

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JOHN DOE,)	
)	
)	
Petitioner,)	
)	
v.)	C.A. No. 25-12094-IT
)	
ANTONE MONIZ, et al.)	
)	
Respondents.)	
)	

DECLARATION OF IRENE C. FREIDEL, ESQ.

I, Irene C. Freidel, declare the following under penalty of perjury:

1. My name is Irene C. Freidel. I am an attorney licensed in the state of Massachusetts. I submit this declaration to describe the amount of time that detained removal proceedings can take from my experience practicing removal defense for detained noncitizens in the New England region.
2. I graduated from the University of Michigan Law School in 1991. Between 1991 and 2017, I was an attorney at the law firm K&L Gates, LLP, most recently as a partner in the firm's litigation practice. I began providing pro bono legal services to individuals detained by U.S. Immigration and Customs Enforcement (ICE) in 2017. Since 2018, I have been employed by the Political Asylum/Immigration Representation (PAIR) Project in Boston, Massachusetts. The mission of the PAIR Project is to provide pro bono legal services to indigent asylum applicants, noncitizens detained by ICE, and others seeking humanitarian relief. My current role at the PAIR Project is Detention Program Manager.
3. Our Detention Program conducts intakes and provides consultations to individuals in ICE custody at the Plymouth County Correctional Facility in Plymouth, Massachusetts ("PCCF") and the Wyatt Detention Facility in Central Falls, Rhode Island. We represent some detained noncitizens directly, and we match others with pro bono counsel whose cases we mentor and supervise.
4. When an individual is placed in ICE custody, they already may have been ordered deported or, alternatively, they may already be in the process of seeking immigration relief through the Immigration Court or US Citizenship and Immigration Services (USCIS). One form of immigration relief, for example, is asylum. Others have not yet sought any type of relief through the Immigration Court or USCIS.

5. The Chelmsford Immigration Court in Chelmsford, MA usually hears the immigration cases for noncitizens detained in Massachusetts and other New England states. When an individual in removal proceedings is detained at PCCF, for example, they typically are scheduled for an initial hearing with the Immigration Court. These initial hearings are called “Master Calendar Hearings.” At the initial Master Calendar Hearing, the Immigration Judge may ask the noncitizen if they wish to have more time to find an attorney if they are unrepresented and/or will provide certain advisals required under the governing regulations.
6. At the Master Calendar Hearing, the Immigration Judge will usually make a determination as to whether the noncitizen is removable from the United States and, if so, the Immigration Judge will ask the noncitizen certain screening questions to determine whether they might seek certain forms of immigration relief, such as asylum or adjustment of status. If a noncitizen has potential relief and submits an application, the Immigration Judge will then schedule the case for an “Individual Calendar Hearing,” commonly called an Individual Hearing.
7. At the Individual Hearing, the Immigration Judge will hear evidence and testimony to support the noncitizen’s application for immigration relief. The US Department of Homeland Security (DHS) also may cross-examine witnesses, present evidence, and challenge evidence. Depending on the length of the noncitizen’s testimony and the number of fact or expert witnesses who may testify, the Individual Hearing may take a number of hours or even several days to complete. At the conclusion of or following the hearing, the Immigration Judge will issue an oral or written decision to which either party has the right to appeal.
8. Many individuals in ICE custody at Plymouth are currently in removal proceedings in the Chelmsford Immigration Court in Chelmsford, MA. Of those in removal proceedings, many are seeking some form of immigration relief, such as asylum, withholding of removal, protection under the Convention Against Torture, termination of removal proceedings, adjustment of status, cancellation of removal, or voluntary departure, among others.
9. The vast majority of cases for individuals detained at Plymouth that are awaiting resolution on the merits are heard and resolved by a single Immigration Judge at the Chelmsford Immigration Court in Chelmsford, MA.
10. Individuals who are seeking substantive immigration relief through the Chelmsford Immigration Court are often detained for a lengthy period of time while waiting for their case to be finally resolved. Based on observations we have made, the time it takes for a typical asylum case, for example, to proceed from the initiation of the noncitizen’s detention until a decision is made by the Immigration Judge is currently and routinely at least six months and can take up to one year.
11. The time that it takes an individual to have their first Master Calendar Hearing with the Immigration Court following the commencement of their detention in ICE custody often is as long as eight weeks or more. A client of my organization was detained at PCCF in

April 2025. He was not served with a Notice to Appear until June 5, 2025, and the Notice to Appear set his first Master Calendar Hearing for October 8, 2025. The length of detention before our client was scheduled to see an Immigration Judge caused him severe stress and he decided to abandon his case rather than remain in the prison setting where he slept in a cell behind bars and had limited ability to communicate with individuals outside of prison.

