

# Direct from Immigration Court

## Human Rights Defender Project Report on Court Observations September 2019 through February 2020

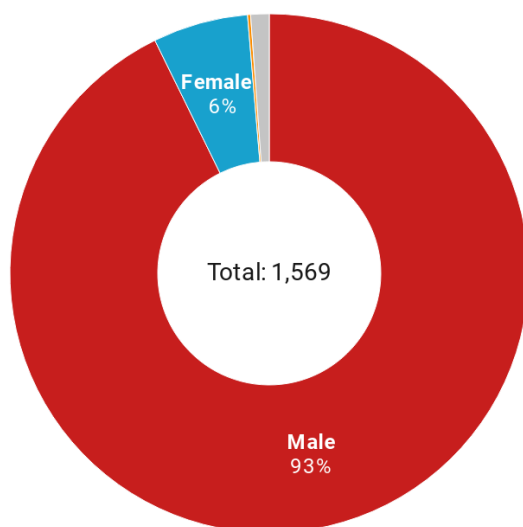
The Human Rights Defender Project observes master calendar and bond hearings at the Fort Snelling Immigration Court, in Minnesota, for immigrants held in ICE detention. The primary purpose of the HRDP is to bring accountability and transparency to immigration court. Volunteer court observers also refer cases for representation and possible litigation, collaborate on interdisciplinary research, use their experiences to change the public narrative around immigration, and advocate for policy change. Volunteers come from a range of background from high school and college students to working adults and retired professionals. The vast majority had no prior legal or court observation experience before volunteering with this project.

This report is compiled from the data of 2,664 observations of 1,561 unique hearings between September 1, 2019- February 29, 2020. One hundred ten individual volunteer court observers recorded observations during reporting period. The number of hearings observed per individual court observer ranged from 3 to 225.

### DEMOGRAPHICS

#### Respondents by gender, Sep 2019 - Feb 2020

■ Male (93%) ■ Female (6%) ■ Transgender / non-binary (0.2%) ■ NA (1.2%)

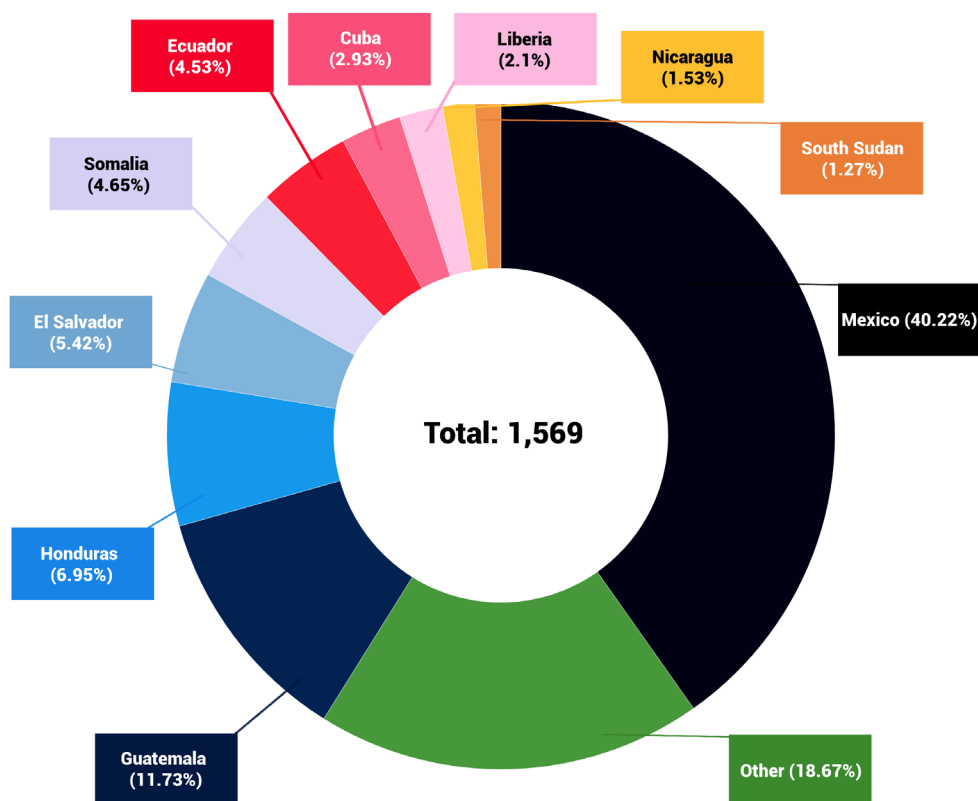


This gender ratio is consistent with what we have documented in previous reports

Ninety-Six percent of detainees appeared in court for their hearings, 3% did not appear, 1% appeared on video, and in 1% of cases the observer didn't note appearance. The reasons for not appearing were: under quarantine, out on writ for criminal trial, serving a criminal sentence, already deported, already released on bond, and on one day, because the door to the holding cell wouldn't open following a power outage at the Whipple Federal Building.

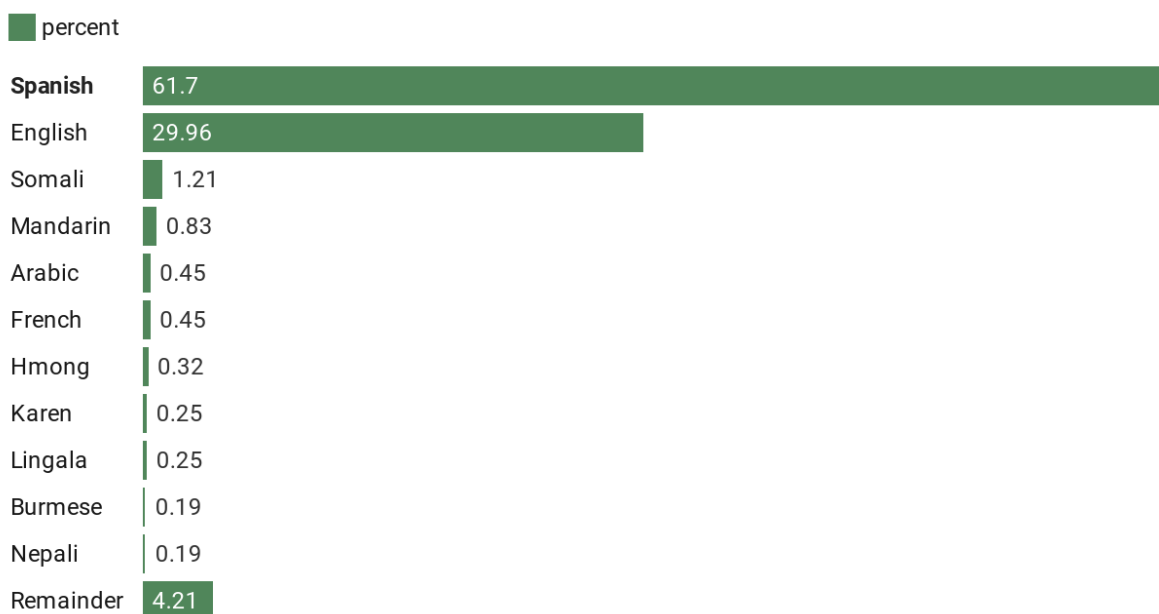
**The average length of time in the U.S. ranged from a couple months to 36 years; the average was 10.77 years.**

## Top ten countries of origin for detainees in observed hearings



Hearings were observed for immigrants from 56 different countries, speaking 30 different languages or indigenous dialects.

