases which began appearing on court dockets Feb. 27. According to Amy Lange, director of The Advocates' court observation project, from Feb. 27 to Mar. 11 there were around 170 hearings held for Somali nationals. She said every hearing was held	

	virtually with out-of-state judges. The Advocates have documented seven judges assigned to these cases: Craig Defoe (Illinois), Sherron Ashworth (Louisiana), Chris Brisack (Texas), Andrew Caborn (Texas), Nina Carbone (Colorado), Philip Taylor (Georgia) and Abdias Tida (Texas)." - "Former Immigration Judge Ryan Wood said out-of-state judges may not have the same grasp on the intricacies of Somali asylum cases. "What is concerning is that our bench in Minnesota has significant experience with Somali cases, which are very complicated. There's a very complicated history, unique Eighth Circuit law, on these issues." Wood also said that the EOIR director and the Office of the Chief Immigration Judge have the authority to prioritize certain cases, but that pulling cases based on nationality is unprecedented. "I can't think of another example going through all the other priority dockets, where … silently the EOIR has pulled cases forward based on nationality." "My view is always to try and give the benefit of doubt, but I'm struggling to see how this is aboveboard," he added." - "Mariana Hanna, a San Diego immigration attorney, has experienced a similar flurry of hearings for her Somali clients. She said all of her Somali clients except one had been scheduled for hearings over the next several months, and she now often has several hearings a day, four to five days a week." - "The expedited hearings coupled with the lingering aftermath of Operation Metro Surge have taken a toll on the Somali community according to Amara Omar, a paralegal with Hines Immigration Law." - "Hines said that though her firm meticulously chooses strong asylum cases to represent, the fast-tracking means she's unsure if her clients will be granted relief, even those who have experienced female genital mutilation and other severe human rights violations. "I would guess more than half of our Somali clients have witnessed an immediate relative killed in front of them," she said." - "For Ibrahim, asylum is a matter of life or death. "Right now, in Somalia, I'm labeled as a traitor. Going back there is just walking into a camp of lions," he said. "I know I'll never get out of it." Ibrahim said that he knows many people in his situation who have been evicted from their homes or left food insecure after being afraid to work during the height of Operation Metro Surge. As his final trial date rapidly closes in, he has been reflecting on the emotional cost of immigration enforcement for his community. "We are not asking for handouts, we just want to be treated as human beings," Ibrahim said. "We just want a fair trial, a fair hearing."""	

	C. Reports highlighting various Comments from the Current U.S. Federal Government Indicating Apparent Institutional Bias against Natives/Citizens of Somalia	
C.1	**Blowing the 'racehorse theory' whistle,** L.A. Times (Oct. 5, 2020), available at https://enewspaper.latimes.com/infinity/article_share.aspx?guid=f7927a63-d5b7-4097-a9cb-0c2d910def46 - "You have good genes, you know that, right? … You have good genes. A lot of it is about the genes, isn't it? Don't you believe? The racehorse theory. You think we're so different? You have good genes in Minnesota." *[President Trump quote at a Minnesota rally in 2020] [Context: said to a predominately white crowd in Minnesota. The 'racehorse theory' was historically used to justify selective breeding of people, including forced sterilization laws in 32 states.]*	57-60
C.2	**Donald Trump Holds a Campaign Event in Clive, Iowa** (Oct. 16, 2023), available at https://rollcall.com/factbase/trump/transcript/donald-trump-speech-campaign-event-clive-iowa-october-16-2023/#11 - "I banned refugees from Somalia, very dangerous places, and from all of the most dangerous places all over the world. … some very rough people, some very, very rough people come out of these areas." *[President trump quote at an Iowa campaign event in 2023]*	61-87
C.3	**Donald Trump on Illegal Immigrants 'Poisoning the Blood of Our Country'**, C-Span (Dec. 16, 2023), available at https://www.c-span.org/clip/campaign-2024/donald-trump-on-illegal-immigrants-poisoning-the-blood-of-our-country/5098439 - "[Immigrants] are poisoning the blood of our country." *[Donald Trump quote at a campaign rally in 2023]*	88
C.4	**Trump, at Fundraiser, Says He Wants Immigrants from 'Nice' Countries**, New York Times (Apr. 4, 2024), available at https://www.nytimes.com/2024/04/07/us/politics/trump-immigrants-nice-countries.html - "[I want immigrants from] nice countries, you know, like Denmark, Switzerland, and Norway." *[Donald Trump quote at a campaign fundraiser in 2024]*	89-92

C.5	**Donald Trump Attends a Club 47 Birthday Fundraiser in Florida**, Roll Call (June 15, 2024), available at https://rollcall.com/factbase/trump/transcript/donald-trump-speech-club-47-birthday-fundraiser-west-palm-beach-florida-june-14-2024/ - "Who wants open borders where the world pours into our country? They take over our medical. They take over our educational facilities. They kill people. They murder people." - "We have terrorists, and you haven't seen the effect yet because they're just getting settled in. It's like somebody -- they're just getting settled in. Where do you see how bad -- these are the toughest people on Earth." - "So they come from Africa. They come from Asia. They come from South America. They come from the Middle East. What's happening to our country is unbelievable. They're poisoning our country. They're destroying our country, and we're not going to let it happen."	93-110
C.6	**Trump suggests immigrants have 'bad genes' in latest disparagement of migrants**, NBC News (Oct. 7, 2024), available at https://www.nbcnews.com/politics/donald-trump/trump-suggests-immigrants-bad-genes-latest-disparagement-migrants-rcna174271 - "You know, now a murderer, I believe this, it's in their genes. And we got a lot of bad genes in our country right now." *[Donald Trump quote during a radio interview in 2024]*	111-113
C.7	**State Department seeks to create 'Office of Remigration' in restructuring**, Axios (May 29, 2025), available at https://www.axios.com/2025/05/30/state-department-office-of-remigration-restructure - "The State Department plans to create an "Office of Remigration" in a sweeping reorganization drive tied to the Trump administration's efforts to deport millions of immigrants, a department official told Axios Thursday. The proposed new office would signal the State Department's shift from helping refugees to removing immigrants, even as it employs the term "remigration" — a concept that critics say has a troubled history in Europe, where it's used by far-right groups." - "In Europe, the concept of remigration calls for the mass deportation or coerced repatriation of non-white immigrants and their European-born descendants… "Remigration" has historically been used as a euphemism for ethnic cleansing. The term was popularized by Martin	114-116

	Sellner, a millennial influencer of Europe's far-right."	
C.8	**Truth Social,** Donald J. Trump (June 15, 2025), available at https://truthsocial.com/@realDonaldTrump/posts/114690267066155731 - "ICE Officers are herewith ordered, by notice of this TRUTH, to do all in their power to achieve the very important goal of delivering the single largest Mass Deportation Program in History."	117-118
C.9	**Truth Social**, Donald J. Trump (July 5, 2025), available at https://truthsocial.com/@realDonaldTrump/posts/114801653749329102 - "One of the most exciting parts of the 'ONE BIG BEAUTIFUL BILL ACT' is that it includes ALL of the FUNDING and Resources that ICE needs to carry out the Largest Mass Deportation Operation in History… We will not let America become a Third World Country filled with Crime, failing Schools, collapsing Hospitals, and total Social Dysfunction. It's called 'REMIGRATION' and, it will MAKE AMERICA GREAT AGAIN!"	119
C.10	**Truth Social,** DHS (Oct. 14, 2025), available at https://x.com/DHSgov/status/1978175527329358094 - "Remigrate."	120
C.11	**Truth Social,** Donald J. Trump (Nov. 21, 2025), available at https://truthsocial.com/@realDonaldTrump/posts/115590786862216464 - "I am, as President of the United States, hereby terminating, effective immediately, the Temporary Protected Status (TPS Program) for Somalis in Minnesota. Somali gangs are terrorizing the people of that great State, and BILLIONS of Dollars are missing. Send them back to where they came from. It's OVER!"	121
C.12	**Donald Trump speaks with servicemembers via video on Thanksgiving**, Roll Call (Nov. 27, 2025), available at https://rollcall.com/factbase/trump/transcript/donald-trump-remarks-thanksgiving-videoconference-servicemembers-november-27-2025/#284 - "Somalians have caused a lot of trouble. They're ripping us off for a lot of money. . . . [Somalia is] practically no country. It's devastated, it's crime-ridden, it's a mess, it's a disgrace, and we took their people at tremendous — we're not taking their people anymore. We're not taking their people. And we're getting a lot of their people out because they're nothing but trouble"	122-174

C.13	**Truth Social**, Donald J. Trump (Nov. 27, 2025), available at https://truthsocial.com/@realDonaldTrump/posts/115625429081411360 - "Most" of the 53 million "foreign" people in the U.S. "are on welfare, from failed nations, or from prisons, mental institutions, gangs, or drug cartels." - "This refugee burden is the leading cause of social dysfunction in America…. As an example, hundreds of thousands of refugees from Somalia are completely taking over the once great State of Minnesota. Somalian gangs are roving the streets looking for "prey" as our wonderful people stay locked in their apartments and houses hoping against hope that they will be left alone." - "The seriously retarded Governor of Minnesota, Tim Walz, does nothing, either through fear, incompetence, or both, while the worst "Congressman/woman" in our Country, Ilhan Omar, always wrapped in her swaddling hijab, and who probably came into the U.S.A. illegally in that you are not allowed to marry your brother, does nothing but hatefully complain about our Country, its Constitution, and how "badly" she is treated, when her place of origin is a decadent, backward, and crime ridden nation, which is essentially not even a country for lack of Government, Military, Police, schools, etc."	175
C.14	**Truth Social**, Donald J. Trump (Nov. 27, 2025), available at https://truthsocial.com/@realDonaldTrump/posts/115625427648743414 - "Immigration Policy has eroded those gains and living conditions for many. I will permanently pause migration from all Third World Countries to allow the U.S. system to fully recover, terminate all of the millions of Biden illegal admissions, including those signed by Sleepy Joe Biden's Autopen, and remove anyone who is not a net asset to the United States, or is incapable of loving our Country, end all Federal benefits and subsidies to noncitizens of our Country, denaturalize migrants who undermine domestic tranquility, and deport any Foreign National who is a public charge, security risk, or non-compatible with Western Civilization. These goals will be pursued with the aim of achieving a major reduction in illegal and disruptive populations, including those admitted through an unauthorized and illegal Autopen approval process. Only REVERSE MIGRATION can fully cure this situation. Other than that, HAPPY THANKSGIVING TO ALL, except those that hate, steal, murder, and destroy everything that America stands for — You won't be here for long!"	176

C.15	**Donald Trump holds a cabinet meeting at the White House**, Roll Call (Dec. 2, 2025), available at https://rollcall.com/factbase/trump/transcript/donald-trump-remarks-cabinet-meeting-december-2-2025/ - “"I don't want them in our country, I'll be honest with you, OK? Somebody would say, oh, that's not politically correct. I don't care. I don't want them in our country. Their country is no good for a reason. Their country stinks and we don't want them in our country." - "We could go one way or the other and we're going to go the wrong way if we keep taking in garbage into our country. Ilhan Omar is garbage, she's garbage. Her friends are garbage." - "These aren't people that work. These aren't people that say let's go, come on, let's make this place great. These are people that do nothing but complain." - "They complain, and from where they came from, they've got nothing. You know, if they came from Paradise and they said this isn't Paradise. But when they come from hell and they complain and do nothing but bitch we don't want them in our country. Let them go back to where they came from and fix it." - "Somalians ripped off that state for billions of dollars, billions, every year, billions of dollars, and they contribute nothing." - "With Somalia, which is barely a country, you know, they have no, they have no anything. They just run around killing each other. There's no structure." - *[About Rep. Omar:]* "I always watch her. . . . She hates everybody. And I think she's an incompetent person. She's a real terrible person."	177-232
C.16	**Trump Says He Doesn’t Want Somalis in the U.S.**, AP/NPR (Dec. 2, 2025), available at https://www.npr.org/2025/12/02/nx-s1-5629305/ - “President Donald Trump on Tuesday said he did not want Somali immigrants in the U.S., saying residents of the war-ravaged eastern African country are too reliant on U.S. social safety net and add little to the United States.” - “"They contribute nothing. I don't want them in our country," Trump told reporters near the end of a lengthy Cabinet meeting. He added: "Their country is no good for a reason. Your country stinks and we don't want them in our country."” - “Trump vowed last week in a social media post to send Somalis "back to where they came from," and alleged Minnesota, home to the	233-238

	largest Somali community in the United States, is "a hub of fraudulent money laundering activity." On Tuesday, the president said Somalis in the U.S. should "go back to where they came from and fix it." - "Trump added about Somali immigrants: "These aren't people that work. These aren't people that say, 'Let's go, c'mon. Let's make this place great.' These are people that do nothing but complain.""	
C.17	**Trump calls Ilhan Omar 'garbage' and says Somalis should 'go back to where they came from,'** NBC News (Dec. 2, 2025), available at https://www.nbcnews.com/politics/donald-trump/trump-calls-ilhan-omar-garbage-somalis-go-back-came-from-rcna247041 - "The president, who has a history of disparaging African people and migrant communities, launched into a tirade over Minnesota's Somali population at the end of a Cabinet meeting." - ""I don't want them in our country. I'll be honest with you, OK. Somebody will say, 'Oh, that's not politically correct.' I don't care. I don't want them in our country. Their country is no good for a reason," said Trump, who has a history of disparaging African people and migrant communities." - ""Their country stinks, and we don't want them in our country," he said during a Cabinet meeting at the White House." - ""I can say that about other countries, too," he added, as Homeland Security Secretary Kristi Noem sat nearby. In a social media post Monday night, Noem said, "I am recommending a full travel ban on every damn country that's been flooding our nation with killers, leeches, and entitlement junkies." A source familiar with the plan said today that about 30 countries will be on that list."" - "Trump, however, focused most of his ire on Somalia and Omar, who was born in Somalia and has served in Congress since 2019. "With Somalia, which is barely a country, you know, they have no, they have no anything. They just run around killing each other. There's no structure," he said." - ""You know, if they came from paradise, and they said, 'This isn't paradise,' but when they come from hell and they complain and do nothing but b----, we don't want them in our country. Let them go back to where they came from and fix it," he added." - "In 2018 Trump referred to African nations as "shithole countries"	239-241

	and in 2023 he said migrants were "poisoning the blood of our country."" - "He has also repeatedly attacked Somalia and Somali migrants in recent months. Last week he said, without citing evidence, that hundreds of thousands were "completely taking over the once great state of Minnesota" and forming violent gangs. There are about 80,000 Somalis in Minnesota."	
C.18	**4 times in 7 seconds: Trump calls Somali immigrants 'garbage'**, AP/Fortune (Dec. 5, 2025), available at https://fortune.com/2025/12/05/trump-somalia-immigration-garbage-racism/ - ""I hear somebody say, 'Oh, that's not politically correct,'" Trump said, winding up his summation Tuesday. "I don't care. I don't want them.""	242-245
C.19	**Trump revives slur while discussing immigrants from Somalia and other 'disgusting' nations**, NBC News (Dec. 10, 2025), available at https://www.nbcnews.com/politics/donald-trump/trump-immigrants-somalia-slur-rcna248395 - ""We always take people from Somalia, places that are a disaster, right?" the president told an audience in Pennsylvania. "Filthy, dirty, disgusting, ridden with crime."" - ""I've also announced a permanent pause on Third World migration, including from hellholes like Afghanistan, Haiti, Somalia and many other countries," he said. Then, reflecting on his 2018 meeting with senators during which he referred to certain nations as "shithole countries," Trump said, "Remember I said that to the senators?" - "He said, "Our country was going to hell. And we had a meeting, and I say, 'Why is it we only take people from shithole countries, right?' Why can't we have some people from Norway, Sweden, just a few? Let us have a few from Denmark. Do you mind sending us a few people? Do you mind?'" - "Trump pointed specifically to Somali immigrants, questioning why the United States has so many immigrants from the African nation and so few from European nations. - "We always take people from Somalia, places that are a disaster, right?" the president told the audience in Mount Pocono, Pennsylvania. "Filthy, dirty, disgusting, ridden with crime. The only thing they're good at is going after ships."	246-248

	- "White House spokeswoman Abigail Jackson said in a statement: "President Trump is right. Aliens who come to our country, complain about how much they hate America, fail to contribute to our economy, and refuse to assimilate into our society should not be here."""	
C.20	**Truth Social,** DHS (Dec. 15, 2025), available at https://x.com/DHSgov/status/2000656958748328114 - "All America wants for Christmas is remigration."	249
C.21	**Jesse Waters Primetime**, Fox News (Dec. 20, 2025), available at https://www.youtube.com/watch?v=Eqs42DviZ3Q - ""We should not be shocked when you import a population whose primary occupation is pirate, that they are going to come here and steal everything we have. . . . So, yes, the pirates have stolen all of our money, and they have to go home."" *[Quote from Stephen Miller, Homeland Security Advisor]*	250-252
C.22	**What is remigration, the far-right fringe idea is going mainstream?** Al Jazeera (Dec. 26, 2025), available at https://www.aljazeera.com/news/2025/12/26/what-is-remigration-the-far-right-fringe-idea-going-mainstream - "Earlier this year, reports said that the US State Department was considering creating a department of remigration. A few months later, the Department of Homeland Security posted in favour of remigration online." - "[I]n the context of far-right movements, remigration is a method of ethnic cleansing. For white ethnonationalists, remigration is a process through which all non-white people are forcibly removed from traditionally white countries." - "Ideas of remigration trace back to Nazi Germany in the late 1930s. The Nazis attempted to "remigrate" the Jews in Germany to Madagascar." - "But the concept got wind through the work of Renaud Camus, a French novelist who devised the Great Replacement conspiracy theory in his 2011 book, Le Grand Remplacement." - "His widely debunked white nationalist theory suggests that elites are replacing white Christians in the West with non-white, primarily	253-256

