



Give me your tired,
your poor
huddled masses
yearning to breathe
free The wretched
refuse of your
teeming shore.
Send these,
The HOMELESS
tempest
tossed
to me.

Judge

Do you understand
how important it
is to come to
Immigration Court?

Human Rights Defender Project
Immigration Court Observation

OBSERVATION
FORMS AND
ANNOTATED
GUIDES

might be wrong 2023
Amelia White
HUMAN RIGHTS COURT OBSERVATION

Human Rights Defender Project
Immigration Court Observation

OBSERVATION FORMS AND ANNOTATED GUIDES



ROBINS 
KAPLAN LLP



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2025 DETAINED MASTER CALENDAR AND BOND HEARING SAMPLE FORM

Sample Completed

2025 Detained Master Calendar and Bond Hearing-Immigration Court Observation

Date: 1-9-25 Observer (full name): Victor Volunteer

Shift start time: ☐ 8:30 ☒ 10:00 or 10:30 ☐ 1:30 ☐ 3:00

GENERAL

1. A#: 250986474 2. Country of origin: GT

3. Gender: ☒ Male ☐ Female ☐ Trans./non-binary ☐ Unsure ☐ respondent didn't appear, Reason: _____

4. Judge: ☐ Carr ☐ Ivany ☒ Mazzie ☐ Miller ☐ Sardelli ☐ Wood ☐ Zaske ☐ Other: _____

5. DHS Attorney: C Bly ☐ didn't appear

6. Was the respondent represented today? ☐ Yes ☒ No, pro se ☐ Attorney failed to appear

Comment (incl. name if possible): Got pro-bono list, can't read it

7. Detention Location: ☒ Freeborn ☐ Kandiyohi ☐ Sherburne ☐ Other: _____

☐ IHP (Prison): _____ ☐ Unknown

8. Respondent's (R's) best language: Mam

9. Did court find interpreter in R's best language?: ☒ Yes ☐ No If no, what language provided? _____

10. Interpretation issues: ☒ None ☐ Incomplete ☐ Technical problems ☐ Unable to find ☐ Not in best language

☐ Attorney waived Comment: tried 3 language lines

BOND HEARING

11. Did respondent request bond? ☒ No ☐ Yes -bond hearing held today ☐ Yes-bond hearing **NOT** held today ☐ Unsure

12. Bond amount requested? \$ _____ ☐ No amount specified

13. Respondent argument/evidence: _____

14. DHS's principle argument: _____

☐ DHS did not speak

15. Outcome: ☐ Bond Granted ☐ Bond Denied ☐ IJ no jurisdiction ☐ Withdrew bond request ☐ Continuance

☐ Advised request hearing when ready ☐ IJ will issue written decision

16. If Granted, Bond Amount: \$ _____

17. If denied, why? ☐ Ineligible/mandatory detention ☐ Danger to society ☐ Flight risk ☐ Other _____

18. What factors were mentioned in granting or denying bond? IJ mentioned she found him bond ineligible at last hearing

19. Did parties reserve appeal on bond? DHS: ☐ Yes ☐ No, waived Respondent: ☐ Yes ☐ No, waived ☐ Judge didn't ask

REMOVAL HEARING

20. How did respondent get into ICE custody? Think detained after crossing border

☐ Not discussed

21. Pleadings taken today? ☒ Yes ☐ No If yes, select all that apply: ☒ concedes all in NTA ☐ denies some or all in NTA

☐ denies receipt of NTA ☐ denies understanding NTA ☐ attorney doesn't have NTA ☒ declines designate country

Comment: _____

22. Did judge screen for eligibility for relief? ☐ No ☒ Yes, eligible to apply ☐ Yes, **ineligible** for any form of relief

23. Application: ☐ Not Discussed ☒ Given today ☐ Given previously ☐ Filed previously ☐ Atty will file ☐ Unsure

☐ Other Comment: guard to give application

A# 474

rev 1.1.25

24. Relief applications discussed as potentially eligible? ☐ Not discussed

☐ Cancellation: ☐ 42A (LPR) ☐ 42B

☐ I-589 ☒ Asylum / ☐ WOR / ☐ CAT

☐ U-Visa or T-Visa

☐ Voluntary Departure

☐ Adjustment of Status (I-485)

☐ Other/ unsure: _____

25. Did judge explain evidentiary rights today? ☐ Yes ☐ No ☒ Unsure

26. Did judge explain all applications & evidence must be in English/ save copy for self? ☒ Yes ☐ No ☐ Unsure

27. Did just give application filing deadline? ☒ Yes, date: 1-23-25 ☐ No ☐ Unsure

28. Comment about relief application discussion: "I don't read or write English, how can I fill it out?"

29. Did respondent asked to be removed (deported)? ☐ Yes ☒ No If asked for deportation, what did respondent say? _____

30. DHS's principle argument: _____ ☒ didn't speak

31. Today's Outcome: ☒ Case continued ☐ Removal order (Deportation) ☐ Termination/Dismissal ☐ Trial queue

☐ Relief granted. Specify: _____

32. If case continued, next hearing Date: 1-23-25 Time: 1:30 pm

33. If removal order, did judge give advisal about consequences of unauthorized return, bars to relief, fines for non-cooperation? ☐ Yes ☐ No ☐ Unsure ☒ Not applicable Comment: _____

34. If judge made final decision did parties reserve appeal? ☒ Not applicable

DHS: ☐ Yes ☐ No, waived Respondent: ☐ Yes ☐ No, waived ☐ Judge didn't ask ☐ Unsure

CRIMINAL HISTORY

35. Arrests or convictions? ☒ Not Discussed ☐ No criminal Hx ☐ Has at least one arrest ☐ Has at least one conviction

Comments: _____

EQUITIES

36. Length of time in the US: _____ ☒ Unknown. Check if likely recent arrival to US? ☒

37. Family in the US? ☐ Yes: _____ ☐ No ☒ Unknown

38. Supporters in court? ☐ Family ☐ Other supporters ☐ Can't tell ☒ None ☐ Supporters acknowledged

WELLBEING

39. Any concern about mental health, physical illness, or competency ☒ Yes ☐ No ☐ Unsure

Explain: stated has severe headaches

40. Complaints or comments about conditions in detention: Not getting pain meds for headaches. Language access - no help ☐ None stated

41. **IMPRESSIONS:** Use this space for comments, questions, quotes, and impressions

3rd hearing, gave 2 continuances said today must speak for self since hasn't found atty. He doesn't understand why he's stuck in jail.

2025 DETAINED MASTER CALENDAR AND BOND HEARING ANNOTATED FORM

2025 ANNOTATED Detained Master Calendar and Bond Hearing-Immigration Court Observation

It is strongly advised that you review this annotated form periodically to make sure you are correctly completing your observation forms. Please print legibly. Avoid writing in the margins. If comments don't all fit on the page, you may attach an extra word document or put comments in the body of an email. The purpose is to summarize, synthesize, and reflect, not to transcribe the hearing. Please make sure the last 3 digits of the A# are on the top left corner of the back page.

Date: _____ Observer (full name): _____

Format date: mm/dd/yyyy

Print your first and last name

Shift start time: ☐ 8:30 ☐ 10:00 or 10:30 ☐ 1:30 ☐ 3:00

Mark the start time that best correlates to the shift you signed up for

GENERAL

1. A#: _____ 2. Country of origin : _____

A# is very important. The last three digits are on the posted docket. Attempt to capture all 9 digits that the Judge reads into the record. If you are missing a number, use X.

*If possible list the 2 digit code and the full country name. There is a list of frequent country codes in resource/glossary section of the volunteer manual. If you don't know the name of the country just list the 2 digit code. **Do not google the two digit country code**; the court uses a unique list which doesn't correspond to what you find on the internet. If there is no country code listed on the docket write "blank on docket". Unless pleadings are done, the country is rarely stated during the hearing, you will need to check the posted docket.*

3. Gender: ☐ Male ☐ Female ☐ Trans./ non-binary ☐ Unsure ☐ respondent didn't appear, Reason: _____

Assume that if someone is transgender or non-binary, this will be noted in the course of the hearing. Otherwise write male and female according to how they present visually, or are referred to in court.

