

**Immigration Court Observation -Competency (M-A-M) Hearing 2025/2026**

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Observer (full name): \_\_\_\_\_

1. Last 3 digits of A#: \_\_\_\_\_
2. Country of origin : \_\_\_\_\_
3. Gender:  Male  Female  Transgender/ non-binary
4. Judge:  Carr  Ivany  Mazzie  Miller  Sardelli Other: \_\_\_\_\_
5. DHS Attorney: \_\_\_\_\_  Not present
6. Was respondent represented?  No, pro se  Yes  Attorney failed to appear Atty Name: \_\_\_\_\_
7. Docket/ Location:  IHP (prison) ICE det.:  Freeborn  Kandiyohi  Unknown  Other: \_\_\_\_\_
8. Respondent's best language: \_\_\_\_\_
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: \_\_\_\_\_

**INTRODUCING PROCEEDINGS**

11. How did the judge explain the purpose of the hearing? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

12. Did the judge ask respondent for consent to have an observer present?  Yes  No  Unsure If yes, what was said? \_\_\_\_\_  
 \_\_\_\_\_

13. Did the judge mention "third party notification" (TPN)?  Yes  No  Unsure

14. Were you informed re: TPN for this case?  court observers filed  attorneys filed  unsure  no

**COMPETENCY ASSESSMENT**

15. Interview-- For each of the issues the judge might inquire about, as noted in the following grid, use the scale below to denote the respondent's ability to answer:

NA=Not asked

1= Respondent refused or unable to answer question

2= Respondent knew some but not most info, gave conflicting answers, contradicted self

3= Respondent could answer about half, or seemed clear on some but unable on others. Midway between 1 and 5

4= Respondent knew answers but had hesitation or doubt, could answer but needed questions repeated, answered questions but also gave extraneous information

5= Respondent answered questions confidently, consistently, and accurately

	1	2	3	4	5	N/A
a. Biographic data (date and place of birth, current age, when and how entered US, location of family members)						
b. Current or past medications for mental or emotional health; evaluation or treatment for mental or emotional health						
c. Respondent's education						
d. Respondent's understanding of interpreter and questions						
e. Respondent's criminal history (arrests, trials, convictions, sentences, time served)	1	2	3	4	5	N/A

f. Respondent's current situation- where and why detained, purpose of proceedings.	<input type="checkbox"/>				
g. Role of Judge and DHS, understand relief application and the principle of evidence	<input type="checkbox"/>				

16. Comment on any of the above: \_\_\_\_\_  
 \_\_\_\_\_

17. Were there other questions you think the judge should have asked?  Yes  No  Unsure

Comment: \_\_\_\_\_

18. Did DHS mention medical records they provided or requested?  Yes  No  Unsure      Comment: \_\_\_\_\_

19. Did you observe any of the following **possible** indicia (signs) of incompetence?

	Yes	No	??	N/A
a. Constant interrupting				
b. Confusion/ incoherence				
c. Inappropriate behavioral response: laughing inappropriately, angry outburst, crying uncontrollably				
d. Agitation				
e. Rambling speech, not answering questions asked				
f. Statements about mind not working report of memory lapses				
g. Respondent hung up on judge, refused to answer				
h. History of psychological evaluation, medication, treatment, hospitalization				
i. Report of documented head injury				
j. Drug or alcohol abuse history				
k. Auditory or visual hallucinations past or current				
l. Special education in school				
m. Altered state of consciousness				
n. Repeatedly asking for question to be repeated or clarified				

20. Comment on any of the above, or other signs noted: \_\_\_\_\_  
 \_\_\_\_\_

## CONCLUSION

21. Judge's decision:  Competent  Will order forensic (outside) evaluation  Will order & review medical records  
 Will issue a decision later  Incompetent- will order safeguards &/or appoint counsel  Unsure

Comment: \_\_\_\_\_

22. Were specific safeguards discussed?  Yes  No  Unsure      Comment: \_\_\_\_\_

23. Next hearing Date: \_\_\_\_\_ Time: \_\_\_\_\_  No date given

24. Additional Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_