## Language Preference, top ten, n=1561



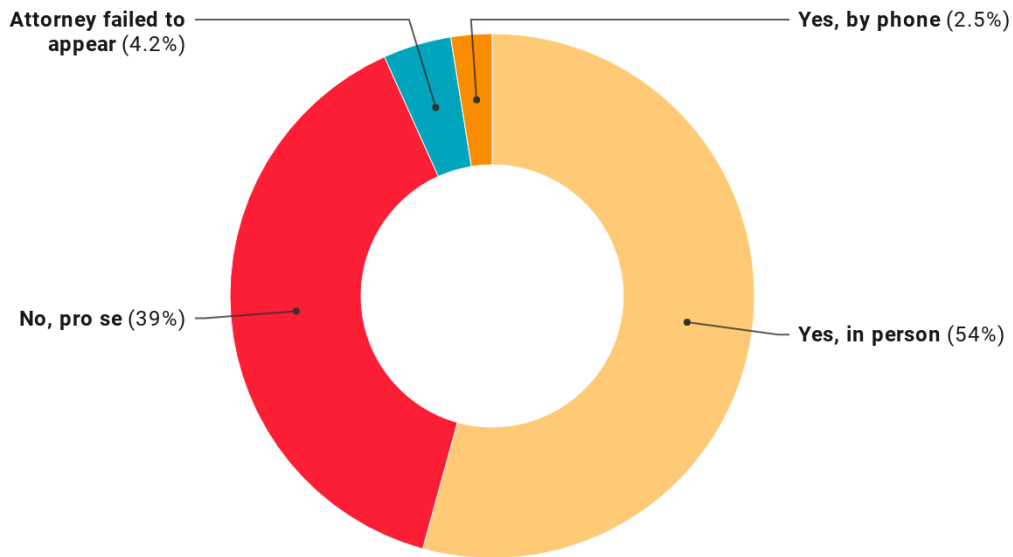
This is fairly similar to our previous report in which 65% of detainees were Spanish speakers and 25% were English speakers

The court was not always able to provide interpretation in the preferred language. This chart documents the language provided, when the requested interpreter was not available, or was waived by the respondent's attorney.

Preferred language denied	Chuj	English	Hmong	Somali	Spanish	Swahili
Arabic (n=8)		100.00%				
CA Indigenous (n=19)	5.26%				94.74%	
Georgian (n=1)		100.00%				
Hmong (n=1)		100.00%				
Karen (n=4)		100.00%				
Kinyarwanda (n=3)		66.67%				33.33%
Lao (n=1)			100.00%			
Mongolian (n=1)		100.00%				
Nepali (n=7)		100.00%				
Nuer (n=2)		100.00%				
Oromo (n=1)				100.00%		
Other (n=6)		83.33%			16.67%	
Pidgin English (n=1)		100.00%				
Romani (n=2)		100.00%				
Russian (n=1)		100.00%				
Somali (n=9)		100.00%				
Spanish (n=20)		100.00%				
Swahili (n=1)		100.00%				

## LEGAL REPRESENTATION

Unlike in criminal court, low income and indigent immigrants are not provided legal counsel. They are “entitled to an attorney at no expense to the government”. In the observed hearings, 43% of detainees represented themselves, 57% had an attorney. Immigrants who have legal representation are significantly more likely to be awarded bond and relief from deportation. Note that some detainees appeared for multiple hearings in this observation period and may have been unrepresented in some and represented others. This graphic shows the data for all hearings combined.

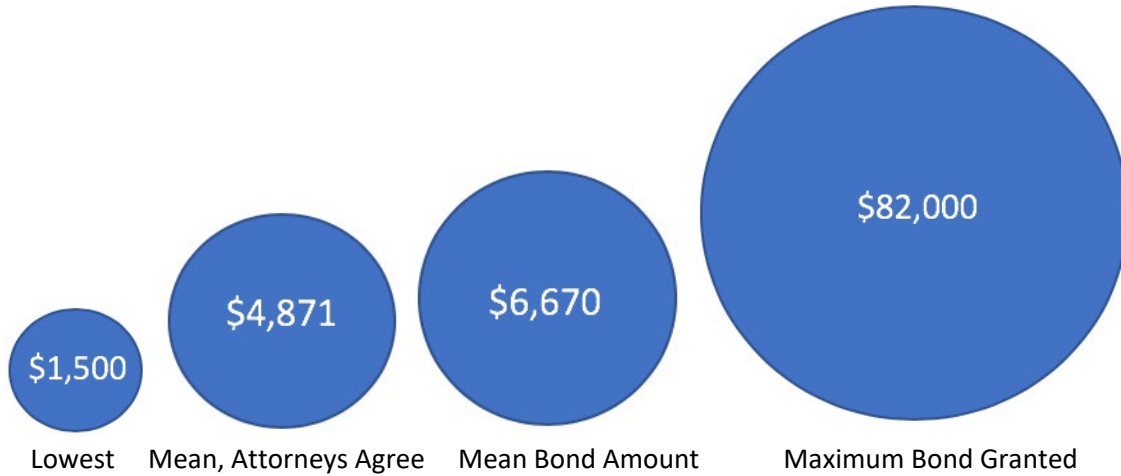


## BOND

In order to be granted a bond, a detainee must prove they are eligible. First they must prove they are not subject to mandatory detention, then, that they are not a danger to society, and then that they are not a flight risk. The burden of proof falls on the detainee, not the government.

Of the hearings when the immigration Judge made a final decision in a bond case, **54%** of respondents were awarded bond and **46%** were denied.

## Bond Amounts Granted, this reporting period

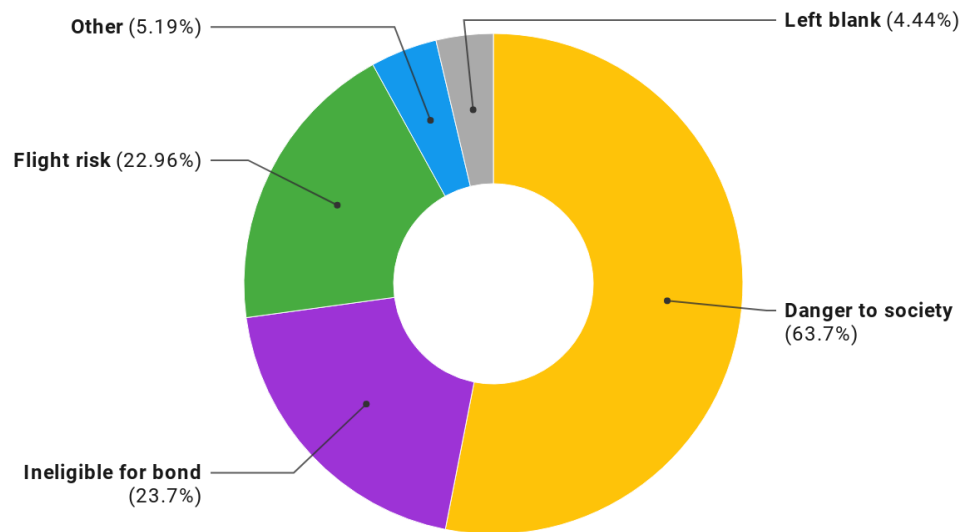


“Attorneys agree” above, refers to respondent’s and DHS attorney coming to a bond agreement to present to the Immigration Judge.