	Muslim, people through mass migration and demographic changes. Camus calls this "genocide by substitution"" - "[R]emigration, if implemented as a policy, would in effect be an "attempt to create all-white countries through ethnic cleansing".	
C.23	**Truth Social,** Donald J. Trump (Dec. 31, 2025), available at https://truthsocial.com/@realDonaldTrump/posts/115814993074933464 - ""Much of the Minnesota Fraud, up to 90%, is caused by people that came into our Country, illegally, from Somalia. 'Congresswoman' Omar, an ungrateful loser who only complains and never contributes, is one of the many scammers. Did she really marry her brother? Lowlifes like this can only be a liability to our Country's greatness. Send them back from where they came, Somalia, perhaps the worst, and most corrupt, country on earth. MAKE AMERICA GREAT AGAIN!!!""	257
C.24	**Trump Admin Looking at Revoking Somali Citizenship**, Newsweek (Dec. 31, 2025), available at https://www.newsweek.com/trump-admin-looking-at-revoking-somali-citizenship-11289117 - "Somali community leaders and immigrant advocates have accused the administration of using the situation to unfairly target and stigmatize an entire community rather than focus efforts strictly on individuals found guilty of criminal activity."	258-261
C.25	**Top Republic called for deportation of 'every Somali engaged in fraud in Minnesota'**, The Hil (Dec. 30, 2026), available at https://thehill.com/homenews/house/5666432-tom-emmer-somali-deportations-minnesota/ - "In a post on the social platform X, Emmer said even naturalized citizens should have their citizenship revoked so they can be deported. The lawmaker added that he is willing to pass legislation to make such a move legal." - "I have three words regarding Somalis who have committed fraud against American taxpayers: Send them home. If they're here illegally, deport them immediately; if they're naturalized citizens, revoke their citizenship and deport them quickly thereafter," the No. 3 House Republican wrote. "If we need to change the law to do that, I will." - "Our nation will not tolerate those who take advantage of our charity and refuse to assimilate into our culture," he added."	262-263

C.26	**Trump Threatens to Denaturalize U.S. Citizens if They 'Deserve' It. Experts Raise Grave Concerns About Future**, Time (Jan. 0, 2026), available at https://time.com/7344931/trump-threatens-to-denaturalize-us-citizens/ - "Referencing members of the Somali community, Trump confirmed this week that his Administration is looking into stripping some Americans of their naturalized state. "I would do it in a heartbeat." "I think that many of the people that came in from Somalia, they hate our country."""	264-268
C.27	**X,** Homeland Security (Jan. 13, 2026), available at https://x.com/DHSgov/status/2011103313299980307 - "BREAKING: DHS and USCIS are ending Temporary Protected Status (TPS) for Somalia." - *[Photo of Trump]:* "I am the captain now" *[referencing the line from a Somali pirate in the movie Captain Phillips]*	269
C.28	**X,** Homeland Security (Ja. 13, 2026), available at https://x.com/dhsgov/status/2011085958381256830 - ""DHS is ENDING Temporary Protected Status for Somalians in the United States. Our message is clear. Go back to your own country, or we'll send you back ourselves."	270
C.29	**Donald Trump Addresses the Detroit Economic Club**, Roll Call (Jan. 13, 2026), available at https://rollcall.com/factbase/trump/transcript/donald-trump-speech-detroit-economic-club-january-13-2026/#99 - "In Minnesota we're cracking down on the Somali scams . . . They're scammers, they're scammers. They always will be. And we're getting them out and we're not going to pay them." - "They have nothing, they get welfare payments and they have Mercedes Benzes. It angers me so much, but we're going to straighten out our country." - "We're getting them out. We got a lot of them out already, but we're getting them out. We're also going to revoke the citizenship of any naturalized immigrant from Somalia or anywhere else who is convicted of defrauding our citizens." - "If you come to America to rob Americans, we're throwing you in	271-293

	jail, and we're sending you back to the place from where you came." - "But in conclusion, as we liberate our country from this cultural scourge and the plague of corruption and fraud, we'll rediscover the natural energy and native spirit that truly makes America great again."	
C.30	**Truth Social**, Donald J. Trump (Jan. 14, 2026), available at https://truthsocial.com/@realDonaldTrump/posts/115893625622462941 - *[Reposted article about "Somali Suitcase Stash" and wrote:]* "They should be thrown out of the USA. Get it done, NOW! That includes their loser Rep. Omar, who married her brother (gross!). President DJT."	294
C.31	**Truth Social**, Donald J. Trump (Jan. 18, 2026), available at https://truthsocial.com/@realDonaldTrump/posts/115919697262007872 - ""There is 19 Billion Dollars in Minnesota Somalia Fraud. Fake 'Congresswoman' Illhan [sic] Omar, a constant complainer who hates the USA, knows everything there is to know. She should be in jail, or even a worse punishment, sent back to Somalia, considered one of the absolutely worst countries in the World."	295
C.32	**Trump paints himself as great white hope in racism-drenched Davos Speech**, The Guardian (Jan. 21, 2026), available at https://www.theguardian.com/business/2026/jan/21/trumps-davos-speech-stephen-miller-white-identity-politics - "The ageing president, who in 2024 complained, "We got a lot of bad genes in our country right now," told the World Economic Forum that he was "derived from Europe", namely: "100% Scotland, my mother; 100% German, my father. And we believe deeply in the bonds we share with Europe as a civilisation." - "He lamented that "certain places in Europe are not even recognisable, frankly, any more", blaming culprits that included "unchecked mass migration". Trump said: "It's horrible what they're doing to themselves. They're destroying themselves, these beautiful, beautiful places. We want strong allies, not seriously weakened ones." - "What came next was pure racism as Trump reflected on immigration to his own country, where he has made the Somali community a special target of his deportation rhetoric after recent government fraud cases in Minnesota in which a majority of defendants had Somali roots."	296-299

	- "We're cracking down on more than $19bn in fraud that was stolen by Somalian bandits," he said. "Can you believe that Somalia – they turned out to be higher IQ than we thought. I always say these are low-IQ people. How did they go into Minnesota and steal all that money?" - "Then he got to the heart of the matter: "The situation in Minnesota reminds us that the west cannot mass-import foreign cultures which have failed to ever build a successful society of their own. I mean, we're taking people from Somalia, and Somalia is a failed – it's not a nation. Got no government, got no police, got no nothing." - ""This is the precious inheritance that America and Europe have in common, and we share it. We share it but we have to keep it strong. We have to become stronger, more successful and more prosperous than ever. We have to defend that culture and rediscover the spirit that lifted the west from the depths of the dark ages to the pinnacle of human achievement.""	
C.33	**Donald Trump Delivers the State of the Union Address**, Roll Call (Feb. 24, 2026), available at https://rollcall.com/factbase/trump/transcript/donald-trump-speech-state-of-the-union-february-24-2026/ - "'[T]he Somali pirates who ransacked Minnesota, remind us that there are large parts of the world where bribery, corruption and lawlessness are the norm, not the exception. Importing these cultures through unrestricted immigration and open borders brings those problems right here to the USA. . . . [W]e're going to take care of this problem.'"	300-321
C.34	**Trump says Muslim lawmakers should be sent 'back to where they came'** NBC News (Feb. 25, 2026), available at https://www.nbcnews.com/politics/donald-trump/trump-state-of-the-union-ilhan-omar-rashida-tlaib-immigration-congress-rcna260667 - *[About Reps. Omar and Tlaib:]* "They have "the bulging, bloodshot eyes of crazy people, LUNATICS, mentally deranged and sick." […] "When people can behave like that, and knowing that they are Crooked and Corrupt Politicians, so bad for our Country, we should send them back from where they came — as fast as possible." […] *[Called them]* "Low IQ" and said they "should be institutionalized."	322-326
C.35	**GOP Rep Andy Ogles sparks backlash after saying Muslims 'don't belong' in America**, NBC News (Mar. 9, 2026), available at https://www.nbcnews.com/politics/congress/andy-ogles-sparks-backlash-	327-330

	saying-muslims-dont-belong-america-rcna262575 - "A Republican congressman from Tennessee declared on social media Monday that "Muslims don't belong in American society.""" - ""Pluralism is a lie," Rep. Andy Ogles continued." - "Another Republican congressman with a history of bashing Muslims online, Rep. Randy Fine of Florida, posted about that incident over the weekend, saying, "We don't need to live like this. Deport them ALL."" - "Fine faced calls to resign from Democrats last month when he posted on social media, "If they force us to choose, the choice between dogs and Muslims is not a difficult one."" - ""I've spoken to those members, and all members as I always do, about our tone and our message and what we say," Johnson said at the GOP retreat in Miami when a reporter asked about the members' comments and whether he had spoken to them. "There's a lot of energy in the country and a lot of popular sentiment that the demand to impose Sharia law in America is a serious problem," Johnson said. "That's what animates this. The language that people use — it's different language than I would use — but I think that's a serious issue. Sharia law and the imposition of Sharia law is contrary to the U.S. Constitution," he continued. He added: "When you seek to come to a country and not assimilate but impose Sharia law, Sharia law is in conflict with the Constitution." - "The Pew Research Center has estimated there are 3.5 million Muslims in the U.S., or about 1% of the country's overall population."	
C.36	**House GOP leadership silent as more members post anti-Muslim statements,** National Public Radio (NPR) (Mar. 14, 2026), available at https://www.npr.org/2026/03/14/g-s1-113667/republicans-sharia-law-andy-ogles-mike-johnson - "Several Republican lawmakers are ramping up anti-Muslim comments and facing little to no response from their leadership. "Muslims don't belong in American society," Rep. Andy Ogles posted on Monday. "Pluralism is a lie." The Tennessee Republican, whose seat is in a safe red district, has previously expressed support for banning immigration from Muslim-majority countries and said in a speech last year that "America is and must always be a Christian nation." The United States was not established	331-337

	as a Christian nation. "He didn't start this this week," said Sabina Mohyuddin, executive director of the American Muslim Advisory Council in Tennessee. "This has been building up." - "House Speaker Mike Johnson, R-La., was asked about Ogles' rhetoric during a press conference at the House GOP's annual retreat this week. - "Look, there's a lot of energy in the country and a lot of popular sentiment that the demand to impose Sharia law in America is a serious problem — that's what animates this," Johnson said Tuesday, adding, "It is not about people as Muslims." - "Johnson's comments echo a growing chorus among Republican lawmakers, who've been increasingly vocal about denouncing Sharia law and raising questions about Muslims immigrating to the U.S. and those already in the country. There are now 50 Republicans in the "Sharia-Free America" caucus." - "Republicans have also spent more than $10 million on political TV ads that mention "Sharia" or "Islam" in a negative way, most of it in Texas ahead of its primaries, according to the ad-tracking firm AdImpact. That's about 10 times what had been spent in each of the last four election cycles." - ""No more Muslims immigrating to America," posted Rep. Brandon Gill, R-Texas on Thursday. - "Rep. Randy Fine, R-Fla., who recently faced criticism for saying he'd choose dogs over Muslims, wrote: "We need more Islamophobia, not less. Fear of Islam is rational." - "Sen. Tommy Tuberville, R-Ala., posted a photo of the Sept. 11 terrorist attacks side-by-side with a photo of New York City Mayor Zohran Mamdani, who is Muslim. The caption read: "The enemy is inside the gates."""	
C.37	**Republicans Crank Up the Anti-Muslim Bigotry**, Rolling stone (Mar. 12, 2026), available at https://www.rollingstone.com/politics/politics-features/republicans-anti-muslim-bigotry-1235528190/ - *[Sen. Tommy Tuberville]: [Posted a photo of the September 11, 2001 attacks side-by-side with a photo of NYC's first Muslim mayor, Zohran Mamdani, with the caption]:* "The enemy is inside the gates."	338-341

C.38	**Trump blames recent attacks on 'genetics' of assailants**, NBC News (Mar. 13, 2026), available at https://www.nbcnews.com/politics/donald-trump/trump-blames-recent-attacks-genetics-assailants-rcna263351 - "President Donald Trump on Thursday blamed "the genetics" of assailants in a string of recent attacks across the country. He made the comments after attacks at a university in Virginia and a synagogue in Michigan and nearly a week after an improvised explosive was thrown outside Gracie Mansion in New York City." - ""They're sick people, and a lot of them were let in here. They shouldn't have been let in. Others are just bad. They go bad. Something wrong — there's something wrong there. The genetics are not exactly, they're not exactly your genetic," Trump told Fox News Radio's Brian Kilmeade in an interview released Friday. "It's one of those problems, Brian. It's a, it's a terrible thing, and it happens." - "Earlier in the interview, Trump called the assailants "sick" and "really demented" people, pointing to U.S. immigration policy under former presidents as the reason they were present in the U.S. - "They came in a lot through Biden, and they came in through other presidents, frankly, and it's a, it's a disgrace," the president said." - ""The president has often used language around genetics to praise or criticize others. Experts have long associated similar language with racial pseudoscience, or eugenics, a theory regarding superior hereditary traits of racial groups that modern scientists have debunked and found to be unethical." - "Last week, during a Medal of Honor ceremony at the White House, Trump spoke about U.S. Army Staff Sgt. Michael H. Ollis, who received a posthumous award. "The genetics in that family are very strong, right? I said that before all three families, I said, 'Good.' I see some of the young ones today, and I said, 'You have good genes.' They were asking me, 'What does that mean?' I said, 'Don't worry about it. You'll figure it out.' But you have the best genes you can have, actually," the president said."	342-344
C.39	**Trump Gives Eugenic Vibes Ranting Against 'Genetics' of 'Sick' Muslim Immigrants**, Common Dreams (Mar. 13, 2026), available at https://www.commondreams.org/news/trump-eugenics - "US President Donald Trump was accused Friday of espousing white supremacist ideology after he blamed the "genetics" of Muslim immigrants who commit crimes like Thursday's assault on a	345-346

	Michigan synagogue, while calling for their exclusion from the United States. “Well, it’s been going on for a long time. It’s a disgrace. They’re sick, they’re really demented people,” Trump said during a call-in interview with Fox News Radio host Brian Kilmeade. “They come into the country, they sneak in.” - “Trump was responding to a question about recent attacks by people who happen to be Muslims, including Mohamed Bailor Jalloh, who was stabbed to death by a cadet at Old Dominion University in Norfolk, Virginia after fatally shooting instructor Lt. Col. Brandon Shah, and Ayman Mohamad Ghazali, who was shot dead by security guards at the Temple Israel synagogue in West Bloomfield Township, Michigan after crashing his vehicle into the building. Neither Jalloh nor Ghazali “snuck” into the country. Both were naturalized US citizens. Jalloh, originally from Sierra Leone, was a former National Guardsman. Ghazali had recently lost two of his brothers and other relatives to an Israeli airstrike in his native Lebanon.” - “They’re sick people, and a lot of them were let in here. They shouldn’t have been let in,” Trump told Kilmeade. “Others are just bad. They go bad. Something wrong—there’s something wrong there. The genetics are not exactly, they’re not exactly your genetics.” - “Trump has made many racist statements and has occasionally invoked what critics say is the language of eugenics, a debunked pseudoscience embraced by many white supremacists. He has also boasted about his own “much better blood.”” - “While running for reelection, Trump echoed Nazi dictator Adolf Hitler’s screed against “poisoning” by an “influx of foreign blood,” declaring during a December 2023 campaign rally in New Hampshire that undocumented immigrants are “poisoning the blood” of the country.”	

