

Human Rights Defender Project

Immigration Court Observation

Volunteer Manual



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Role Overview and General Instructions

What is the Goal of the Human Rights Defender Project Court Observations?

The purpose of court observation is to bring transparency to immigration court and to hold government agencies accountable for any human rights violations that are happening. In particular, observers pay attention to:

- Access to counsel: How many people are represented? Does representation seem adequate? What barriers to finding counsel are being expressed?
- Family and community support: Do they have support that is playing a role in their hearing?
- Access to language: Is an interpreter available for their native language? Does the interpretation seem adequate and comprehensive? Do noncitizens understand their proceedings?
- Demeanor and conduct of the Immigration Judge and Government Attorneys. Are they being thorough, fair, respectful? Do they seem to be culturally competent? Are they being attentive?
- Ability to raise defense: Can respondents adequately defend themselves? Are they giving up because of the length of detention, etc.?
- Bond: What factors are discussed pertaining to eligibility. How much was bond set at?

In addition, observers can make referrals for legal representation, and provide critical feedback to attorneys on new trends or concerns in court. The ultimate goal of this project is to improve human rights protections in our immigration court and to advocate for a more just immigration system.

Expectations for Court Observers

- All court observers must attend an orientation/training before signing up for court shifts.
- If you have not done so already, before your first shift, please watch the introductory video: <https://www.youtube.com/watch?v=p-jGRgUCG6E> and fill out the registration form at: https://www.theadvocatesforhumanrights.org/Volunteer/Immigration_Court.
- Review shift reminder emails for important updates, announcements and form revisions.
- Notify project coordinator at courtobserver@umn.edu 48 hours in advance if you can't attend your shift, emergencies excepted.
- Complete and return observation forms within two weeks of your shift.
- Regardless of professional background, participate as a lay person and refrain from giving legal or professional advice to people in the courtroom or waiting area
- Respect privacy of people appearing in court. Don't share any personal information you learn during observation.
- Agree to the code of conduct: **cell phones must be powered off**, no food or drink, enter and leave courtroom quietly, refrain from speaking with the respondent at any time, refrain from speaking with the judge, guards, attorneys during proceedings, leave courtroom with all belongings as directed for closed hearing or to allow family members to enter, identify self as a court observer if asked.
- Adhere to the principle of non-intervention in the judicial process. Do not engage with the court regarding the merits of an individual case and do not attempt to influence outcomes through informal channels.
- Adhere to principle of objectivity. Endeavor to report on proceedings accurately.
- Dress respectfully: no T-shirts with slogans, no bare midriffs, no torn jeans.

Before Your Shift

- Please read the reminder email carefully, it may contain updates and special instructions.
- Please review instructions and forms, so you are familiar with the role and expectations as well as the format, content, and meaning of the observation form.
- Print copies of the Immigration Court Observation Form for the type of hearing you signed up for- mastercalendar/bond, or Merits. You'll need approx. 7-8 copies per 1 ½ hr shift for master calendar

hearings, one for merits. If you do not have access to a printer, you may use the observation form as a point of reference and answer the questions on another piece of paper and type your forms afterwards.

- If you have any question as to whether court will be cancelled due to inclement weather, you may check the EOIR (immigration Court) [Twitter](https://twitter.com/doj_eoir) page: https://twitter.com/doj_eoir. EOIR will refer to the Whipple Building site as the "Fort Snelling Immigration Court." You may also call the Fort Snelling Court weather hotline which operates during winter months: 612-713-7622. If court is closed due to weather a message will be posted by 5:30 AM.

What to Do When You Get There

- **General**
- This is an unsupervised volunteer project, there are typically two volunteer observers for this project during a shift, there may be three if a new volunteer is being mentored.
- **During waiting time**
 - Look for the docket- the list of cases being heard for each courtroom. Detained hearings are almost always in Courtroom 5. IHP hearings are typically in Courtroom 2, these are hearings for people going through deportation proceedings while serving sentences for convictions. Non detained hearings are typically in courtrooms 1- 4. The dockets are posted on the wall in the courtroom lobby. It lists individuals who have hearings that day and the type of hearings. It may be helpful to write down names, A#'s (the last three digits of a 9 digit identifier), language, country of origin, and attorney, if any. A blank docket is emailed to you for this purpose, should you wish to use it. This will make it easier for you to identify each particular case you hear in court, as the information is often said quietly and quickly.
 - Typically all morning cases for the detained docket, Courtroom 5, will be listed at 8:30 (unless court is scheduled to start late), and all afternoon cases are typically listed at 1:30. The order of the hearings do not follow order of the docket. Typically cases with legal representation are heard first. For video appearances, the judge will typically do all hearings at one detention facility before connecting to the next. Morning cases may finish before noon and it is not uncommon for afternoon cases to finish before 4:00. We have no way of knowing when court will end early, so we apologize in advance if you arrive for a shift and the cases are already finished.
 - If you are observing the master calendar non-detained docket, note that every individual is listed, but family cases will be heard together. The dockets are long. You do not need to copy the docket. You will not be documenting individual cases.
 - IHP hearings are scheduled every 30 minutes, the schedule may start at 8:00, 8:30 or 9:00. there may be time between each hearing.
 - Please note that electronic devices usage (e.g. cell phone, computer) is not allowed in the courtroom area, including the waiting room, except for attorneys. **You are not allowed to photograph the posted dockets.**
- **During observation**
 - Please wear your *Human Rights Court Observer* lanyard. If you don't receive one from another observer during your first shift, please email the project coordinator at courtobserver@umn.edu to have one mailed to you.
 - If you are volunteering for your first shift, please check the "this is my first shift" box at the top of each observation form. **You will complete an observation form for each hearing even during your first mentored shift.**
 - Fill out as much of the observation form as possible when listening in on hearings. Do your best to answer all of the questions, even when the response is "not discussed" or "unknown". This is the only way we know what did and did not happen.
 - You will complete a form for every hearing during your shift, no matter how short, even hearings that can't move forward because an interpreter can't be found, or cases that are quickly rescheduled to allow the respondent to find an attorney. These are important due process issues that we can only track if observers document them.

- Please print legibly if you don't plan to type out your forms later. Do your best not to write to the edges of your paper, this makes scanning for data entry very difficult. You may attach an additional sheet of paper with additional notes when submitting your forms.
- The observation form(s) should **not** include personal confidential information from the hearing. Unless directed otherwise, please note the last three digits of the individual's A#, instead of their full name or A#. If you only have the docket number, we can use that to look up the last three of the A#. Do your best to get both the A# and Country Code for each respondent. Referring to the docket at the end of your shift will help you fill in missing information. Make sure the A# is on the front and back of every page.
- If you are observing a merits hearing (akin to the trial), the judge will ask the respondent to grant consent to have observers present. This is true even if an attorney has already consented. If the respondent is concerned about their sensitive information being discussed, you may be asked to leave, we respect the respondents' autonomy to make this decision.
- You will not be interacting with respondents, attorneys, or judges during the hearings. Please remain quiet during the hearings, as they are recorded.
- You may sit anywhere in the observation section that there is an open seat. Because courtroom seating is very limited, at times court staff may ask observers to give up their seat in order to accommodate family members, you can wait in the waiting area and go back in when a seat opens up. You may also be asked to leave the courtroom for a closed hearing. Wait in the waiting room until the guard indicates you can return to the courtroom. Also, when space is limited, EOIR's policy is for media representatives to have priority over the general public.
- If court runs late and you are the last shift, you are encouraged to stay until all cases are completed, but you may leave at the end of your scheduled time if you are unable to stay.
- If you have any concerns about the hearings that you observed, please include that in the notes section of the form, this is often the most informative part of the form.
- **What Should I Say if Someone from the Court Asks Who I Am?**
 - You can let them know that you are a court observer with the Immigration Court Observation Project.

After the observation

- Quietly step out of the courtroom when your shift is complete. It is preferable, if possible, to wait until a hearing is completed rather than leaving mid-hearing.
- It is very helpful to review the Annotated Observation Form, contained in this manual after your shift. Make sure you review the annotated form that matches the docket you observed (detained, non-detained, and merits). The annotated forms will help clarify what you observed and understand definitions and the information we are seeking on the observation form.
- **Completed your observation forms and submit them promptly- no later than 2 weeks after your shift.** Make sure each form has your full name and the complete date- day, month, year. **Email** them to the project coordinator at: courtobserver@umn.edu or **mail** them to: Amy Lange, The Advocates for Human Rights, 330 2nd Ave S, Suite 800, Minneapolis, MN 55401.
- Experienced observers are welcome to enter their own observations in the online database. Contact the project coordinator for training and instructions: courtobserver@umn.edu.
- If you observe a uniquely troubling case that you feel warrants a referral to an attorney, or a formal complaint against a judge, please email: hearing date, A#, country of origin, detention location if known, and relevant notes to courtobserver@umn.edu as soon as possible with an explanation of your concern. Please understand that with limited resources, not all of these will be actionable.
- Observing can be very emotional or upsetting; please feel free to contact the project coordinator if you wish to discuss your experience. You may do this any time: courtobserver@umn.edu.
- If you have questions about the project, suggestions for improvement, or requests for training please contact courtobserver@umn.edu.

Additional Resources

Court observation forms, resource materials, and more can be found on The Advocates for Human Rights [website](https://www.theadvocatesforhumanrights.org/Immigration_Court), under the Immigration Court Observation Tab:
https://www.theadvocatesforhumanrights.org/Immigration_Court

For any questions or concerns regarding the Fort Snelling Immigration Court operations, procedures, staff or public access – please ask to speak with the Court Administrator at the lobby window.

Directions to Immigration Court at Fort Snelling

Immigration Court is held in the

Bishop Whipple Federal Building, 1 Federal Drive, Fort Snelling, Minnesota 55111.

To get there:

Light rail

1. The blue Line Fort Snelling Station stops directly across from the Bishop Whipple Federal Building. Walk across the parking lot to the building's main entrance.

Car

1. Take highway 62/55 and exit at Bloomington Road.
2. Follow the signs for the Federal Building. Google Maps is also accurate for directions.
3. Parking
 - a. Free visitor parking is available adjacent to the federal building. With 5 courtrooms now in operation, the lot fills early, though it empties out as the morning or afternoon wears on. If the lot is full you can park in the Metro Transit Park & Ride
 - i. A valid driver's license is required to be shown for all vehicles entering the federal building parking lot.
 - ii. Guards ask all entrants why they are there. You can tell them that you are there for immigration court.
 - iii. If you do not have a driver's license, insurance, or registration on the vehicle, play it safe and do not park in the visitor lot. You no longer need identification in order to enter the building.
 - b. The Park & Ride South Lot is south of the federal building on Minnehaha Ave.
 - i. It is marked as Blue Line metro transit Park & Ride.



Entering the Building

1. Proper identification
 - a. U.S./state government ID preferred, but other photo IDs such as foreign passports, consular IDs will also be accepted with documentation of permission to be in the U.S. You will be asked to show ID at the guard booth if you drive. You may or may not be asked to show ID inside the building.
2. No prohibited items
 - a. Ex: lighters, firearms, pepper spray, pocketknives, box cutters, matches, razor blades, chains in excess of 12", etc.
 - b. Possession of a firearm in a federal building is a federal offense.
3. Security
 - a. You must go through a security checkpoint, one person at a time.
 - b. Checkpoint includes magnetometer and x-ray machine.
 - c. Remove belts, watches and items from pockets. Electronics need to go in bin.
 - d. You may need to take off your shoes.