There was no significant difference in length of residency in U.S. between those granted bond (11.59 years) and those denied bond (11.43 years).

Chart to right: Immigration Judge’s reason for denying bond

In response to “If [bond] denied, why?”



## Judge bond decisions based on courtroom supporters

Percentages based on all unique bond hearings with judge bond decisions recorded (n=135).

Judge bond decision	Family supporters	Other supporters	Can't tell	No supporters	Acknowledged support
Bond granted	23.08% (39)	13.61% (23)	15.98% (27)	45.56% (77)	10.06% (17)
Bond denied	20.89% (33)	13.29% (21)	10.13% (16)	54.43% (86)	8.23% (13)

The presence of supporters in the courtroom was slightly positively correlated with a Judge granting bond.

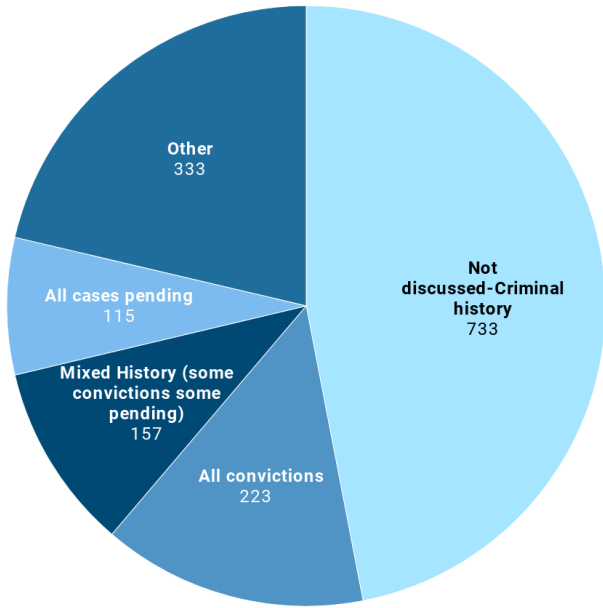
# Reserving Appeal on Bond Decisions

Though observers often left this question blank, it is clear that Detainees were significantly more likely to reserve appeal when bond was denied, and DHS when bond was granted. The mean bond amount when detainees reserved appeal for a granted bond, was \$16,964. This is significantly higher bond than the mean of all bonds: \$6,670.

■ Yes % ■ No % ■ Q left Blank %

Denied Bond- Detainee reserve appeal	32.5	37	30.5
Denied Bond- Govt. reserve appeal	48	48	
Granted Bond- Detainee reserve appeal	9	57.5	33.5
Granted Bond- Govt. reserve appeal	27	50	23

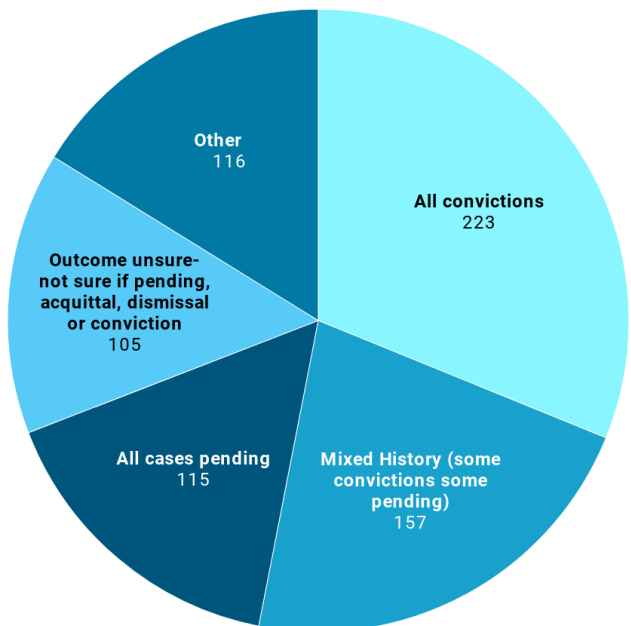
## CRIMINAL HISTORY



In nearly half of the 1561 unique cases observed, there was no discussion of criminal history.

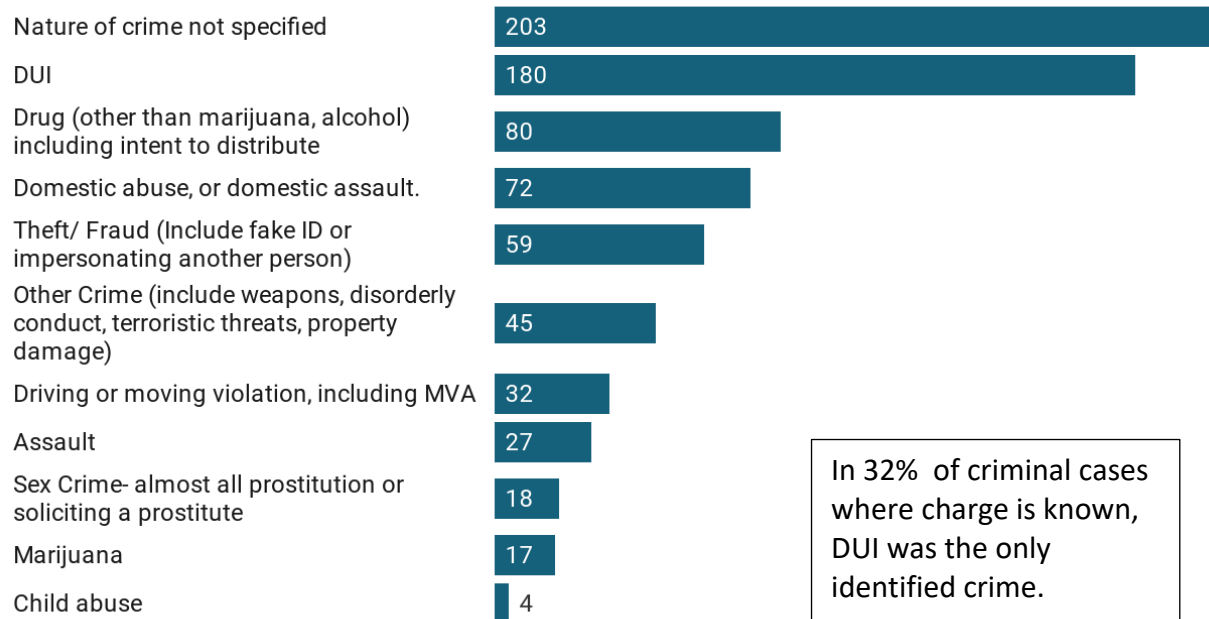
In the chart to the left, "other" includes: question left blank, no criminal history, all acquittals, and arrests but no charges.

In the 716 cases where criminal history was discussed, 58 (8%) had no criminal history, 11(1.5%) had all charges dismissed or was acquitted, 47 (6.5%) had arrests but had not been formally charged with a crime, 115 (16%) had only pending cases. **This means 32% of the detainees in removal proceedings had never been convicted of a crime.** 53% had at least one conviction.