	D. EOIR Guidance regarding Immigration Judges' Impartiality and Independent Discretion in Ruling on Continuance Requests "to Protect Due Process, which Immigration Judges Must Safeguard Above All," and the Stated Expectation that Non-Detained Individual Hearings (IH) are Scheduled "Far in Advance" from the date of IH Hearing Notice ("Exceeding one year"), "Carefully Accommodating" the Schedules of "Third-Party Witnesses" and "the Availability of Respondent's Representative," allowing "Ample Opportunity for Preparation Time," "Consistent with Due Process"	
D.1	**PM 25-48, Case Priorities and Immigration Court Performance Measures,** Sirce E. Owen (Sept. 12, 2025), available at https://assets.aila.org/files/5d3e9aa2-11ce-4dae-8875-de92be304cc3/25091605.pdf?1758042719 - "The designation of a category of cases as a priority is an indication that such cases should be completed expeditiously and without undue delay **consistent with due process**." - "**Immigration Judges retain discretion over their dockets to reschedule cases**." - "**The designation of a case as a priority is not intended to limit the discretion accorded an Immigration Judge under applicable law, nor is it intended to mandate or direct a specific outcome in any particular case.**"	348-354
D.2	**PM 25-42, Adjudicator Independence and Impartiality,** Sirce E. Owen (Aug. 22, 2025), available at https://assets.aila.org/files/bf34e589-ae11-4bbe-8409-05ea3c8d57ae/25082506.pdf?1756150333 - "**IJs are required to adjudicate cases independently and impartially without favor to either party" "independent in their decision- making in the cases before them. In other words, they exercise "independent judgment and discretion" when adjudicating cases."** *See, e.g.,* 8 C.F.R. §§ 1003.0(c), 1003.1(d)(1)(ii), 1003.10(b); *accord United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 267 (1954) ("And if the word 'discretion' means anything in a statutory or administrative grant of power, it means that the recipient **must exercise his authority according to his own understanding and conscience**."). **Therefore, no EOIR employee or officer can direct any adjudicator to rule in a particular way on a matter** before him or her in the first instance."	355-358
D.3	**PM 25-17, Cancellation of Director's Memorandum 22-05 and**	359-

	Reinstatement of Policy Memoranda 19-05, 21-06, and 21-13, Sirce E. Owen (Feb. 3, 2025), available at https://www.aila.org/library/eoir-reinstates-policy-memos-with-guidance-on-asylum-applications-and-continuances	360
D.4	**PM 21-13, Continuances,** James R. McHenry III (Jan. 8, 2021), available at https://www.aila.org/library/eoir-policy-memo-continuances - "This Policy Memorandum (PM) updates and replaces Operating Policies and Procedures Memorandum (OPPM) 17-01, Continuances to account for legal and policy developments subsequent to its issuance. *See, e.g., Matter of L-A-B-R-,* 27 I&N Dec. 405 (A.G. 2018). Although this PM replaces OPPM 17-01, it retains that OPPM's core principle: although **fundamental fairness and due process require that legal proceedings be postponed in appropriate circumstances**, Immigration Judges must also be mindful to ensure that each decision granting or denying a continuance request is in accordance with the law. Moreover, although **the appropriate use of continuances serves to protect due process**, which Immigration Judges must safeguard above all, there is also a strong incentive by respondents in immigration proceedings to abuse continuances, and Immigration Judges must be equally vigilant in rooting out continuance requests that serve only as dilatory tactics." - "**All continuance requests should be adjudicated only based on the record and in accordance with applicable law—statutes, regulations, and binding precedents or court orders."** - "**EOIR management does not possess authority to direct the result of an adjudication by an Immigration Judge by directing the Judge to grant or deny a continuance request in specific cases**." - "**Consistent with former OPPM 17-01, requests for attorney preparation time should be reviewed carefully, especially given that the time between a master calendar hearing and an individual merits hearing, which often exceeds one year in a non-detained case, already encompasses substantial time for preparation**. Frequent or multiple requests for additional preparation time based on a practitioner's workload concerns related to large numbers of other pending cases should be rare and warrant careful review. "A practitioner's workload must be controlled and managed so that each matter can be handled competently." 8 C.F.R. § 1003.102(q)(1)."	361-367

	- "**Consistent with former OPPM 17-01, requests to continue an individual merits hearing that has already been scheduled remain of particular importance. Such hearings are typically scheduled far in advance, which provides ample opportunity for preparation time, and often involve interpreters or third-party witnesses whose schedules have been carefully accommodated**. Moreover, slots for individual merits hearings cannot be easily filled by other cases, especially if the decision to continue the hearing is made close in time to the scheduled date. Although some continuances of individual merits hearings are unavoidable, the continuance of an individual merits hearing necessarily has a significant adverse ripple effect on the ability to schedule other hearings across an Immigration Judge's docket. Thus, such a request should be reviewed very carefully, especially if it is made close in time to the hearing. For a continuance request made well in advance of the scheduled date of the hearing, an Immigration Judge should adjudicate that request expeditiously and, if granted, should endeavor to fill that hearing slot with another individual merits hearing after providing sufficient notice. Further, because **an individual merits hearing is typically scheduled far in advance** and generally **only after considering the availability of a respondent's representative**, a request for a continuance based on a scheduling conflict with a respondent's representative that arose after the individual merits hearing has been calendared should be rare and should be considered very carefully." - "**A decision on a continuance request based solely on agency case completion goals or an employee's individual performance appraisal is improper and contrary to well-established law.** *Matter of L-A-B-R-,* 27 I&N Dec. at 416. However, Immigration Judges are not prohibited from appropriately considering "the number of continuances previously requested or the continuance's impact on the efficient determination of the case" when adjudicating a continuance request." *Id.* at 417." - "**Nothing herein should be construed as mandating a particular outcome in any specific case. Nothing in this PM limits an adjudicator's independent judgment** and discretion in adjudicating cases or an adjudicator's authority under applicable law."	
D.5	**Good Cause for a Continuance**[1], EOIR Proposed Rules (Nov. 27, 2020),	368-

[1] *See Tab D.4 above, PM 21-23: Continuances* ("On November 27, 2020, the Department of Justice published a Notice of Proposed Rulemaking (NPRM) proposing to codify multiple principles related to continuances in EOIR's regulations. Good Cause for a Continuance in Immigration Proceedings, 85 Fed. Reg. 75925 (Nov. 7, 2020).

	available at https://www.justice.gov/eoir/page/file/1340246/dl?inline - "The proposed rule notes that although these two factors are significant, adjudicators should also consider other factors: ''(i) **The amount of time the movant has had to prepare for the hearing** and whether the movant has exercised due diligence to ensure preparedness for that hearing; (ii) The length and purpose of the requested continuance, including whether the reason for the requested continuance is dilatory or contrived; (iii) **Whether the motion is opposed and the basis for the opposition**, though the opponent does not bear the burden of demonstrating an absence or lack of good cause; (iv) Implications for administrative efficiency; and (v) Any other relevant factors for consideration.'' Compare id., with Matter of L–A–B–R–, 27 I&N Dec. at 413 (''The immigration judge should also consider whether the alien has exercised reasonable diligence in pursuing that relief, DHS's position on the motion, the length of the requested continuance, and the procedural history of the case.'')." [..] "A continuance would most likely not be justifiable where the alien ''appears to be seeking interim relief as a way of delaying the ultimate disposition of the case'' or has not taken practicable measures to proceed at the scheduled hearing." - "This proposed rule recognizes that **a significant amount of preparation time is already built into immigration proceedings, especially between a master calendar hearing and an individual merits hearing**. - "**The proposed rule contemplates that, following the scheduling of a merits hearing, parties have ample time to prepare for the hearing and that they should be ready to proceed at that date**."	384
D.6	**PM 17-01, Continuances**[2], MaryBeth Keller (July 31, 2017), available at https://www.justice.gov/file/1107331/dl - "Overall, while **administrative efficiency cannot be the only factor considered by an Immigration Judge with regard to a motion for continuance,** it is sound docket management to carefully consider administrative efficiency, case delays, and the effects of multiple continuances on the efficient administration of justice in the	385-390

Although that NPRM has not been finalized—and, thus, the proposed regulatory changes in the NPRM are not in effect—it nevertheless contains a wealth of potentially helpful information for adjudicators regarding continuance requests in immigration proceedings.)

[2] Replaced by PM 21-13 *(Tab D.4 above)*, which remains in effect per PM 25-17 (*Tab D.3 above*); however, several portions of PM 17-01 were explicitly referenced and incorporated into PM 21-13, reiterated verbatim

	immigration courts. This consideration is even more salient in cases where the respondent is detained. In all cases, an Immigration Judge must carefully consider not just **the number of continuances granted**, but also the length of such continuances." - "[T]he appropriate use of continuances serves to protect due process, which Immigration Judges must safeguard above all." - "Although continuances to allow recently retained counsel to become familiar with a case prior to the scheduling of an individual merits hearing are common, subsequent requests for preparation time should be reviewed carefully, especially given that **the time between a master calendar hearing and an individual merits hearing, which often exceeds one year in a non-detained case, already encompasses substantial time for preparation. It is also appropriate for Immigration Judges to consider the overall complexity of the case** in determining the appropriateness and length of any continuance for attorney preparation time, as well as **the number and length of prior continuances for preparation time**." - "Of particular importance are requests to continue an individual merits hearing that has already been scheduled. **Such hearings are typically scheduled far in advance, which provides ample opportunity for preparation time, and often involve interpreters or third-party witnesses whose schedules have been carefully accommodated**."	
	E. Additional Reports corroborating Respondents' Counsel's Ethical Number of Non-Detained Caseload on EOIR's Active Docket [113 cases] and the Mathematical Impossibility of Preparing Nearly 70 Non-Detained Merits Hearings in a Matter of Mere Weeks/Months from the Date of the IH Hearing Notice, as Proposed by This Court	
E.1	**High-Stakes Asylum: How Long an Asylum Case Takes and How We Can Do Better**, American Immigration Lawyers Association (June 14, 2023), available at https://www.aila.org/aila-files/91508EE0-B02C-4D8F-869C-78B697B68E56/23061202.pdf - "The basic steps of preparing an asylum application takes an estimated **minimum of 50 to 75 hours**." - "**This work cannot be done in one continuous period**." - **"Cases with significant complexity can take far more time than**	392-416

this estimate. Most asylum cases are not straightforward. Complicating factors that add time to an asylum case may include [..] **past trauma** experienced by the applicant, **language barriers**, and procuring evidence from foreign countries or **expert witnesses**."

- "The core of an asylum case is a factual account of what can be the most traumatic moment of a person's life. Each case involves a unique set of facts and legal considerations that have to fit a narrow definition to win protection. As a result, a "straightforward" asylum case does not exist. As asylum attorneys said in their survey responses: "[E]ach case is different. **ALL of them take at least twice as long as we estimate at the outset**." Sean Lewis, Tennessee. "I currently have an affirmative case, nearly ready to file, and we have spent about **60 hours** total. My defensive case, which we picked up from a previous attorney who had initially filed affirmatively, has taken **over 300 hours of prep, including for the merits**." Vanessa Frank, California."

- "Developing initial country conditions. Attorneys surveyed estimate it takes an **additional 14 hours to research and develop completely new country conditions evidence**."

- "Attorneys also work with experts to provide testimony to support an asylum seeker's case. For example, they may use **country-condition experts to describe ongoing conflict in a country, mental health professionals to explain trauma, or a doctor to document physical scars or other symptoms.** Attorneys surveyed estimate that working with mental health professionals **adds 24 hours to preparation**."

- "Finally, **all this supporting evidence is dynamic—particularly country conditions—and may change by the time the asylum seeker has a hearing**."

- "Asylum attorneys meet with their clients numerous times throughout the development of the asylum application. Forty-three percent of survey respondents say **they generally meet with clients 10 or more times over the course of the case**, ranging from phone calls to video conferencing to in-person meetings. In addition to meeting to go over the declaration, attorneys will generally meet with the asylum seeker to go over their account one or more times and help prepare them for the interview or hearing. The attorney "will engage in rigorous interviewing to explore the details of the asylum claim" to ensure each detail is accurate and consistent. Survey respondents estimated that **the time to prepare the asylum seeker for a merits hearing ranges from 5 to 15 hours, although it could take longer**. Language barriers can add time to this preparation and every other

step of the asylum process. While many immigration attorneys speak a second (or more) language, it is not uncommon to not speak your client's native language. **If an interpreter is required to navigate communication with the client, the attorneys surveyed estimated that this adds about 11 hours of time to an asylum case**."

- "The way asylum law is interpreted varies depending on the federal circuit governing the case and the immigration judge. More than the basics described above, there are a range of factors that may render the person ineligible for asylum. These include the person being firmly resettled in another country, having convictions for certain types of crimes, or having participated in terrorist activity. This makes it essential for an attorney to do legal research to ensure eligibility for asylum. AILA's survey found that this adds an **additional 11 hours** to preparation. Further, due to existing court and other institutional processing delays, **it is not uncommon for asylum law to change from the time a client hires an attorney to the time their case is before an adjudicator. The attorney will need to do additional legal research to account for changes in the law**."

- "Trauma causes memory loss, which makes presenting an asylum case particularly difficult. Physicians for Human Rights Asylum surveyed asylum seekers from 90 different countries and found memory gaps of the traumatic event as well as difficulty establishing the timeline of the experience. [..] Recommendations for effectively navigating PTSD and trauma in the attorney-client relationship include avoiding long interviews due to their emotional toll leading to lower efficiency, using careful interviewing techniques, generally avoiding retraumatizing the asylum seeker, and working to lower their anxiety. These techniques require time to navigate and cannot be accomplished in one visit. The more time an attorney has to work with an asylum applicant in advance of the interview, the more efficient and accurate the information with which the asylum adjudicator must work, which in turn saves government time."

- "Asylum cases are really time intensive. The dedicated docket cases are especially difficult. **We try to do only 1 at a time due to time constraints with everything compacted into only 1 month or 45 days."** Lynn Neugebauer, New York

- ""There's no way I'm taking a case that is due in less than 2 months … There's just no way I could give a new case 30-40 hours of my time in the 2 months after I take it." Survey respondent, Florida

- **"**Half of all survey respondents currently manage 70 or more active cases at one time."

E.2	**Access to Counsel in Immigration Court**, Ingrid V. Eagly, Steven Shafer & Renee Moulton, 111 Iowa L. Rev. 1 (2025), available at https://ilr.law.uiowa.edu/sites/ilr.law.uiowa.edu/files/2025-11/A1_Eagly_0.pdf - "In fiscal year 2024, only 16,976 representatives provided counsel to just over 1.4 million immigrants facing removal." - "[T]he number of representatives taking on cases in immigration court has grown, and on average the caseloads of these representatives have increased over time. We have also documented extreme variations in the engagement of these representatives, with some handling no cases or only a single case, while others juggled thousands of cases in a single year."	417-478
E.3	**Too Few Immigration Attorneys:** Average Representation Rates Fall from 65% to 30%, TRAC Immigration (Jan. 24, 2024), available at https://tracreports.org/reports/736/ - "EOIR Bars Access to Vital Data" - "It is surprising that in this day and age while there are fairly precise counts of the number of Court cases with representation, there are no solid facts on the actual number of attorneys supplying this representation. This information is crucial to understanding not simply the number of immigrants with representation, but the total number of immigration attorneys providing that representation, as well. These data could show whether, and how quickly, the supply of immigration attorneys is also growing compared to the number of immigrants who need representation." - "This lack of information is not because the data isn't recorded. The same systems that record whether a case is represented also identify the attorney supplying this representation. This information is recorded in Court records in two ways: first by the name and address of the attorney and second by computer-generated anonymous IDs that EOIR databases use to link cases to particular attorneys. - "Unfortunately, **EOIR stopped providing TRAC and other researchers with essential data identifying how many immigration attorneys are representing immigrants in its caseload** or even in which state immigration attorneys are based. Even after several years of concerted effort by TRAC which teamed up with other researchers seeking to get EOIR to release these vital details, EOIR has not been willing as yet to provide even anonymous	479-484

	data on attorneys that would permit compiling actual counts at a national level, let alone state-by-state, of the number of attorneys who are representing immigrants in the Court and how these numbers have changed over time. - "Thus, EOIR's intransigence prevents meaningfully assessment of how policies, including its own, impact attorney supply and resultant representation rates. **Take the following essential research questions that, if answered, could inform public policy and practice. Have attempts to expedite case processing times had an adverse impact on the caseloads that attorneys representing clients take on so that effectively fewer cases end up being represented in aggregate over any period of time? Have programs to suddenly change hearing schedules making workload less predictable for attorneys impacted their caseload size? Have different efforts designed to increase the supply of immigration attorneys actually increased the supply? These questions are unanswerable not because the data is not collected, but because EOIR refuses to share these data with the public."**	
E.4	**Legal Services Caseload Matrix Chart**, UFW Foundation (2021), available at https://www.cliniclegal.org/sites/default/files/2022-07/Legal%20Services%20Caseload%20Matrix%20Chart%20%28Sample%20from%20CLINIC%20Affiliate%29.pdf - "RDP Law Fellow: 125 (within 6 months of starting at UFWF)" - "RDP Staff Attorney Year 1 at UFWF: 150" - "RDP Staff/Coord Attorney After Year 2 at UFWF: 200" - "RDP Staff Attorney Year 3+: 225" - "RDP Senior Attorney: 250" - "RDP Supervising Attorney: 150-175"	485-489

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
FORT SNELLING, MINNESOTA

In the Matter of: [redacted] ***Respondent*** **In Removal Proceedings**	**A** [redacted]

I, Kelsey Hines, hereby certify that service of Respondent's Motion to Continue to the Office of the Principal Legal Advisor is not required. I electronically filed this document. This case has an electronic record of proceeding, and the opposing party is participating in ECAS.

/s/ Kelsey Hines
Signature

03/17/2026
Date

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
FORT SNELLING, MINNESOTA

In the Matter of: [redacted] A Number: **A** [redacted]

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the Respondent's Motion to Continue, it is HEREBY ORDERED that the motion be

□ GRANTED □ DENIED because:

□ DHS does not oppose the motion.
□ The respondent does not oppose the motion.
□ A response to the motion has not been filed with the court.
□ Good cause has been established for the motion.
□ The court agrees with the reasons stated in the opposition to the motion.
□ The motion is untimely per _____.
□ Other:

Deadlines:

□ The application(s) for relief must be filed by _____.
□ The respondent must comply with DHS biometrics instructions by _____.

_____ _____
Date Immigration Judge

Certificate of Service

This document was served by: [ ] Mail [ ] Personal Service

To: [ ] Alien [ ] Alien c/o Custodial Officer [ ] Alien's Atty/Rep [ ] DHS Date: _____

By: Court Staff _____

Exhibit 20

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
FORT SNELLING IMMIGRATION COURT

Respondent Name:
[redacted]

To:

Hines, Kelsey Judith
1700 West Highway 36
Suite 120
Roseville, MN 55113

A-Number:
[redacted]
Riders:
In Removal Proceedings
Initiated by the Department of Homeland Security
Date:
03/09/2026

ORDER OF THE IMMIGRATION JUDGE

☑ Respondent ☐ Department of Homeland Security has filed a motion for a continuance of the hearing scheduled for [redacted]

Upon reading and considering the motion, and any opposition from the non-moving party, the motion is:

☑ granted because good cause has been established for the requested continuance. 8 C.F.R. § 1003.29.

☐ denied because good cause has not been established for the requested continuance. 8 C.F.R. § 1003.29.

☑ Further explanation:

The Court notes that the current circumstances are relatively unique, so the motion is granted. However, particularly given the number of cases handled by this attorney and the Court's objective to hold expeditious hearings, some other solutions, such as arrangements with alternate counsel, may need to be made if future hearing dates set by the Court are not acceptable or feasible. The Court wishes to reasonably accommodate
counsel but also has limited options.

☐ The hearing is rescheduled until
☑ The immigration court will serve Respondent with notice of the next hearing date.