- e. Beverages are allowed through security but not in the courtroom.



Federal building where immigration court is located. Photo courtesy of www.qsa.gov

Locating Immigration Court

1. The courtrooms are on the 1st floor. After going through security, take a left before the elevator bank. Walk down the hall; the court waiting room is the last door on the left.
2. The dockets will be posted on the wall, behind plexiglass, on the left wall when you walk in. They are labeled by Courtroom and Judge. Your reminder email will note which docket to look for and which courtroom you will be observing in. If you are unsure you can ask the security guard where the detainee hearings are taking place.
3. The courtrooms are in a hallway at the far side of the L shaped waiting room.
4. Walk in quietly to start the observations. No one is allowed to stand. If courtroom seating is full, you'll need to return to the waiting room until people leave. You will hear best if you sit in the front row.

General Tips

1. Arrive early to get through security.
2. Do not bring anything more into the building than necessary.
3. Bring a driver's license or identity document.
4. Business casual attire is preferred. The courtroom tends to be cold, so dress accordingly.
5. Do not use your electronic devices (e.g. cell phone, computer) in the courtroom, as it is not allowed except for attorneys.
6. There are bathrooms in the outer hallway and a cafeteria on the lower level if you need a break.

Diagram of Court

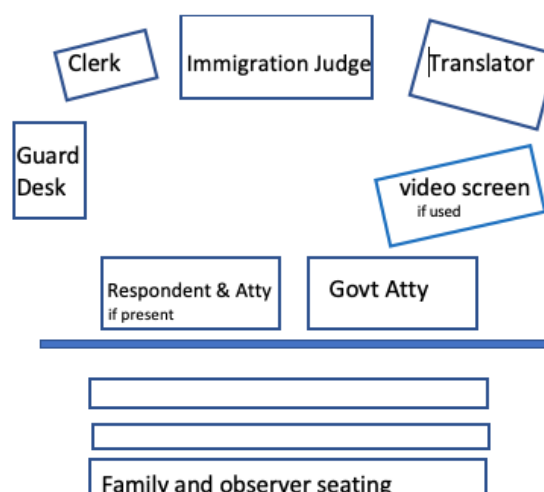
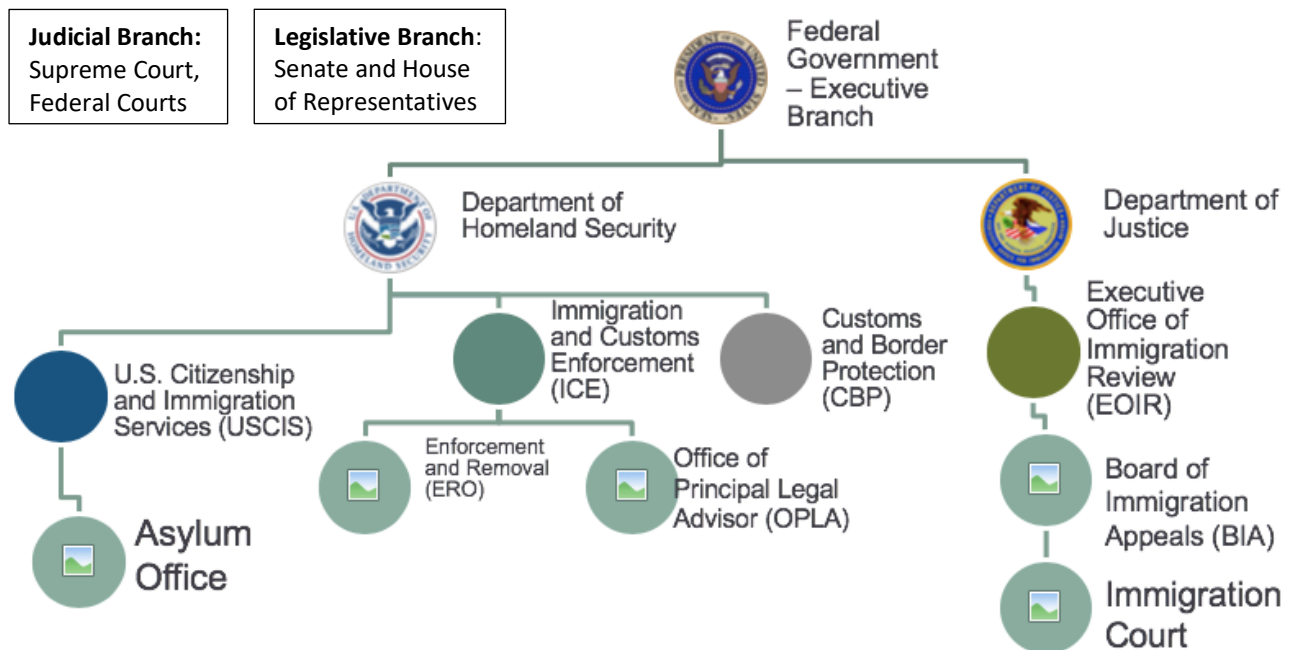


Diagram of Immigration Enforcement



Basic Overview of Court Proceedings

This project observes hearings for noncitizens in removal proceedings at the Fort Snelling Immigration Court. Most of the respondents (noncitizens) we see in court live in MN/ ND and SD. We observe removal proceedings for noncitizens being held in ICE detention, serving prison sentences (IHP hearings-Insitutional Hearing Program) and some hearings for those who are not detained. We observe 3 types of hearings: master calendar hearings (preliminary procedural hearings), bond (custody) hearings, and merits hearings (also known as individual or final hearings).

The court process starts when ICE issues a Notice To Appear (NTA) to a noncitizen. The NTA is a document that ICE issues to start deportation proceedings.

The Notice To Appear (NTA) contains allegations against the immigrant:

- They are not a citizen of the U.S.
- They are a citizen of another (named) country
- It will note where and when they entered the U.S., if known, or state that it is unknown

and

- They entered illegally, or they entered legally but violated the terms (like overstaying a visa).

or

- They have authorization to be here but have committed crimes which make them deportable

The NTA then lists the relevant statute and charges the immigrant with being deportable.

People end up in ICE detention a variety of ways. It is not uncommon that someone is stopped for a traffic violation, and police notify ICE who then take the person into custody. It is also quite common that police or sheriff deputies in a municipality contact ICE when an undocumented immigrant is being released from custody, whether or not that person has been formally charged with a crime. We typically do not learn the manner of arrest when we observe a detained hearing. Sometimes removal proceedings are initiated for people who are serving sentences in prison for criminal convictions (see IHP above). Not everyone detained is eligible for a hearing before an immigration judge, and many people in removal proceedings are not in detention.

Once detained, someone can be released with ankle monitoring, released with periodic ICE check-ins, released on a bond, with or without ankle monitoring, or held until the conclusion of their case. If ICE doesn't release a person, or if ICE sets a bond that is too high, a detainee can request a bond hearing in front of an Immigration Judge. This is typically referred to as a custody redetermination. We observe and document custody (bond) hearings in court.

To be granted a bond, a person must first show that they are eligible for bond. This involves determining that they haven't committed a crime that makes them subject to mandatory detention or that they are not considered an "arriving alien", also subject to mandatory detention. They must prove that they are not a danger to society which involves reviewing any criminal history-- arrests, charges and convictions. If they are deemed not a danger to society, they must prove they are not a flight risk. This usually requires showing at least some of the following: stable housing, stable employment, family in the US, and / or community ties. If the Judge grants a bond, the amount is supposed to mitigate flight risk. If a bond is granted and the person is able to pay the bond, they are released from ICE custody and their case moved to the non-detained docket. Both the detainee and the prosecuting attorney (government attorney aka DHS counsel) have a right to appeal the judge's bond decision.

The first removal (deportation) hearing may or may not occur on the same day as the bond hearing. At the first removal hearing, If the respondent (noncitizen) doesn't have an attorney, they are often just given a continuance to find an attorney. A person in deportation proceedings must hire their own attorney. There is no public defender type system in immigration court.

At the next hearing, they will do **Pleadings**--responding to the allegations in the NTA and conceding the change of removability. Pleadings appear differently if someone has an attorney vs. if they are representing themselves (this is called being pro se). Each allegation is read and responded to individually if someone is pro se. If there is an attorney, they will speak on behalf of the detainee, and each allegation will not be read. During pleadings, some people may refute the charge of removability, claiming their criminal history doesn't make them removable, or even that proceedings should be terminated because they are a citizen.

Once someone concedes that they are removable, the court, or the respondent's attorney if they have one, determines whether the immigrant has any avenue to apply for relief, as in relief from deportation. Different modes of relief have different eligibility criteria. Judges screen pro se individuals by asking a series of questions about family ties, length of time in U.S., fears of return to home country and whether they've been a crime victim.

The remainder of the master calendar hearings that volunteers observe, deal with receiving and submitting applications for relief and providing supporting evidence. The final hearing, is known as an individual hearing or merits hearing. This is where the case is presented-- testimony is given, witnesses, if any, are called, evidence is reviewed and the judge makes a final determination whether or not to grant relief. Both the immigrant and the government attorney have a right to appeal the judge's finding in the case.

Even at master calendar hearings we do witness people being ordered removed (deported), especially if they are being detained. Because detention is so unpleasant and the process of applying for relief so difficult from detention (communication with the outside is challenging and expensive), many people give up and ask to be deported. It also happens that people have no avenue for relief, meaning they wouldn't qualify for Cancellation of Removal, Adjustment of Status, Asylum etc., so they get a removal order (deportation) without ever submitting an application for relief.

Sometimes if a person doesn't have any avenue for relief that enables them to stay in the U.S. they can receive a form of relief called Voluntary Departure. To receive Voluntary Departure, one needs to not have committed or been charged with a serious criminal offense. The benefit of Voluntary Departure is that the person doesn't have a deportation on their record. Returning unauthorized to the U.S. after deportation can be charged a felony. In contrast, crossing the border illegally is a misdemeanor and being present in the U.S. without authorization is a civil offense. The downside of Voluntary Departure is that one pays one's own airfare, and one must have appropriate travel documents (like passport).

Sample Notice to Appear (NTA)

Immigration and Naturalization Service

Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act:

File No: _____

In the Matter of:

Respondent: _____

currently residing at: _____

(Number, street, city, state and ZIP code)

(Area code and phone number)

1. You are an arriving alien.
2. You are an alien present in the United States who has not been admitted or paroled.
3. You have been admitted to the United States, but are deportable for the reasons stated below.

The Service alleges that:

- 1) You are not a citizen or national of the United States.
- 2) You are a native of _____ and a citizen of _____.
- 3) You were admitted to the United States at _____ on or about _____ as a nonimmigrant _____ with authorization to remain in the United States for a temporary period not to exceed _____.
- 4) You remained in the United States beyond _____ without authorization.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

Section 237 (a) (1) (B) of the Immigration and Nationality Act (Act), as amended, in that after admission as a nonimmigrant under Section 101(a) (15) of the Act, you have remained in the United States for a time longer than permitted.

This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

Section 235(b)(1) order was vacated pursuant to: 8 CFR 208.30(f)(2) 8 CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

(Complete Address of Immigration Court, including Room Number, if any)

on _____ at _____ to show why you should not be removed from the United States based on
(Date) (Time)
the charge(s) set forth above.