Occasionally the respondent won't appear; an attorney may waive their appearance, or the respondent might be in quarantine or out on a writ. If the respondent doesn't appear, check the box and write the reason.

4. Judge: ☐ Carr ☐ Ivany ☐ Mazzie ☐ Miller ☐ Sardelli ☐ Wood ☐ Zaske ☐ Other: _____

Check the box for the judge who conducted the hearings you observed, if other than those listed, check "other" and list the judge's name.

5. DHS Attorney: _____ ☐ didn't appear

The government attorney names are listed in the references/glossary section of the volunteer manual. If the name isn't listed, do your best to approximate the name.

6. Was the respondent represented today? ☐ Yes ☐ No, pro se ☐ Attorney failed to appear

Comment (incl. name if possible): _____

If the respondent does not have an attorney for the observed hearing, they are pro se. A respondent might comment about trying to find an attorney and not getting calls back, or about not being able to afford an attorney; that is a useful comment to write. On a rare occasion a respondent will state that they hired an attorney but the attorney didn't show up, this is a breach and the judge will typically note it. In this situation, check "attorney failed to appear", but only if certain that the attorney had filed with the court, otherwise mark pro se. The name of the attorney is useful, but not required. It is not uncommon that an attorney will appear that was just hired, this is also something useful to list in the comment section.

7. Detention Location: ☐ Freeborn ☐ Kandiyohi ☐ Sherburne ☐ Other: _____

☐ IHP (Prison): _____ ☐ Unknown

ICE detains people in county jails in MN. Freeborn, Kandiyohi and Sherburne are the current ICE Detention facilities in MN. Judge Mazzie conducts the hearings for people in ICE detention on Wednesdays and Thursdays. Judge Miller conducts the IHP hearings (people in state or federal prison), on occasional Tuesday mornings, you'll check the IHP box and write the prison name if it is stated when observing the Tuesday IHP docket.

8. Respondent's (R's) best language: _____

At a first hearing the judge should ask the respondent what language they speak and understand the best. The best language sometimes differs from what is posted on the docket. There are times when a respondent will say they are capable in a language (often English) and then asks at a subsequent hearing to have an interpreter in their native language. If a respondent is equally comfortable with two languages, note both.

9. Did court find interpreter in R's best language?: ☐ Yes ☐ No If no, what language provided? _____

If the hearing is conducted in the language the respondent speaks and understands best, mark yes. Sometimes the hearing will be conducted in a language other than the preferred language, most often when someone speaks an indigenous language and the hearing is conducted in Spanish. In this case you'd mark no, and list the language that was provided.

10. Interpretation issues : ☐ None ☐ Incomplete ☐ Technical problems ☐ Unable to find ☐ Not in best language

☐ Attorney waived Comment: _____

Language access is a critical due process right, so we want to note any communication problems. Check all that apply. None: Interpretation/hearing is in the respondents best language, all dialog is interpreted for respondent and there is no problem with hearing and understanding the person speaking. Incomplete: Not everything is interpreted. Example: sometimes Judges will request that sections, like the introduction and review of evidence, not be interpreted for the sake of speeding up the hearing. This would qualify as incomplete interpretation. Technical problems: background noise, dropped calls, etc. Unable to find: none of the contracted language lines had an interpreter in the requested language, hearing is not conducted. Not in best language: Judge conducts hearing, at least some minor instructions are given, but not using best language. Example someone speaks some English but Russian is best language, no Russian interpreter available, Judge does a reading of rights in English and then continues case to another date.

BOND HEARING

The Judge might conduct a scheduled bond hearing (typically called a custody hearing) or there might be a request for a bond and the judge tells the respondent it won't be conducted that day. You can document the hearing or the discussion below.

11. Did respondent request bond? ☐ No ☐ Yes -bond hearing held today ☐ Yes-bond hearing **NOT** held today ☐ Unsure

Yes- bond hearing held today is for bond hearings that were scheduled for the day. Yes- bond hearing NOT held today are for requests made or discussion about the conditions for a bond hearing which is not held today. Sometimes a person will ask for a bond when they are not scheduled for a bond hearing, and the judge will tell them they are subject to mandatory detention or that the judge has no jurisdiction over bond because of how the person entered the US and was arrested. You'll mark those below.

12. Bond amount requested? \$ _____ ☐ No amount specified

If a specific amount of bond is requested (usually only if there is an attorney representing the case), please note the amount requested. Otherwise mark "no amount specified". We aim to analyze how the amount requested compares to the amount granted.

13. Respondent argument/evidence: _____

Did the respondent understand the need to submit evidence? Did the respondent submit any evidence in support of bond (or did an attorney on their behalf)? Specify the type of evidence- letters of support, proof of earnings, birth or marriage certificates, proof of employment or rehab. Did the respondent understand he/she only gets one bond hearing? What argument or testimony did the respondent provide in support of bond?

14. DHS's principle argument: _____

☐ DHS did not speak

We are looking at what the government does during these hearings (DHS- means Department of Homeland Security attorney). We want to know what the government attorney has to say, what evidence they submit, how they argue against bond, whether they oppose a continuance etc. Please mark the box DHS did not speak, if they don't present any arguments during the bond hearing.

15. Outcome: ☐ Bond Granted ☐ Bond Denied ☐ IJ no jurisdiction ☐ Withdrew bond request ☐ Continuance

☐ Advised request hearing when ready ☐ IJ will issue written decision

Note what happens to conclude the bond hearing- the judge makes a decision to grant or deny bond, the respondent (or their attorney) withdraws the bond request, the case is continued and a new date is set, the Judge advises the respondent to make a new request for a bond hearing when they've either obtained an attorney or gathered the documents they need to proceed. The Judge may state they have no jurisdiction to grant a bond and that only ICE can issue a parole decision. Sometimes the judge will hear the entire case, but state that they need time to consider all evidence and legal arguments and will issue a written decision. In general you'll only have one answer to this question, but if more apply mark all relevant boxes.

16. If Granted, Bond Amount: \$ _____

If bond was granted list the amount, and skip questions #17.

17. If denied, why? ☐ Ineligible/mandatory detention ☐ Danger to society ☐ Flight risk ☐ Other _____

If bond was denied, please list reason. If subject to mandatory detention, no need to note if judge also states dangerousness. If Judge notes criminal record or seriousness of police arrest records, this is considered "danger to society"

18. What factors were mentioned in granting or denying bond? _____

Very briefly state what factors were mentioned by judge or in government attorney's arguments, that were accepted by judge; for example: mitigating factors to criminal history, lack of avenues of relief, family or lack of family with status. If the Judge seemed to change their opinion after hearing the government argument, please note that.

19. Did parties reserve appeal on bond? DHS: ☐ Yes ☐ No, waived Respondent: ☐ Yes ☐ No, waived ☐ Judge didn't ask

After the judge issues a bond decision, yes or no, the government attorney and the respondent will typically be asked if they wish to reserve appeal. They will either state yes, they reserve appeal or no, they waive. If they reserve appeal they will be given a deadline by which time to file an appeal; there is no need to record this date. If the judge doesn't ask about reserving or waiving appeal, check that box. (Unless waived, an appeal is considered reserved so judges don't always ask). If the Judge did not issue a bond ruling (because request was withdrawn, case was continued of Judge will issue a written decision), this question should be left blank.

REMOVAL HEARING

20. How did respondent get into ICE custody? _____

☐ Not discussed

Some people get put into removal proceedings at the border, others after an encounter with police or ICE. If this is discussed, please note what was said. You can also document how long the respondent has been in custody.

21. Pleadings taken today? ☐ Yes ☐ No If yes, select all that apply: ☐ concedes all in NTA ☐ denies some or all in NTA

☐ denies receipt of NTA ☐ denies understanding NTA ☐ attorney doesn't have NTA ☐ declines designate country

Comment: _____

Pleadings are responding to the allegations and charge Notice To Appear (NTA) regarding immigration violations. If pro se, the respondent will typically be sworn in and asked to respond to each allegation individually (they are not a citizen of US, they are a citizen of xx country, etc.). If respondent is represented, the attorney will respond, and will admit or deny factual allegations and concede or deny the charge of removability, but they typically do not read the allegations individually. We are interested in the response to the NTA. Check all that apply, whether the respondent remembers receiving it, understands it, refused to sign it, declines to designate a country, or if the attorney complains that they've had difficulty obtaining a copy of the NTA. Note that pleadings refer to immigration related allegations (which may include criminal convictions for a legal permanent resident) not to pending criminal charges.. There is more about pleadings in the volunteer manual.