Immigration Judge: BRISACK, CHRIS 03/09/2026

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [ ] Alien | [ ] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : [redacted] | A-Number : [redacted]

Riders:

Date: 03/09/2026 By: CANFIELD, ELISE, Court Staff

Exhibit B

DECLARATION OF HANNE SANDISON,
IMMIGRATION LEGAL SERVICES DIRECTOR,
THE ADVOCATES FOR HUMAN RIGHTS

I, Hanne Sandison, declare under penalty of perjury that:

1. I am over the age of 18 and competent to testify to the facts contained in this Declaration.

2. I am the Immigration Legal Services Director at The Advocates for Human Rights (AHR), a nonprofit international human rights organization located in Minneapolis, Minnesota. Before joining AHR in 2019, I was an Immigrant Justice Corps fellow in Newark, New Jersey, with American Friends Service Committee, where I represented detained immigrants in removal proceedings as part of a universal representation pilot project that sought to guarantee representation for all detained immigrants in New Jersey.

3. In my capacity as the Immigration Legal Services Director at AHR, I have direct responsibility for overseeing and supporting AHR's work representing asylum seekers, trafficking survivors, Unaccompanied Children, Afghan Evacuees, and immigrants held in ICE detention, which is done in collaboration with our pro bono attorney partners. I am familiar with the needs of the individuals and families we serve, our pro bono attorney partners, and the immigration legal services ecosystem more broadly.

4. The facts set forth in this declaration are based on my personal knowledge, review of AHR records, and information provided to me by other AHR employees, contractors, and pro bono partners in the course of their duties. If called as a witness, I could and would testify competently to the matters stated herein.

The Advocates for Human Rights' Mission and Approach

5. AHR is an independent, nonpartisan nonprofit founded in 1983 that works to promote and protect human rights worldwide. Our mission is to implement international human rights standards to promote civil society and reinforce the rule of law. We envision a world in which each person lives with dignity, freedom, justice, equality, and peace, and where every person plays a part in ensuring human rights for all.

6. AHR is intentionally volunteer- and partnership-driven. We believe that everyone has the power to advance human rights. By engaging volunteers in hands-on human rights work, AHR not only accomplishes critical research and advocacy but also transforms volunteers into advocates for human rights.

7. Our volunteers and interns are integrated into hands-on legal services, research, and advocacy, with support from AHR staff. In fiscal year 2025, AHR worked with over 1,600 volunteer attorneys, the majority of whom live and practice in Minnesota. We provide our volunteer attorneys with training, technical support, malpractice insurance coverage, and access to volunteer interpreters and social services support. Many volunteers become members of the organization's Board of Directors, assist AHR with fundraising, or help AHR recruit additional volunteers to support us in our work.

8. We have a dual focus on systemic change and direct services, which allows us to ground policy work in real-life experiences and bridge the gap between advocacy and action. For example, when our clients experience injustice, we help them and advocate to change the systems that perpetuate those injustices. And when our partners report barriers to their representation, we identify the gaps in legal protections and develop solutions.

The Advocates for Human Rights' Immigration Legal Services and Advocacy

9. To advance our mission, one of AHR's core activities is the provision and facilitation of legal services to migrants to ensure their fair and humane treatment in line with internationally recognized human rights standards and the rule of law.

10. Through our Immigration Legal Services (ILS) program, which I oversee, we provide free, high-quality legal representation to low-income immigrants in the Upper Midwest, including asylum seekers, individuals in detention, unaccompanied children, and trafficking survivors.

11. Representing people in immigration proceedings advances AHR's mission by safeguarding due process and human dignity, grounding our advocacy in clients' real-life experiences, and engaging volunteer attorneys in pro bono representation that expands access to justice and strengthens the rule of law.

12. AHR's ILS program currently has eight full-time attorneys and two full-time legal fellows who provide direct services and pro-bono support. We also have six non-attorneys on staff, including a partially accredited representative who is authorized by the U.S. Department of Justice to provide direct representation to immigrants who are affirmatively applying for asylum with the U.S. Citizenship and Immigration Services (USCIS). While our team keeps a small in-house caseload, most of our work is done in partnership with our volunteer attorneys. While not all AHR volunteer attorneys are engaged with ILS case work at any given time, in 2025, at least 675 of our volunteer attorneys represented clients through the program, in close collaboration with our full-time staff.

13. One key aspect of our work is representing clients who are seeking asylum either affirmatively before USCIS or defensively in removal proceedings before the Executive Office

for Immigration Review (EOIR). Last year, asylum cases and appeals made up nearly half of ILS's more than 2500 matters. Our legal staff regularly helps non-citizens understand the asylum process and decide whether to apply for asylum. We also help individuals apply for asylum with USCIS and in Immigration Court. And we help them appeal asylum denials to the Board of Immigration Appeals or the U.S. Courts of Appeals.

14. About a third of our asylum matters involve raising asylum claims in the context of removal proceedings for both detained and non-detained individuals. In my experience, these cases are particularly complex and require extensive attorney preparation.

15. Indeed, having an attorney in defensive asylum proceedings is critical. To maximize the individual's chances of success, counsel often submits a variety of supporting documents, including reports on the conditions in the individual's home country, psychological evaluations, and other supporting medical documentation. Given the complexity of immigration law and court procedure, it is extremely difficult for individuals to obtain relief in these proceedings when they are not represented by counsel—even if their cases are otherwise meritorious. Having counsel can therefore be the difference between literal life and death for some of our clients, who face grave threats of torture, persecution, or even death if forced to return to their countries of origin.

16. Alongside ILS, AHR also has programs that work to reform the legal system by observing immigration court proceedings in Fort Snelling, Minnesota, documenting and reporting on human rights violations arising in the context of civil immigration enforcement and advocating for immigration policies that center human rights.

The Somali Fast-Track Policy

17. In early February 2026, I became aware that EOIR had adopted a policy of fast-tracking Somali immigration proceedings, including by scheduling both master calendar hearings and individual merits hearings with little to no time for Somali immigrants and their attorneys to prepare. I am also aware that these cases are largely being assigned to immigration judges who typically sit outside of the jurisdictions where clients are located.

18. In my experience, it is extremely unusual for non-detained individual merits hearings to be set with such little notice. Non-detained individual cases are usually set for merits hearings at least several months after the notice of hearing, if not longer.

19. It is also very rare for immigration cases in Minnesota to be assigned to out-of-jurisdiction immigration judges en masse. And it is unheard of for a single group of people to be targeted in the way Somali nationals have been, which seems to be an effort to deprive them of a meaningful right to counsel.

20. I learned the details and implications of this Policy from AHR's immigration advocate partners, including Kelsey Hines of Hines Immigration Law. Kelsey is a contract attorney with AHR's Afghan Legal Clinic, and she has also served as a volunteer with AHR by providing direct representation to clients and by acting as a consulting attorney to support new pro bono attorneys working on immigration cases for the first time. All of a sudden, Kelsey and several other attorneys we work with started receiving notices scheduling hearings for their Somali clients on extremely expedited timelines.

21. Since the Policy's implementation, AHR has also received new intake calls from Somali nationals who need legal representation because they have hearings in their immigration cases that were scheduled on very short notice. One of those clients already had his expedited

hearing and is scheduled for a final hearing in May.

22. Based on AHR's current experience representing individuals, including Somali nationals, in non-detained removal defense cases, I am aware of how much work goes into preparing for each hearing. Most volunteers spend over one hundred hours on a removal case over the course of several years. This amount of preparation is necessary not only to present the strongest case possible for our clients, but also to ensure that our attorneys comply with their ethical obligations and duties of competence and diligence.

23. Moreover, it can take significant time for attorneys to build trust with a client such that the client feels comfortable sharing traumatic details of their experience. Through my own practice and leadership in this field, I know that, for individuals who have experienced severe trauma and persecution, as many asylum seekers have, it can often take a long time to get a full picture of someone's past harms and reasons for fleeing their country of origin. Some clients remember more details shortly after their arrival in the United States whereas others only recall those details with time and psychological treatment. Attorneys often need to have several conversations over time in order to learn their clients' full stories and effectively prepare for each hearing.

Harm to The Advocates for Human Rights from the Somali Fast-Track Policy

24. The new Somali Fast-Track Policy has already caused harm to our organization, which will only increase if the Policy remains in place.

25. As we have already seen, the impact on Minnesota's Somali community, which is the largest in the country, has been immediate and profound. Non-detained Somali nationals in removal proceedings and the network of other individuals who support them, including their lawyers and those responsible for providing evidence to support their cases, have been abruptly

overwhelmed by the need to prepare for critical immigration hearings in mere days and weeks.

26. Because of our reach and reputation, AHR is often called upon to answer questions and provide guidance about asylum matters, from community members to individual immigrants to lawyers who are looking for help with their immigration cases. This is clear from the influx of calls and emails we have already received, from both Somali individuals seeking representation and attorneys looking for information and guidance on how to proceed. We expect the surge in outreach to continue as the Policy continues.

27. Taking steps to respond to the Policy is critical to our mission of facilitating immigration legal services and providing rapid response, and we have a history of responding to changes in the immigration legal landscape that affect our community by leveraging our networks and even standing up new programs.

28. As mentioned above, we have already seen an increase in the number of Somali nationals reaching out to our organization for assistance and seeking representation. EOIR's decision to expedite Somali removal proceedings at an unprecedented pace has meant that many Somalis may go unrepresented, as firms who specialize in this practice area simply do not have the capacity to represent them.

29. We are working to build up a response, but have so far been unable to pull together volunteer attorneys to handle these urgent new cases, and our full-time ILS staff attorneys are taking on the work to ensure that the unrepresented Somalis reaching out to us have at least some support and guidance going into their upcoming hearings. Attending to these intake inquiries requires significant attention from our staff, due in part to the complexity of many of the issues raised and the legal work required.

30. We are providing consultations to Somali callers on an expedited basis and, based

on what we learn from them, offering legal consults and resources to assist individuals who will be representing themselves in court. For example, one of our staff attorneys spent several hours last week preparing for and advising a pro se individual in advance of his upcoming hearing and walking him through the preparation of a pro se motion to continue, which the individual could not have navigated on his own. We are also spending attorney time getting up to speed on how these fast-tracked Somali cases are proceeding so that we can competently advise clients, volunteers, and partners.

31. The additional time spent on these efforts has further required AHR to divert resources and staff time away from other critical tasks. AHR has stepped in to provide rapid response to a variety of attacks on the immigrant community in Minnesota over the past few months, and each crisis leaves less capacity to continue to respond to the growing, urgent needs in our community. It has grown increasingly difficult to maintain our commitment to current clients and volunteers, mobilize other rapid-response initiatives, prepare for upcoming trainings, and develop resources for our pro bono partners. Given that ILS has limited staff and that the need continues to grow, continuing to respond to an influx of requests from unrepresented Somali individuals—as well as from Somali individuals who are looking for new counsel precisely because the Policy makes it impossible for their existing counsel to represent them—will put a significant strain on our staff attorneys and all of our other projects.

32. Relatedly, AHR is actively developing a plan to leverage our pro bono networks in an attempt to fill the gaps in representation for our Somali community. The private immigration attorneys who often represent Somali nationals in immigration proceedings are already overwhelmed with work. I understand that many attorneys are now dealing with multiple hearings being scheduled on the same day and, in some cases, in the same time slot. These

attorneys have also been given far less time to prepare for hearings than is reasonable. This has left substantial gaps in the field as those providers have suddenly had to not only stop taking on new clients but also seek coverage for their existing clients' hearings.

33. In order to meet this need, we have had to divert time and resources away from other efforts we would otherwise be engaged in, such as taking on new clients. For example, to support our growing team, we recently brought on a new managing attorney to provide additional supervision for staff attorneys and to manage grants and contracts, but now some of her time is diverted to this emergency response project. Our volunteer attorney pool is also impacted, and bringing in volunteers to provide emergency representation in these cases means they are not available to take on cases for other equally deserving individuals. This is particularly salient when we are attempting to find a volunteer for a Somali individual who was able to and did hire an attorney, but can no longer be represented by that attorney due to this Policy. The pool of non-citizens who need our assistance has grown due to this policy choice.

34. Moreover, because AHR's entire model is built on partnerships with private attorneys, the Policy threatens to have profound effects on the rest of our programs as well. AHR regularly collaborates with local immigration partners. We work in close partnership with individual attorneys and firms in order to further our mission of promoting and protecting internationally recognized human rights. Many experienced immigration attorneys in Minnesota collaborate with AHR to provide pro bono representations, support other pro bono attorneys who are newer to this space, and participate in our clinics to help unrepresented people get consults and file for relief.

35. Those programs have been strained in recent weeks in light of the new Fast-Track Policy. Because attorneys and firms that we regularly partner with must spend so much more

time than usual dealing with the extraordinary number of hearings that have been scheduled, they are not able to take on full representations with AHR or volunteer their time as readily. AHR has thus been deprived of key partnerships that we have long relied on.

36. The Policy has also affected our observation and advocacy work. Because hearings taking place pursuant to the Somali Fast-Track Policy are largely being conducted virtually via Webex, AHR's volunteer court observers have not had access to the proceedings. In at least one instance, AHR's observer was allowed into the Webex hearing only to be told that they would not be allowed to observe virtually but could attend in person in Atlanta, where the immigration judge was physically located—even though the hearing was venued in Fort Snelling, Minnesota. This aspect of the Policy makes it very difficult for our team to document and report on what is going on during immigration hearings for Somalis.

37. Finally, all of these developments have presented obstacles for AHR to fulfill our mission of promoting and protecting human rights. The Fast-Track Policy, which singles out Somalis for expedited proceedings and prevents them from meaningfully exercising their right to chosen counsel, makes it more difficult to ensure that fundamental human rights are protected in our immigration system. While we have already diverted resources to combat some of the most harmful effects of the Policy, our mission will only continue to be impeded absent immediate relief to vacate the Policy and return to the status quo.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on March 24, 2026

Hanne Sandison (Mar 24, 2026 10:38:09 CDT)

Hanne Sandison

2026.03.24 Somali Fast-Track Policy Advocates Decl FINAL

Final Audit Report 2026-03-24

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Agreement completed.
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Exhibit C

DECLARATION OF ROBIN CARR

I, Robin Chandler Carr, hereby declare as follows:

Professional Background

1. I am an attorney licensed to practice law by the State of California (Bar No. 154023) since September 23, 1991. I have practiced immigration law continuously since 2004.
2. In September 2018, I relocated to Minnesota, where I practice exclusively federal immigration law. I work with Abdulwahid Osman of Abdulwahid Law Firm, PLLC, in Minneapolis, for about 2/3 of my cases. I am the sole attorney for the balance of these cases.
3. I have primary responsibility for approximately 223 active cases pending before the United States Immigration Courts. My responsibilities include case management, calendaring, preparation and updating of applications for relief, motion practice, and preparation of pre-hearing statements and legal briefs. This number does not include cases with pending appeals.
4. I represent clients nationwide, with most of my cases pending before the Immigration Court in Fort Snelling, Minnesota. My practice focuses primarily on asylum claims involving ethnic Somali clients from Somalia and Ethiopia. I also represent individuals from Eritrea, Djibouti, Sudan, Kenya, and other regions.

Baseline Caseload and Scheduling Norms

5. At the beginning of calendar year 2026, I had approximately 12 to 14 Individual Calendar Hearings ("ICH") scheduled between January 2026 and December 2026, which reflected a typical and manageable caseload.

6. Based on my experience from September 2018 through February 2026, the Fort Snelling Immigration Court generally followed a predictable scheduling process: cases were set for a Master Calendar Hearing ("MCH"), pleadings were entered, and after submission of the Form I-589, the Court would place the matter in a queue for a future merits hearing.

Abrupt Change in Scheduling Pattern

7. Beginning on or about January 30, 2026, I began receiving a substantial number of electronic hearing notices for Somali asylum clients. These notices have continued at a high volume, frequently multiple per day, at times exceeding six notices in a single day.
8. These newly scheduled hearings overwhelmingly involve Somali nationals. By contrast: I represent dozens of Ethiopian clients (approximately 70–80) with pending asylum applications who have not been scheduled for hearings
9. One client from Djibouti was detained during Operation Metro Surge and the Court subsequently scheduled his case for an Individual hearing on the detained docket. My clients from Djibouti and Ethiopia with hearing dates in the next three months were scheduled before the recent surge.
10. Based on my calendar (attached as Exhibit A):
    - The overwhelming majority of scheduled hearings are for Somali nationals and
    - A substantial number of non-Somali clients remain without hearings scheduled.

    This reflects a clear and disproportionate scheduling pattern.

Concentration of Hearings

11. As reflected in my calendar:
    - I have approximately 70+ Individual Calendar Hearings scheduled between late March 2026 and late July 2026

- I also have approximately 26 Master Calendar Hearings during the same period
- The hearings are frequently scheduled in clusters. See, for example, April 15, 2026, with nine scheduled hearings.

12. Because of the mass expedited scheduling of Somali cases, my calendar reflects an unusually high concentration of Individual Calendar Hearings in June 2026 alone. Specifically, there are at least 20 Individual Calendar Hearings scheduled in June 2026, including hearings on June 3, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 22, 23, 24, and 29. This level of concentration in a single month is extraordinary and materially exceeds any historically typical scheduling pattern in my practice. I have never had more than one Individual Calendar Hearing in a single day. Now, some days, I have two or three.
13. By contrast, between August 2026 and October 2028, I have only 12 hearings scheduled, which reflects the normal pacing of cases prior to the recent shift.

Out-of-State Judicial Assignments

14. Most of the newly scheduled hearings are assigned to out-of-state Immigration Judges, including judges based in Texas, Louisiana, Georgia, Colorado, Illinois, and Ohio, though the court with jurisdiction for most of these cases is in Fort Snelling, Minnesota.

Impact on Case Preparation

15. The current scheduling pattern for Somali cases imposes overlapping filing deadlines tied to each Individual Calendar Hearing, significantly compressing timelines across dozens of cases simultaneously.
16. The Court has, in many of my cases, advanced merits hearings sua sponte without motion by the DHS, without case-specific justification, and without resetting filing deadlines, resulting in severely compressed preparation periods.