In chart to the right, "other" includes: no criminal history, all acquittals, and arrests but no charges.

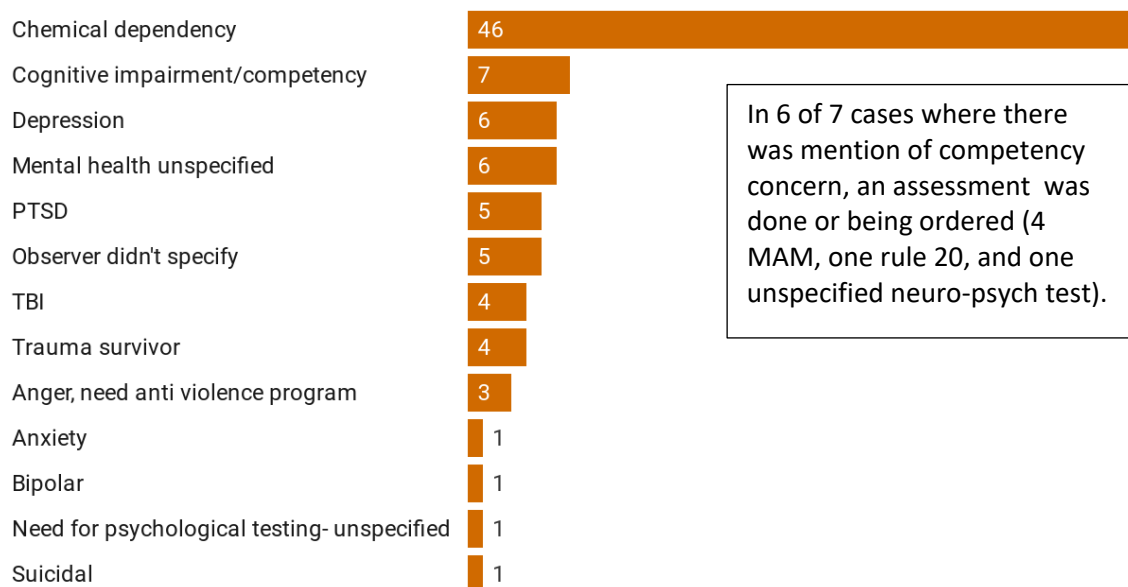
## Type of Crime, if criminal encounter, n=658 individuals



## PHYSICAL AND MENTAL HEALTH CONCERNS IN DETAINED HEARINGS

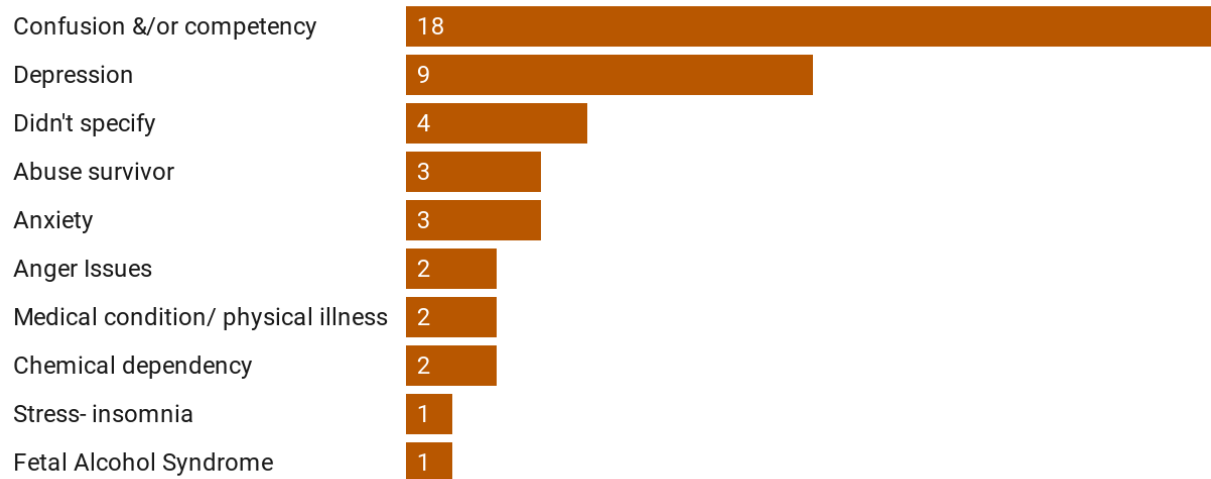
In the following questions and graphs, the language used comes directly from the observers, as does their categorization. For instance, one observer may have listed a competency issue in question 30, another in question 31 and another in question 32.

### Mention of mental health or chemical dependence, (Q#30)- 81 individuals- by type of concern



In the vast majority of cases where the observer notes a mention of mental health or chemical dependency, the issue of alcohol use and possible chemical dependency was the primary concern. Some individuals had more than one diagnosis.

**Observer believes there is mental health or competency concern, not mentioned by the Court (Q#31)- 35 individuals- by type of concern.** These individuals may have been observed at multiple hearings.



This question was more likely to be answered affirmatively by experienced observers, perhaps because they had more of a basis of comparison. Of the 35 individuals noted above, 14% were female, compared to females being 6% of the total cases heard for this report. This raises interesting questions about gender. Are women relatively over-represented in this sample because women are much more likely to experience domestic abuse or childhood sexual abuse and resulting trauma, or because they are more vulnerable to the effects of detention? Or are observers more likely to interpret women’s behavior as depressed or anxious? In the above bar graph, observers may have listed more than one possible concern for an individual detainee. Observers frequently mentioned that it is hard to distinguish when there is a language or education/conceptual barrier, when someone is displaying stress and trauma for the conditions of detention vs. when there is a mental health or mental capacity issue.

**Some of the comments observers shared about physical and mental health concerns:**

*“(She) was victim of child abuse and sexual assault.”*

*“Detainee seemed very confused and distraught.”*

*“Attorney not sure if detainee understood previous proceedings or present ones. After judge finally asked attorney if client had ‘mental capacity’ issues, courtroom was cleared so she could conduct a mini-assessment.”*

*“She had distress over children's situation, abusive partner.”*

*“Seemed to not really understand, contradicted self. Body language vulnerable.”*

*“Depressed, defeated, has given up in words and demeanor.”*

*“I believe the detainee had major problems understanding what was happening. The judge did procedurally screen him for relief but without an attorney to argue his case, this guy was lost. He kept asking for what he could do and the judge said multiple times ‘you have asked for nothing so all I can do is order deportation.’ It was my sense that he didn't know what he could ask or how he could ask it. He told the court he had paid an attorney who ‘stood him up’. He had been denied bond at a previous hearing but did not understand that that issue was closed. Judge told him he could appeal and how to do so but it was clear that the detainee could not follow all of the instructions. Attorney did not show at hearing and had kept all of the detainee's*

*papers. He kept saying he was poor; 'I just go to work and don't do bad things.' This hearing was quite painful to watch."*

*"Looks like he has FAS (Fetal Alcohol Syndrome)- can't read - didn't seem to comprehend simple things- obviously special needs."*