22. Did judge screen for eligibility for relief? ☐ No ☐ Yes, eligible to apply ☐ Yes, **ineligible** for any form of relief

After pleadings, the judge will ask a series of questions to determine whether the respondent has any potential legal basis to stay in the county. These questions will include whether the respondent has family members with status in the US, has been a victim of a crime in the US, or whether they have a fear of harm if they are returned to their home country. Based on the respondent's answers, the judge will either give the respondent applications to file or determine that the respondent is ineligible for any form of relief. If ineligible for relief, the judge will order removal (deportation).

23. Application: ☐ Not Discussed ☐ Given today ☐ Given previously ☐ Filed previously ☐ Atty will file ☐ Unsure

☐ Other Comment: _____

The judge may instruct a guard to provide a particular application for relief (Asylum, cancellation, or by form #, I-589, 42A, etc.) There might be a reference to an application already given or an application already filed. If the person is represented by an attorney the judge may simply acknowledge that the attorney will be screening and filing an application. mark the applicable box. If no discussion of relief applications takes place, mark not discussed.

24. Relief applications discussed as potentially eligible? ☐ Not discussed

☐ Cancellation: ☐ 42A (LPR) ☐ 42B

Cancellation of removal. 42A is for legal permanent residents, 42 B is if not LPR. If you don't know their status, only check the Cancellation box.

☐ Voluntary Departure

Voluntary departure is discretionary relief based on good moral character, the respondent does leave the

country but without a deportation on their record. This is not the same as requesting a deportation.

☐ I-589 ☐ Asylum / ☐ WOR / ☐ CAT

Asylum, Withholding of removal and deferral under the Convention Against Torture are all on an I-589 application. If any specific form of relief is mentioned, check it.

☐ Adjustment of Status (I-485)

Adjust status to LPR. They may reference the I-130 that is submitted to USCIS to establish the relationship to an LPR or US citizen.

☐ U-Visa or T-Visa

U-visa is for a crime victim, T- visa is for a trafficking victim.

☐ Other/ unsure: _____

25. Did judge explain evidentiary rights today? ☐ Yes ☐ No ☐ Unsure

At one of the master calendar hearings after pleadings have been done, the judge should give evidentiary advisals- you have a right to submit evidence, see the evidence the government has submitted, object to evidence, call witnesses etc. It seems for some respondents, even over the course of many hearings this advisal is never given. Mark whether or not evidentiary rights are discussed today.

26. Did judge explain all applications & evidence must be in English/ save copy for self? ☐ Yes ☐ No ☐ Unsure

If the judge is giving an application or a filing deadline, s/he should be telling each respondent that they must submit all applications in English, that all evidence must be in English and that if evidence is originally in another language they must submit the original, an English translation, and a signed letter from the translator that states the person is capable of doing the translation. The person translating doesn't need to be a "certified" translator/interpreter. The judge should also tell the person that they should save a copy of everything for themselves. The judge should also inform them that jail staff will help them mail their materials and will provide postage and envelope. Use question #28 for any additional comments or concerns about this advisal.

27. Did judge give application filing deadline:? ☐ Yes, date: _____ ☐ No ☐ Unsure

If the judge gives the respondent a date by which an application for relief is due (asylum, cancellation, etc.), write down the date. If the judge says "on or before your next hearing" write the next hearing date. If the judge says, "If you don't file an application by that date, I will order your removed" and the respondent has complained about not being able to complete an application due to language barriers, alert the project coordinator ASAP with the A#, date of next hearing, and language spoken.

28. Comment about relief application discussion: _____

You can add any additional comment about filing for relief, instructions given or questions asked about filing with the court.

29. Did respondent asked to be removed (deported)? ☐ Yes ☐ No If asked for deportation, what did respondent say? _____

It is not uncommon for people to give up due to the difficult conditions of detention. They may pre-emptively ask to be deported rather than continue their case. If deportation was requested, please note what was said by respondent, or by attorney on behalf of the respondent. They may use the word deportation, removal, or say something like "I want to be sent back" or "I'll just sign my papers". Asking for a deportation order is NOT the same as voluntary departure.

30. DHS's principle argument: _____ ☐ didn't speak

We are looking at what the government does during these hearings (DHS- means Department of Homeland Security attorney i.e. ICE attorney). We want to know what the government attorney has to say, what evidence they submit, how

they argue against relief or claim that the detainee isn't eligible for relief, whether they oppose a continuance etc. Please mark the box DHS did not speak, if they don't present any arguments or make any comments during the removal hearing.

31. Today's Outcome: ☐ Case continued ☐ Removal order (Deportation) ☐ Termination/Dismissal ☐ Trial queue
☐ Relief granted. Specify: _____

Note what happens to conclude the removal hearing- the judge grants a continuance- sets another hearing date, the judge orders removal (deportation), the Judge terminates proceedings-ends deportation proceedings, because the person is not deportable (may also be termed dismissal), or grants relief. We usually don't see relief granted except in the case of voluntary departure, rarely we may see cancellation of removal or adjustment of status granted at a master calendar hearing. The judges try to clear their dockets of cases represented by attorneys by putting them in a trial queue or into case management system which means everything will be handled electronically outside of court, until the merits hearing. If anything of the sort is mentioned at the conclusion of a hearing, mark "trial queue"

32. If case continued, next hearing Date: _____ Time: _____

Put the next hearing date and time above. Be sure to include the year. You'll use this space for the date of the next hearing whether it's a bond hearing or a removal hearing. If the judge sets two dates- as is often done for the next pro se master calendar hearing a few days prior to a merit hearing, put the second date in the comment section of question #41. Be sure to notify the project coordinator of the merit hearing date.

33. If removal order, did judge give advisal about consequences of unauthorized return, bars to relief, fines for non-cooperation? ☐ Yes ☐ No ☐ Unsure ☐ Not applicable Comment: _____

If the judge issues a removal (deportation) order, they are required to explain the consequences: a bar to reentry for 10 years, a permanent bar to asylum, the risk of felony prosecution, being subject to expedited removal. There are also penalties for failing to cooperate with ICE regarding removal from the US. If it sounds like the judge is doing giving this advisal, mark yes. Don't worry about analyzing if every point is in the advisal. It does not count if the only thing the judge says is "talk to your deportation officer about the timing of removal." If an advisal is not given at all, mark no. If there is no removal order you can mark "not applicable" or leave the question blank. Add a brief comment if relevant.

34. If judge made final decision did parties reserve appeal? ☐ Not applicable

DHS: ☐ Yes ☐ No, waived Respondent: ☐ Yes ☐ No, waived ☐ Judge didn't ask ☐ Unsure

If a case is continued (another hearing set, or put into trial queue) you will check "not applicable". If the judge makes a decision in the case—grants relief, including voluntary departure, terminates proceedings, or issues a removal (deportation) order, either party may appeal the decision. You'll mark if the "losing" party reserves appeal or waives appeal. If the judge simply states a date the appeal would be due, but doesn't ask the person if they wish to appeal, you'll mark "judge didn't ask". Unless expressly waived, the right to appeal is reserved, so judges don't always ask. Just because a person reserves the right to appeal doesn't mean they are obligated to file an appeal. If a person waives the right to appeal, they can't change their mind.

CRIMINAL HISTORY

35. Arrests or convictions? ☐ Not Discussed ☐ No criminal Hx ☐ Has at least one arrest ☐ Has at least one conviction

Comments: _____

For this you should check only one box. Encounters with police, arrests, or convictions might not be discussed at all, in which case mark not discussed. Sometimes it is made clear that the respondent has had no encounters with police, if that is true, mark "no criminal Hx (Hx=history)". An arrest by ICE or border patrol simply for crossing the border without permission does not count as a criminal encounter. If you know that a respondent has had an encounter with police for a possible criminal matter but that remains pending, or you are unsure of the outcome, mark "has at least one arrest". If the person has any criminal convictions, you will mark "has at least one conviction". You can briefly explain police encounters or convictions in the comment area. If that state where person was arrested or convicted is noted, please write that in the comment section.