17. In one Somali matter, a hearing originally scheduled for December 2, 2026, was advanced to March 23, 2026, with a hearing notice issued on February 13, effectively reducing the preparation window to approximately 23 days. This pattern is not isolated and reflects broader systemic scheduling compression affecting multiple cases. Some days I have filing deadlines in 5 or more cases.

18. Preparation of Somali asylum cases is particularly time-intensive and requires: Collection of identity and family documentation often unavailable through official channels; Affidavits from individuals abroad, including clan members, religious leaders, and witnesses; Country conditions research addressing evolving political and security conditions; Coordination of translations and expert materials; or psychological and forensic evaluations with attached credentials. Country conditions evidence must be current and therefore must be obtained at the time of adjudication, not at the time of the initial filing.

19. These requirements are compounded by the reality, recognized in the U.S. State Department's Reciprocity Schedule, that Somali applicants frequently lack access to formal civil documentation systems, requiring alternative forms of corroboration.[1]

Procedural Concerns with Advanced Hearings

20. In cases where hearings have been advanced from previously scheduled Individual Calendar dates to earlier Master Calendar settings, the advancement occurred without motion from DHS; lacked case-specific justification in the record; and materially affected preparation timelines and litigation strategy.

---

[1] U.S. Dep't of State, Somalia-Visa Recriprocity & Civil Documents by Country, https://travel.state.gov/content/travel/en/us-visas/Visa-Reciprocity-and-Civil-Documents-by-Country/Somalia.html, (last visited March 21, 2026).

21. These procedural irregularities further contribute to the compression of preparation time and increase the risk of incomplete evidentiary development.

22. The constraints described herein are:

- systemic and court-driven
- not attributable to lack of diligence
- affecting multiple similarly situated Somali asylum cases.

Risk to Due Process and Effective Representation

23. When multiple merits hearings are clustered within short timeframes, particularly where preparation timelines are shortened, there is a material risk that cases cannot be fully prepared despite counsel's best efforts.

24. This declaration is submitted to preserve the record that the current scheduling concentration: imposes substantial and atypical burdens on counsel; affects counsels' ability to meet filing deadlines; and creates a risk of prejudice to respondents' ability to present their claims.

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 21st day of March 2026, in Minneapolis, Minnesota.

Robin Carr (Mar 21, 2026 22:18:19 CDT)

Robin Chandler Carr

DECLARATION OF ROBIN CARR

Final Audit Report 2026-03-22

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"DECLARATION OF ROBIN CARR" History

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Exhibit D

State of Minnesota)
ss.)
County of Hennepin)

Affidavit of Evangeline Dhawan-Maloney

I, Evangeline Dhawan-Maloney, being duly sworn, herby state the following under penalty of perjury:

1. I am a licensed attorney in the State of Minnesota. I was admitted to practice on December 17, 2019. I am also admitted to practice before the Federal District Court for the District of Minnesota, the Federal Court for the Eastern District of Wisconsin, the U.S. Court of Appeals for the Eighth Circuit, and the U.S. Court of Appeals for the Sixth Circuit.

2. I have been practicing almost exclusively in the realm of federal immigration law since 2019 – for nearly seven years. I have extensive experience in removal defense work, including asylum.

3. I currently represent several hundred clients in removal proceedings before the Executive Office of Immigration Review (EOIR). Many of these individuals are seeking asylum. Their countries of nationality include India, Ecuador, El Salvador, Honduras, Columbia, Venezuela, Nicaragua, Mexico, Russia, Somalia, Djibouti, and Ethiopia. I currently represent roughly 105 Somali asylum seekers.

4. For as long as I have been practicing, my experience is that non-detained removal cases, including asylum cases, tend to follow the same general track: A non-citizen is given a notice to appear (NTA) and the Department of Homeland Security (DHS) files or dockets the NTA with the immigration court. This initiates the removal proceedings. Then, a master calendar hearing takes place, where the immigration judge sets a timeline for filing any applications for relief, if those applications have not already been filed. Beginning in 2023 and 2024, Master Calendar Hearings at the Fort Snelling Immigration Court were cancelled if the non-citizen hired an attorney and the attorney entered an E-28 Notice of Appearance with the Court. Then, the Court would place the case in the Court's "trial queue" meaning that when a date was available, the Court would schedule the non-citizen for an individual merits hearing. This process – from initial master calendar hearing to merits hearing, took at least a year, and typically more than a year, often two or three years. When I received an individual hearing notice for a case, it was often scheduled for six months to one year or more from the date I received the notice.

5. Beginning in January 2026, I began noticing that my Somali asylum cases were being scheduled *en masse* for new master calendar hearings in February and March. I received notices of these hearings for approximately 12-20 cases. Each of these cases had been pending in the Minnesota Fort Snelling Immigration Court for approximately one to three years. In each case, we had already filed all applications for relief, including asylum. In nearly all the cases my clients had valid work permits based upon their pending asylum case.

6. One of the strangest parts of these hearings were that they were scheduled remotely with immigration judges in Texas, Georgia, and Chicago, even though the cases were docketed and pending at the Fort Snelling, Minnesota immigration court. Generally, cases docketed with a specific immigration court, such as Fort Snelling, Minnesota, are heard by judges located at that immigration court, not an immigration judge in another state.

7. At these Master Calendar Hearings, the cases were set for individual hearings in April and May – in some cases just 30 days after the Master Calendar Hearing. The individual hearings are with the same Texas and Georgia immigration judges, several of whom have very high denial rates for asylum cases.

8. As of the date that I drafted this affidavit, I have scheduled about 9 individual hearings between March 2026 and July 2026 for Somali asylum seekers that I represent. That is more individual hearings than I have had in the last three or four years combined. These individual hearings are scheduled with immigration judges in the Texas and Georgia immigration courts. These cases are all pending with the Fort Snelling, Minnesota immigration court. I have an additional 8 Somali asylum cases scheduled for new master calendar hearings this month and next with out of state judges. I expect these cases will also be scheduled for expedited merits hearings.

9. In one case, a Somali client I currently represent whose case has been pending since 2023 in the Fort Snelling, Minnesota immigration court was already scheduled for an individual merits hearing with a Minnesota immigration judge in October of this year. Then, on February 9, 2026, without warning or any attempt to consult with me regarding whether I was available for an earlier hearing date, I received an electronic notice that the EOIR had rescheduled the merits hearing for March 30, 2026, with a judge based in the Conroe, Texas immigration court. I requested a continuation, which was denied by the immigration judge. In the case, my client suffered a massive stroke months after he arrived in the United States, and suffers from memory issues, and is confined to a wheelchair. Preparing for this rescheduled merits hearing that is now 7 months earlier than we had already planned for is going to be extremely difficult for me and for my client.

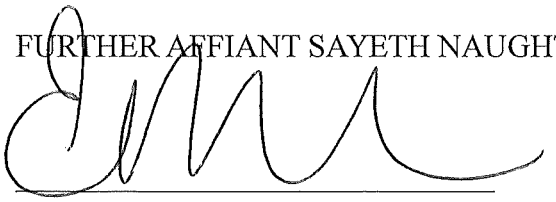
10. I have not had a single case with a non-Somali Respondent set for a new master calendar hearing and then subsequently set for merits hearing in the last two months. Each case that has been set for a new master calendar hearing as described above has been a Somali asylum case. This new EOIR policy appears to exclusively target Somali asylum seekers.

11. I am aware of multiple other immigration attorney colleagues locally who are experiencing the same situation – their Somali asylum cases are rapidly accelerating to individual merits hearings with out of state immigration judges in Texas and Georgia, despite the fact the cases are docketed and pending with the Fort Snelling, Minnesota immigration court.

12. My ability to represent my Somali clients has been negatively impacted by this new EOIR practice. I am a partner at a small law firm that only has two immigration attorneys including myself. I am becoming increasingly afraid that I will have to withdraw from cases since I will be unable to adequately prepare for these rapid individual hearings that could now be scheduled in the over 100 Somali asylum cases that I have.

13. As of the date of writing this, I plan to reach out to the Minnesota Office of Professional Responsibility to assess what my ethical duties are given the potential for me to be unable to adequately represent my Somali clients. I have never been in this situation as an attorney, and I am deeply concerned about the due process implications for my Somali clients who have thus far done everything the government has asked of them.

FURTHER AFFIANT SAYETH NAUGHT



Evangeline Dhawan-Maloney, Esq.

3/18/2026

Date

Exhibit E

Pursuant to 28 U.S.C. § 1746, I, Alexis Dutt, make this declaration.

1. I am attorney licensed in the state of Minnesota.
2. I specialize in immigration law, and have been practicing since 2018. I am primarily a litigator, and for my entire career, have been handling cases in removal proceedings.
3. It is common amongst immigration firms for immigrant populations to rely on referrals to trusted immigration attorneys. I would estimate that about half to two-thirds of my removal defense case load are Somali nationals, which has been the case since I began practicing.
4. Since February 2026, between one half to two-thirds of my Somali cases have been scheduled for master or individual hearings between March and July 2026. Some of these cases were previously scheduled for individual hearings in late 2026 or 2027. Some of these cases had orders stating that they were awaiting individual hearings.
5. At the Fort Snelling immigration court, individual hearings were commonly scheduled with at least 6 months' notice, and most commonly with more than a year notice. I would usually have between 2-5 individual hearings per month. Between now and July 31st, I am scheduled for more master and individual hearings than I would usually have in the course of two years.
6. Every single case that has been expedited is for a Somali national. It has required significant time and resources to ensure that each client is receiving ethical representation in these matters. In short, this is effectively punishing immigrant communities for seeking assistance from lawyers that their friends and family recommend, and it is punishing attorneys who work with specific communities.
7. Additionally, based on the actions being taken by OPLA attorneys during these master calendar hearings, there appears to be coordination between DHS and EOIR, or at minimum parallel policies that are in place to expedite these cases. For example, DHS attorneys are opposing good cause continuation requests and they are bringing motions to pretermit applications without full merits hearings.
8. There is no government interest in fast-tracking these cases, particularly when attorneys have provided good cause to request continuances. It appears that most of the judges who are handling these cases are usually handling matters in detained court. In detained court, those cases usually move much faster. The difference in those situations is that there is a clear financial cost to the government and human cost to the detainees that justifies the expedition of these cases. For these non-detained Somali nationals, there is no such government interest here. It does not hurt the government for these cases to be heard in August or September rather than April or May.

9. It appears that Court hav bee tol t decid thes case a quickl a possible. When as ed o a continua ce o a hear ng d te t at is furt er o t, multi le judges ave aid hat t eir calen ars "do no go out hat ar or hat he do not ave any ates beyo d the dat being offered. A torneys are getting sch duled for an wher from 1 to 3 indivi ua he ring in one day. hen scheduled for multiple indi idual h ari gs in ne ay, th jud es are findi g that is not "good caus " for continuance of e ther atter.
10. In some c urt room during m ster c lend r he rings, j dges have ade ommen s sug esting that the e case ar a "pr ority." uring on aster calend r hearin , a judg stat d that hey ha been asked to help out on these cases and assi ned these Somal dock ts That s me ud e sta ed a oal to esolve ll o thes case wi hin 6 month . hen asked bout the po sibil ty of onflictin h arings in ight f th qua tity of cas s, th jud e said th t "t es cas s ould take pr or ty" w en it came to continuances on other matters.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on March 22, 2026.

Alexis Dutt

Exhibit F

DECLARATION OF MATTHEW RAYMOND MOCKENHAUPT

1. My name is Matthew Raymond Mockenhaupt. I was born in Minnesota on January 28, 1990. I currently live and work in Minnesota.

2. I currently work at Ojala-Barbour Law Firm, PLLC as an immigration attorney. I began working at Ojala-Barbour Law Firm, PLLC in May of 2019 when I was still in law school. After I graduated from law school on May 17, 2020, and admitted to the Minnesota Bar on October 30, 2020, I began working at Ojala-Barbour Law Firm, PLLC as an immigration attorney. I have been actively practicing immigration law since early 2021.

3. In my entire time at Ojala-Barbour Law Firm, PLLC, I have never witnessed any individual Immigration Court, or EOIR as a whole, create an expedited docket for people of one national origin.

4. I represent approximately 125 clients who are Somali nationals. I have taken on the representation of these clients over the years, since 2021.

5. Beginning on January 30, 2026, I began receiving an immense number of Master Calendar Hearing ("MCH") notices for my clients. Since that date, I have received at least 70 MCH notices. Every single one of these MCH notices is for a Somali national. In that time, I do not believe I have received an MCH notice for any client who is not a Somali national. Based on this and other details described below, it appears to me that EOIR has created an expedited docket solely for Somali nationals.

6. To date, I have attended around 40 or 50 of these MCHs for my clients who are Somali nationals. All of these MCHs have been presided over by Immigration Judges ("IJs") who are not based in Minnesota, despite nearly all of these cases being venued in Minnesota. Every Individual Calendar Hearing ("ICH") that is scheduled on this docket is also assigned to an IJ who is based outside of Minnesota. So far, those judges include IJs Abdias Tida, Chris Brisack, Philip Taylor, Craig Defoe, Andrew Caborn, Nina Carbone, and Teresa Riley. In the past, I have only ever had one or two cases that were venued in Minnesota assigned to IJs based outside of Minnesota. This is the first time I have ever had this many cases venued in Minnesota assigned to IJs based outside of Minnesota.

7. At every MCH, the IJs have told me that their priority is to set an ICH for the case so that it can receive a final adjudication. Every IJ at these MCHs has told me that they cannot schedule any ICHs past June or July of 2026. When I ask them why they cannot schedule ICHs past this point, they tell me that their "hands are tied." I have heard several IJs tell that their "hands are tied" which has been curious to me that they all use the exact same phrase.

8. When I ask the IJs why their hands are tied, they tell me it is because the cases have been pending for a long time, and they are a priority. To be clear, most of these cases have been pending since between late 2022 and the middle of 2024. In contrast, I have a large number of clients from Central America, South America, Asia, Europe, and other countries in Africa who have proceedings before EOIR that commenced around the same time as these Somali clients. I have not been scheduled for an MCH for any client who is not a Somali national in several months. I have also not recently been scheduled for an ICH in the next several months for any client who is not a Somali national. Since January 2026, I have been scheduled for two ICHs for clients who are not Somali nationals, and those ICHs are scheduled for 2027, which is the typical timing of ICH scheduling based on my experience

9. In the last month, I have been scheduled for about 50 ICHs that will take place from the middle of April to July 2026. About five of these ICHs were scheduled without an MCH taking place first. I have asked some IJs for ICHs further in the future than this, and my requests have been universally denied. I have objected to the scheduling of these ICHs in such short order, citing my ethical responsibility to my clients to provide them with adequate preparation and representation, which is hindered the vast number of ICHs scheduled within such a short time. My objections have also been universally ignored.

10. To date, I have about 25 more MCHs on this expedited docket for Somali nationals. Based on my experience with this docket over the past month, I will be scheduled for at least 25 more ICHs between April and July 2026.

I declare under penalty of perjury pursuant to 28 USC Section 1746 that the foregoing declaration is true and correct to the best of my knowledge and belief.

03/19/2026

Date

Matthew Mockenhaupt

Exhibit G

DECLARATION OF IMELDA MAYNARD, ESQ.,
LEGAL DIRECTOR,
ESTRELLA DEL PASO

I, Imelda Maynard, declare under penalty of perjury that:

1. I am over the age of 18 and competent to testify to the facts contained in this Declaration.

2. I am the legal director at Estrella del Paso, a nonprofit legal organization based in El Paso, Texas. Estrella del Paso is the largest provider of free immigration legal services in West Texas and New Mexico, and it was formed 40 years ago to serve the asylum seekers and immigrants impacted by the passage of the Immigration Reform and Control Act of 1986.

3. I have practiced immigration and family law since becoming an attorney in 2010, and I joined Estrella del Paso in 2021 as a managing staff attorney in our Unaccompanied Minors Unit. I became the organization's Director of Legal Services in 2023. In my capacity as Legal Director, I oversee all of Estrella del Paso's legal units and am familiar with all of our cases and the needs of the individuals we serve.

4. The facts set forth in this declaration are based on my personal knowledge, information provided to me by Estrella del Paso's staff in the course of their duties, and review of Estrella del Paso's records. If called as a witness, I could and would testify competently to the matters stated herein.

5. Estrella del Paso provides legal representation on a variety of immigration matters, including providing full legal representation to detained and non-detained individuals who are currently in removal proceedings in the El Paso area immigration courts. In addition to representing adults, we provide representation to unaccompanied children seeking lawful status.

6. Most of our cases are on behalf of individuals from Mexico, South America, and Central America, though we also represent immigrants from Asia and Africa.

7. Estrella del Paso is currently representing one Somali national in removal proceedings. She is under 18 and in custody in a local Office of Refugee Resettlement (ORR) shelter.

8. As is typical for all of our unaccompanied minor cases, our Somali client's case was on the juvenile docket in El Paso, the jurisdiction where she is currently located. We received a Notice of Hearing dated January 09, 2026, which stated that our client's next hearing would be a master hearing at the El Paso Non-detained Immigration court on March 20, 2026.

9. However, on or about January 27, 2026, a new Notice of Hearing was issued by the El Paso Non-Detained Immigration court, advising us that our Somali client's case was advanced from March 20, 2026 to February 09, 2026. We noticed at this time that our client's case had been transferred *sua sponte* from the juvenile docket in El Paso to an adult docket before Immigration Judge Sherron Ashworth, who sits in Oakdale, Louisiana.

10. We have had master calendar hearings before IJ Ashworth, on February 09, 2026 and March 09, 2026, much sooner than our previously scheduled hearing which was originally set to occur on March 20, 2026. At both, IJ Ashworth, the Department of Homeland Security's representative, and a Somali interpreter appeared via Webex from Oakdale, Louisiana, while our Somali client and her attorney appeared in person in El Paso.

11. To our best knowledge it appeared IJ Ashworth was hearing only Somali cases on the days of our master calendar hearings. After one of our hearings, we heard IJ Ashworth mention that the Somali interpreter they had for our case needed to stay on the line since she had other Somali cases she would be hearing following our hearing.