(Signature and Title of Issuing Officer)

Date: _____

(City and State)

See reverse for important information

Form I-862 (Rev. 3/02/99) [N]

References and Glossary

Types of Hearings That You Might Observe

- Bond Hearings (BRMV) – also known as custody hearings, to determine whether to release a person on bond or to keep a person in detention.
- Master Calendar Removal Hearings (IRMV and ARMV) – short procedural hearings to determine removability, to determine possible avenues for deportation relief, file applications and evidence and address other preliminary issues, sometimes done in a group
- Individual Removal Hearings (ARMV) – also known as merits hearings, the trial on merits of applications for relief, usually scheduled for several hours (**respondent must consent to observers being present**)
- IHP hearings- The Institutional Hearing Program conducts removal hearings for people serving sentences in prison for criminal convictions. Hearings may be Master Calendar hearings or Individual Merits hearings.
- Initial Withholding (IWHO)-initial hearing on eligibility for Withholding of Removal claim.
- If you see a hearing listed without the person’s name printed – it is **closed to the public**.
- Credible Fear Review Proceedings (CFR) – review of a negative determination from a credible fear interview used to determine asylum eligibility, usually take place when seeking entry into the country (**usually closed to the public**)
- Reasonable Fear Review Proceedings (RFR) – review of a negative determination from a reasonable fear interview used to determine eligibility for withholding of removal, usually take place when seeking reentry after a prior deportation (**usually closed to the public**)

Most Common Country Codes – When possible write 2 digit code, and country name on your form

BM- Burma

BR- Brazil

BT- Bhutan

BY- Burundi

CB- Cambodia

CH- China

CM- Cameroon

CO- Colombia

CU- Cuba

DR- Dominican Republic

EC- Ecuador

ES- El Salvador

ER- Eritrea

ET- Ethiopia

GH- Ghana

GT- Guatemala

HO- Honduras

IN- India

KE- Kenya

KZ- Kazakhstan

LA- Laos

LI- Liberia

MX- Mexico

NI- Nigeria

NU- Nicaragua

PK- Pakistan

RU- Russia

SO- Somalia

SU- Sudan

VE- Venezuela

VM- Vietnam

XS- South Sudan

ZA- Zambia

List of Government Attorneys

Cassandra Bly

Courtney Campbell

Diane Dodd

Anna Donnell

Mariam Elrashidi

Darrin Hetfield

Madeline Jack

Ken Knapp

Kathryn McDonald

Luke Nelson

Daniel Pornschloegl

Laura Trosen

Nicole Wells

Amy Zaske

Glossary, Forms, And Abbreviations

Abbreviation or Form	Full Name	Description
42A	Cancellation of Removal- Legal permanent resident	Application for relief for legal permanent residents in deportation proceedings before an Immigration Judge. Convictions for certain crimes is a common way that LPRs can become deportable. To get cancellation, person must 1. be LPR for at least 5 years 2. been in US Continually for 7 years. 3. No aggravated felony. 4. Never gotten cancellation before. 5. Convince judge that your positive attributes outweigh the negative. If granted, immigrant keeps their green card.
42B	Cancellation of removal- non legal permanent resident	Application for relief for non-legal permanent residents in deportation proceedings before an Immigration Judge. Very hard to get. Requirements: 1. lived continuously in United States for at least 10 years. 2. You have been a person of good moral character 3. You haven't been convicted of crimes that would render you inadmissible or deportable. 4. Your possible deportation would cause " <u>exceptional and extremely unusual hardship</u> " to your lawful permanent resident or U.S. citizen spouse, child or parent. Persons who are victims of abuse in US by US citizen or legal permanent resident spouse or parent can are also eligible to apply for cancellation of removal. If granted, the immigrant is eligible for a green card from USCIS.
Adjustment of Status	Adjustment of status to Legal Permanent Resident	Application to get a green card. This is filed on an I-485 application. These can be adjudicated by USCIS or EOIR (by Immigration Judges, for detainees in removal proceedings). See I-485 in glossary
Asylum	Application for asylum	May only apply for asylum if one is already physically present in the United States. Must apply for asylum within one year of arrival in the United States, unless there are changed circumstances that materially affect eligibility for asylum or extraordinary circumstances directly related to one's failure to file within one year. Must prove persecution based on race, religion, social group, nationality, political opinion. Asylum does offer path to citizenship.
B-2	Tourist Visa application	
BIA	Board of Immigration Appeals	The Board of Immigration Appeals (BIA) is the highest administrative body for interpreting and applying immigration laws. Generally, the BIA does not conduct courtroom proceedings - it decides appeals by conducting a "paper review" of cases. The majority of appeals reaching the BIA involve orders of removal and applications for relief from removal.
Biometrics	Bioetrics	The collection of biometrics is required for those gaining lawful immigration status. It includes the taking of photographs, fingerprints and signatures. The US is beginning to collect more biometric information on migrants- such as iris scans and using facial recognition softward, raising privacy and surveillance concerns.

CAT	Relief under the Convention Against Torture	CAT, is an extremely rare grant of protection from deportation for individuals who fear torture in their home country. To qualify, an applicant must demonstrate a clear probability (more than a 50% chance) that they will be tortured either directly by or with the acquiescence of the government of their country of origin. Certain individuals are legally ineligible for both asylum with withholding of removal, so relief under the Convention against Torture (“CAT”) is the only chance they have of remaining in U.S. Usually this occurs when person has been convicted of a “particularly serious crime”. Almost all people who qualify only for CAT are subject to mandatory detention during the course of their removal proceedings.
CFR	Credible Fear Review	If someone is in expedited removal proceedings and expressed fear persecution or torture, he/she will be given a credible fear interview with an asylum officer. If the asylum officer finds the person has a credible fear, person will be referred to an IJ for a full hearing. If the asylum officer does not find him/her to have a credible fear, he/she can request a credible fear review with the IJ.
Charging Document	Charging document	A charging document is a pleading that initiates criminal charges against a defendant. It—not arrest—signifies the commencement of a criminal case. Complaints, informations, and indictments are charging documents.
CIS	U.S. Citizenship and Immigration Services	USCIS is a component of the United States Department of Homeland Security (DHS).
Custody Hearing	Bond Hearing	A hearing to determine whether someone can be released on bond or is ineligible, either because criminal or arrival history, or previous deportation order makes someone subject to mandatory detention, or because a judge determines the person is a danger to society.
DACA	Deferred Action on Childhood Arrivals	DACA is Deferred Action on Childhood Arrivals, an executive action by the Obama administration in 2012 The protection lasts for two years, and is renewable. It allowed recipients to get work permits, driver’s licenses, and have access to in-state tuition and employer based health care from their employers. It doesn’t offer a path to citizenship.
de novo	anew, from the beginning	When a court hears a case de novo, it is deciding the issues without reference to any legal conclusion or assumption made by the previous court to hear the case.
DHS	Department of Homeland Security	Numerous agencies are directed by the department of homeland security including USCIS (US Citizenship and Immigration services), CBP (US customs and boarder Protection), ICE (US Immigration and Customs Enforcement)
Dismissal	Also referred to as termination	A case can be dismissed or terminated for several reasons, a finding that a Legal permanent resident’s criminal conviction is not a deportable defense, a finding that someone in removal proceedings is a US citizen, or as a result of prosecutorial discretion, meaning ICE drops a case. With the exception of finding someone is a US citizen, dismissal doesn’t guarantee they won’t be placed back in removal proceedings in the future.

EAD	Employment Authorization Document	Commonly known as a work permit
EOIR	Executive Office for Immigration Review	An agency within Department of Justice. EOIR’s immigration judges conduct administrative court proceedings in immigration courts (such as in the Whipple building). They determine whether foreign-born individuals — who are charged by DHS with violating immigration law — should be ordered removed from U.S. or be granted relief from removal and be permitted to remain in the country.
ER	Expedited Removal	“Expedited removal” refers to the legal authority given to even low-level immigration officers to order the deportation of immigrants who arrive at the border, or are found within 14 days of arrival within 100 miles of the Mexican or Canadian border—without any of the due-process protections granted to most other people—such as the right to an attorney and to a hearing before a judge.
ERO	Enforcement and Removal Operations	Enforcement arm of ICE. Identify, arrest and remove immigrants who are in US illegally or found removable. They have the heinous hotline so people can call and report people suspected of being undocumented.
EWI	Entered without inspection	Enter the US without a visa / aren’t paroled in at border crossing. These people would be considered “undocumented”, but there are other ways to be in the U.S. without status, including those whose permission has expired or who have otherwise fallen out of legal status.
F-1	Student Visa	
Habeas Petition	Habeas Corpus petition, or Petition for a Writ of habeas Corpus	In the context we hear in immigration court most often refers to an immigrant having the right to file a habeas petition in federal district court if they are still detained six months after their deportation order. This can occur, for instance, when a person has been ordered deported but their country of origin will not issue travel papers, or when there isn’t proof a detainee is a citizen of the country they are to be deported to. In hearing the petition a federal judge can order continued detention, a bond hearing or release from ICE detention. (see also “writ” in glossary)
H-1B visa	Workers in specialty occupations- temporary visas	Allows companies in the United States to temporarily employ foreign workers in occupations that require the theoretical and practical application of a body of highly specialized knowledge and education. There is a cap on number of H1-B visas granted.
H-2A visa	Temporary visa for seasonal agricultural workers	temporary visa category
H-2B visa	Temporary visa for non-agricultural workers	temporary visa category
I-130	Petition for Alien Relative	This is the application filed to establish that a valid family relationship exists between a U.S. citizen or legal permanent resident and a person seeking a green card. Example a U.S. citizen married to a non-citizen files this so their spouse can get a green

		card. This is filed before USCIS- not the EOIR (Executive office of immigration review). The immigration judges we observe have no authority to grant or deny I-130s. The filing fee for I-130 is \$535. The approval process takes 5-12 months for immediate relatives and can take several years for other family preference categories.
I-213	Record of Deportable/ Inadmissible Alien	A form that arresting officer completes regarding a person's personal information and immigration record (including past apprehensions and removals) prior to being placed in removal proceedings before an Immigration Judge. Includes photo, fingerprints
I-360	Petition for Amerasian, Widow(er) or Special immigrant	A petition to USCIS for status under a range of unique classifications including physician, religious worker and a juvenile who is declared dependent on a juvenile court.
I-485	Adjustment of status	Adjustment of status is the process to apply for lawful permanent resident status (also known as applying for a Green Card) when already present in the United States. Usually requires an eligible person filing a petition on immigrants behalf. A person can adjust based on different grounds such as being a victim of abuse or trafficking or having a qualifying citizen relative. Fee is \$1140 for filing and \$85 for biometrics.
I-589	Application for Asylum, Withholding of Removal and CAT (Convention against Torture)	Same application is used for asylum, withholding of removal and Conventions against Torture. See individual listings for more information.
I-751	Petition to remove conditions on residence	This application is submitted to USCIS (not EOIR), by a conditional permanent resident who obtained status through marriage, and wants to remove the conditions on his or her residence. The conditional resident status is valid for two years. If a petition to remove conditions is not filed, the person can lose lawful status.
I-862	Notice to Appear	Dept of Homeland Security submits this to court and respondent, stating why a person is deportable: came without permission, overstayed a visa or committed certain crimes.
ICE	Immigration and Customs Enforcement	U.S. Immigration and Customs Enforcement (ICE) enforces federal laws governing border control, customs, trade and immigration to promote homeland security and public safety. ICE is one of the Departments of the Department of Homeland Security.
IHP	Institutional Hearing Program- also known as Institutional Remval Program	IHP is program where immigration judges conduct removal proceedings for noncitizens serving criminal sentences in state and federal prisons. The project greatly expanded during the Trump administration, and commenced in MN in 2020
I J	Immigration Judge	Immigration Judges are not actual judges in the judicial branch of government. They are civil servants in the Department of Justice, part of the executive branch. They do not receive lifetime appointments, but do receive tenure. They must be attorneys with several years of experience.
ISAP	Intensive Supervision Appearance Program	Release program requiring a home monitoring ankle bracelet