EQUITIES

36. Length of time in the US: _____ ☐ Unknown. Check if likely recent arrival to US? ☐

Ideally we'd like this answer written in the form of years, or months if less than a year; 1 year and six months would be written 1.5 yrs. If you write down a date (ex: entered in 2007), after the hearing, please calculate the number of years

between that date and today. If it is noted that someone came at age 9, do your best to estimate the detainees age and write approximate number of years or write age at entry in the "additional notes" section. Mark "unknown" if the length of time in the US is not discussed. If the person has entered the US more than one time document the time since the most recent entry. Any additional information can go into the comment section of question #41.

37. Family in the US? ☐ Yes: _____ ☐ No ☐ Unknown

Having family in the US can affect eligibility for relief. The judge may ask about family ties when screening for relief after pleadings. If they have family in the U.S. check "Yes", and if possible in the space provided, note relationship and immigration status (ex: Wife, undocumented, 2 US Cit. children). If it is not discussed, check "unknown". If they are asked and they state no family, mark "no". This questions pertain to legal relative; boyfriend, girlfriend, fiancé, don't qualify as family in the legal sense, but you can note these relationships.

38. Supporters in court? ☐ Family ☐ Other supporters ☐ Can't tell ☐ None ☐ Supporters acknowledged

Mark if the respondent had support people present for the hearing. You may know this because of waving/nodding/smiling, because people come in and leave with the respondent's attorney, or because it is mentioned during the hearing. If you aren't sure if the supporters are family or others, pick your best guess. Can't tell, means you aren't sure whether or not there were supporters for the respondent in the courtroom. If during the course of the hearing it is acknowledged that the respondent has supporters in the courtroom, or if they are identified, also mark the box for "supporters acknowledged".

WELLBEING

39. Any concern about mental health, physical illness, or competency ☐ Yes ☐ No ☐ Unsure

Explain: _____

If there is mention of a mental health problem, physical illness, chronic medical condition, including chemical dependency or if you see or hear something that leads you to question whether the person has mental illness or cognitive impairment (lack of capacity to understand proceedings), please note this. If your answer is yes and the person is pro se, this is a case you should consider referring for representation. Mark "Can't tell" if something seems out of the ordinary, but you don't have a clear sense that it is related to mental health/capacity to understand, as opposed to just the stress of proceedings

40. Complaints or comments about conditions in detention: _____

☐ None stated

Examples of things to document: lack of treatment or evaluation for a mental health or medical condition, inadequate or improper nutrition, lack of hygiene supplies, discrimination, abuse, assault, solitary confinement, lack of access to phone calls or law library, unsanitary conditions

41. **IMPRESSIONS:** Use this space for comments, questions, quotes, and impressions

This reflection section is important to our understanding of the impact of observing.. Examples of things to comment on: barriers respondents face and how court addresses these; respondent's understanding, courtroom dynamics, impact of detention on respondent, whether court recognizes the humanity and individuality of the respondent, questions you have, quotes that stand out.

2025 MERITS HEARING SAMPLE FORM

A# 455

1.1.25

2025 Immigration Court Observation -MERIT Hearing

Date: 1-10-25 Observer: Olivia Observer ☐ In Person ☒ WebEx

GENERAL

1. 9 digit A# or last 3: 230662455 2. Country of origin: Guatemala - GT
3. Gender: ☒ Male ☐ Female ☐ Trans/ non-binary ☐ Unsure ☐ Didn't appear, reason: _____
4. Judge: ☐ Carr ☐ Ivany ☐ Mazzie ☐ Miller ☐ Sardelli ☐ Wood ☒ Zaske ☐ Other: _____
5. DHS Attorney: C. Bly ☐ didn't appear
6. Was the respondent represented today? ☐ Yes ☒ No, pro se ☐ Attorney failed to appear

Comment (incl. atty name): _____

7. Has the respondent been deemed incompetent by the court? ☐ Yes ☒ No ☐ Unsure
8. Is today's hearing a continuation of a previously commenced merits hearing? ☐ Yes ☒ No ☐ Unsure
9. **DOCKET:** ☐ Non-Detained ☐ IHP (prison) ☒ ICE detention ☐ Unsure; Comment: Freeborn Cty Jail

LANGUAGE

10. Respondent's preferred language: Mam
11. Did court find interpreter in preferred language? ☒ Yes ☐ No; If no, what language provided? _____
12. Interpretation: ☐ No problems ☐ Problem; Comment: Judge noted interpreter pre-scheduled, often hard to hear - background noise. Consecutive interpretation

MERITS

13. Relief being sought/ application being heard (check all that apply)

- ☐ Adjustment of status ☒ I-589: ☒ Asylum / ☒ WOR / ☐ CAT ☐ Other _____
- ☐ Cancellation: ☐ 42A (LPR) ☐ 42B ☐ Termination Dismissal ☐ Unsure
- ☐ Voluntary Departure

14. Comment re evidence submitted by Respondent: said couldn't get evidence, phone stolen enroute

15. Comment re evidence submitted by DHS: country conditions report

16. Testimony/ Witnesses- (check all that apply) ☒ Respondent ☐ Family ☐ Country Expert
☐ Other Supporter ☐ Medical ☐ Mental Health

17. Did judge place any constraints on testimony? ☒ Yes ☐ No; Comment: said would limit to 1 hr total including cross to leave time for oral decision.

18. Comment about testifiers/ testimony: respondent only - he seemed nervous

19. Were there supporters present (court / webex) who did not testify? ☒ no ☐ yes, family ☐ yes, other supporters

Presence in country

20. Respondent's entry date/ length of time in the US: 4 months ☐ Unknown

21. Does respondent have family in the US? ☒ Yes ☐ No ☐ Unknown If family present, who and what status in US:

uncle - legal permanent resident

Background

22. What was said about conditions in home country? lots of gangs, crime, corrupt government ☐ Not discussed

Criminal history

23. Arrests or convictions? ☐ Not Discussed ☒ No criminal Hx ☐ Has at least one arrest ☐ Has at least one conviction

Comments: _____

Legal argument

24. Describe the main argument of respondent (or attorney): Gangs controlled his neighborhood - tried to recruit him, threatened harm if he didn't join or pay money. Friends & neighbors have been killed. Trouble supporting wife & son due to crime/extortion.

25. Describe the main argument of government attorney: Not targeted on protected ground, internal relocation possible. Wife not harmed. Extortion isn't persecution

26. Describe main questioning / reasoning of Judge: Methodical questioning to elicit history and fears. Seems skeptical that he meets criteria

27. Did judge make an adverse credibility or character finding? ☐ Yes ☒ No ☐ Unsure; Comment: said he seemed truthful and consistent

Health

28. Was there mention of respondent having the following medical/ mental health issues?

- ☐ Bipolar ☒ Depression/ Anxiety ☐ Schizophrenia ☐ Other
☐ Chemical Dependency ☐ PTSD ☐ Torture Survivor ☐ None
☐ Cognitive Impairment ☐ Sexual assault survivor ☐ Traumatic Brain injury

Comment: Unclear if related to detention or ongoing issue

CONCLUSION

29. Judge's action:

- ☐ Case Cont'd for testimony ☒ Relief Denied ☐ Voluntary departure
☐ Case Cont'd for oral decision ☐ Relief Granted ☐ Unsure
☐ Will issue written decision Relief type: _____ ☐ Other: _____

Comment: doesn't meet definition of persecution not protected ground, no nexus. But does recognize adverse country conditions

30. If continued, next hearing Date: _____ Time: _____

31. If removal order, did judge give advisal about consequences of unauthorized return, bars to relief, fines for non-cooperation? ☒ Yes ☐ No ☐ Unsure Comment: not sure he understood, Very upset re: deportation

32. Did parties reserve appeal of decision? ☐ NA (no decision today) DHS: ☐ Yes ☒ No Respondent: ☒ Yes ☐ No

Comment: _____

33. Other comments, impressions, concerns:

Zastke filling in today. It's clearly difficult to get asylum. Hard to get evidence or prepare without attorney.