*"The judge asked the detainee a series of questions trying to determine his state of mind; seems that is best left to a professional. The detainee was ordered removed in his hearing from the previous week but the judge re-opened the case because she had received a letter from his wife detailing her husband's mental health issues. It did appear from the detainee's answers to the judge's questions that he does have mental health struggles. (He said he was at the regional hospital in St Paul 'for crazy people' but didn't know when or for how long). When the judge asked if he knew who she was, he did not. DHS said they have no medical records. The judge said based on information from his wife and the discussion today she was uncomfortable deporting him from the US."*

*"Suicide watch in detention."*

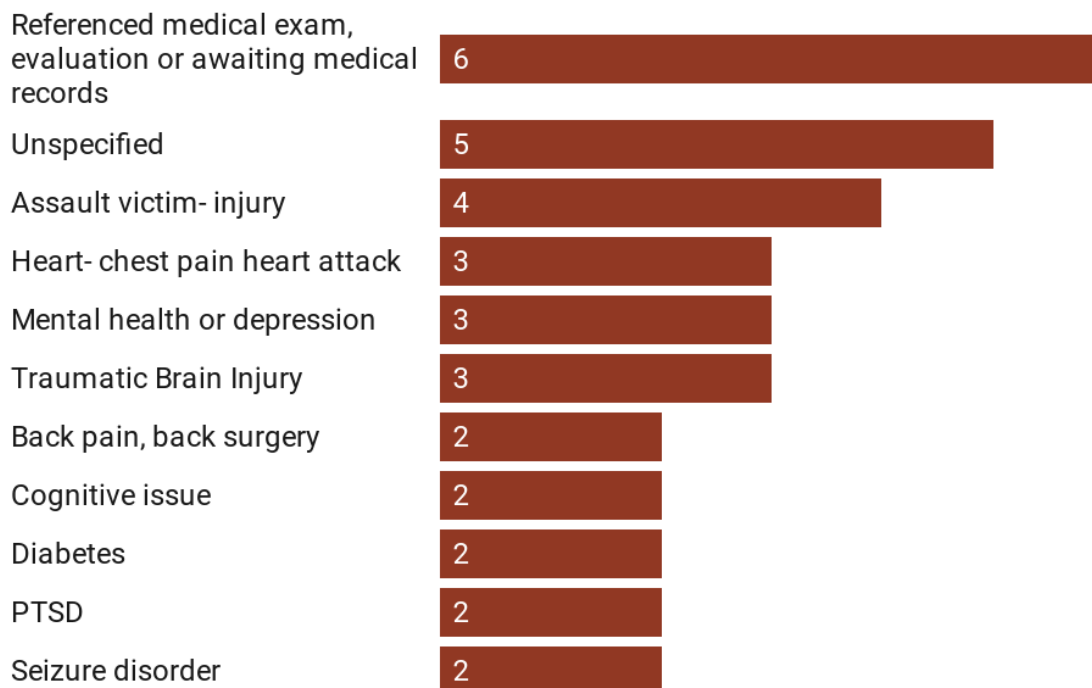
*"Detainee seemed very confused and scared, verbally, gestures, facial expressions may be indicative of cognitive or mental health issues, but maybe only anxiety and emotional distress."*

*"Has said he wants to change but can't stop drinking."*

*"Detainee had chemical dependency evaluation; did not meet DSM criteria for dependenc. Attorney discussed depression after death of parents."*

*"Said he didn't know what to do, put his head in his hands, couldn't talk."*

**Mention of medical concern or condition (Q#32)- 39 individuals (These individuals may have been observed at multiple hearings and may have multiple medical concerns).**



Other concerns noted (1 mention each): Needs CPAP, **Cancer**, Disability, **Precarious medical condition**, Prostate, Psoriasis, Quarantine, Sore on Penis, Thyroid condition.



**Additional comments observers shared about physical and mental health concerns:**

*“PTSD was mentioned; exacerbated by incarceration. Attorney found family counseling, social workers, and housing for detainee.”*

*“PTSD and depression. Traumatic brain injury. Not tracking, discussion of chronic homelessness. Man had been in jail for 2 years.”*

*“Judge inquired about his health and he said he has chest pains. She asked if he had seen a nurse or MD at detention center; when he said no, she encouraged him to ask to see a nurse or MD.”*

*“Before age 35 I was never in trouble with the law. I became depressed when I developed severe psoriasis’ (lifted shirt to show judge). ‘My quality of life was diminished. It broke me down’. Came to U.S. at age 2 with parents [so in U.S. at least 33 years]. Had a green card. Judge: ‘I don’t want you to make a rash decision. I want you to make a knowing and intelligent decision’. The detainee was expressing he was resigned to deportation, wasn’t able to get in touch with an attorney. The judge convinced him to delay the decision. It was the government attorney who pointed out that the detainee would be eligible for 42A cancellation (of removal).”*

**DETAINED IMMIGRANTS ASKING FOR A DEPORTATION ORDER**

**146 detained immigrants asked to be deported.** These individuals, in the course of bond or master calendar hearings, gave up their chance for a merits hearing on claims for relief and asked to be deported. The reasons are many, but often hinge on the difficulty of finding or affording legal representation and the despair of prolonged detention. It is not uncommon for the deportation request to be made when the immigration judge denies a request for bond. Pro se detainees were much more likely to ask for deportation than those with an attorney.

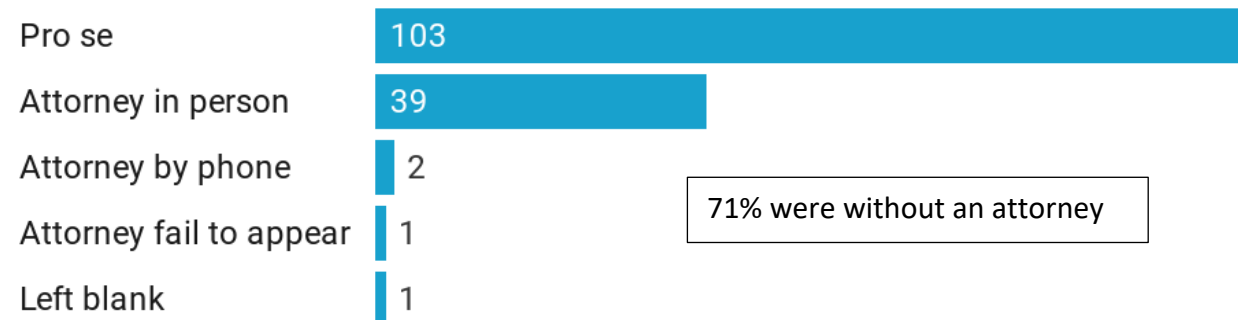
**About those seeking a removal order:**

Average length of time respondent has lived in the United States: 9 years, with a range from 1-36.