Joseph Hearing	Joseph Hearing	This is a bond hearing where a legal permanent resident in immigration detention puts forth and defends evidence and argument that he/she should not be subject to mandatory detention based on criminal convictions, (crimes of moral turpitude and/or aggravated felonies).
LPR	Lawful (legal) permanent resident	This is what is commonly referred to as a green card holder.
N-400	Application for certificate of Citizenship	
NCIC	National Crime Information Center	An electronic clearinghouse of crime data that can be tapped into by virtually every criminal justice agency nationwide, 24 hours a day, 365 days a year.
NTA	Notice to Appear	Dept of Homeland Security submits this to court and respondent, stating why a person is deportable: came without permission, overstayed a visa or committed certain crimes. This initiates the removal hearing process. Responding to the allegations and argue in a notice to appear is the process called pleadings.
Padilla case or Padilla precedent	Supreme Court Case Padilla Vs Kentucky	Supreme Court Case <i>Padilla v. Commonwealth of Kentucky</i> , (2010), United States Supreme Court decided that criminal defense attorneys must advise noncitizen clients about the deportation risks of a guilty plea. Attorneys must give their clients some advice about deportation: counsel cannot remain silent about immigration.
PLEADINGS	Pleadings	During an initial removal hearing, respondent (or attorney on behalf of respondent) will be asked to admit or deny the factual allegations in the Notice to Appear and concede or deny the charge of removability- this is called pleadings. If pro se, the judge typically does not state that this process is "pleadings". The respondent gets sworn in (raises right hand & swears to tell the truth), and will be asked to respond to each allegation individually (is not a US citizen, is a citizen of another country, entered at such and such a time and place, is here without permission etc. OR is here with permission but committed certain crimes), and concede the government's charge of being deportable. If detainee has an attorney, the judge will ask if attorney is ready for pleadings. The individual allegations will not be read, rather the attorney will state that they admit the factual allegations 1 thru x, and concede or deny the charge of removability. Pleadings must take place before someone can seek relief from deportation. If during an initial hearing the respondent asks for continuance to seek an attorney pleadings won't happen until a subsequent hearing.
Pro Se	Pro se - for oneself	Representing self in court- speaking on one's own behalf without legal representation.
Reinstatement	Reinstatement of removal	A removal order/ procedure that applies to noncitizens who return to the US without authorization after having been removed under a prior deportation order. Reinstatement order can be issued against non citizens who have been living in the US for many years.

		A person does not automatically get judicial review of reinstatement orders (can be removed without a court hearing)
Relief	Relief from deportation	Various avenues exist for relief: asylum, withholding of removal, cancellation of removal, adjustment of status, voluntary departure.
Remand	Remand	A case is returned to the immigration judge, after an appeal, for reconsideration or to apply a ruling or legal determination by the Board of Immigration Appeals or appellate court.
Removal order	Removal order Removal=Deportation	Order for deportation. Someone may be ordered deported after losing their case, after appealing and losing the appeal, or anytime during the process if they give up and ask to be deported. A deportation/ removal order, even when requested by the detainee, is not voluntary departure. Returning to US without authorization, within a stated number of years (usually 10) after a deportation order is a felony.
Reopen	Reopen or Reconsideration	A motion to have a new hearing after a final removal order (reopen a completed case). The motion to reopen could be based on a change of facts, new evidence, or errors in law as originally applied, which would have had significant impact on original decision if they had been available at the time.
Respondent	Respondent	Legal term for Immigrant appearing in court. We use the word detainee in our documentation, as we observe detained hearings
RFR	Reasonable Fear Review	Immigration and Customs Enforcement (ICE) may not remove individuals to a country where they are “more likely than not” going to be persecuted or tortured. If a person was removed before and expresses a fear of persecution or torture, ICE must refer their case to an asylum officer for a reasonable fear interview. If determined there is a reasonable fear, a person may seek withholding of removal or deferral of removal before an IJ. If determined there is not a reasonable fear, the person can request the IJ to conduct a reasonable fear review.
ROA	Register of Action	Registers of Actions will show the charges, what were dismissed, what was pled to, and what the sentence ultimately was for the defendant.
SIJS	Special Immigrant Juvenile Status	A form of protection granted by USCIS to immigrant children under age 21 who have been abused, abandoned or neglected by a parent. Applicable only to those who have sought remedy through state court or are in custody of a state agency. Those given SIJ classification may qualify for legal permanent residency (green card)
Status Docket	Placing a case on the status docket	Immigration Judges (EOIR) may place a case on the status docket, effectively giving a removal case a continuance until USCIS rules on a pending application or petition. Cases in which an unaccompanied minor has a pending asylum application before USCIS shall be placed on the status docket in Immigration court until USCIS adjudicates the asylum application.

T-Visa	T-Visa	T nonimmigrant status is a temporary immigration benefit that enables certain victims of a severe form of human trafficking to remain in the United States for up to 4 years if they have assisted law enforcement. T nonimmigrant status is also available for certain qualifying family members of trafficking victims.
Termination	Termination of Removal	This terminates a removal case and allows person to stay.
TPS	Temporary Protected Status	Temporary protected status is a temporary status given to eligible people of designated countries that are affected by armed conflict or natural disaster. The status allows people to live and work in the US for a limited amount of time. Trump has been terminating these programs despite the fact that some people have been in the US over 20 years.
U visa	U-Visa	The U nonimmigrant status (U visa) is set aside for victims of certain crimes who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity. There is a cap of 10,000 u-visas granted per year. When cap is reached, people are placed on waiting list and are granted deferred action or parole.
Under safeguards		Term used when granted voluntary departure, but rather than being released on bond or intensive home monitoring, in order to wrap up your affairs, you are kept in detention and transported to the airport by ICE, to make sure that you leave the country.
USCIS	U.S. Citizenship and Immigration Services	USCIS is a component of the United States Department of Homeland Security (DHS).
Voluntary departure	Voluntary Departure	Voluntary departure is a form of relief. It permits a non-citizen to depart the United States without an order of removal (deportation) on his or her record. This has a number of benefits over deportation. Most importantly, it means that unauthorized return to US is not subject to felony prosecution as it is after a deportation. Voluntary departure carries with it a deadline of either 60 days or 120 days which allows person time to close bank accounts, terminate leases, sell real estate and personal property, say goodbye, and make future arrangements. (if they are not detained. A person granted voluntary departure must pay for their plane ticket back to country of origin.
Waiver	Waiver of inadmissibility	This is the most common waiver referred to in Immigration court. A waiver is like a pardon. If granted, a waiver can allow you to apply for immigration status despite an infraction that would otherwise make you ineligible. Some waivers are automatic, and some are discretionary.

WOR	Withholding of Removal	Withholding of removal is a form of relief issued by an immigration judge to a person who demonstrates more than a 50% chance that they will be persecuted in their home country on account of their race, religion, nationality, membership in a particular social group, or political opinion. Unlike with asylum, a person granted withholding of removal has no pathway to a green card or to U.S. citizenship. A person granted withholding of removal cannot travel outside of the United States (it's considered self-deportation).
Writ	Being out on a writ	In context of immigration court, it is an order from the state court judge to the jail that is holding the person, to produce them for a hearing in criminal court; as a result, the person is moved from ICE custody to the county jail where the criminal case is pending, until the criminal court judge allows their release back to ICE. Technically a writ of habeas corpus ad prosequendum.

All of these resources, and more can be found on the **Immigration Court Observation Project** page of The Advocates For Human Rights: https://www.theadvocatesforhumanrights.org/Volunteer_Portal/Immigration_Court

Sample Docket

UJ Hearing Calendar-Posted to the Public- Detainee

Judge First Last
From Date to Date

In Person-Courtroom 5

Hearing Date

Start Time	End Time	#	H	Loc	Alien Name	A-Number	H/C Type	T/V Adj	Nat	Ogt- In	Alien Reprs	Lan
9:00	9:30	1	BLD	Last, first	xxx-xxx-784	ARMV NA	MX	NA	MX	Y		SP
9:00	9:30	2	BLD	Last, first	xxx-xxx-155	ARMV NA	HO	NA	HO			SP
9:00	9:30	3	BLD	Last, first	xxx-xxx-296	IRMV NA	ES	NA	ES			SP
9:00	9:30	4	BLD	Last, first	xxx-xxx-334	IRMV NA	MX	NA	MX		Hunter, Kim (CY)	SP
9:00	9:30	5	BLD	Last, first	xxx-xxx-078	ARMV NA	SO	NA	SO			ENG
9:00	9:30	6	BLD	Last, first	xxx-xxx-251	BRMV NA	MX	NA	MX		Nestor, Bruce	SP
9:00	9:30	7	BLD	Last, first	xxx-xxx-442	ARMV NA	GT	NA	GT		Metelska, Magdalena	ENG
1:00	1:30	8	BLD	Last, first	xxx-xxx-182	ARMV NA	NI	NA	NI		Wilson, David (CY)	SP
1:00	1:30	9	BLD	Last, first	xxx-xxx-929	ARMV NA	MX	NA	MX		Anderson, Thomas III	ENG
1:00	1:30	10	BLD	Last, first	xxx-xxx-085	ARMV NA	LI	NA	LI		Trafton, Maria (OP)	SP
1:00	1:30	11	BLD	Last, first	xxx-xxx-174	ARMV NA	MX	NA	MX			SP
1:00	1:30	12	BLD	Last, first	xxx-xxx-328	ARMV NA	GT	NA	GT	Y	Moccio Kathleen (OP)	SP
1:00	1:30	13	BLD	Last, first	xxx-xxx-770	ARMV NA	MX	NA	MX			SP
1:00	1:30	14	BLD	Last, first	xxx-xxx-929	ARMV NA	SO	NA	SO			ENG

EXPLANATION

- Look for the long docket and the word detainee at the top. This will indicate that you are looking at master calendar hearings for detained immigrants. These are the cases we observe. The green box will say In Person. There are usually 15-20 cases each morning and each afternoon.
- For bond and master calendar hearings, all morning cases will be listed as 9:00-9:30, all afternoon cases will be listed as 1:00-1:30.
- The # is the docket number. You will sometimes hear this number stated for the guard to bring in the next respondent or for the attorney to find a case file. Hearings do not go in order of the docket numbers. Usually cases with attorney representation will be heard before pro se cases.
- Only the last three digits of the 9 digit A# is printed on the docket, this is the number you will record. The entire A number is stated in the court room.
- H/C type is the hearing type. IRMV is initial removal hearing, ARMV is a subsequent removal hearing (A stand for adjourned), BRMV is for bond hearings, though bond hearings may also be listed as ARMV or IRMV. IWHO is Initial Withholding Only, ICFR is Initial Credible Fear
- T/V adj. notes whether the hearing will be via telephone, video or in person. You do not need to note this from the docket, but can note on your observation sheet if detainee appears on video.
- Nat is nationality, it will list the two digit country code. The most common country codes are listed in your instructions
- Ogt- In refers to e-filing. This is not relevant to our observations and can be ignored.
- Alien Rep is attorney, you'll note that most people appear pro se, without an attorney. There may also be a substitute attorney than the one listed. Pro bono attorneys don't always appear on the docket. CY= representation on bond case only; OP= representation for removal case only
- LAN is language, this indicates the language the respondent has requested. Interpreters, in person, or via phone are provided if English isn't the preferred language.