12. We filed a motion to return the case to the juvenile docket, but IJ Ashworth denied our motion. In her decision IJ Ashworth stated that a change in the Immigration Judge will not affect our client's ability to proceed with her case and that she would continue to receive all of the procedural protections afforded to unaccompanied children. The IJ did not address our arguments regarding the propriety of such a move especially as it affects child-sensitive scheduling and appropriate courtroom procedures.

13. At our most recent hearing, IJ Ashworth entered into the record a Class Action Notice regarding potential bond-eligible detained class members under *Maldonado Bautista v. Santacruz*, No. 5:2025cv01873, Doc. 94 (C.D. Cal. 2025).

14. Our Somali client was frightened by the reference to such detainees at her hearing, and she has been distressed by the reassignment of her case from the juvenile docket to an adult docket before an IJ outside El Paso.

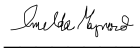
15. In my experience at Estrella del Paso over the past five years and my 15 years as an immigration lawyer, I have never had a client's case transferred from a juvenile docket to a regular docket unless such a transfer was a mistake or the child's case was part of a family group that included adults.

16. I have also never had an unaccompanied child client's case reassigned to an IJ who regularly sits outside the client's jurisdiction.

17. And I have never seen a master calendar hearing where an IJ appears to be hearing cases from immigrants of just one nationality.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on March 20, 2026



Imelda Maynard Esq.
TX Bar # 24127479
OK Bar# 30162
Estrella del Paso
2400 East Yandell Dr.
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2026.03.20 Estrella del Paso Decl FINAL

Final Audit Report 2026-03-20

Created:	2026-03-20
By:	Jyoti Jasrasaria (jjasrasaria@democracyforward.org)
Status:	Signed
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Document e-signed by Imelda Maynard (imaynard@estrella.org)
Signature Date: 2026-03-20 - 10:43:36 PM GMT - Time Source: server

Agreement completed.
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Exhibit H

DECLARATION OF ADAM BOYD, ESQ.,
MANAGING PARTNER, GIBBS HOUSTON PAUW

I, Adam Boyd, declare under penalty of perjury that:

1. I am over the age of 18 and competent to testify to the facts contained in this Declaration.

2. I am the managing partner at Gibbs Houston Pauw, a private 9-attorney law firm in Seattle, Washington that focuses on comprehensive immigration advocacy. I have practiced immigration law for more than a decade in both Seattle and Boston, Massachusetts. I have dedicated my career to helping immigrants get their best possible start in the United States and specialize in complex removal and family-based immigration cases.

3. The facts set forth in this declaration are based on my personal knowledge, information provided to me by other Gibbs Houston Pauw attorneys in the course of their duties, and review of Gibbs Houston Pauw's records. If called as a witness, I could and would testify competently to the matters stated herein.

4. My firm currently represents about 80 Somali nationals in non-detained removal defense cases. Some of these cases were already scheduled for individual merits hearings, mostly in 2028 or 2029, while others were still in the scheduling queue.

5. Starting in early February, all but a handful of those cases—even those that already had individual merits hearings scheduled—were abruptly reset for master calendar hearings. We have since had to handle as many as 11 master calendar hearings in a single day.

6. All of the master calendar hearings for our Somali clients have been set before two out-of-jurisdiction judges who otherwise sit in California: IJ Kevin Riley and IJ Guy Grande.

7. Because these judges are not physically located in Seattle, they are participating in the hearings remotely via Webex. IJ Grande, however, is still requiring respondents to appear in person at the courthouse.

8. All of the respondents at the same master calendar hearings as my Somali clients also appeared to be Somali.

9. So far, I and my colleagues have also had many individual merits hearings for Somali clients scheduled from May through July of this year.

10. Although I regularly operate under compressed timelines for our detained clients in removal proceedings, I have never seen such short timelines to prepare for immigration hearings for non-detained individuals. Usually, individual merits hearings are noticed at least a year, if not two to three years, in advance.

11. My non-Somali cases are proceeding as usual in front of IJs who regularly sit in Seattle. Their individual merits hearings are being scheduled for as far out as 2029, which is typical in my experience.

12. Notably, one of my Somali clients was already scheduled for an individual merits hearing on May 5, 2026, before a Seattle IJ. Instead of simply allowing that hearing to go forward, though, his case was reassigned to a California IJ, set for a master calendar hearing on March 18, 2026, and then set for a new individual merits hearing date of May 22, 2026. Her case will now be complete on a *later* date than originally scheduled.

13. I also noticed that one of my other Somali clients, who was temporarily pro se because his attorney had to withdraw, had been sent a notice for a master calendar hearing on February 26, 2026, which was then rescheduled on February 20, 2026 for another master calendar hearing to take place on March 12, 2026. Then, on March 2, 2026, the case was

scheduled for a 30-minute individual merits hearing that is supposed to take place on March 25, 2026. All of these notices and scheduling changes took place over the course of just a few weeks—again before one of the same California IJs. I cannot imagine how EOIR could have expected an unrepresented Somali man, who does not speak English, to keep track of all these changing dates. Now that I have entered an appearance, I have requested a continuance, as well as a longer and more standard hearing time, but I have not received a decision yet. The ten-day timeline for the Department of Homeland Security to object to the continuance has passed and the court has still not ruled on my Motion.

14. Over the course of my career, I have never had a single non-detained case abruptly reassigned to a judge outside my client's jurisdiction, not to mention multiple cases that seem to target individuals of one nationality.

15. I also cannot recall cases being reset for master calendar hearings when an individual merits hearing was already scheduled, absent unusual circumstances such as the assigned judge leaving the bench. Even in those cases the scheduled hearing would often remain on the calendar and simply be assigned to a new judge.

16. I certainly cannot recall any other master calendar hearings where an IJ appears to be hearing cases from immigrants of just one nationality, until now.

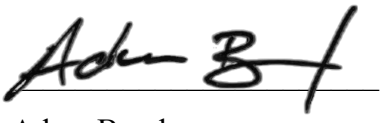
17. Here in Seattle, we recently had one IJ retire, another IJ get fired, and a third IJ take medical leave. Hearings in those IJs' regular scheduling queues are being delayed and cancelled unless the Respondent is from Somalia.

18. Under these circumstances, I find it particularly odd that at least two out-of-jurisdiction IJs have been assigned to help cover Seattle cases but that they are hearing only

Somali cases and not handling the backlog resulting from the reduced capacity of our regular IJ bench.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on March 21, 2026



Adam Boyd

Exhibit I

Lotfi Legal
CONNECTING PEOPLE EVERY DAY

P.O. Box 64, Madison, WI 53701 | info@lotfilegal.com | www.lotfilegal.com | 608.259.6226

1. My name is Caroline Fuchs. I have been an attorney, admitted to practice in good standing, in the state of Wisconsin since 2016. My state bar number is 1105051. I am authorized to represent clients in front of the Executive Office of Immigration Review (EOIR) and the Board of Immigration Appeals (BIA). My EOIR ID is GG265393.

2. I have worked for Lotfi Legal, a law firm exclusively practicing immigration law, since May 2021. We are a small firm of four attorneys with limited administrative staff. I am the only attorney at our firm handling removal defense cases. I also exclusively handle the affirmative asylum, waiver defense, and criminal-immigration practices.

3. Twenty-five percent of my removal defense clients are Somali citizens. All are fleeing severe persecution by al-Shabaab. To-date, all but two of these clients have been impacted by the sudden acceleration of court cases with Somali respondents.

4. I first learned about the expediting of these cases when I was notified on February 8, 2026 that a Somali client's Master Calendar Hearing (MCH) was scheduled for February 18, 2026 in from of Judge Defoe at the Chicago Immigration Court. This same client been previously scheduled for an MCH in January 2025, that hearing was canceled without explanation and had not been rescheduled. I received less than two weeks' notice of the new hearing. According to information available, both attorney and client were required to appear in person. The client and I both reside in Madison, Wisconsin.

5. I had an immovable medical procedure scheduled for February 18, 2026. I filed a motion to continue for good cause, which was ignored until after the hearing took place. With little notice, I had to find and secure another attorney to represent my

client at the hearing. As no one else in my firm is registered with EOIR, and all local attorneys were at capacity, I had to rely on an attorney had never worked with before. My client had to appear with a stranger, and due to the medical procedure, I could not even be available on stand-by.

6. A second Somali client had not had a hearing scheduled since 2023. A MCH was scheduled for February 24, 2026 with only three weeks' notice. Despite the case being venued at the Fort Snelling Immigration Court in Minnesota, the assigned immigration judge was Judge Philip P. Taylor, seated at the Peachtree Court in Atlanta, Georgia. At the hearing, my client and I were left in the Judge Taylor's WebEx "lobby" for over four hours. We contacted the Minnesota Court multiple times with no response.

7. Finally, a clerk from the Peachtree Court called to reschedule the hearing for March 27, 2026. I learned later that the reschedule was due to a nationwide issue with Webex, the court was aware of much earlier in the day. No explanation was given for the lack of earlier notification.

8. That hearing has since been canceled, and the case has been marked ready for trial. The Relief Scheduling Order was executed and served by the Atlanta Court; however, venue is still Fort Snelling.

9. A third client was scheduled for her individual merits hearing at EOIR Chicago on May 6, 2026 in front of Judge Stahl. Today, March 20, 2026, we were notified that her hearing was rescheduled for July 8, 2026 and would now be in front of Judge Defoe. No explanation for the rescheduling or change of presiding judge has been provided.

10. The erratic and expedited docketing is damaging both to the attorney-client relationship, and my ability to fully execute my ethical and lawful duties to zealously represent all clients, not just those who are directly impacted.

11. When appearances are rapidly scheduled and rescheduled with short notice, I must reprioritize my entire docket, not just one case. To appear in person, both my client and I must travel over 6 hours round trip to the Chicago court.

12. Rapid appearances leave little time to prepare myself or the client for a hearing. Even a MCH requires substantive preparation due to apparent new policies by both EOIR and Department of Homeland Security (DHS) to pretermit cases whenever possible. The targeting of Somalis, coupled with the need to prepare defenses to pretermission, dramatically increases a client's legal fees with no notice.

13. Expedited proceedings make it almost impossible to provide the amount of evidence necessary to sustain a case. Filing a strong asylum defense usually requires medical exams and documentation, psychological assessments, the gathering of corroborating evidence from witnesses abroad who may not have access to regular communication and hiring of an expert witness to submit documents and prepare for testimony. These things cannot be done in a matter of weeks and incur significant legal and external costs.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

3/20/206

Caroline Fuchs, Esq.
608.327.9958 (c)
caroline@lotfilegal.com

Exhibit J

DECLARATION OF JACQUELYN M. KLINE, ESQ.,
FOUNDING PARTNER,
CAMBRIA & KLINE, PC

I, Jacquelyn Marie Kline, Esq., declare under penalty of perjury that:

1. I am over the age of 18 and competent to testify to the facts contained in this Declaration.

2. I have been a licensed Pennsylvania attorney (Bar #307339) since November of 2009. I have been a partner at Cambria & Kline, PC, located in Reading, Pennsylvania, since my business partner, Bridget Cambria, Esq., and I founded the firm in March of 2014. Our firm practices almost exclusively immigration law.

3. I handle affirmative asylum filings, defensive asylum filings, and other types of immigration cases. I represent many Somali clients, as there is a large Somali community located in Mechanicsburg, Pennsylvania, approximately an hour from our office.

4. The facts set forth in this declaration are based on my personal knowledge and review of my law firm's records. If called as a witness, I could and would testify competently to the matters stated herein.

5. On March 3, 2026, I was notified via the online EOIR Courts & Appeals System (ECAS) that four of my Somali cases have been set and/or advanced to Individual Hearings ("ICH" or "Merits") before the Philadelphia Immigration Court in April of 2026. I later received notices of a fifth and sixth Somali case being advanced to a Merits before the Philadelphia Immigration Court in April of 2026.

6. During this same period of time, I did not receive notice of any of my other cases being set for ICHs or having their ICHs advanced to April of 2026.

7. The first notice I received on March 3, 2026, was setting an ICH for April 3, 2026. I received this notice on what would be the 30-day call-up deadline to submit all evidence for an April

3, 2026, Individual Hearing. This ICH is set from 8:30 – 10:00a.m. before Immigration Judge Melissa Fox.

8. Melissa Fox was a trial attorney with the Department of Homeland Security (DHS), Office of the Principal Legal Advisor (OPLA). At the time I received this notice, I did not know that Attorney Fox had become a Judge on the Philadelphia Immigration Court. I learned she would be a new Immigration Judge (IJ) in Philadelphia through this notice.

9. The other four cases were scheduled with Judge John Burns, who is the Assistant Chief IJ of the New York Federal Plaza Immigration Court. These ICHs are scheduled for April 9, 2026, from 1-1:30pm; April 14, 2026, from 1:00 – 1:30p.m.; April 21, 2026, from 1:00 – 1:30p.m.; April 21, 2026, from 1:30 – 2:00p.m.; April 30, 2026, from 1:00 – 1:30p.m.

10. To my knowledge, ACIJ Burns has never covered Philadelphia Immigration Court master or merits hearings in the past

11. After receiving the first set of ICH notices, I called the Philadelphia Immigration Court to try to ascertain whether these hearings are, indeed, full merits hearings or "scheduling" merits, as they are only scheduled for 30 minutes each. The clerk I spoke to put me on hold while he tried to find more information for me. When the clerk returned to the call, he informed me that these hearings had been scheduled by Headquarters, not by the Philadelphia Immigration Court itself.

12. He further informed me that Judge Fox was a new judge that would be taking the bench at the end of March or the beginning of April 2026. He also informed me that other judges, such as ACIJ Burns, would be assisting with Philadelphia cases.

13. He/the Philadelphia Court was unable to provide any clarity on whether the hearings scheduled before Judge Fox, and particularly ACIJ Burns, which are only set for 30-minutes each,

were true merits hearings or not. He suggested that I prepare for the hearings as if they are, indeed, full merits.

14. As I mentioned above, two of my cases are set for the same day, scheduled a half-hour apart. There is no way that a full merits hearing can be conducted in a 30-minute time slot.

15. The advancement of six cases to merits with only a month's or two months' notice has put extreme and undue stress not only on my clients but myself and my staff as well. I was already scheduled for four other merits hearings in April, as well as numerous other master hearings, USCIS appointments, deadlines, and client appointments. It has created an extreme and unnecessary burden for myself and my firm to redirect resources and time from other clients and their cases to try to prepare these six merits cases on such an expedited basis.

16. Our firm does not have any Somali-speaking staff. Over the course of my representing Somali clients, it has been extremely difficult to find competent Somali interpreters. I am in contact with only one Somali interpreter, who is not a professional interpreter, but who has assisted me in prior cases. To my knowledge, he works full-time and has previously left work early in order to help accommodate me and my clients. It has been even more difficult trying to find time to speak to clients with an interpreter available on such short notice. It is essential to the preparation of my clients' cases that we have access to and communicate through interpreters competent in both the Somali and English languages.

17. My clients are struggling to try to produce supporting documents in support of their case with such short notice. They are understandably extremely scared and worried about the reasons that their cases are being advanced so quickly. As I have never experienced this type of situation, and as the Philadelphia Court cannot provide clear information on what to expect at these hearings, I

also feel that I cannot adequately inform or prepare my clients regarding expectations for these hearings.

18. Moreover, my clients have all been observing Ramadan, which began on February 17, 2026, and ended on March 19, 2026. This has also complicated my ability to meet or speak to my clients in a timely manner.

19. For example, one of my clients has a merits hearing scheduled for April 21, 2026. She needs a forensic evaluation for female genital mutilation (FGM). I have struggled for a long time, even before working on this client's case, to find doctors and/or facilities in Pennsylvania who can perform this necessary exam. This client had traveled out of state to Minnesota in order to celebrate Ramadan with friends. She had to cut her trip short and make arrangements to return back to Pennsylvania in order to attend a forensic medical appointment. I believe it is vital to her claim that this be performed. I have no idea how long it will take the doctor to finalize this report, as I have never worked with this doctor/services before. I also believe that it is extremely important and necessary for this same client's claim that we be able to include a psychological examination. Again, this is made extremely difficult by the language barrier and needing to find a competent Somali interpreter to help conduct the interview, scheduling an evaluation with a professional, and getting the report back. I don't believe that I will be able to get this completed before the Individual Hearing, although I am doing my best to help my client get this completed.

20. I have another client whose merits hearing was scheduled for April 3, 2026. He has diligently been working on getting supporting evidence and statements. However, this evidence is coming from out of the United States, from Somalia. On Wednesday, March 17, 2026, and March 19, 2026, he was able to send me some supporting evidence via WhatsApp. I do not anticipate that we will be able to receive these original documents from Somali before his merits hearing, now less

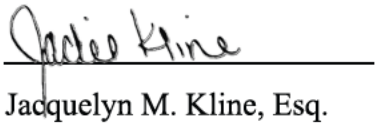
than two weeks away. Moreover, the majority of these documents are hand-written in Somali. I have sent them for translation and am waiting for them to be returned.

21. I have at least two other clients whose merits hearings have been scheduled for April 21 and April 30, 2026, whom I have not been able to speak with directly with the assistance of an interpreter at all during the past month. This is causing me and my clients significant stress, and I am worried that we will not be able to obtain additional documents in support of their cases.

22. In all my year practicing immigration law, I have never had cases fast-tracked to hearings in this way, and I have never seen the targeting of individuals from just one nationality group.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on March 21, 2026



Jacquelyn M. Kline, Esq.