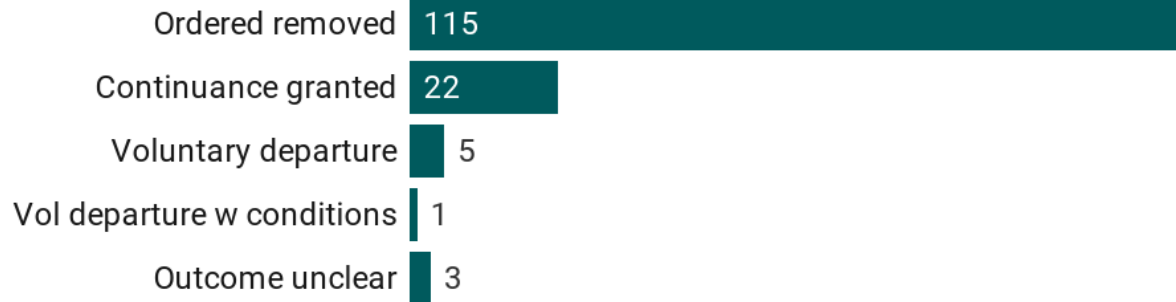
Country of Origin: 93% were from Mexico, 3% were from Somalia, 1% were from South Sudan, remaining 3% were from multiple other countries. It may be that immigrants from Mexico have less of a fear of return.

Forty-six percent had unknown criminal history, 19% had no criminal convictions, 35% had at least one criminal conviction. Criminal history does not appear to be the precipitating factor for requesting removal.

**Legal representation rates for those requesting deportation**



## Detainee requests Deportation- hearing outcome



### In the words of observers and detainees:

*"I do not want to be in jail anymore'. Too difficult to prove his case because cousin not returning his calls, all family has fled to El Salvador and he cannot reach them. 'I am suffering in 4 months of detention.'"*

*"I just want to sign the papers." "I'm tired, I don't want to stay in jail"*

*"I want to leave"... "I have no paperwork to stay here."... "My brother died here." "I want to see my Mother."*

*"Can't afford lawyer & not able to get legal clinic help so 'want deportation.' BUT changed mind after judge instructed him on how to pursue bond, which he also said he wanted."*

*"Twice asked 'I have to go to work for my children (kids).' Twice Judge urged him to speak with attorney."*

*"Detainee was crying and very upset. He said it was just 'too difficult' to fill out the asylum form and it would just be better to be deported. He added that his father was in jail in Honduras and that he had a daughter there who was sick."*

*"Detainee asked: 'I'm in jail a whole year, I'm tired. What if I want to sign to be deported?' Judge explained why he might want to sign the [relief] application. If she signs, detained can't change his mind. 'It is up to you.' Detainee emphasized again that he wanted to sign deportation papers."*

*"He said his health was too poor to wait to hear back on his asylum case."*

*"I will take my deportation. I haven't seen my family for 18 years"*

*"Immediately after judge denied bond, before bond hearing adjourned, said 'One more thing - can I ask to be sent back?'"*

*"Judge asked if he was trying to find a lawyer. Detainee replied 'No. Honestly, since the first time they took fingerprints I asked for deportation.' When the Judge held up Exhibit - copy of DHS paper and asked if he recognized that and his signature, Detainee said 'I don't know how to read. I told them I wanted my deportation. They told me to sign for my deportation.'"*

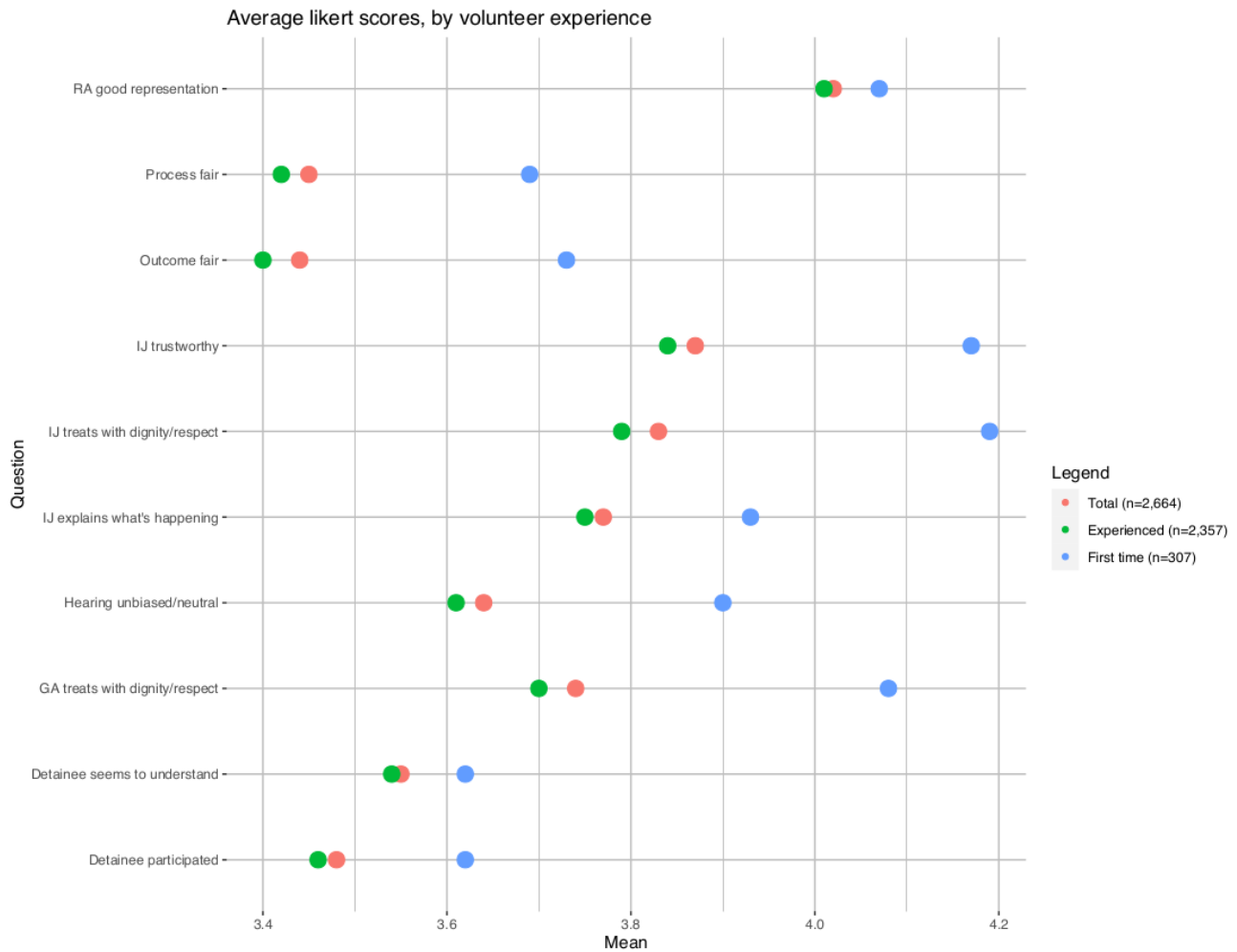
*"I want to sign my deportation. Can you just take me back to Mexico? I don't have anyone here to help me."*

*"Honestly, I don't want to keep fighting. I could be working. I need to support my little girl. I want to sign my deportation papers and leave as soon as possible."*

*"I would rather die fighting for freedom than live in shambles."*

# OBSERVERS PERCEPTIONS OF FAIRNESS, RESPECT, REPRESENTATION AND PARTICIPATION

We look at observers perceptions of the hearings and compare the aggregate with those of first time observers and those of experienced observers (those who have observed more than once). For these questions a Likert scale is used where 1= strongly disagree, 3= neutral and 5= strongly agree. RA= Respondent’s attorney, IJ=Immigration Judge, GA+ Government Attorney. These represent questions 34-44 on the observation form. In general, observers deem Immigration judges as trustworthy and as treating detainees with respect, but view the proceedings as relatively lacking in fair process and outcomes. Observers have concerns that detainees do not understand proceedings and don’t participate significantly.