Immigration Court Observation -Master Calendar and Bond Hearing- Detained

Date: _____ Observer (full name): _____ This is my first shift

GENERAL

- 1. Last 3 digits of A#: _____ 2. Country of origin : _____
- 3. Gender: Male Female Transgender/ non-binary
- 4. Detainee Appears: in Person Via Video By phone Didn't appear, reason: _____
- 5. Judge: Carr Hansen Mazzie Miller Sardelli Wood Other: _____
- 6. DHS Attorney: _____ In person Phone/Audio Video
- 7. Was the detainee represented? In person By phone By Video No, pro se Attorney failed to appear
- Comment: _____
- 8. Type of Hearing : Custody/ Bond Removal Unknown Other _____
- 9. Detainee preferred language: _____ 10. Language (interpreter) provided: _____
- 11. Was interpreter used? Not needed In Courtroom By phone By video Not available Attorney waived
- 12. Interpretation (check all that apply) : Consecutive Simultaneous, Complete Incomplete, Technical problems
- Multiple attempts to find Not in preferred language Comment: _____

BOND HEARING (skip if no bond hearing scheduled today)

- 13. Did both parties agree to bond amount in advance? Yes, \$ _____ No (if yes, skip remaining bond ?s)
- 14. Bond amount requested? \$ _____ No amount specified
- 15. DHS's principle argument: _____
 _____ DHS did not speak
- 16. Outcome: Bond Granted Bond Denied Withdrew bond request Continuance granted
 Advised to request new hearing when ready Judge will issue written decision
- 17. if Granted, Bond Amount: \$ _____
- 18. If denied, why? Ineligible/mandatory detention Danger to society Flight risk Other _____
- 19. What factors were mentioned in granting or denying bond? _____
- 20. Did parties reserve appeal on bond? DHS: Yes No, waived Detainee: Yes No, waived Judge didn't ask
- 21. If Continued, next bond hearing: _____ No date given Continuance granted to find attorney

REMOVAL HEARING

- 22. Were pleadings taken? 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 detainee attorney doesn't have NTA declines designate country
- Comment: _____
- 23. Discussion of relief?
 Judge screened for eligibility Submitted application today Application Before USCIS
 Applic. requested/Plans apply Submitted application previously Unsure/ Other: _____
- 24. Relief applications requested, to be submitted, or pending? 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 detainee asked to be removed (deported)? Yes No If asked for deportation, what words did detainee say?

26. DHS's principle argument: _____

DHS did not speak

27. Outcome: Continuance granted Removal order (Deportation) Termination of proceedings

Other relief granted. Specify: _____

28. If continued, next hearing Date/Time: _____ / _____ Next is Individual/ Merits Continued to find atty

CRIMINAL HISTORY

29. Was a criminal history mentioned? Not Discussed No criminal Hx All convictions All cases are pending

Arrests but no charges All cases acquitted/dismissed Mixed History Unknown outcome of charges/ cases

Comments: _____

30. Any indication of discriminatory policing? Yes No Unsure Not Discussed Comment: _____

EQUITIES

31. Length of time in the US: _____ Unknown 32. Entered US: Legally EWI Unk.

33. Family in the US? Yes: _____ No Unknown

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

HEALTH

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

Explain: _____

HEARING OVERALL:

For the next set of questions use a 5 point scale 1= strongly disagree 3= neutral, 5= strongly agree

36. The Judge gave thorough & understandable instructions and explanations 1 2 3 4 5

37. The detainee's attorney provided good representation N/A 1 2 3 4 5

38. The detainee's dignity was upheld during the hearing 1 2 3 4 5

39. The detainee understood what was happening today 1 2 3 4 5

40. The detainee understood what is expected for next hearing 1 2 3 4 5

41. The detainee was given a fair shot to present their case 1 2 3 4 5

42. The outcome of today's hearing was fair 1 2 3 4 5

New procedures, arguments, policies noted: _____

Additional impressions, questions, observations, quotes: _____

Detained at: Carver Freeborn Kandiyohi Sherburne IHP (Prison) Other Unknown

Immigration Court Observation -Master Calendar and Bond Hearing- Detained

Annotated Form

It is strongly advised that you review this annotated form periodically to make sure you are correctly completing your observation forms.

Date: _____ Observer (full name): _____ This is my first shift

-Legibly print your first and last name, no initials

-We are interested in initial impressions from new observers, compared to those of long term observers, make sure to check the box if this is your first shift in court.

GENERAL

1. Last 3 digits of A#: _____ 2. Country of origin : _____

-A# is very important. If you can't hear it, ask another volunteer, or capture the name and get the A# off of the posted docket after the hearing. On a rare occasion it is not on the docket, please note this.

-There is a list of frequent country codes in resource/glossary handout, in this case, you only need to list the country. If there is a country code on the docket, not listed in the glossary, please write the two-letter code. Data entry people will confirm this. On a rare occasion there is no country listed on the docket, you may learn it during the hearing.

3. Gender: Male Female Transgender/ non-binary

-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.

4. Detainee Appears: in Person Via Video By phone Didn't appear, reason: _____

-Use yourself as the perspective to determine whether detainee appears on video or in person or on phone/audio- are they in the courtroom with you. or do you see them on video or only. hear audio? If didn't appear, please note why, if it was mentioned (at criminal court, medical or mental health crisis, in solitary etc.).

5. Judge: Carr Hansen Mazzie Miller Sardelli Wood Other: _____

-If the hearing is conducted by a judge other than those listed, print the name next to the "other" box.

6. DHS Attorney: _____ In person Phone/Audio Video

-The government attorney names are listed in your references/glossary handout.

7. Was the detainee represented? In person By phone By Video No, pro se Attorney failed to appear

Comment: _____

Use yourself as the perspective to determine whether attorney appears on video, via phone or in person- are they in the courtroom with you or do you see them on video, or hear them only on audio (phone)? If they do not have an attorney they are pro se. Often they will 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 detainee 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 indeed accepted the case, otherwise mark pro se. The name of the attorney is useful, but not required.

8. Type of Hearing : Custody/ Bond Removal Unknown Other _____

*-The docket isn't necessarily accurate as to hearing type. Listen for whether the Judge goes on record for a **custody** hearing (bond) or a **removal** hearing. Custody means bond-as in- will the person be kept in ICE custody or does the detainee qualify for release on bond. Sometimes a detainee will have both a bond hearing and a removal hearing on the same day, if this is the case, mark both. Make sure that both hearings are actually taking place. They may discuss how to request a bond hearing; that is different than holding a bond hearing. If it is another type of hearing (AOC, IWHO, RFR), note in Other.*

9. Detainee preferred language: _____ 10. Language (interpreter) provided: _____

-The judge will ask detainee what language they speak and understand the best, this should be listed in question #9; If a detainee is equally comfortable with two languages, note both. Question #10 refers to the language that the interpreter is speaking in order to translate for the detainee. (The judge and attorneys always speak English). 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. We want to know when the interpretation provided is not in the preferred language of the detainee.

11. Was interpreter used? Not needed In Courtroom By phone By video Not available Attorney waived

-Not needed is when the detainee speaks English. Use yourself as perspective when marking how interpreter appears, in Courtroom means with you in courtroom 5, by Video- if you see them on a screen, by phone- if you only hear a voice. Attorney waives is when a detainee speaks a language other than English but the attorney waives the use of an interpreter.

12. Interpretation (check all that apply) : Consecutive Simultaneous, Complete Incomplete, Technical problems

Multiple attempts to find Not in preferred language Comment: _____

-Check all that apply. Interpretation will either be consecutive or simultaneous (unless there is a change of interpreter mid-hearing). Spanish interpreters can sometimes do simultaneous interpretation if detainee has headset or listens via handheld phone. Consecutive is when the judge, respondent and attorneys pause to allow the interpreter to translate at regular intervals. Interpretation will either be, in your estimation, complete or incomplete, depending on how regularly they pause for interpretation. Please also list if there were technical problems, difficulty connecting to an interpreter, or if interpreter in the requested language is unavailable.

BOND HEARING (skip if no bond hearing scheduled today)

13. Did both parties agree to bond amount in advance? Yes, \$ _____ No (if yes, skip remaining bond ?s)

- Answer this question affirmatively if the detainee's attorney and the government attorney have agreed to a specific bond amount in advance, to present to the judge at today's bond hearing. You may or may not see the attorneys confer before the hearing goes on record. Judge will typically ask if they've come to an agreement on bond, mark Yes or No accordingly. If yes, the hearing is usually very short; skip remaining bond questions, but do your best to answer questions 29-42. If No, and hearing proceeds, please answer the remaining relevant questions in this section, and complete the rest of the form.

14. 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. We aim to analyze how the amount requested compares to the amount granted.

15. DHS's principle argument: _____

DHS did not speak

- This is a new question, we are looking at what the government does during these hearings (DHS- means Department of Homeland Security attorney i.e. ICE attorney). We would like to see how things change over time with the new administration. 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.

16. Outcome: Bond Granted Bond Denied Withdrew bond request Continuance granted

Advised to request new hearing when ready Judge will issue written decision

Note what happens to conclude the bond hearing- the judge makes a decision to grant or deny bond, the detainee (or their attorney) withdraws the bond request, the case is continued and a new date is set, the Judge advises the detainee to make a new request for a bond hearing when they've either obtained an attorney or gathered the documents they need to proceed. 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 both relevant boxes.

17. if Granted, Bond Amount: \$ _____

If bond was granted list the amount, and skip questions #18. If you marked yes to question 13 because the attorneys for both sides came to an agreement before the hearing, you'll leave this question blank.

18. 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"

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

-Very briefly note 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.

20. Did parties reserve appeal on bond? DHS: Yes No, waived Detainee: Yes No, waived Judge didn't ask

-After the judge issues a bond decision, yes or no, the government attorney and the detainee 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.

21. If Continued, next bond hearing: _____ No date given Continuance granted to find attorney

-This question only applies to a continuance for the bond hearing. Do not list the date of the removal hearing. If a bond hearing is continued, note the date of the next hearing, or check the box No date given. If it is explicitly stated that the continuance is being granted to give the detainee time to find an attorney, please check that box. If both a bond hearing and a removal hearing take place, and the continuance is for the removal case, fill that out in #28.

REMOVAL HEARING

22. Were pleadings taken? 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 detainee attorney doesn't have NTA declines designate country

Comment: _____

-Pleadings are responding to the Notice To Appear (NTA). If pro se, the detainee 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 detainee 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 detainee 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/allegations. There is more about pleadings in the glossary.

23. Discussion of relief? Not discussed

Judge screened for eligibility

The Judge will screen all unrepresented detainees for eligibility just following pleadings, by asking about family in US, length of time in US, fear of return to country of origin.

Applic. requested/Plans apply

Judge gave application upon request, or it is stated plans to apply

Submitted application today

A completed application was submitted during today's hearing

Submitted application previously
Discussion of a previously submitted application; hearing today might be to submit additional evidence.

Application Before USCIS

The detainee has a pending application before US Citizen and Immigration Service- usually I-130, I-485 (Adjustment of status), or U-Visa or T-Visa

Unsure/ Other: _____

24. Relief applications requested, to be submitted, or pending? Not discussed

- In a removal hearing, forms of relief may or may not be discussed, especially at an initial hearing if a continuance is granted. If relief is discussed, note all the applications that were mentioned. Each of the applications noted below are listed in the glossary. If no applications for relief are discussed or mentioned in the hearing, please mark "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.