12. There is often a significant delay of three to four months between the Master Calendar Hearing at which the Individual Hearing is scheduled and the Individual Hearing itself. In addition, when individual hearings occur, they are often not completed in the short time allowed by the Court. Individual hearings are frequently allotted only 90 minutes to be completed. If the hearing is not completed, it will be continued to the next available date on the Immigration Judge's docket, which often is 1-3 months hence. One of my clients had an Individual Hearing that took five (5) months to complete. Following two appeals, he was detained for nearly two years before he was finally released after a successful outcome.
13. We currently have a client who has now been detained for one full year. He was first detained on July 27, 2024. He was granted asylum on May 23, 2025, following an individual hearing that took two sessions to complete, with the first session on March 21, 2025, and the second session on May 23. DHS filed an appeal with the Board of Immigration Appeals (Board) on June 18, 2025, and the Board has not yet issued a briefing schedule. ICE has refused to release our client, despite his asylum grant, because the appeal is pending. It could easily take another year for the appeal and case to be finally resolved. In the meantime, DHS has transferred the client from the Wyatt facility where we first encountered the client, to PCCF, and then later to a federal prison in Berlin, NH where he remains today.
14. Any appeal of the Immigration Judge's decision must be filed within 30 days to the Board, which sits within the Department of Justice. In my experience from 2018 to 2024, it typically took the Board approximately six months to resolve a merits appeal for a detained noncitizen from the time the notice of appeal is filed. However, based on statistical information published by the Executive Office for Immigration Review ("EOIR"), I understand that the Board currently has a significantly larger backlog of appeals—recently reported as more than 160,000 (detained and non-detained)—than has been the case in prior years. *See* Fig. 1. Currently, even when our client is detained, we have waited as long as two months simply to receive a briefing schedule from the Board.

Fiscal Year	Appeals Filed	Appeals Completed	Appeals Pending (End of FY)
2015	29,347	34,240	37,285
2016	30,227	33,241	34,218
2017	33,564	31,820	35,812
2018	49,649	29,790	55,465
2019	63,235	26,271	91,942
2020	58,837	40,393	110,541
2021	31,242	30,727	110,946
2022	38,898	31,764	118,027
2023	50,857	35,883	133,131
2024	50,421	44,785	138,672
2025 (Second Quarter)	38,679	16,913	160,098

Figure 1: EOIR Adjudication Statistics: All Appeals Filed, Completed, and Pending (as of April 4, 2025)¹

A successful appeal for a noncitizen ordinarily will result in a remand to the Immigration Judge for further proceedings to conclude the matter. On occasion, remanded proceedings can result in a second appeal. During the appeal process with the Board, the noncitizen cannot be removed from the United States, but they usually remain detained.

15. There have reportedly been significant staffing cuts at both the Immigration Court and the Board. Reportedly, from January 2025 to the present, the Chelmsford Immigration Court has been reduced from 20 Immigration Judges to seven Immigration Judges.² In April 2025, the EOIR issued an interim final rule that reduced the Board from 28 members to 15 members.³ It appears very likely that these staffing reductions will result in even greater delays for noncitizens in immigration proceedings.

Dated: July 31, 2025.

/s/ Irene C. Freidel
Irene C. Freidel

¹ Source: <https://www.justice.gov/eoir/media/1344986/dl?inline>

² Source: <https://www.bostonglobe.com/2025/07/23/metro/immigration-judge-fired-chelmsford/?event=event12>

³ Source: <https://www.federalregister.gov/documents/2025/04/14/2025-06294/reducing-the-size-of-the-board-of-immigration-appeals>