34. How long did hearing last? ☒ less than 2 hours ☐ 2-3 hours ☐ 3-4 hours ☐ More than 4 hours

2025 MERITS HEARING ANNOTATED FORM

A# _____

1.1.25

2025 Immigration Court Observation -MERIT Hearing

If the hearing is convened, even if it can't go forward for technical reasons, no interpreter, or because respondent didn't appear, you will still complete a form so that we can track why the hearing didn't happen. If you observe the opening statements on the record, but the hearing gets closed to observers, you will complete a form. If you are asked to leave, you must do so. In the comment/impression section at the end, please document how the judge explained the presence of observers.

Date: _____ Observer: _____ ☐ In Person ☐ Webex

Format date: mm/dd/yyyy

Print your first and last name

Check whether you're observing in court or on webex

GENERAL

1. 9 digit A# or last 3: _____ 2. Country of origin : _____

A# is very important. The last three digits are on the posted docket or in the shift description in your reminder email.

Attempt to capture all 9 digits that the Judge reads into the record. If you are missing a number, use X.

*If possible list the 2 digit code and the full country name. There is a list of frequent country codes in resource/glossary section of the volunteer manual. If you don't know the name of the country just list the 2 digit code. **Do not google the two digit country code**; the court uses a unique list which doesn't correspond to what you find on the internet. If observing by webex, the country code is in the shift description in your reminder email.*

3. Gender: ☐ Male ☐ Female ☐ Trans/ non-binary ☐ Unsure ☐ Didn't appear, reason: _____

Assume that if someone is transgender or non-binary, this will be noted in the course of the hearing. Otherwise write male and female according to how they present visually, or are referred to in court. Occasionally the respondent won't appear; an attorney may waive their appearance, or the respondent might be in quarantine, or out on a writ. If the respondent doesn't appear, check the box and write the reason.

4. Judge: ☐ Carr ☐ Ivany ☐ Mazzie ☐ Miller ☐ Sardelli ☐ Wood ☐ Zaske ☐ Other: _____

Check the box for the judge who conducted the hearings you observed, if other than those listed, check "other" and list the judge's name.

5. DHS Attorney: _____ ☐ didn't appear

The government attorney names are listed in the references/glossary section of the volunteer manual. If the name isn't listed, do your best to approximate the name.

6. Was the respondent represented today? ☐ Yes ☐ No, pro se ☐ Attorney failed to appear

Comment (incl. atty name): _____

If the respondent does not have an attorney for the observed hearing, they are pro se. The name of the attorney is useful, but not required.

7. Has the respondent been deemed incompetent by the court ? ☐ Yes ☐ No ☐ Unsure

Mark "yes" if there is any mention of appointed counsel; the only circumstance for which the court provides legal representation is if the person has been deemed incompetent. The attorney might be referred to as a "qualified rep". The judge may also reference that an attorney provided so that the respondent can get help telling their story. If it isn't obvious, then the answer is probably "no".

8. Is today's hearing a continuation of a previously commenced merits hearing? ☐ Yes ☐ No ☐ Unsure

The judge will state on record that it is a continued individual hearing, or may discuss what happened at the previous individual hearing. If you are observing a continued individual merit hearing, it will also be stated in the shift description in your reminder email.

9. **DOCKET:** ☐ Non-Detained ☐ IHP (prison) ☐ ICE detention ☐ Unsure; Comment: _____

When you sign up for a merit hearing, the shift description will explain whether the person is in ICE detention, on the IHP docket-in prison, or not-detained. If the person is in prison or in an ICE facility the judge will usually state the detention or prison facility, put the name in the comment section. In general Judge Mazzie hears cases for people in ICE detention and Judge Miller does the IHP docket for people in prison.

LANGUAGE

10. Respondent's preferred language: _____

What language does the respondent speak and understand the best. This has usually been established during master calendar hearings and will appear on the posted docket.

11. Did court find interpreter in preferred language?: ☐ Yes ☐ No; If no, what language provided? _____

If the hearing is conducted in the language the respondent speaks and understands best, mark yes. Sometimes the hearing will be conducted in a language other than the preferred language, most often when someone speaks an indigenous language and the hearing is conducted in Spanish. In this case you'd mark no, and list the language that was provided.

12. Interpretation: ☐ No problems ☐ Problem; Comment: _____

If there are no technical problems, an interpreter was easily available and interpretation was complete mark "no problem". If there are any problems: had to call multiple language lines, couldn't hear, not all conversation was interpreted, dropped calls, unprofessional interpretation, confusion, attorney waived interpretation etc., mark "problem" and explain in the comment section.

MERITS

13. Relief being sought/ application being heard (check all that apply)

Sometimes more than one application is filed but the judge will only take testimony and consider one application. If the judge only rules on one, it can reserves the ability for the other application to be considered in the future.

☐ **Adjustment of status** *Asylum, Withholding of removal and relief under the Convention Against Torture are all on an I-589 application.* ☐ **A form of discretionary relief granted by a judge, allows person to leave US without a deportation on the record.**

☐ **Cancellation:** ☐ **42A (LPR)** ☐ **42B** *If they specify which forms of relief you can check each specified application.* ☐ **Other** _____

Cancellation of removal. 42A is for legal permanent residents, 42 B is if not LPR. If you don't know their status, only check the Cancellation box. ☐ **Termination Dismissal** *Ending removal proceedings, may use term dismissal.* ☐ **Unsure**

☐ **I-589:** ☐ **Asylum /** ☐ **WOR /** ☐ **CAT** ☐ **Voluntary Departure**

14. Comment re evidence submitted by Respondent: _____

The judge will usually discuss what evidence was submitted into the record and by whom. Sometimes a respondent submits nothing but an application. Note if any country conditions reports, support letters, expert opinions etc. are submitted.

15. Comment re evidence submitted by DHS: _____

As above, note what DHS submitted into evidence besides the NTA and I-213.

16. Testimony/ Witnesses- (check all that apply) ☐ Respondent ☐ Family ☐ Country Expert
☐ Other Supporter ☐ Medical ☐ Mental Health

Who gave testimony and what was their expertise or relationship to respondent? You can also check the box for anyone who submitted written statement, reports or affidavits.

17. Did judge place any constraints on testimony? ☐ Yes ☐ No; Comment: _____

At the outset, did the judge place time limits on testimony, state that testifiers wouldn't be able to speak and would be limited to the submitted written testimony, or state that a specific amount of time would be reserved for an oral decision. Did you feel that these constraints, if any, affected the respondent's rights or impacted the outcome?

18. Comment about testifiers/ testimony: _____

Add any relevant comment about content of testimony, who appeared, or how testimony was received (written or verbal), whether testifiers were challenged, and whether the testimony seemed to bolster the case.

19. Were there supporters present (court / webex) who did not testify? ☐ no ☐ yes, family ☐ yes, other supporters

The judge will usually acknowledge everyone present at a merit hearing. If it wasn't expressly stated, use your best judgement about who came to support the respondent.

Presence in country

20. Respondent's entry date/ length of time in the US: _____ ☐ Unknown

Ideally we'd like this answer written in the form of years, or months if less than a year; 1 year and six months would be written 1.5 yrs. If you write down a date (ex: entered in 2007), after the hearing, please calculate the number of years between that date and today. If it is noted that someone came at age 9, do your best to estimate the detainees age and write approximate number of years or write age at entry in the "additional notes" section. Mark "unknown" if the length of time in the US is not discussed. If the person has entered the US more than one time document the time since the most recent entry. Any additional information can go into the comment section of question in question #33.

21. Does respondent have family in the US? ☐ Yes ☐ No ☐ Unknown If family present, who and what status in US:

If they are asked and they state no family, mark "no". If they have family in the U.S. check "Yes", and if possible in the space provided, note relationship and status (ex: Wife, undocumented, 2 US Cit. children).

Background

22. What was said about conditions in home country? _____ ☐ Not discussed

This may be discussed in terms of why they left, and/ or current conditions and why they fear return. Briefly summarize, don't try to transcribe everything said.