I-589 Asylum / WOR / CAT
Asylum, Withholding of removal and Convention Against torture are all on an I-589 application. If they specify which forms of relief you can circle that answer or put it in the additional notes section.

Adjustment of Status (I-485)
Adjust to LPR. They may reference the I-130 that is submitted to USCIS to establish the relationship to an LPR or US citizen.

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

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

Other/ unsure: _____

25. Did detainee asked to be removed (deported)? Yes No If asked for deportation, what words did detainee say?

If deportation was requested, please note what was said by detainee, or by attorney on behalf of the detainee.

They may use the word deportation, removal, or say something like "I want to be sent back" or "I'll just sign my papers".

26. DHS's principle argument: _____

_____ DHS did not speak

- This is a new question, we are looking at what the government does during these hearings (DHS- means Department of Homeland Security attorney i.e. ICE attorney). We would like to see how things change over time with the new administration. 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 during the removal hearing.

27. Outcome: Continuance granted Removal order (Deportation) Termination of proceedings

Other relief granted. Specify: _____

Note what happens to conclude the removal hearing- the judge grants a continuance, the judge orders removal (deportation), the Judge terminates proceedings (ends deportation proceedings, because the person is not deportable), or grants relief. We usually don't see relief granted except in the case of voluntary departure, rarely we may see Cancellation of Removal granted.

28. If continued, next hearing Date/Time: _____ / _____ Next is Individual/ Merits Continued to find atty

-If a removal hearing is continued, note the date of the next hearing, if the start time was noted, list that too. Check the Individual/Merits box if the next hearing is the "Individual Hearing" where testimony is given in support of the submitted evidence and application, which will determine whether the immigrant can remain in the U.S. If the case is continued expressly to allow time for the detainee to find an attorney (atty), please check that box. If in concluding a bond hearing, they mention the date of the removal hearing, that goes in the additional notes section at the end of the observation form. This question is only if granted a continuance at the conclusion of today's removal hearing.

CRIMINAL HISTORY

29. Was a criminal history mentioned? Not Discussed No criminal Hx All convictions All cases are pending

Arrests but no charges All cases acquitted/dismissed Mixed History Unknown outcome of charges/ cases

Comments: _____

-The main objective of this section is to document how many people are in deportation proceedings who have no criminal history, or have been arrested but never charged, or never convicted. Sometimes this is very straightforward and sometimes very confusing. **You should mark only one box- whichever is most accurate.** Mixed history means a combination of

convictions and pending or dismissed cases. Unknown outcome means you aren't sure if there are any convictions, whether cases are pending or have been resolved. It is not important to get all the details of a complicated history. It is helpful to note if convictions are long ago, or include aggravated felonies, or if all encounters with police were for driving without a license. Hx is an abbreviation for history.

30. Any indication of discriminatory policing? Yes No Unsure Not Discussed Comment: _____

This is a new question. Past observers have noted cases where detainees or their attorneys have claimed that criminal cases, or arrests were a result of racial bias, or observers themselves have suggested discriminatory behaviors and racial bias on the part of ICE and or the police. If you note or infer this, please note it here. If arrests were not discussed, mark "not discussed"

EQUITIES

31. Length of time in the US: _____ Unknown 32. Entered US: Legally EWI Unk.

-Q#31 Ideally we'd like this answer written in the form of years, or months if less than a year. 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 time in country is not discussed. .

-Q#32 This is asking how they came to the United States- whether they came legally – refugee, student, worker or visitor visa; or if they Entered Without Inspection (EWI) meaning they came in without permission "illegally". if this was not discussed or you aren't sure, mark Unk. (Unknown).

33. Family in the US? Yes: _____ No Unknown

-This most likely comes up in a bond hearing but can also be discussed in a removal hearing. This is separate than whether or not there are supporters in the courtroom (question #34). If it is not discussed, check "unknown". 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 immigration status (ex: Wife, undocumented, 2 US Cit. children). This questions pertain to legal relative; boyfriend, girlfriend, fiancé, don't qualify as family in the legal sense, but you can note it in "additional notes" section at the end of the form.

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

-Mark if the detainee had support people present for the hearing. You may know this because of waving/nodding/smiling, because people come in and leave with the detainee'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 detainee in the courtroom. If during the course of the hearing it is acknowledged that the detainee has supporters in the courtroom, or if they are identified, also mark the box for "supporters acknowledged"

HEALTH

35. 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. If you hear about a lack of treatment or proper evaluation for a condition, please note this in the comment area. 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.

HEARING OVERALL:

For the next set of questions use a 5 point scale 1= strongly disagree 3= neutral, 5= strongly agree

- | | | | | | | |
|--|------------------------------|---|---|---|---|---|
| 36. The Judge gave thorough & understandable instructions and explanations | | 1 | 2 | 3 | 4 | 5 |
| 37. The detainee's attorney provided good representation | <input type="checkbox"/> N/A | 1 | 2 | 3 | 4 | 5 |
| 38. The detainee's dignity was upheld during the hearing | | 1 | 2 | 3 | 4 | 5 |

39. The detainee understood what was happening today	1	2	3	4	5
40. The detainee understood what is expected for next hearing	1	2	3	4	5
41. The detainee was given a fair shot to present their case	1	2	3	4	5
42. The outcome of today's hearing was fair	1	2	3	4	5

-The above questions are purposefully subjective. Try to answer them for each hearing no matter how short. A primary goal of this project is to get the public's perception of the hearings and whether they uphold the values and expectations you have of our immigration system and our system of justice. We want to know if you think the detainee understands what is happening and what is expected of them during the removal process. The project is also interested in how observers perceptions change over time as they get more familiar with the process and have more basis of comparison. For question # 37, if there is no attorney, mark N/A

New procedures, arguments, policies noted: _____

Someone may state that there is a new policy or procedure, if so, note it. Experienced observers will naturally be more able to perceive unstated changes. If you do not have a response, you may leave this blank or write "none noted"

Additional impressions, questions, observations, quotes: _____

Your perceptions are the most impactful part of the observation form! Feel free to write what surprised you, confused you, offended you, reassured you. We are interested in any quotes that make an impression- whether by the detainee, an attorney, a clerk, a guard, or the judge.

In addition to those listed above, these things are particularly helpful to note in the "additional notes" section if stated during the hearing:

- *How the person came into ICE custody (from criminal custody, traffic stop, workplace raid).*
- *How long the person has been in custody.*
- *If there is a complaint about detention conditions.*
- *Observations about family present in the courtroom.*

Detained at: Carver Freeborn Kandiyohi Sherburne IHP (Prison) Other Unknown

Detention center is frequently stated for video hearings, but rarely if detainees appear in court. For IHP hearings, check the IHP box. If the name of the specific correctional facility is noted, please write it in additional impressions section.

Immigration Court Observation -Master Calendar Hearing- Non-Detained

- 1. Date:
2. Shift time:
3. Observer (full name):
4. Judge:
5. DHS Attorney:
6. Number of individuals on the docket:
7. Anything of note in the courtroom lobby:

8. Please document the number of hearings for each criteria (family groups and couples count as one hearing if cases are conducted together).

Total hearings conducted:
R. in person:
R. remote (video/phone):
R. pro se:
R. represented:
DHS motion to terminate/dismiss:
Outcomes:
Granted continuance:
Case dismissed:
Admin close:
Removal order:
Unsure outcome:
Other outcome:
R. No-shows:
No-show outcomes:
No-show granted continuance:
No-show case dismissed:
No-show removed in absentia:
No-show unsure outcome:
No-show other outcome:
Language:
Case not heard, no interpreter:
English Speakers:
Spanish Speakers:
Other Languages:
Specify Languages:

- 9. Interpretation issues (check any issues that arose, regardless of number):
Problem finding interpreter
Incomplete interpretation
Technical problems
Not in preferred language

10. Comments about interpretation:

11. If any respondents live outside MN, please list the states here:

12. Geographic or transportation challenges about getting to court noted during hearings:

13. When are continued hearings being scheduled? List soonest and latest date:

14. If there were requests for sooner and later continuance dates, please comment:

15. If the DHS attorney discussed “the Doyle Memo”, prosecutorial discretion, or case dismissal, please comment on what was said. _____

16. If DHS moved to dismiss a case, discuss whether the respondent was given adequate information about the implications of dismissal and time to decide, and if the Judge granted dismissal at this hearing: _____

17. New procedures or arguments noted: _____

18. Comments about how the Judge related to respondents, attorneys, and other court personnel: _____

19. Comments on behavior and legal arguments of DHS attorney: _____

20. Comments about respondents (prepared, confused, asked questions, etc.): _____

21. Mention of alternatives to detention (ATD) in use/ problems noted: _____

22. Issues of note in the courtroom (technology problems, crowded, hard to hear, etc.): _____

23. **Additional impressions, questions, observations, quotes:** _____

Immigration Court Observation -Master Calendar Hearing- Non-Detained

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, 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. Also note 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.

1. Date: _____ 2. Shift time: 8:30-10:30 10:30-12:30 1:30-3:30 3:30-5:00

Format- date: mm-dd-yy

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

3. Observer (full name): _____

Clearly print your first and last name

4. Judge: Carr Hansen Mazzie Miller Sardelli Wood Other: _____

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

5. DHS Attorney: _____ Appears: in courtroom via webex audio only

Print the first and last name of the government attorney and note how they appear to you. If they are present in the courtroom, mark courtroom even if the respondent is remote and viewing the attorney on video.

6. Number of individuals on the docket: morning: _____ afternoon: _____

Look at the posted docket and record the number of individuals listed for the morning and the afternoon for the judge in the courtroom you are observing. It is not necessary to copy the docket.

7. Anything of note in the courtroom lobby: _____

Note anything of interest: If it is crowded, if anything in the space has been rearranged, new behavior of the guards, communication with staff, different judges holding hearings, unusual behavior of any respondents, conversations with attorneys, etc.

8. Please document the number of hearings for each criteria (family groups and couples count as one hearing if cases are conducted together).

Total hearings conducted: _____

Count anytime the judge goes on the record to commence or read an A#, whether the hearing can be completed or not. This includes no-shows and hearings that can't be conducted due to lack of interpreter.

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.

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).

R. pro se: _____

The number of hearings where the respondents are unrepresented. (i.e. do not have an attorney present or appearing remotely).

R. represented: _____

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

DHS motion to terminate/dismiss: _____

This is something we are tracking due to new ICE guidance to prosecutors granting discretion to drop deportation cases – they may use the word "dismiss" or "terminate" interchangeably. When DHS initiates a recommendation or suggestion of dismissal you will tally those cases here. If it is the judge or respondent who raise the issue, you will not mark it here, but you can put that in the comment section at the end of the observation form.

Outcomes:

Granted continuance: _____

Count the number of hearings in which respondents were granted a continuance and given a next hearing date. This

will include scheduling for master calendar hearings and merits hearings.

Case dismissed: _____

Count the number of hearings in which the judge granted a motion to dismiss/terminate.

Admin close: _____

Count the number of hearings in which the judge granted admin closure. This will likely be happening rarely as more cases are being dismissed instead. (if you don't hear the actual words "Admin closure" or "administrative closure" do not count it.)

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.

Unsure outcome: _____

If you aren't sure how a particular case resolved or what action the judge took, mark it here. Hopefully this won't happen often.

Other outcome: _____

If there were outcomes other than the ones noted above, tally them here. You can add clarifying comments in the final section of the form.