## ADDITIONAL COMMENTS

Additional comments made on the observation forms by immigration court observers were analyzed and categorized. If mentioned during proceedings, observers are asked to document the manner of arrest, note financial hardships, elaborate on prior answers, and include striking or significant quotes they heard during proceedings. Some observers write lengthy comments, some few, depending on the content of the hearing. A sample of comments by theme follow. The selected comments are representative of the range of notes the observers recorded.

<b>Comments in Additional Notes Section</b>	<b>#</b>
Judge- Positive	79
Judge-Negative	75
DHS Attorney- Positive	8
DHS Attorney- Negative	33
Respondent Attorney- Positive	31
Respondent Attorney- Negative	21
Due Process- Not provided attorney	458
Due Process- Language and translation	127
Due Process- Writing utensils	29
Due Process- Shackles	38
Due Process- Mental health or competence issues	47
Detention -Negative effects, conditions	31
Financial hardship	71
Supporters in Courtroom	141
Manner of Arrest- How in ICE detention	82
Hardship on Family	51
Criminal History	332

**Judge- Positive Comment:**

*“Judge was incredibly patient during this hearing, every time she asked if he understood, he said something like ‘not really or a little’ and she would start over and try to explain again.”*

*“They had decided on deportation and Judge carefully explained the ramifications of this. Then Judge did say ‘I am sorry that things did not work out for you.’”*

**Judge- Negative Comment:**

*“Unfair that Judge claims ‘policy’ of no kids in court when I’ve seen other judges permit kids in court.”*

*“The judge interrupted the detainee while he was explaining his situation, saying ‘I don’t need the full story.’”*

*“He mentioned that the mother of his child had been shot (in Honduras) a year ago. He submitted documents related to where and how that happened. The Judge did not acknowledge it at all.”*

**DHS Attorney- Positive Comment:**

*“Detainee entered US on H2B visa but did not leave when it expired July 11, 2018. He was picked up by ICE while riding in a vehicle. He was not allowed to return to his residence and thus did not have any way to retrieve his passport in order to get voluntary departure. Government (attorney) offered that they could request his birth certificate, which would substitute for passport.”*

*“Government Attorney was more than fair and respectful of this detainee, though the final outcome is far from clear.”*

**DHS Attorney- Negative Comment:**

*“The hearing was respectful, but then ...*

*while he was still in the courtroom, (Judge) and (Government Attorney) started to just chat back and forth about other topics, as if the Detainee wasn’t present. That felt disrespectful, dehumanizing.”*

*“Unfair: DHS ‘For the record, we will oppose any continuances after the next hearing and I will ask that it be considered an abandoned application after that’. Seems to be an arbitrary approach to hurried justice, especially for someone who is trying to escape harm due to sexual orientation.”*

**Respondent Attorney- Positive Comment:**

*"Detainee's attorney made strong argument for many equities and 'close knit' family."*

*"The detainee's attorney was creative and competent. Attorney recommended in addition to Rule 25 compliance that the detainee must sell all vehicles titled to his name and abstain from alcohol."*

*"The attorney made excellent case for change in circumstances and recovery anger management work by detainee, a case of vast changes and healthy adaptation by detainee."*

**Respondent Attorney- Negative Comment:**

*"The process got very screwed up. The detainee's attorney did not seem to know what was going on. If I understood judge correctly, they had already gone over this ground."*

*"Respondent's attorney seemed surprised that she did not know that. Respondent's attorney offered very good argument; however, her voice was not assertive enough, and at times made statements to the Judge as if they were questions. (This made her seem unsure of herself)."*

*"It appeared that (attorney) was not real prepared & she didn't seem invested in the client at all. She was very neutral. She waived appeal very quickly."*

**Due Process-Respondent Not Provided With an Attorney:**

*"Detainee said he has been unable to find an attorney; has made several calls but no one called him back."*

*"Case seemed extremely unfair because the detainee did not appear to understand the process, the options or the benefit of having an attorney. It seems unlikely that he would be able to find an attorney even if tries, or someone to help him understand and complete forms for relief."*

*"Said her previous attorney was not going to represent her here; said she talked to another attorney but her brother couldn't get her the money in time. Judge says you don't have an attorney until you reach a contract with them. Says she can have another week to try and get one. Respondent asks for two weeks, Judge says no, only one."*

*"Respondent had a lawyer but has withdrawn from the case. Respondent had a list of attorneys but respondent stated that staff at Sherburne County tore them up. Judge offered to give him another copy."*

*"'Been calling 2-3 weeks, can't find a lawyer. Can't afford a lawyer. Parents and I do not have the money. I have nowhere to turn'. There was a human rights attorney in the courtroom who was pointed out by judge, she gave him her card and told him to call her. She asked me the detainee's name. I have hope for this man!!"*

*"Couldn't afford attorney. Explained that he had been forced to fight with arms on behalf of his municipality in Guatemala. May have legal claim but gave up - feels he can't navigate the system without a lawyer."*

**Due Process- Language and Translation Problems:**

*"The legal terms that are used when the judge is explaining a detainee's rights is confusing in English much less in Spanish. I don't think most people know what half of the legal terms mean and then you add in a translation to Spanish. Makes it very unfair. "*

*"Detainee preferred Chee language but only Spanish was provided. 'Do you want a Chee interpreter?' 'umm...' 'You can do Spanish?' 'umm, umm.' 'Yes or no?' 'umm, umm, umm, si.' 'Do you want an attorney?' 'My friend is finding one for me' 'Do you want to wait for an attorney? A list of attorneys?' 'umm, umm.' 'You're not understanding me.' Judge was impatient. No attempt to find Chee interpreter even when it was clear the detainee didn't understand more than 10%."*

*"Although he said English was his preferred language, I wondered about his competence in English (I know many immigrants who have been here for many years and just "get by" in English and I wondered if he might have thought his case would stand a better chance if he requested hearing in English)."*

*"Judge asked detainee if he can read Spanish when she was referring to the NTA which makes no sense because the NTA is in English so if he can read Spanish how does that connect to the NTA being in English?"*

*"Large asylum application in Spanish with son's birth certificate, photos, military ID (in Spanish). Detainee: 'How can I get them translated in detention?' Judge: 'find someone in jail to translate them'."*

#### **Due Process- Lack of Writing Utensils Provided:**

*"Judge: 'did you work on your asylum form, talk with others?' Detainee: 'Yes, but I don't have a pen, it needs to be in black ink, they won't give me a pen. The pro bono organization didn't show up 9/5'. Judge: 'the next time will be your last time to get an attorney'. Detainee: 'My best friend put money in my account, there were only a few things that I found in the law library, and I asked two people for recommendation letters.' Judge: 'Just because you don't have a pen isn't enough reason to not be ready'. DHS: 'I won't object if it's in pencil. Judge: 'Be ready 9/26 or you could be deported.'"*

*"She gave him a lot of information about where to find free or cheap lawyers. I doubt someone could have kept that in their mind without writing it down! In the end, I'm not sure he understood."*

*"UNFAIR - Detainee had no pencil or paper to write down all the things (judge) said were necessary - birth certificate, address, proof of employment, etc."*