Criminal history

23. Arrests or convictions? ☐ Not Discussed ☐ No criminal Hx ☐ Has at least one arrest ☐ Has at least one conviction

Comments: _____

For this you should check only one box. Encounters with police, arrests, or convictions might not be discussed at all, in which case mark not discussed. Sometimes it is made clear that the respondent has had no encounters with police, if that is true, mark "no criminal Hx (Hx=history)". An arrest by ICE or border patrol simply for crossing the border without permission does not count as a criminal encounter. If you know that a respondent has had an encounter with police for a possible criminal matter but that remains pending, or you are unsure of the outcome, mark "has at least one arrest". If the person has any criminal convictions, you will mark "has at least one conviction". You can briefly explain police encounters or convictions in the comment area. If that state where person was arrested or convicted is noted, please write that in the comment section

Legal argument

For the following three questions we do not want a "transcript" and it is not necessary to quote any statute or case law. We want a summary of the main point each person is making.

24. Describe the main argument of respondent (or attorney): _____

25. Describe the main argument of government attorney: _____

26. Describe main questioning / reasoning of Judge: _____

27. Did judge make an adverse credibility or character finding? ☐ Yes ☐ No ☐ Unsure; Comment: _____

For forms of relief that are discretionary (asylum, cancellation), the judge will make a determination that the good in the person outweighs any negative thing the person has done. This is what is meant by a character finding. The judge will usually outline the good vs the bad in explaining their decision-making. Likewise the judge makes a determination that a

respondent is credible, that their testimony is consistent with the information in the submitted evidence and application, and that they seem truthful. This is a question to ask if the Judge made a negative determination about the respondent's character or credibility. Explain in the comment section and add whether you agree.

Health

28. Was there mention of respondent having the following medical/ mental health issues?

- | | | | |
|---|--|---|--------------------------------|
| <input type="checkbox"/> Bipolar | <input type="checkbox"/> Depression/ Anxiety | <input type="checkbox"/> Schizophrenia | <input type="checkbox"/> Other |
| <input type="checkbox"/> Chemical Dependency | <input type="checkbox"/> PTSD | <input type="checkbox"/> Torture Survivor | <input type="checkbox"/> None |
| <input type="checkbox"/> Cognitive Impairment | <input type="checkbox"/> Sexual assault survivor | <input type="checkbox"/> Traumatic Brain injury | |

Comment: _____

What conditions were mentioned by any party during the hearing? We are particularly concerned about mental health and competency to understand proceedings, but you may note significant medical issues also.

CONCLUSION

29. Judge's action:

- | | | |
|--|---|--|
| <input type="checkbox"/> Case cont'd for testimony | <input type="checkbox"/> Relief Denied | <input type="checkbox"/> Voluntary departure |
| <input type="checkbox"/> Case cont'd for oral decision | <input type="checkbox"/> Relief Granted | <input type="checkbox"/> Unsure |
| <input type="checkbox"/> Will issue written decision | Relief type: _____ | <input type="checkbox"/> Other: _____ |

The case concludes if a decision is made (relief or removal). If the judge is granting relief write in the type of application that was granted. If several applications were submitted and you aren't sure what was granted, check the box "relief granted" and in the "relief type" area, write "unsure". If the judge grants voluntary departure (a discretionary form of relief) mark that box rather than writing it into the blank "relief type" spot. If the judge states they are going to issue a written decision, check that. If the judge is going to reconvene on another date, mark the box with the reason- either for more testimony/cross examination/ or to issue an oral decision. If the judge is going to issue an oral decision s/he will often state their conclusion at the initial merit hearing. The decision isn't final until the oral decision is dictated in court. You'll mark "case cont'd for oral decision", you can write about the judge's decision/comments in the space below. If you aren't sure what was decided mark unsure.

Comment: _____

30. If continued, next hearing Date: _____ Time: _____

If the case is continued to another date for any reason, note the date, and the time if given. If for any reason the judge doesn't announce a date, leave blank and put explanation in comment section, question #33.

31. If removal order, did judge give advisal about consequences of unauthorized return, bars to relief, fines for non-cooperation? ☐ Yes ☐ No ☐ Unsure Comment: _____

If the judge issues a removal (deportation) order and the respondent waives appeal, the judge is supposed to inform the respondent of the consequences of a removal order, among them, a bar from reentry for 10 years, a permanent bar for asylum, and risk of felony charges for unauthorized reentry. There are also daily fines if a respondent refuses to cooperate with their removal, such as withholding information from the embassy issuing travel documents.

32. Did parties reserve appeal of decision? ☐ NA (no decision today) DHS: ☐ Yes ☐ No Respondent: ☐ Yes ☐ No

Comment: _____

Both parties can reserve the right to appeal a judge's decision; note if they reserve appeal. If the judge doesn't issue a decision, mark NA. Sometimes the judge doesn't ask if parties wish to reserve appeal and will just give a date when the appeal is due, you can note that in the comment section.

33. Other comments, impressions, concerns:

This reflection section is important to our understanding of the impact of observing.. Examples of things to comment on: barriers respondents face and how court addresses these; respondent's understanding, courtroom dynamics, impact of

A# _____

1.1.25

detention on respondent, whether court recognizes the humanity and individuality of the respondent, questions you have, quotes that stand out.

34. How long did hearing last? ☐ less than 2 hours ☐ 2-3 hours ☐ 3-4 hours ☐ More than 4 hours

If a hearing starts late, do not include the wait time in the hearing length but do note the late start in the comment section in question #32 above.

2025 NON-DETAINED MASTER CALENDAR HEARING SAMPLE FORM

7.18.2025

2025 Non-Detained Master Calendar Hearings- Immigration Court Observation

1. Date: 7.18.25 2. Observer (full name): Joe Patriot
3. Shift time: ☒ 8:30-10:30 ☐ 10:30-12:30 ☐ 1:30-3:00 ☐ 3:00-4:30 Check if not allowed in at shift start time: ☐
4. Judge: ☐ Carr ☒ Ivany ☐ Mazzie ☐ Miller ☐ Sardelli ☐ Zaske ☐ Other: _____
5. DHS Attorney: John Brute

6. Hearings Tallies (R=Respondent, I= Judge)

Total hearings: III II (8) Hearings R pro se: III II (7)

Hearings R in person: III II (7) Hearings R represented: I (1)

Hearings R remote (video/phone): I (1) Respondents have moved: III (3)

Language:

English Speakers: 0 Specify Languages: Creole

Spanish Speakers: III II (7)

Other Languages: I Case not heard, no interpreter: I

7. Did DHS move to dismiss any cases? ☐ No ☒ Yes, Number of cases: 2

8. If yes, what did DHS say, can list A# if different message with different people?

"It is no longer in the government's interest to proceed" - same for both cases

9. Did the judge explain what dismissal meant? Did the judge explain that this would make the respondent subject to expedited removal? You will no longer have hearings before this court.

I won't grant you status or have you removed. The government could seek your removal in another way.

10. Did the judge ask the respondent for a response before ruling? ☐ No ☒ Yes, Comment

"Do you agree or disagree?" Seemed like it was prelude to ask re: appeal because was going to grant the dismissal

11. Did any respondent object? ☐ No ☒ Yes, Comment A#301 "I want a hearing on my asylum application. A#555 "I am afraid the return to my country"
12. Additional comment: not sure either respondent fully understood

13. Complete below for cases DHS moved to dismiss (if there is room please also list pretermitted cases:

Pro Se Y/N	Gender	A #	Time in US	Country	Language/ Interpreter problem	Had application been filed?	Case dismissed? (or pretermitted)	R reserved appeal?	Court Exit time
Y	M	501-222-301	142m	VE	sp / oprob	Y- asylum	Y-dis	Y	9:05a
Y	M	216-444-555	?	EC	sp / oprob	unclear	Y-dis	Y	9:20a
Y	F	240-952-610	147m	EC	sp / oprob	Y asylum	pretermitted	Y	10:25a

14. Brief description of Respondents with dismissed case (what wearing, with family/support present): A301, young slim jeans, blue long sleeve shirt, A#555 jeans, black-T, blue baseball cap.