The next section pertains to people who fail to show up for their hearings. It's possible that they will come late or that they were on the docket but made prior arrangements to reschedule. Therefore, you will only mark no-shows below if the court address the case while you are observing. For the questions below you will count individuals' A#s as you may or may not know which cases are consolidated vs. individual.

R. No-shows: _____

How many cases (individual A#s) did the Judge remark on during your shift where the respondent did not appear as scheduled?

Below please tally how these cases were resolved during your shift. As above, you will count individual A#s if those are read individually.

No-show outcomes:

No-show granted continuance: _____

Count the number of people who were given a new hearing date, i.e. granted a continuance.

No-show case dismissed: _____

Count the people for whom the judge terminated or dismissed the case.

No-show removed in absentia: _____

Count the people for whom the judge ordered an in absentia removal. (They were ordered deported because they didn't show up in court.) If the Judge or DHS attorney commented about these cases you may note anything of interest in the final comment section of the form.

No-show unsure outcome: _____

If you aren't sure how a particular case resolved or what action the judge took, mark it here. Hopefully this won't happen often.

No-show other outcome: _____

If there were outcomes other than the ones noted above, tally them here. You can add clarifying comments in the final section of the form.

Language:

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 in question 9.

We may see an even wider array of languages in non-detained hearings than detained hearings. These will be tracked below. 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: _____

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

Other Languages: _____

In keeping with the instructions above, note 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.

9. Interpretation issues (check any issues that arose, regardless of number): Problem finding interpreter

Incomplete interpretation Technical problems Not in preferred language No interpreter/no hearing

If the judge tries multiple times to find an interpreter you'd mark "problem finding interpreter" whether or not one is ultimately found. "Incomplete interpretation" is a judgement call: if the judge isn't pausing for interpretation, if the judge states that they will summarize at the end, or if the judge, attorney or respondent speak for a long time and an interpreter only speaks briefly, you'd check "Incomplete interpretation". If the respondent is listening to an interpreter through a headset you can assume it is simultaneous interpretation and therefore complete. We don't expect observers to understand the language spoken or evaluate the accuracy of interpretation. If there are technical problems like dropped calls, static, background noise, you will mark "technical problems". If an interpreter is found that speaks a respondent's secondary language but not their primary language, you would mark "not in preferred language". An example: a respondent's preferred language is Swahili, but they also know some Arabic. A Swahili interpreter can't be found and the judge decides to proceed in Arabic. In this case you'd mark "not in preferred language". "No interpreter/no hearing" is a duplicate of the no interpreter/no hearing outcome in question #8 above, but we wish to track it with other interpretation issues as a yes/no question.

10. Comments about interpretation: _____

This is open ended. You can remark on the perceived skill of the interpreter, the way the interpreter interacted with the respondent, what the respondent said about understanding the interpreter, what you note about the efficiency or challenges of finding interpreters, the perceived adequacy of the interpreter etc.

11. If any respondents live outside MN, please list the states here: _____

This court officially hears cases for people living in MN, ND, and SD, but respondents may move. The purpose of this question is to get a sense of whether the court may be failing to inform people how to request a change of venue if they move from MN, ND, or SD.

12. Geographic or transportation challenges about getting to court noted during hearings: _____

Many people come from several hours away and face logistical and financial barriers to getting to court (no car, high price of gas). We are concerned that the court doesn't take geographic location into account when they schedule hearings or when they fail to schedule appropriate interpreters when people are coming from outside the metro. This question attempts to highlight these issues. If you hear about these challenges, or the details of how long it took someone to get to court or what kind of transportation challenges they faced, document that here.

13. When are continued hearings being scheduled? List soonest and latest date: _____

Note the soonest date that any case you heard was rescheduled for a next hearing, and note the latest date that any case you heard was rescheduled. Please list the earlier date first; this will aid in analyzing data.

14. If there were requests for sooner and later continuance dates, please comment: _____

If someone asked or argued for a sooner or later date, please explain that here and note whether the judge concurred or not, and whether DHS challenged or not.

15. If the DHS attorney discussed "the Doyle Memo", prosecutorial discretion, or case dismissal, please comment on what was said. _____

On April 25, 2022 the "Doyle memo" on prosecutorial discretion went into effect. This gives ICE attorneys more latitude to dismiss (terminate) immigration proceedings, agree to relief, decline to prosecute, grant bonds, etc. We are eager to see how this manifests in proceedings and whether they dismiss low priority cases. However we are concerned that they will move to dismiss cases where respondents have strong asylum claims and continue to aggressively pursue deportations for other people. If DHS moves to dismiss/terminate, suggests that they plan to dismiss in the future, or makes other related statements, please note what was said.

16. If DHS moved to dismiss a case, discuss whether the respondent was given adequate information about the implications of dismissal and time to decide, and if the Judge granted dismissal at this hearing: _____

Judges are encouraged but not required to give 10 days for a respondent to agree to or decline dismissal of a case before they grant DHS's motion. Document if the Judge rules immediately or gives the respondent a chance to consider the motion to dismiss. Do the Judge or respondent make any compelling statements or arguments?

17. New procedures or arguments noted: _____

This is a place to note anything new or different that you notice, or anything that any court personnel say is a new policy, procedure, or practice.

18. Comments about how the Judge related to respondents, attorneys, and other court personnel: _____

You can comment on the behavior, tone, questioning, explanations, etc., of the judge. You may note how they related to the various people in the courtroom, including observers.

19. Comments on behavior and legal arguments of DHS attorney: _____

You can comment about the general tone of the DHS attorney- helpful, argumentative, adversarial, etc., and any consistent or unique legal arguments they make. You can also note if they do or don't participate in general during your shift.

20. Comments about respondents (prepared, confused, asked questions, etc.): _____

Observers who are very experienced in detained hearings may notice that non-detained cases have a very different feel. Respondents in non-detained court may be more engaged and assertive. You may make general (per shift) or specific remarks (unique cases) about whether respondents asked questions, seemed prepared, seemed to understand or be confused. If there seem to be consistent issues arising from respondents throughout your shift, this is a place to note that.

21. Mention of alternatives to detention (ATD) in use/ problems noted: _____

If there is any mention of ankle monitoring, ISAP, ICE check-ins or any other "alternatives to detention", please make note of what was said and by whom. Ex: Was this noted as a condition by ICE? Did a respondent complain about the cost or burden of one of these methods? Did you see respondents come in with ankle monitors?

22. Issues of note in the courtroom (technology problems, crowded, hard to hear, etc.): _____

This is a space to remark on any issues, problems, or positives in the courtroom: problems with technology, or new technology in use, new seating arrangements, busy courtroom requiring observers to leave, helpful or problematic courtroom staff, new staff being present, etc. In general this is a place to comment on issues and people other than the respondent, interpreter, judge, or attorneys.

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

Please note if there are procedural improvements or shortcomings that you note in court. Feel free to highlight a case that really stands out to you. You may reflect on differences between detained and non-detained cases, ask questions, and share anything that surprised you.

Immigration Court Observation -MERITS Hearing

Date: _____ Observer (full name): _____

GENERAL

1. Last 3 digits of A#: _____ 2. Country of origin : _____
3. Gender: Male Female Transgender/ non-binary
4. Respondent Appears: In Person Video Phone/audio Didn't appear, reason: _____
5. Judge: Carr Hansen Mazzie Miller Sardelli Wood Other: _____
6. DHS Attorney: _____ In person Phone/Audio Video
7. Was respondent represented? In person Phone/Audio Video No, pro se Attorney failed to appear
- Comment: _____

8. DOCKET

Non-Detained IHP (prison) ICE detention: Freeborn Sherburne Kandiyohi Carver Other Unknown

LANGUAGE

9. Respondent's preferred language: _____
10. Was interpreter used? Not needed In Courtroom By phone By video Not available Attorney waived
11. Language provided to respondent (interpreter language): _____
12. Language provided to testifiers (interpreter language): _____ NA
13. Interpretation (check all that apply) : Consecutive Simultaneous, Complete Incomplete, Technical problems
- Multiple attempts to find Not in preferred language Comment: _____

MERITS**14. Relief application being heard (check all that apply)**

- Cancellation: 42A (LPR) 42B Termination of proceedings
- I-589: Asylum / WOR / CAT Other _____
- Adjustment of status Unsure

15. Testimony/ Witnesses- (check all that apply) Respondent. Family Other Supporter
 Medical Mental Health Country Expert16. How testifiers and witnesses appear (check all that apply) written in courtroom on phone via video

17. Comment about testifiers/ testimony: _____

18. Were there supporters present in court who did not testify? no yes family yes other supporters**Presence in country**19. Respondent's entry date/ length of time in the US: _____ Unknown20. Does respondent have family in the US? Yes No Unknown. If family present, who and what status in US:
_____**Background**21. What was said about conditions in home country? _____
_____ Not discussed22. What was said about how respondent got into removal proceedings? _____
_____ Not discussed

Criminal history

23. Was a criminal history mentioned? Not Discussed No criminal Hx All convictions All cases are pending
 Arrests but no charges All cases acquitted/dismissed Mixed History Unknown outcome of charges/ cases

Comments: _____

Legal argument

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

25. Describe the main argument of government attorney: _____

26. Describe main questioning / reasoning of Judge: _____

Health

27. 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: _____

CONCLUSION

28. Judge's action: Relief Granted Relief Denied Case Continued
 Will issue written decision Other Unsure

Comment: _____

29. Did parties reserve appeal of decision? NA_(no decision today) DHS: Yes No Respondent: Yes No

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

IMPRESSIONS:

For the next set of questions use a 5 point scale 1= strongly disagree 3= neutral, 5= strongly agree

- | | | | | | |
|---|---|---|---|---|---|
| 31. The Judge asked understandable questions and gave clear explanations | 1 | 2 | 3 | 4 | 5 |
| 32. The Judge was a neutral arbiter, didn't show deference to either side | 1 | 2 | 3 | 4 | 5 |
| 33. The respondent's attorney provided good representation <input type="checkbox"/> N/A | 1 | 2 | 3 | 4 | 5 |
| 34. The respondent's dignity was upheld during the hearing | 1 | 2 | 3 | 4 | 5 |
| 35. The respondent (and/or their attorney) understood what was happening today | 1 | 2 | 3 | 4 | 5 |
| 36. The respondent (and/or their attorney) was given a fair shot to present their case | 1 | 2 | 3 | 4 | 5 |
| 37. The outcome of today's hearing was fair <input type="checkbox"/> N/A | 1 | 2 | 3 | 4 | 5 |

Additional Notes: _____

Immigration Court Observation -MERITS Hearing

Annotated Form

It is strongly advised that you review this annotated form periodically to make sure you are correctly completing your observation forms.

Date: _____ Observer (full name): _____

GENERAL

1. Last 3 digits of A#: _____ 2. Country of origin : _____

-A# is very important. If you can't hear it, ask another volunteer, or capture the name and get the A# off of the posted docket after the hearing. On a rare occasion it is not on the docket, please note this.

-There is a list of frequent country codes in resource/glossary handout, in this case, you only need to list the country. If there is a country code on the docket, not listed in the glossary, please write the two-letter code. Data entry people will confirm this. On a rare occasion there is no country listed on the docket, you may learn it during the hearing.

3. Gender: Male Female Transgender/ non-binary

-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.

4. Respondent Appears: In Person Video Phone/audio Didn't appear, reason: _____

-Use yourself as the perspective to determine whether respondent appears on video or in person (in your courtroom) or on phone/audio. If didn't appear, please note why, if it was mentioned (at criminal court, medical or mental health crisis, in solitary etc.).