Exhibit K

DECLARATION OF LISA PICKERING, ESQ.,
LAW OFFICE OF LISA PICKERING PLLC

I, Lisa Pickering, declare under penalty of perjury that:

1. I am over the age of 18 and competent to testify to the facts contained in this Declaration.

2. I am a solo immigration attorney in Los Angeles, California and have been practicing immigration law for 27 years. I specialize in complex removal and family-based immigration cases, including removal defense, asylum, cancellation of removal, fraud, criminal waivers, and visas. I have successfully represented thousands of clients in immigration court, USCIS, Asylum Office, and the U.S. Court of Appeals for the Ninth Circuit.

3. The facts set forth in this declaration are based on my personal knowledge and review of my law firm's records. If called as a witness, I could and would testify competently to the matters stated herein.

4. I am currently representing one Somali national in a removal defense matter. My client is seeking asylum.

5. My Somali client's case was set for an individual merits hearing on September 4, 2026 before an immigration judge in Santa Ana, California, which covers the area where my client lives. We received the notice of hearing for the September 2026 hearing on August 4, 2025.

6. On February 9, 2026, my Somali client's case was abruptly reset for a master calendar hearing on February 24, 2026 before IJ Kevin Riley, who regularly sits in Los Angeles, outside my client's jurisdiction. IJ Riley is also known to have one of the highest asylum denial rates in the country.

7. At the master calendar hearing, which occurred via Webex, my Somali client's case was scheduled for an individual merits hearing on March 26, 2026—just 30 days later—with a 15-day filing deadline. That meant I had very little time to submit my client's supporting documents, which are essential to a successful claim.

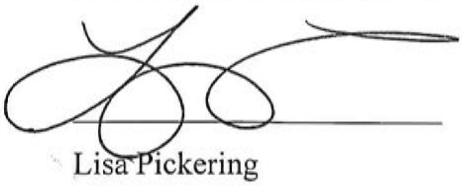
8. I also saw that every single case called at the master calendar hearing before IJ Riley on February 24 was for a Somali respondent, and that each case was set for individual hearing within the next 30-90 days.

9. In my 27 years of practice, I have never had one of my cases abruptly reassigned to a judge outside my client's jurisdiction, until this one.

10. I do not recall any other master calendar hearings where an IJ appears to be hearing cases from immigrants of just one nationality, when the presence of the respondents is waived and there is no interpreter present.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on March 20, 2026



Lisa Pickering

Exhibit L

DECLARATION OF ABDIQANI A. JABANE REGARDING SCHEDULING PRACTICES AND DENIAL OF TESTIMONY IN SOMALI ASYLUM CASES

I, Abdiqani A. Jabane, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am a licensed attorney in the State of Minnesota and the owner of Jabane Law Office, PLLC, based in Minneapolis, Minnesota. My practice focuses primarily on immigration law, including asylum and removal defense. I represent a number of Somali asylum seekers in removal proceedings before the Immigration Court.
2. Beginning around February 6, 2026, I received multiple hearing notices involving Somali asylum seekers. In several instances, cases were rescheduled for master calendar hearings on relatively short notice, including approximately two-week notice periods. In some instances, multiple cases were scheduled within the same short time block, including at least one instance in which approximately eight cases were scheduled at the same time. In addition, some cases were scheduled for individual hearings in April, May, and June 2026 with comparatively short preparation timelines. In my experience, this pattern of scheduling differed from my prior experience handling similar cases.
3. In a recent proceeding, I represented approximately eight Somali respondents whose cases were all scheduled within a single 30-minute time block, from 9:00 a.m. to 9:30 a.m., before an Immigration Judge located outside of Minnesota. In that proceeding, the Department of Homeland Security moved to pretermit the respondents' claims.
4. The Court provided approximately two weeks for responses to the government's motion. Within that timeframe, we submitted written responses, including country conditions materials and, in some cases, respondent affidavits. In addition to those written

submissions, I requested that each respondent be permitted to provide individualized testimony regarding their fear of removal to Uganda.

5. I explained that testimony was necessary to present their claims, particularly to address their individualized fear of persecution or torture in the proposed country of removal. I also objected on due process grounds to the structure of the proceeding, including the scheduling of multiple respondents within a single 30-minute hearing and the lack of opportunity for individualized testimony.
6. The Immigration Judge denied the request to allow testimony and proceeded to grant the government's motion to pretermit. As a result, the respondents were not permitted to testify regarding their fear of removal to Uganda.
7. In my professional judgment, asylum-related claims are fact-specific and often require individualized testimony in addition to written submissions. The inability to present testimony in the above-described proceeding limited the development of the record.
8. I declare under penalty of perjury that the foregoing is true and correct.

Executed on: March 18, 2026

Abdiqani A. Jabane
Attorney at Law

Exhibit M

DECLARATION OF HANNAH BROWN

I, Hannah Brown, declare the following is true and accurate to the best of my knowledge and recollection.

1. I am an immigration attorney based in the Minneapolis area of Minnesota. I am the owner and sole attorney of HB Law & Advocacy PLLC. I am licensed to practice in Minnesota and California, as well as the U.S. District Courts for the District of Minnesota, Central District of California, Northern District of California, and Eighth and Ninth Circuit Courts of Appeal.

2. I have practiced immigration law in Minnesota since 2018. I currently represent individuals who are detained in the custody of the Department of Homeland Security ("DHS"), Immigration and Customs Enforcement ("ICE") in their proceedings before the Executive Office for Immigration Review as well as before the federal district courts. I have years of experience representing individuals in ICE custody and litigating petitions for writ of habeas corpus for my clients in the district courts.

3. I represent an individual whom ICE is claiming is a Somali national in removal proceedings. My client is detained in state confinement for a criminal conviction. He will first be parole eligible in 2032.

4. On November 5, 2025, my client and I appeared at a master calendar hearing, and the proceedings were continued to March 3, 2026 with Fort Snelling Immigration Court immigration judge ("IJ") Monte Miller.

5. On February 3, 2026 one month before the already-scheduled hearing, I received electronic service of a hearing notice which advanced my client's master calendar hearing to February 9, 2026—six days later—and before IJ Craig Defoe, who is based out of the Chicago Immigration Court.

6. On February 9, 2026, I appeared before IJ Defoe remotely via Webex, as did my client from prison. I requested a continuance due to the last-minute nature of the hearing being advanced, and because my client is going to be in prison for a minimum of six more years.

7. While waiting for my case to be called, I was able to observe that IJ Defoe had three hearings all scheduled for the same time on February 9 (including mine), all were of Somali descent, and all were recently advanced. I observed that IJ Defoe was reluctant to grant continuances.

8. When my case was called, the ICE attorney informed the court that my client was not on her docket and that she did not even have his full A-Number (immigration identification number). I explained the complicated issues of my client's case, emphasized the lack of urgency considering my client's imprisonment, and requested a continuance. IJ Defoe reluctantly granted me a continuance to March 2, 2026 (one day before my client's previously-scheduled hearing).

9. At this hearing, IJ Defoe expressed that there was urgency to resolve my client's case and that his case was "prioritized for completion". At this hearing, IJ Defoe asked many questions of my client, including inquiring into his date of birth. The questions that IJ Defoe asked and his reaction to my client's answers gave me the impression that he did not have much, if any, familiarity with people of Somali descent.

10. On March 2, 2026, I appeared before IJ Defoe remotely via Webex, as did my client from prison. I requested another continuance, again explaining the complicated immigration issues in my client's case, and the lack of urgency considering his imprisonment for years to come. IJ Defoe insisted on setting a final merits hearing for my client over my objection, which was scheduled for April 29, 2026.

11. I asked ICE on the record if, in the event my client is ordered removed, they were intending to try and remove my client before he completes his criminal sentence. The ICE attorney could not answer my question but IJ Defoe stated that ICE could not do that per the law.

I declare the foregoing is true and accurate to the best of my knowledge.

Dated: March 26, 2026

/s/ Hannah Brown
Hannah Brown

Exhibit N

I, Nysha Operana, declare under penalty of perjury that the following is true and correct to the best of my knowledge:

1. My legal name is Nysha Diana Operana, and I am a partner at Nwokocha & Operana Law Offices, LLC. located in Minneapolis MN.
2. I have been practicing Immigration law since 2013 and have extensive experience representing noncitizens in removal proceedings before the Executive Office for Immigration Review ("EOIR").
3. Over the course of my career, I have represented more than one thousand families, approximately seventy-five percent of whom were in removal proceedings.
4. I first became aware of what has been referred to as the Somali "Rocket Docket" at a Master Calendar Hearing ("MCH") held on February 17, 2026.
5. The notice for that MCH was dated February 7, 2026—only ten days before the hearing—and my office did not receive it until February 9, 2026, further reducing the already limited preparation time.
6. The MCH involved a client from Somalia and was conducted via Webex before Immigration Judge Brisack, who is not regularly assigned to the Fort Snelling Immigration Court and is based in Texas.
7. At that hearing, I was assigned an Individual Hearing ("IH") date of April 16, 2026, less than sixty days from the MCH.
8. My firm represents several Somali respondents who were scheduled for MCHs around the same time and similarly assigned Individual Hearing dates with only 30 to 60 days to prepare complete filings and testimony.
9. In my practice, effective representation requires a minimum of six months of preparation prior to an Individual Hearing. During this period, I typically meet with clients monthly and multiple times in the weeks immediately preceding the hearing to prepare testimony and ensure accuracy and consistency.
10. Standard filing deadlines are generally set thirty days prior to the Individual Hearing. Under the current accelerated schedule, a sixty-day window between the MCH and IH effectively reduces meaningful preparation time to approximately thirty days.

11. The Somali "Rocket Docket" imposes rigid and abbreviated timelines that materially impair my ability to provide effective assistance of counsel. It forces attorneys to triage critical aspects of case preparation, increasing the risk of incomplete records, insufficient corroboration, and errors in testimony.
12. These constraints directly harm clients by undermining their ability to fully present their claims for relief. Many of these cases involve trauma, language barriers, and the need to obtain evidence from abroad, all of which require time, trust-building, and careful preparation.
13. In my professional opinion, the expedited scheduling associated with the Somali "Rocket Docket" compromises due process by depriving respondents of a fair opportunity to prepare and present their cases, and it places attorneys in an untenable position where they cannot meet their ethical obligations to provide competent and diligent representation.

Sincerely,

/s/ Nysha Operana Dated: 03/20/2026

_____

Nysha Operana
Attorney at Law
Nwokocha & Operana Law Offices, LLC.
105 5th Avenue South Suite 550
Minneapolis, MN 55401
Email: Nysha@paschal-law.com
Phone: (612) 465-0060

Exhibit O

DECLARATION OF RACHEL MICHELLE PETERSEN

1. I, Rachel Petersen, am an attorney licensed in the state of Minnesota.

2. I graduated from the University of Minnesota Law School in May of 2010 and I was admitted to practice law in the state of Minnesota in October of 2010.

3. Since October of 2010, I have represented Immigrants in their United States Citizenship and Immigration Services (USCIS) and Executive Office for Immigration Review (EOIR) proceedings. I worked briefly at Mid-Minnesota Legal Assistance in the their Immigration unit before working for a private immigration firm Phillip Fishman Law Office.

4. I have had my own full-time law Practice since 2016. The vast majority of my firm's casework involves direct representation to immigrants in their immigration proceedings. My practice is heavily focused on asylum representation and representing immigrants in their removal proceedings before the Executive Office of Immigration Review.

5. There are very limited resources available for pro bono legal representation before the Immigration court. While immigrants in EOIR proceedings are given a list of organizations that provide free legal services, I have been told by dozens of clients over the years that they were not able to access pro bono legal representation through these organizations despite attempting to do so. As such, often, it seems immigrants must hire a private attorney for assistance in their removal proceedings.

6. Since I started practicing before the Executive Office of Immigration Review, with the exception of detained cases where the Immigration respondent remains in custody throughout the proceeding, it has been my experience that asylum cases before the court typically take multiple years to process after the asylum case is filed.

7. Upon filing the asylum application there is a substantial wait time before the final Individual hearing on the asylum case is scheduled. Typically, with few exceptions, the Individual or "Final" hearing date for an asylum case is scheduled many months in advance of the final hearing date and often over a year in advance. There have been many times for various reasons that I have attempted to expedite proceedings due to humanitarian concerns, for example, an illness in a Respondent's family, but these are rarely granted. Even when the expedite request is granted, it might still be several months or even longer before the final hearing is scheduled.

8. Because many asylum applicants do not have significant financial resources, my private law firm (along with several others that I know of) are able to offer some form of slow payment plan to collect larger flat fees for immigration cases. Most of my clients make an initial deposit

for their case and are able to make monthly payments of $100 or $200 to pay off the rest of their fees, with the understanding that all fees must be paid prior to the final hearing. With the traditional Immigration court time frame, most people are able to pay the off the bulk of their fees gradually without being burdened with a large payment immediately before their final hearing. It also allows my firm flexibility to excuse late payments for exigent circumstances: for example, the recent "Metro Surge" immigration enforcement action that kept many of my clients home from work for months.

9. Most newer immigration cases in the EOIR system, are registered in "ECAS" which allows for the electronic filing and service of immigration case documents. When documents are filed by either myself, the DHS attorney, or the court, the parties are sent an e-mail with a copy of the filed document.

10. On February 8, 2026, I received an e-mail notice from the ECAS system for a preliminary "Master Calendar" hearing for one of my Somali National clients. The notice stated that my client was scheduled for a "WebEx" internet-based court appearance on February 18, 2026. I immediately found this notice strange for many reasons. First, I had never heard of the Immigration Judge who was listed on the notice. Second, for the last few years, the Fort Snelling Immigration Court has had an established policy of cancelling Master Calendar Hearings for represented clients, instead issuing scheduling orders to the counsel of record. Third, even in the time period where Master Calendar Hearings were common, they were typically scheduled much further in advance than eight days. Fourth, while WebEx Appearances became the norm after the COVID pandemic, I had personally experienced difficulty obtaining WebEx Appearance for my clients at the Fort Snelling Immigration Court in the several months proceeding this notice, even though they were frequently requested by my clients in 2025 and early 2026.

11. After receiving the February 8 notice, I looked up the Immigration Judge listed on the notice and found that the Immigration Judge was located in Conroe Texas. At first, I thought that perhaps the Immigration Judge had just recently been transferred to Fort Snelling and the EOIR records had not been updated yet. Soon another Master Calendar notice came for a different Somali client for the same date and time with the same judge in Conroe, Texas.

12. The following day, I turned to my ECAS hearings calendar and started to see that the February 8 notices were not an anomaly. My hearings calendar was populating with various Master Calendar Hearing dates: all of them were for Somali clients. I saw that I had been scheduled to appear with three of my clients in front of the same judge in Conroe Texas on February 25 though I had not received official notices yet. One was scheduled on the 16th of March with a Judge in Atlanta Georgia. Another was scheduled with the same Atlanta Judge on the 17th of March. A Somali client who had been scheduled for an April 1, 2026 hearing months ago was suddenly also scheduled on March 17th at the same time with a different judge located

in Oakdale, Louisiana. A client was scheduled for a hearing on March 10 with yet another judge located in Houston Texas at the same time I was scheduled to appear in person with a client here in Fort Snelling, Minnesota.

13. Upon attending my first two hearings in Conroe Texas on February 18 2026, it became clear that the purpose of these Somali Master Calendar Hearings was to expedite the processing of these cases. My first two cases were scheduled for Individual hearings on April 10th, subsequently hearings were scheduled in May and June.

14. At the current time it appears that fifteen of my cases are currently subject to this new expedited Somali National Docket. There are no non-Somali cases being impacted in a similar manner.

15. From what I have heard, I am actually lucky and many of my colleagues are considerably more burdened than I am by this recent change. I have heard horror stories about Immigration Judges trying to schedule four asylum hearings for Somali nationals on the same day or people appearing with seven Somali clients at the same Master Calendar hearing. That said, I already feel heavily burdened by this apparent docket change in multiple ways and I do worry about my client's due process rights.

16. First, it is difficult enough to manage my docket with ample advance notice of final hearings to ensure that I am following up with clients for timely document collection, organization, filing, witness prep, testimony prep and so on. Even throwing the random expedited detained hearing on my calendar last minute can feel disruptive. Something like this, where potentially dozens of my cases will be put on the calendar for a final hearing within months is pretty much unprecedented. I have dozens of other Somali cases that could be scheduled imminently.

17. I am diligently attempting to schedule people for case prep meetings as these hearings are being added to my calendar. However, my calendar is already starting to look untenable and I'm working increasingly long hours since this began. I can't make any plans before nine o'clock at night because there is a very good chance I will still be at work. I am luck to take a full day off on the weekend. Noticeable dark circles have appeared under my eyes in the last couple of weeks.

18. Additionally, this increased work load is not resulting in increased pay. Many of my clients simply do not have the money to pay off their immigration fees in the next two to four months and I am likely not going to get paid my full fee before their final hearings. Two of my clients on the new docket have not paid any fees beyond their initial deposit. While I could withdraw from representation immediately or threaten to withdraw imminently, I feel morally obligated not to given how high the stakes are. That said, I do not know how long I will be able

to sustain this. In the near future I very well might have to drop clients for non-payment and they will have to face their hearings by themselves.

19. In addition to actual case work needing to be accomplished in a shorter period of time, this new Somali docket creates new work for me and my firm unrelated to preparing the case itself. First, I have to explain what is happening to the person who is scheduled for one of these hearings. This takes a while. For one thing, I don't really know why this is happening so it is difficult to explain. Second, people are quite alarmed by the prospect of a sudden hearing in a different state from where they live. I believe Somalis are particularly rattled due to the negative national focus on Somalis in the lead up to and during Operation Metro Surge. Third, I have to explain to them how they can appear on WebEx and field questions about using WebEx, often walking them through the process. I then need to check in with them before the hearing to ensure that they either have been able to use the WebEx link or that they are planning on being at my office for court to avoid an *in abstentia* removal order if they have a technical issue. Many of my clients are still are not leaving the house on a daily basis due to fear of ICE detentions and the prospect of coming downtown for court is scary in and of itself. While keeping clients updated on their case status is work attorneys expect to do, the bizarre nature of this new docket is creating unnecessary levels of communication that is detrimental to client representation overall.