15. Pretermission- did IJ pretermitt any cases? (reject an asylum app as unlikely to prevail) ☐ No ☒ Yes, Number 1

What did IJ say (list A#)? said I'm premitting your case, denying your application, a general fear of crime is not grounds for asylum. I'm ordering your removal

16. Other outcomes of hearings conducted:

Master calendar reset: 11/1 (4)

Voluntary Departure granted: ☒

Merit hearing/trial queue next: (1)

Change of Venue: ☒

Admin closure: ☒

Number of No-shows: none in my shift

Status Docket: ☒

No shows reset: _____

Removal order: (2)

No-shows In absentia removal: _____

ADVISALS For the following questions use a 5 point scale: 1= strongly disagree, 3= neutral, 5= strongly agree

17. For all respondents IJ verified current address 1 2 3 4 (5) NA
18. For pro se respondents IJ explained R must file change of address w/in 5 days 1 2 3 (4) 5 NA
19. For pro se respondents IJ explained "failure to appear" results in deportation order 1 2 3 (4) 5 NA
20. Judge offered option to appear by WebEx with a motion (1) 2 3 4 5 NA
21. IJ offered pro se respondents an asylum application at first hearing 1 2 (3) 4 5 NA
22. For pro se respondents at 1st hearing IJ explained 1 year filing deadline for asylum 1 2 3 (4) 5 NA
23. If asylum application has been filed, IJ took pleadings and offered merit hearing next 1 2 (3) 4 5 NA
24. Did anyone ask about asylum clock/work authorization? ☐ Yes ☒ No ☐ Unsure Comment: _____

25. Tone and atmosphere in the courtroom, were observers greeted or chastised? : _____

Somewhat tense. Couple kids were noisy. Clerk was friendly

26. Additional impressions, questions, observations, quotes: _____

ICE guy, plain clothes & texting (filled out enforcement form)

New DHS atty I hadn't seen before, after dismissals didn't speak.

person from South Dakota not offer webex option

27. Did you complete an "enforcement" form? ☒ Yes ☐ No

2025 NON-DETAINED MASTER CALENDAR HEARING ANNOTATED FORM

7.18.2025

2025 Non-Detained Master Calendar Hearing- Annotated Form

*Documenting in non-detained court is significantly different from in detained court. **You will complete one form per shift rather than one form per respondent/hearing.** Because of the long timelines of non-detained cases, in general, we are not trying to track individual cases or their outcomes. The purpose is to identify new policies or procedures, trends over time, differences between judges, and the unique challenges or due process failings that non-detained cases present. Be aware that many respondents will have cases that have been consolidated with other family members so several individual cases listed on the docket may be conducted as one hearing and will be tallied as one hearing. This version of the non-detained form focuses on case dismissals and pretermission.*

1. Date: _____

2. Observer (full name): _____

Format date: mm/dd/yyyy

Clearly print your first and last name

3. Shift time: ☐ 8:30-10:30 ☐ 10:30-12:30 ☐ 1:30-3:00 ☐ 3:00-4:30 Check if not allowed in at shift start time: ☐

Mark the time that best correlates to the shift you signed up for. If you are not let in at the start time either because the judge is conferencing, doing a closed hearing, or the courtroom is too full, please check the box. You can explain, if the reason is known, in the comment section at the end of the form.

4. Judge: ☐ Carr ☐ Ivany ☐ Mazzie ☐ Miller ☐ Sardelli ☐ Zaske ☐ Other: _____

Check the box for the judge who conducted the non-detained hearings you observed, if other than those listed, check "other" and list the judge's name.

5. DHS Attorney: _____

The government attorney names are listed in the references/glossary section of the volunteer manual. If the name isn't listed, do your best to approximate the name.

6. Hearings Tallies (R=Respondent, J= Judge)

*For all the tallies in the section below, count a family group (parent/child, sibling pair, couple, entire family) as one hearing. **If you make tally marks please circle a final number so that your response is clear to data entry volunteers.** Don't worry if you don't get exact tallies. The purpose is to get a general sense of the volume, flow, pace, and outcome of cases during your shift.*

Total hearings: _____

Count all hearings where respondent appears, virtually or in person, or where an attorney for the respondent appears and the hearing takes place even if the respondent is not present. Also include hearings where the respondent is present but the hearing can't take place because no interpreter is available

Hearings R in person: _____

As long as one of the respondents in a hearing attends in person, count it as in person, even if other family members on a consolidated case, are not present. This question pertains to the respondent, not their attorney.

Hearings R remote (video/phone): _____

Mark the number of hearings where all respondents in an individual or consolidated case appear via webex or

phone (i.e. no one who is a party to the case is in person).

Hearings R pro se: _____

The number of hearings where the respondents are unrepresented at the observed hearing, even if they say they have hired someone. (i.e. they do not have an attorney present or appearing remotely today).

Hearings R represented: _____

The number of hearings where the respondents are represented. (i.e. have an attorney present or appearing remotely for today's hearing).

Respondents have moved: _____

Tally the number of hearings where the respondent has moved i.e. the respondent's current address is different than the address the court has on record. This is how we document how housing insecure respondents are.

Language:

This is a place to count and identify the languages spoken by respondents. If it is a family case, tally the language spoken by the primary respondent (the person most addressed by the court). If there are spouses who speak different languages than each other, you can tally both individuals.

English Speakers: _____

In keeping with the instructions above, note the number of cases where the respondent spoke English.

Spanish Speakers: _____

Tally the number of cases where the respondent spoke Spanish.

Other Languages: _____

Tally the number of cases where the respondent spoke a language other than English or Spanish

Specify Languages: _____

Please list all the languages that the respondents during your shift spoke, other than English and Spanish. You don't need to quantify, just list them.

Case not heard, no interpreter: _____

If the judge is unable to conduct a hearing because an appropriate interpreter cannot be found, mark that here. If the hearing is conducted in a nonpreferred language, but one that the respondent can understand, you would not mark that here, but you can make a note of it at the end of the form

7. Did DHS move to dismiss any cases? ☐ No ☐ Yes, Number of cases: _____

The court seems to be conducting hearings for the cases DHS wishes to dismiss before they bring in the rest of the respondents— if you notice this, make a note on your form. Write down the number of cases DHS moves to dismiss, regardless of how the judge rules.

8. If yes, what did DHS say, can list A# if different message with different people? _____

Try to capture the wording used by the government attorney. It is often along the lines of “it is no longer in the best interest of the government to proceed”. We want to see if the language changes over time, or varies between DHS attorneys, or respondents. You can say for example: A#123 said..., A#405 said....

9. Did the judge explain what dismissal meant? Did the judge explain that this would make the respondent subject to expedited removal? _____

How did the judge explain this? For example: Did they say they had no choice but to dismiss? Did they explain that the government wishes to put them into expedited removal? Did they suggest that the person could now file with USCIS? Do you think the judge was straightforward and honest? Did the judge imply that this was a good thing because the respondent no longer had to come to court?

10. Did the judge ask the respondent for a response before ruling? ☐ No ☐ Yes, Comment _____

Some judges are asking the respondent for a response to the motion to dismiss before actually ruling on DHS's motion. Other judges are only asking if the respondent objects in order to reserve appeal. We want to know if the judge is asking respondents for comment or opinion and whether they consider the respondent's statement before ruling to dismiss or not. If the respondent comments, does the judge respond or only issue a ruling. Please briefly summarize what the judge said.

11. Did any respondent object? ☐ No ☐ Yes, Comment _____

If any respondent objects, summarize what is said and whether or not you think they understood what dismissal meant. You don't have to elaborate on each respondent unless there are substantive differences.