5. Judge: Carr Hansen Mazzie Miller Sardelli Wood Other: _____

-If the hearing is conducted by a judge other than those listed, print the name next to the "other" box.

6. DHS Attorney: _____ Appears: In person Phone/Audio Video

-The government attorney names are listed in your references/glossary handout. Note How the DHS attorney appears, Use yourself as the perspective as to whether they are in person, on video or phone/audio.

7. Was respondent represented? In person Phone/Audio Video No, pro se Attorney failed to appear

Comment: _____

Use yourself as the perspective to determine whether attorney appears on video, via phone or in person- are they in the courtroom with you or do you see them on video, or hear them only on audio (phone)? If they do not have an attorney they are pro se. Often they will 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 detainee 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 indeed accepted the case, otherwise mark pro se. The name of the attorney is useful, but not required.

8. DOCKET

Non-Detained IHP (prison) ICE detention: Freeborn Sherburne Kandiyohi Carver Other Unknown

Note what type of case you are hearing and the location: non-detained hearing, IHP hearing, or ICE detention. For IHP hearings if the specific correctional facility is named, add that to the additional notes section. For ICE detainees, note the jail location, if known. For VTC hearings, these numbers will appear on the bottom of the screen for the following locations: 200-9270 Carver, 200-5304 Freeborn, 200-1125 Kandiyohi, 200-3940 Sherburne

LANGUAGE

9. Respondent's preferred language: _____

-The judge will ask the respondent what language they speak and understand the best, this should be listed in question #9; If a detainee is equally comfortable with two languages, note both.

10. Was interpreter used? Not needed In Courtroom By phone By video Not available Attorney waived

-Not needed is when the respondent speaks English. Use yourself as perspective when marking how interpreter appears, in Courtroom means with you in courtroom 5, by Video- if you see them on a screen, by phone- if you only hear a voice. Attorney waives is when a respondent speaks a language other than English but the attorney waives the use of an interpreter.

11. Language provided to respondent (interpreter language): _____

Question #11 refers to the language that the interpreter is speaking in order to translate for the respondent. (The judge and attorneys always speak English). 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. We want to know when the interpretation provided is not in the preferred language of the detainee.

12. Language provided to testifiers (interpreter language): _____ NA

Question #12 refers to the language that the interpreter is speaking in order to translate for testifiers other than the respondent. You may list more than one language.

13. Interpretation (check all that apply) : Sequential Simultaneous, Complete Incomplete, Technical problems

Multiple attempts to find Not in preferred language Comment: _____

-Check all that apply Interpretation will either be consecutive or simultaneous (unless there is a change of interpreter mid-hearing). Spanish interpreters can sometimes do simultaneous interpretation if detainee has headset or listens via handheld phone. Consecutive is when the judge, respondent and attorneys pause to allow the interpreter to translate at regular intervals. Interpretation will either be, in your estimation, complete or incomplete, depending on how regularly they pause for interpretation. Please also list if there were technical problems, difficulty connecting to an interpreter, or if interpreter in the requested language is unavailable.

14. **Relief application being heard** (check all that apply)

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.

I-589: Asylum / WOR / CAT

Asylum, Withholding of removal and Convention Against torture are all on an I-589 application. If they specify which forms of relief you can check that answer

Adjustment of status

Adjust to Legal Permanent Resident- getting a green card

Termination of proceedings

Ending removal proceedings

Other _____

Unsure

15. **Testimony/ Witnesses-** (check all that apply) Respondent. Family Other Supporter

Medical Mental Health Country Expert

What people gave testimony and what was their expertise or relationship to respondent.

16. How testifiers and witnesses appear (check all that apply) written in courtroom on phone via video

-Use yourself as the perspective to determine whether testifiers appears in person, on video, or on phone/audio, or is written witness testimony referenced?

17. Comment about testifiers/ testimony: _____

Add any relevant comment about content of testimony, who appeared or how testimony was received.

18. Were there supporters present in court who did not testify? no yes family yes other supporters

If it wasn't expressly stated, use your best judgement about who came to support the respondent.

Presence in country

19. 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. 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. If there are multiple entries into US you can write a comment but the length of time, expressed in months or years should be since the most recent entry. Mark "unknown" if time in country is not discussed. .

20. 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

21.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.

22. What was said about how respondent got into removal proceedings?_____

_____ 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.

Criminal history

23. Was a criminal history mentioned? Not Discussed No criminal Hx All convictions All cases are pending Arrests but no charges All cases acquitted/dismissed Mixed History Unknown outcome of charges/ cases

Comments: _____

-The main objective of this section is to document how many people are in deportation proceedings who have no criminal history, or have been arrested but never charged, or never convicted. Sometimes this is very straightforward and sometimes very confusing. You should mark only one box- whichever is most accurate. Mixed history means a combination of convictions and pending or dismissed cases. Unknown outcome means you aren't sure if there are any convictions, whether cases are pending or have been resolved. It is not important to get all the details of a complicated history. It is helpful to note if convictions are long ago, or include aggravated felonies, or if all encounters with police were for driving without a license. Hx is an abbreviation for history.

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: _____

Health

27. 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: _____

We are particularly concerned about mental health and competency to understand proceedings, but you may note significant medical issues also.

CONCLUSION

28. Judge’s action: Relief Granted Relief Denied Case Continued
 Will issue written decision Other Unsure

Comment: _____

The judge may make a decision at the end of the hearing or may state they will issue a written decision later. Sometimes the judge will take a break and then come back and announce an oral decision. If you cannot stay for a delayed oral decision, the project coordinator can find out the resolution. Sometimes a case isn’t completed and the case is scheduled to continue on another day, you get priority for attending the rescheduled hearing, should you be interested. If you hear the judge’s rationale for their decision, you can note it in the comment space.

29. Did parties reserve appeal of decision? NA_(no decision today) DHS: Yes No Respondent: Yes No
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.

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

IMPRESSIONS:

For the next set of questions use a 5 point scale 1= strongly disagree 3= neutral, 5= strongly agree

- | | | | | | | |
|--|------------------------------|---|---|---|---|---|
| 31. The Judge asked understandable questions and gave clear explanations | | 1 | 2 | 3 | 4 | 5 |
| 32. The Judge was a neutral arbiter, didn’t show deference to either side | | 1 | 2 | 3 | 4 | 5 |
| 33. The respondent’s attorney provided good representation | <input type="checkbox"/> N/A | 1 | 2 | 3 | 4 | 5 |
| 34. The respondent’s dignity was upheld during the hearing | | 1 | 2 | 3 | 4 | 5 |
| 35. The respondent (and/or their attorney) understood what was happening today | | 1 | 2 | 3 | 4 | 5 |
| 36. The respondent (and/or their attorney) was given a fair shot to present their case | | 1 | 2 | 3 | 4 | 5 |
| 37. The outcome of today’s hearing was fair | <input type="checkbox"/> N/A | 1 | 2 | 3 | 4 | 5 |

The questions above are purposely subjective. They ask you to reflect on how the system should work (which may or not be the way the system was designed). It may help to put yourself “into the shoes” of the respondent.

Additional Notes: _____

Elaborate on anything of importance. Quotes are especially useful.

Ongoing Support and Training for Volunteer Court Observers

- Mentors are available for new and experienced volunteers, contact courtobserver@umn.edu
- *The Docket*- a monthly newsletter is emailed to all volunteers
- Monthly Volunteer Debrief: date, time, and location rotate. Details are noted in *The Docket*. Meet other volunteers, share experiences and perspectives. Occasionally a guest speaker will be scheduled
- Periodic trainings, presentations, and facilitated discussions, announced in *The Docket*
- Binger Center Annual Immigration Law Conference, held every November, all volunteers welcome to register
- The American Immigration Council has many resources on their website: <https://www.americanimmigrationcouncil.org/>. Volunteers are also encouraged to subscribe to their e-news: <https://immigrationimpact.com/>

HRDP- Social Media / Communication Guidelines

Social media is a powerful tool for sharing your experiences and impressions of immigration court. It is an immediate way to express how broken and inhumane our immigration system is. But social media posts can also be weaponized, and hard to contain. We want to avoid any risk to our project's continuation by refraining from sensationalized or inflammatory posts. It is also critical that we protect people who are extremely vulnerable in our immigration system.

When considering what or whether to post, or publicly present, please consider these guidelines.

- Be careful to not exploit or sensationalize any immigrant's story.
- Do not post any details which could identify an individual
- Please don't identify any judge or attorney by name
- Focus on system issues rather than individual cases
- Focus on the impact the observations had on you
- Speak for yourself and not on behalf of the Human Rights Defender Project

If in doubt, feel free to send your post to courtobserver@umn.edu for review prior to posting. If you write a longer post that might be suitable for The Advocates for Human Rights' blog, please feel free to submit it to courtobserver@umn.edu.

Copy of EOIR list of Free Legal Services, provided to pro se respondents- Fort Snelling Court

* Non-Profit Organization
 ** Referral Service
 *** Private Attorney

List of Pro Bono Legal Service Providers
<http://www.justice.gov/eoir/list-pro-bono-legal-service-providers>
Bloomington Immigration Court

Updated April 2021

Fort Snelling, Minnesota	
<p>The Advocates for Human Rights*</p> <p>330 Second Avenue South, Suite 800 Minneapolis, MN 55401 Tel: (612) 341-9845 Fax: (612) 341-2971 hrights@advrights.org www.theadvocatesforhumanrights.org</p> <ul style="list-style-type: none"> • Asylum, Withholding and convention against torture Bond Representation, children's cases • Serves clients living in MN, MD, SD and WI 	<p>Immigrant Law Center of Minnesota, Oficina Legal*</p> <p>450 North Syndicate, Suite 200 St. Paul, MN 55104 Tel: (651) 641-1011 Fax: (651) 641-1131 oficinalegal@ilcm.org www.ilcm.org</p> <ul style="list-style-type: none"> • Represent low-income immigrants of any nationality detained or residing in MN
<p>Mid-Minnesota Legal Aid</p> <p>111 North 5th Street, Suite 100 Minneapolis, MN 55403 Tel: (612) 332-1441 Fax: (612) 334-5755 mpsimmigrationintake@mylegalaid.org www.mylegalaid.org</p>	<p>American Bar Association Detention and LOP Information Line**</p> <p>immcenter@americanbar.org https://www.americanbar.org/groups/public_interest/immigration/</p> <ul style="list-style-type: none"> • Pro se case assistance for detained respondents only
<p>South Dakota Voices for Peace*</p> <p>P.O. Box 600 Sioux Falls, SD 57101 Tel: (605) 782-9560 Fax: (612) 341-2971 yes@southdakotavoicesforpeace.org www.sdvfpeace.org</p> <ul style="list-style-type: none"> • Will represent unaccompanied minors "UAC" and also assist survivors of domestic violence in obtaining immigration relief. • Will not represent individuals in detention; no criminal cases • Please call for an appointment; Intake hours are weekdays 8am-5pm • Primary residence must be located in South Dakota • Languages: Spanish 	

Disclaimer: As required by 8 C.F.R. § 1003.61, the Executive Office for Immigration Review (EOIR), Office of Policy, Office of Legal Access Programs maintains a list of organizations and attorneys qualified under the regulations who provide pro bono or free legal services. The information posted on the list is provided to EOIR by the Providers. EOIR does not endorse any of these organizations or attorneys. Additionally, EOIR does not participate in, nor is it responsible for, the representation decisions or performance of the organizations or attorneys.