#### **Due Process- Respondent Shackled in Court:**

*"Process inherently unfair: No right to attorney if can't afford, shackled and unable to take notes, expected to understand and remember all Judge's instructions."*

*"It is abhorrent that people are shackled during their hearings."*

*"Judge did not offer to have handcuffs removed so he could write down the abundant detailed info she was giving him. I do not see how he could remember it all."*

#### **Due Process- Mental Health or Competence Issues:**

*"Respondent's attorney says she thinks Respondent has cognitive issues. She also wants him assessed for chemical dependency. Child protection was called to the house at one time, they notified police."*

*"Detainee does not know how to read or count, he did not go to school. He was born in 1972."*

*"This detainee certainly did not comprehend the gravity and severity of going back to Africa. He has a rather significant mental health issue. "*

*"Attorney alluded to depression. Attorney argues that detainee is a single mother who will lose her 4 U.S. born children who are currently being cared for by other family members. She has made poor decisions in the past related to depression but trying to move forward."*

#### **Detention- Negative Effects and Conditions:**

*"Detainee has a way to stay in the U.S. (LPR cancellation) but doesn't want to pursue it because he does not want to be in jail any longer. DHS set a bond of \$5,000 but he was unable to pay. Will get deported to Burma although grew up in refugee camp in Thailand."*

*"Second hearing; respondent confused, VERY upset by detention - willing to be deported or even put to death to get out. Over 20 years in U.S."*

*"At first, he did not know why he was here; said he was arrested in alley, taking out the garbage, said he can't contact his friends for help because police took his cell phone with all his contact information."*

*"Attorney stated that detainee has been in custody for 453 days which is 18 months. Attorney stated that the point of immigration court is not to keep a detainee locked up for an indefinite amount of time. The judge seemed frustrated by the fact that her previous ruling (42A Cancellation) was overturned on appeal. She granted the bond."*

*"I have an attorney, but she is not here. The jail has been on lock down and I haven't been able to call her."*

#### **Financial Hardship:**

*"Detainee had paid a lawyer all of his money and the lawyer withdrew from his case."*

*"Detainee is 35 years old. Has a partner and 4 children, and ill parents all living in Guatemala, they are very poor, can't afford housing. He is here to work and support them. Government attorney was vehement and rude- states that detainee paid a smuggler \$6,000 to get to U.S., therefore bond needed to be over \$6,000, though he actually opposed bond at all. DHS argues that detainee has no avenue of relief. DHS: 'The law doesn't allow for entering the country illegally in order to work and send money home to one's family because they are poor.' (Though this is factually true, he sounded dismissive and disdainful when he said it). Judge believes that sister's asylum claim may offer avenue for detainee."*

*"He had previously been granted bond of \$7500, unable to pay. He's only 20 years old."*

*"She (detainee's partner) is the mother to his baby son and is pregnant with another child. She relies on his income and may lose the apartment because he can't pay rent."*

#### **Supporters Present in Court:**

*"Detainee asks if he can start case on his own and then get attorney later since hardship for family who are in court today to travel here again from North Dakota (appeared to be female partner with their child). Judge says better to try one more time for attorney 'call Advocates every day.'"*

*"Judge said she didn't see any form of relief and ordered him deported. The detainee asked for voluntary departure but Judge denied that given his conviction. Judge told him he could appeal the decision and he said he would accept. He asked if he could hug his son and the judge said he could not. Very sad."*

*"This hearing was heartbreaking. The detainee's wife and three children were in the courtroom. The kids were teenagers and broke down crying as soon as they saw him. The detainee was crying too. It was heartbreaking to see him leave the courtroom and the children say bye to him and tell him they loved him."*

*"There were about 15 supporters in the courtroom, all from Mt. Olivet, including 2 AA sponsors and a child psychologist, all which were acknowledged."*

#### **Criminal History:**

*"Client had DUI - first run-in with the law in 18 years. Client had note from therapist (who was present in the room) but the note, according to the DHS lawyer and judge, did not prove that client doesn't have history of substance abuse, that client would be able to rehab easily, or that the client would benefit from treatment".*

*"Attorney representing detainee spoke about low level crimes. Especially last ones were crimes related to poverty."*

*"Judge 'I appreciate Rule 25' but prior convictions, 6 without a driver's license, 3 DUI, 'flagrantly disregards U.S. regulations, prior rehab was not successful'".*

*"Detainee is LPR in U.S. - came at age 23. Claims to be citizen of Cairo Egypt. Came to NYC in 2014 as refugee; adjusted 3/2/17 as LPR. Conviction of domestic assault; (incarcerated) 60 days hasn't accrued enough time in U.S. for cancellation of removal.*

*"The judge held up arrest document and asked if he recognized it. It was far away. He asked what it was. The judge repeated – very impatient tone. Copy of his convictions – two for theft; no further details given."*

*"Charges were all drug or drug paraphernalia related-marijuana was the only drug mentioned; Detainee said his felony charge had been overturned and asked if he could be deported for misdemeanors and Judge said yes."*

#### **Manner of Arrest:**

*"This was an odd arrest. The detainee was at a party and went to his truck for different shoes. On the way back to the party he passed 2 women. They called 911 to report him as 'suspicious'. He did not touch or bother these women. Police showed up and detainee quickly left scene because he did not know they were there for him and he is undocumented. Police chased him and tackled him. According to attorney, they were very rough with him and they will be filing a brutality claim. Officer admits that detainee was never in car so it's unclear why DUI charges were filed."*

*"Was in removal (proceedings) previously with case administratively closed with prosecutorial discretion, but re-detained when in car stopped by ICE when they were looking for someone else."*

*"Detainee has lived in the U.S. since he was 4 years old. He was arrested while playing basketball at a school park. A teacher thought he 'looked suspicious' and called the police. His parents were with him at the park. They were all detained."*

*"Detainee accused ICE officers of abuse on Jan. 14. They slammed him into their truck and beat him. Judge immediately tells him to file a complaint which will go to another court and will not go to ICE. Says she has 'no control' over ICE, encourages him to file."*

*"This man was picked up by ICE while working, a co-worker turned him in."*

#### **Hardship on Family:**

*"Son suffering from depression, suggested as a result of father's detention."*

*"Her one child is autistic and had begun talking but when mother was detained child stopped talking again."*

*"Detainee expressed worry that 'my wife has health problems' and judge said: 'now is not appropriate time' (to talk about). At this point, detainee's wife and daughter were weeping and judge told her that children under 14 were not usually allowed in court room and daughter would not be allowed at the next hearing. Detainee said to judge: 'Thank you so much for letting me see her-she has been wanting to see me for a long time.' As Detainee was leaving, mother and daughter were able to get close to him and say hello (very emotional scene) I think the guard helped make this happen, while saying 'no touching.'"*

*"He was the main wage earner and since he was in jail then immigration detention his family (mom and sibs) have no income."*

*"Wife drove 10 hours to be in court, spoke often with attorney. Detainee is primary breadwinner as wife has medical condition and can't work."*

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**This report was written by Amy Lange, Immigration Court Observation Project Coordinator, The Advocates for Human Rights. Special Thanks to Chris Levesque and Alyssa Haldemann for their work on this report.** Charts and graphs were created using Datawrapper.