20. There are other logistical issues that have arisen. At first, I wasn't sure which time zone I was supposed to appear in when there were multiple time zones involved with these Web Ex Hearings. For example, my client and I are in Minnesota but the judge is in Atlanta. Some of the WebEx hearings were mislabeled as "in person" hearings. As such, it appeared I had a last minute in-person hearing in Oakdale Louisiana. One of my hearing notice contained a WebEx Link that didn't work. While this is the type of thing one can ask court staff about, it has been difficult to reach anyone at the EOIR recently due to staffing issues. Additionally, some of these hearings are placed in conflict with existing hearings that have been on my calendar for months. This has required last minute continuance motions that might not be adjudicated until immediately before the hearing even after repeated follow-up attempts. All of these things detract from the level of representation my firm can provide my clients.

21. Based on what I have seen so far and based on my fifteen years of experience as an immigration lawyer in Minnesota, I firmly believe that this new Somali docket is discriminatory and designed to prevent Somali clients from getting fair representation in their removal proceedings. For this reason, I hope it stops immediately.

I hereby swear and affirm that the foregoing declaration is truthful, accurate, and complete under penalty of perjury.

3/18/2026
Date

Declarant's Signature

Exhibit P

DECLARATION OF STEVEN C. THAL

I, Steven C. Thal, declare under penalty of perjury that:

1. I am over the age of 18 and competent to testify to the facts contained in this Declaration.

2. The facts set forth in this declaration are based on my personal knowledge, information provided to me by my staff in the course of their duties, and review of our firm's records. If called as a witness, I could and would testify competently to the matters stated herein.

Background

3. I am the owner and principal attorney at Steven C. Thal, PA, a private law firm based in Minnetonka, Minnesota that specializes in immigration law.

4. I founded Steven C. Thal, PA in 1982 and have been practicing immigration law for over forty years. I am a long-time member of the American Immigration Lawyers Association (AILA), Minnesota State Bar Association, Hennepin County Bar Association, American Trial Lawyers Association, Minnesota Advocates for Human Rights and various other professional and civic groups. I have spoken and written for various immigration law seminars. I have an "A-V" rating from Martindale-Hubbell and am listed in their Directory of Preeminent Lawyers. I limit my practice to just immigration cases.

5. I am an emeritus Trustee of the Board of Trustees of the American Immigration Council and have served in the past on the National Board of Governors of the American Immigration Lawyers Association. I am a past Chair of the Minnesota/Dakotas AILA Chapter and have previously served as Vice Chair and Secretary/Treasurer. I have also served as the Chair of the Immigration Section of the Minnesota State Bar Association having previously served as Vice-Chair and

Secretary/Treasurer.

6. I am an AILA mentor on USCIS (formerly INS) District Office procedures and have written the chapter on filing procedures for the Annual Conference Handbook of the American Immigration Lawyers Association. I have also served as a mentor to Congressional and Senate office staffs on immigration matters. I have served as a liaison to the Nebraska Service Center served on a National AILA committee as a liaison to the USCIS (legacy INS) at the federal level. I have served as an editor of the national publication of the American Immigration Lawyers Association, Immigration Law Today, and have reviewed and edited articles for publication on immigration law in that professional journal.

Fast-Tracking of Somali Asylum Cases

7. I have handled Somali asylum cases since 1990-91 when the civil war broke out in Somalia and continue to handle them through the present time.

8. In the 43 years I have practiced immigration law, I have never seen a single nationality targeted for expedited hearings. The current scheduling of Somali removal hearings on an expedited basis is unprecedented. There has been no explanation provided as to why Somalis are being targeted for this treatment. From a policy standpoint it makes no sense. Why would EOIR not focus on the oldest longest pending cases first, no matter which nationality? What was the reason Somali cases were selected for this expedited process? How were the immigration judges selected to hear these cases? Why were these cases taken away from the immigration judges to whom they had been assigned at the Fort Snelling Immigration Court in Minnesota, where these clients live?

9. Over my decades of practice, I typically have two or three hearings of any kind a per month. It would be unusual to have more than two individual hearings in a month.

10. In the week of February 23-27, I had 23 Somali Master Calendar hearings scheduled. This proved to be a near impossible task to handle. In fact on one of the hearing days, it was too overwhelming for even the immigration judge to handle. Instead of addressing each case individually, the Judge resorted to a mass hearing without taking into account the individual circumstances of each case. The Respondents, although present in my office, did not appear individually before the Judge. Basically the Judge just said en masse that the NTA was served, the written pleadings received, and the asylum application was pending. With that, final hearing dates were assigned.

11. The scheduling of final hearing dates is equally disconcerting. In some weeks I have been scheduled for as many as five hearings a week. On some days there is more than one final hearing scheduled. I have even been scheduled for a final hearing in addition to Master Calendar hearings at the same time with different judges for each case. It is impossible to appear in three different court rooms at the same time, but that is the chaos that is being thrust upon private immigration attorneys.

12. In April I now have I have 26 hearings scheduled and all but two of them are Somali Fast Track cases. Of those 24 Somali Fast Track cases, nine are individual hearings and the rest are master calendar hearings.

13. In May I now have 14 hearings scheduled and all but one are Somali Fast Track cases. Of those 14 hearings, 13 are individual hearings, and of those 13 individual hearings, 12 are Somali Fast Track case.

14. In June, I have 10 hearing scheduled, nine of which are individual hearings and all of which are Somali Fast Track cases.

15. As a further example of the infringement on the right to counsel, I had a final detained immigration court hearing for a Somali national via WEBEX on March 5, 2026. It had been impossible to communicate with my client in ICE detention. I sent by FEDEX court preparation materials to the client on February 27, 2026. The client did not receive the materials until the day before the hearing. I reached out to the detention facility to arrange speaking with my client before the hearing. I was told by the facility that they would have the client call me. The facility failed to allow the client to call me. When I explained all of this to the Judge on the day of the hearing and requested a continuance until I could have private communication with my client for hearing preparation, my request was denied. The immigration judge then proceeded to directly examine my client without allowing me to present the testimony in the manner of my choosing. While the immigration judge did allow me to ask follow up questions, it quickly became apparent that the case would be denied. The immigration judge criticized the client for not obtaining more evidence while being held in custody. If a client can't even be allowed to communicate with his attorney, how is he to be able to gather evidence from other sources in support of his case? This is just a sample of the obstacles which private counsel is up against in trying to gain justice for our clients under this system.

"Fast-Track" Somali Asylum Case Immigration Judges

16. A further concern is the records of the immigration judges selected to hear these cases. The Transactional Records Access Clearing House (TRAC) of Syracuse

University compiles asylum outcomes of all immigration judges nationwide. *See* https://tracreports.org/. These are some of the immigration judges to whom these Somali cases have been assigned:

a. Judge Andrew J. Caborn (Conroe, Texas): Detailed data on decisions by Judge Caborn were examined for the period covering fiscal years 2020 through the first 11 months of 2025. During this period, court records show that Judge Caborn decided 229 asylum claims on their merits. Of these, he granted asylum for 5, granted 3 other types of relief, and denied relief to 221. Converted to percentage terms, Caborn denied 96.5 percent and granted relief in 3.5 percent of cases (including forms of relief other than asylum).

b. Judge Chris A. Brisack (Conroe, Texas): Detailed data on decisions by Judge Brisack were examined for the period covering fiscal years 2020 through the first 11 months of 2025. During this period, court records show that Judge Brisack decided 274 asylum claims on their merits. Of these, he granted asylum for 35, granted 27 other types of relief, and denied relief to 212. Converted to percentage terms, Brisack denied 77.4 percent and granted relief in 22.7 percent of cases (including forms of relief other than asylum).

c. Judge Nina M. Carbone (Aurora, Colorado): Detailed data on decisions by Judge Carbone were examined for the period covering fiscal years 2020 through the first 11 months of 2025. During this period, court records show that Judge Carbone decided 231 asylum claims on their merits. Of these, she granted asylum for 118, granted 6 other types of relief, and denied relief to 107. Converted to percentage

terms, Carbone denied 46.3 percent and granted relief in 53.7 percent of cases (including forms of relief other than asylum).

d. Judge Dean A. Tuckman (El Paso, Texas): Detailed data on decisions by Judge Tuckman were examined for the period covering fiscal years 2019 through 2024. During this period, court records show that Judge Tuckman decided 100 asylum claims on their merits. Of these, he granted asylum for 19, granted 8 other types of relief, and denied relief to 73. Converted to percentage terms, Tuckman denied 73.0 percent and granted relief in 27.0 percent of cases (including forms of relief other than asylum).

e. Judge Abias Tida (El Paso, Texas). This judge does not appear in TRAC since he has not yet had 100 asylum cases reported. However, Mobile Pathways reports that he has a 3.7 percent asylum grant rate. *See* Mobile Pathways, https://www.mobilepathways.org/dashboards/judge-profiles (last visited March 20, 2026).

f. Judge Philip P. Taylor (Atlanta, Georgia): Detailed data on decisions by Judge Taylor were examined for the period covering fiscal years 2020 through the first 11 months of 2025. During this period, court records show that Judge Taylor decided 342 asylum claims on their merits. Of these, he granted asylum for 23, granted 14 other types of relief, and denied relief to 305. Converted to percentage terms, Taylor denied 89.2 percent and granted relief in 10.8 percent of cases (including forms of relief other than asylum).

17. The above grant/denial rates are to be compared to immigration judges across the country who denied 58.9 percent of asylum claims during this same period.

Collectively the immigration judges assigned to hear the Somali expedited cases have far higher asylum denial rates compared to other judges on average nationwide. How was it determined to assign these particular judges to hear these cases?

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on March 22, 2026

Steven C. Thal

Exhibit Q

DECLARATION OF LAUREN LOWRY

Pursuant to 28 U.S.C. § 1746, I, Lauren Lowry, make this declaration.

1. I am an attorney licensed to practice in the State of Minnesota, in Federal Court, and before the Executive Office of Immigration Review.

2. I have been practicing in immigration court and before the Board of Immigration Appeals consistently since I was barred in October 2022.

3. About one third of the clients I represent are of Somali nationality.

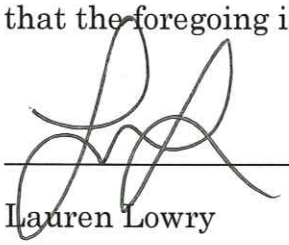
4. Beginning in February 2026, of my Somali cases in immigration court that are not administratively closed, almost 80% were scheduled for master or individual hearings between February 2026 and July 2026.

5. Generally, we have 6 or more months, and often years to prepare for final individual hearings after an initial master calendar hearing. Now, we have had to prepare for final hearings in a matter of weeks.

6. Additionally, the sheer number of individual hearings I have had to prepare for and attend in a given month has tripled from the status quo.

7. I have not been scheduled for any other individual or master calendar hearings in the last two months other than for Somali nationals.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on March 20, 2026.



Lauren Lowry

Exhibit R

Streefland Law Firm
310 Fourth Avenue South, Suite 5010 Minneapolis, MN 55415

March 19, 2026

To Whom It May Concern:

RE: **Attorney Declaration of Elizabeth M. Streefland, MN #0251537**

My name is Elizabeth M. Streefland and I am licensed to practice law in the State of Minnesota. My office is situated at 310 S. 4th Ave Suite 5010, Minneapolis, MN 55415. I have been practicing primarily in the area of immigration & nationality law since October 1994. I affirm that everything I state in this Declaration is true and accurate:

1. I have a small solo practice with about a 10 percent clientele from Somalia. A large number of these cases are asylum cases where the client entered from 2022 to 2025;

2. The removal side of my practice is about twenty percent of my overall practice. I have rarely had a removal hearing scheduled since Covid in 2020. In fact, many of my cases were taken off of the court's docket. In other situations, Somali and Ethiopian clients who were served a Notice to Appear at the border when entering the country have not been placed in removal proceedings to this date;

3. On August 7, 2025, the immigration court in Fort Snelling scheduled one of my Somali cases to a September 17, 2026 final hearing scheduled in person. This client and his new wife had just given birth to a baby so I told both of them we would start doing final preparation for the hearing in March 2026. As standard practice, this hearing was in person in front an immigration Judge at Fort Snelling;

4. In the first part of February 2026, I was notified by the immigration court that four of my Somali clients had master hearings of Somali clients scheduled, three on February 25 with Judge Brisack and one on February 26 with Judge Andrew Caborn. Both of these judges work at the Conroe Immigration court in Montgomery processing facility (DHS detention facility in Texas). All of these were by via Webex.

5. It is unusual to have a removal hearing by a judge in another district than the local Fort Snelling immigration court where I am my clients are situated. When I looked up both of the judges on https://tracreports.org/, I saw the report on each judge. Judge Caborn has a 96.5 percent asylum denial rate for 2025 compared to the

national average of 58.9 percent during the same period. Even other judges at the Conroe Immigration court have a 79.6 percent denial rate. See https://tracreports.org/immigration/reports/judgereports/00686CIC/index.html.

6. I further see that Judge Brisack has a 77.4 percent denial rate, higher than the national average of 58.9 percent. https://tracreports.org/immigration/reports/judgereports/00067CIC/index.html

7. The majority of asylum seekers at the Conroe court are not represented by legal counsel.

8. On February 9, 2026, I received a notice from the Court for my Somali client with the final hearing in September 2026 that his hearing date was advanced to April 1, 2026 and would be held via Webex by Judge Chris A. Brisack. This was a complete surprise and a dramatic loss of attorney preparation time so I filed a Motion for Continuance on February 26, 2026 explaining that we were disadvantaged by having the hearing date so dramatically advanced. Without waiting for opposing counsel's response, Judge Brisack denied my motion saying my client had had over 1200 days to prepare and gather evidence in this case. He did allow an extra week for the exhibits to be filed. The hearing remains by Webex on April 1, 2026.

9. At the February 25, 2026 day with three master hearings, Judge Brisack scheduled one case for March 24, 2026 and the other two for July 7 and (after oddly asking me if I would like them back to back on the same day). He informed me that he could not go any later than these July dates. I had never had a judge tell me they could not scheduled a hearing later than a certain time period.

10. At the February 26, 2026 master hearing, Judge Andrew Caborn scheduled my client to a final hearing date of May 19, 2026 via Webex.

11. It has been a scramble to find expert witnesses because the few available experts are being flooded with requests to do work in a compressed timeline.

12. For my March 25, 2026 hearing on removability, the Judge scheduled my Somali client for a thirty-minute slot from 1:00-1:30 despite my asking for three hours, needing an interpreter, and having three witnesses.

13. Today in my case scheduled for April 1, 2026, I received a 291 page filing from the ICE/DHS attorney at the OPLA in Houston. This is highly unusual and the evidence purports to show that Somalia is a safe country, that you can go bowling in Mogadishu, that cafes are reopening, etc. I have never had an attorney for the government provide any country condition report more than the annual human rights reports.

14. Along with the surprise massive filing from OPLA in Houston, I note that the OPLA office will not be my local OPLA office of attorneys in Fort Snelling, with whom immigration attorneys in Minnesota have a knowledgeable and respectful relationship with. I can call them about my cases and communicate respectfully across the aisle. I have no idea who the OPLA attorney is or where the OPLA office is for my upcoming Somali removal hearings, which places me and my client at a disadvantage in terms of my advocacy for my clients.

15. It is also worth noting that the government has dramatically reduced the content and of the DOS Human Rights reports starting in August 2025, normally published months earlier. For example, the report published on April 22, 2024 for Israel was 103 pages and the report issued in August 2025 was cut down to 9 pages. Similarly, the April 22, 2024 report on Somalia was 51 pages and the August 2025 report was reduced to 17 pages. There have been complete elimination of sections on women, minority groups and more. This has been the go-to site for immigration judges in assessing country conditions and it is no longer a reliable source for information in asylum cases.

16. I could spend all of my time just preparing for these cases but have many other clients who have upcoming deadlines. I have had to hire an assistant to help me through this intense period.

I would be pleased to provide more information upon request.

Elizabeth M. Streefland
310 S. 4th Ave #5010
Minneapolis, MN 55415
elizabeth@streefland.com
612 789 0379

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

HINES IMMIGRATION LAW, PLLC, et al.,

Plaintiffs,

v.

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW, et al.,

Defendants.

Case No. 26-cv-1018

[PROPOSED] ORDER GRANTING PLAINTIFFS' EMERGENCY MOTION FOR A STAY UNDER 5 U.S.C. § 705

Upon consideration of Plaintiffs' emergency motion for a stay under 5 U.S.C. § 705, the parties' briefing thereon, and the entire record in this case, it is hereby

ORDERED that Plaintiffs' motion is **GRANTED**; and it is further

ORDERED that the Somali Fast-Track Policy is defined as Defendants' policy of singling out and expediting the immigration proceedings of non-detained Somali noncitizens on a dedicated national docket, which Defendants began implementing no later than January 27, 2026; and it is further

ORDERED that the Somali Fast-Track Policy is **STAYED** pursuant to 5 U.S.C. § 705 pending a final ruling on the merits of this case; and it is further

ORDERED that all actions taken by Defendants and their officers, employees, and agents to implement that Policy, including the scheduling or rescheduling of non-detained Somali noncitizens' immigration hearings from January 27, 2026 until the date of this Order, shall be **STAYED** pursuant to 5 U.S.C. § 705 pending a final ruling on the merits of this case, and the

hearing schedules in all such matters shall revert to the status quo in place as of January 26, 2026; and it is further

ORDERED that counsel for Defendants shall provide notice of this Order to all Defendants and their officers, employees, and agents forthwith; and it is further

ORDERED that Defendants shall file a status report with the Court within 24 hours of this Order apprising the Court of the status of their compliance with this Order.

SO ORDERED.

Dated: _____, 2026

_____
UNITED STATES DISTRICT JUDGE