12. Additional comment: _____

Add anything else relevant. You can use this space, if needed, to explain how the judge responded to any comments by the respondent(s)

13. Complete below for cases DHS moved to dismiss (if there is room please also list pretermitted cases):

Pro Se Y/N	Gender	A #	Time in US	Country	Language/ Interpreter problem	Had application been filed?	Case dismissed? (or pretermitted)	R reserved appeal?	Court exit time
Y	M	123456789	1 y, 7 m	GT	SP/no prob	Y, asylum	Y	Y	8:55 am
Y	M	333222444	8 m	ES	SP/no prob	N	Y	N	9:05 am
Y	M	500600700	2.5 y	HO	Sp/ no prob	Y, asylum	N		
Y	F	321321321	??	GT	K'iche/ Sp used	Y	Y	Unclear, IJ reserve	9:18 am
Y	F	999111222	3.5	MX	SP/no prob	Y, asylum	Pretermitted	Y	9:30 am

Sample responses are added to the grid above as a means of illustration. Pro Se "Yes" means the person does not have an attorney representing them, today they are pro se. **Please try to capture the full A#, get the country code off the posted docket.** You'll need to jot down either the name or the A# as it is stated in court in order to be able to consult the docket for the country code. The length of time in US is often not stated, but listen carefully if U.S. entry date is noted, supposedly only people who have been in the US under two years can be subject to expedited removal. We want to know if it is being applied to longer term residents. If we have a full A# and country code we will be able to see if and where the person has been detained. If you can document the time a person exits the courtroom this will facilitate cross referencing with arrests other volunteers are documenting.

14. Brief description of Respondents with dismissed case (what wearing, with family/support present): _____

A brief description will help us cross-reference the arrests we are witnessing. Examples "middle age man, blue baseball cap, and blue button down shirt." "young mom, long hair, red t-shirt, accompanied by another woman in jeans."

15. Pretermitted- did IJ pretermitted any cases? (reject an asylum app as unlikely to prevail) ☐ No ☐ Yes, Number _____

Did the Judge say they were pretermitted a case and ordering removal? If yes, list how many respondents had their case pretermitted? Some Judges are dismissing cases and saying they otherwise would have pretermitted the case, explain that in the comment section below but don't count it as a pretermitted in this question. If, after listing the motions to dismiss in question 13 above, there is still space in the grid, please list the A#, country and other requested information on pretermitted cases. In the column that asks "Case dismissed? (or pretermitted)", write "pretermitted".

What did IJ say (list A#)?: _____

We want to understand what rationale the judges are giving, please try to be specific, for example "the case is weak", "fear of gangs is not a grounds for asylum", "this is a personal dispute, not persecution". If several cases are pretermitted you can list an A# next to a comment.

16. Other outcomes of hearings conducted:

Master calendar reset: _____

Count the number of hearings in which respondents were granted a continuance and given a date for another

master calendar hearing. Usually everyone being scheduled for a master calendar hearing will be scheduled for the same day or two.

Merit hearing/trial queue next: _____

Count the number of hearings in which respondents were scheduled for a merit hearing or told their case was going into the trial queue or the scheduling queue. Mark it as a merit hearing if a merit hearing is scheduled, even if there is a master calendar hearing scheduled shortly before it for assuring all filings have been received.

Admin closure: _____

Count the number of hearings in which the judge granted administrative closure. If you don't hear the actual words "Admin close" or "administrative closure" do not count it.

Status Docket: _____

Count the number of hearings in which the judge puts a case on the status docket. (If you don't hear the actual words "status docket" do not count it. This puts a case on the back burner while an application or some other legal matter is moving through another agency.

Removal order: _____

Count the number of hearings in which the judge ordered removal. This shouldn't happen much in master calendar hearings except for when people don't show up. No-show removal orders are counted below, not here.

Voluntary Departure granted: _____

Count the number of hearings in which the judge grants voluntary departure. This is a discretionary grant and is not a deportation/removal order. If you don't hear the words "voluntary departure" it isn't being granted.

Change of Venue: _____

Count the number of hearings in which the judge grants a change of venue. This would only be done for people who live outside MN, ND, SD.

Number of No-shows: _____

After the judge completes the cases for all the respondents who showed up whether in -person or on Webex, s/he will review the "no-shows", the people who failed to appear. The judge will typically decide either to reset the case – schedule another hearing and send out a new hearing notice, or order the person removed in absentia. Count the number of individuals who didn't attend their hearings that the judge reviews during your shift; these are the "no-shows."

No shows reset: _____

Count the number of individuals who missed their hearing but get a new hearing scheduled, they may call it a hearing notice, a continuance, or a reset.

No-shows In absentia removal: _____

The judge may just refer to these as in absentia it means a removal order because he respondent failed to come to their hearing

ADVISALS For the following questions use a 5 point scale: 1= strongly disagree, 3= neutral, 5= strongly agree

17. For all respondents I J verified current address 1 2 3 4 5 NA

Judges are supposed to verify the current address of a respondent at each hearing, even if they have an attorney.

18. For pro se respondents IJ explained R must file change of address w/in 5 days 1 2 3 4 5 NA

At every pro se hearing the judge is supposed to remind people to file a change of address form with the court within 5 days of moving. Ideally they would remind people that notifying the court and ICE are separate requirements, and have people take a change of address form just in case. This question just asks if the judge is remembering to tell people to file the change of address within 5 days of moving.

19. For pro se respondents IJ explained "failure to appear" results in deportation order 1 2 3 4 5 NA

The judge is supposed to advise every pro se respondent that they can be deported if they miss a hearing. Often a judge will say "You can be removed in your absence". This is inadequate as an advisal, people might not know what removal refers to. We want a judge to say "deportation" or "removal from the U.S." Some judges fail to give this advisal at all.

20. Judge offered option to appear by WebEx with a motion 1 2 3 4 5 NA

Respondents used to be able to appear via webex without filing a motion. They must now file a motion. Some people are trying to appear by webex even though they didn't file a motion because they are afraid of being detained if they show up in person. We are interested in knowing if the judge offers this information with or without prompting. This is especially

warranted if people live several hours away from court. Feel free to elaborate in the comment section at the end if there is discussion about this.

21. IJ offered pro se respondents an asylum application at first hearing 1 2 3 4 5 NA

Observers won't know who, at a first hearing, is seeking asylum, but most are. In best practice, a judge would offer those people an asylum application at their first hearing, if they hadn't already received and filed one. Some judges are solely focused on explaining why people are in removal proceedings, and offering them the pro bono attorney list, that they don't offer asylum applications. Not providing the application may cause many people to miss the one year filing deadline required for eligibility for asylum. If the judge is offering asylum applications to several people without prompting, you would agree with this statement. (Some asylum seekers, due to current policy, are only eligible to apply for withholding of removal, those technicalities are beyond the scope of observers expected scope of understanding.)

22. For pro se respondents at 1st hearing I J explained 1 year filing deadline for asylum 1 2 3 4 5 NA

Does the judge explain that asylum applications must be filed within one year of entry into the U.S.? You'd mark agreement whether the judge says this in a group advisal or consistently in an individual advisal.

23. If asylum application has been filed, IJ took pleadings and offered merit hearing next 1 2 3 4 5 NA

24. Did anyone ask about asylum clock/work authorization? ☐ Yes ☐ No ☐ Unsure Comment: _____

The asylum clock is the time after filing an asylum application until a person can apply for a work permit. If the respondent asks for a continuance in order to seek an attorney, this "stops the clock". Some respondents know about the asylum clock and some don't and may just ask about work authorization. Some judges will answer these questions and some won't. If anyone mentions the asylum clock, or work authorization, explain what was asked and answered.

25. Tone and atmosphere in the courtroom, were observers greeted or chastised? : _____

In the current climate we are especially interested in whether respondents seem more nervous, and how they are being treated by court personnel. We are interested in how children are treated if they are present. And we want to know if the judge was welcoming, neutral, or unwelcoming to observers. Be brief.

26. Additional impressions, questions, observations, quotes: _____

Please note if there are procedural improvements or shortcomings that you note in court, this can include issues in the lobby, among other court staff or about proceedings. **If credible fear interviews were mentioned at all, please note that here, and if it was raised in the context of any of the dismissed case, please note the A# here also.** You can also use this space to elaborate on any of the questions on the form if you need additional space. Feel free to highlight a case that really stands out to you.

27. Did you complete an "enforcement" form? ☐ Yes ☐ No

If you observed ICE either outside the courtroom or inside the courtroom, please fill out an enforcement form explaining what you saw and heard even if you did not witness an arrest. If ICE agents, usually plain clothed, were in the courtroom, detail as much as you can about what they were doing and if they were communicating with anyone else inside or outside the courtroom. **If you are unsure about the presence of an ICE agent, but are aware of the judge speaking with the DHS attorney about pretermission or dismissals without respondents being present, please also complete an enforcement form.**