



Border Observatory:

US IMMIGRATION COURT OBSERVATION MANUAL

by  **HOPE BORDER INSTITUTE**



This manual was researched and written by Edith Tapia and the staff of the Hope Border Institute.

The Hope Border Institute (HOPE) brings the perspective of Catholic social teaching to bear on the realities unique to our US-Mexico border region. Through a robust program of research and policy work, leadership development and action, we work to build justice and deepen solidarity across the borderlands.

Acknowledgments

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We acknowledge the thousands of migrants in detention centers and in the custody of immigration enforcement agencies in the United States and Mexico forced to navigate a cruel immigration system. We are inspired by your courage and resilience.

Border Observatory: US Immigration Court Observation Manual
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Helpful Terms and Abbreviations

Alien: Legal term for a person who is not a citizen or national of the United States

'A Number': 'Alien registration number' assigned to migrants by DHS, usually a nine-digit number used to track cases by the immigration courts

Asylum: A form of relief for which nationals of other countries can apply if they have suffered persecution in their home countries or if they have a well-founded fear of future persecution on account of certain protected grounds: race, religion, nationality, political opinion, membership in a particular social group

Board of Immigration Appeals (BIA): Division of EOIR that reviews decisions of immigration judges (as a result of appeals) and some decisions of DHS officers

Bond: Amount paid by a non-citizen released by ICE on parole or through an Alternative to Detention (ATD) program

Certificate of Translation: Formal statement from a translator that demonstrates the accurate translation of a document into English

Convention Against Torture (CAT): Abbreviation for the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Credible Fear Interview (CFI): Conducted by an asylum officer to determine whether an asylum seeker has a 'credible fear' of persecution or torture if the person were to be returned to his/her country of origin

Deportation Proceedings: Process through which non-citizens are removed from the United States

Executive Office for Immigration Review (EOIR): The division of the Department of Justice (DOJ) that is responsible for the Immigration Courts and the Board of Immigration Appeals

Individual Calendar Hearing: Hearing scheduled by the court for the presentation of testimony and evidence; also referred to as a 'merits hearing' or 'individual hearing'

Pro se: Migrant without legal representation representing themselves in their immigration hearing.

AA: Arriving Alien

CBP: US Customs and Border Protection

DHS: US Department of Homeland Security

DOJ: US Department of Justice

EOIR: Executive Office for Immigration Review

EWI: Enter without inspection

ICE: US Immigration and Customs Enforcement

INA: Immigration and Nationality Act

LPR: Lawful Permanent Resident

MPP: Migrant Protection Protocols

NTA: Notice to Appear

USCIS: US Citizenship and Immigration Services



Introduction

It has never been more important for the public to pay attention to what is going on in our nation's immigration courts.

For more than three years, HOPE's Border Observatory Court Observation Project has monitored the shifting policies and practices of the criminalization of migrants in El Paso immigration courts. This manual is the fruit of that work.

The US Immigration Court Observation Manual is meant for individuals, advocates and organizers as well as university groups and faith communities to do the critical work of monitoring immigration courts, not only at the US-Mexico border, but across the country.

Why We Observe

Public access to judicial proceedings is key to ensuring our democracy's system of checks and balances.

We observe immigration courts to document obstacles to due process experienced by migrants and violations of their constitutional and human rights. Those who participate in this process of observation can witness first hand the impact this system has on migrants, one of the most marginalized populations in US society.

Unlike federal courts which fall under the Judicial Branch as established by Article III of the US Constitution, immigration courts are part of the Executive Branch and administered through the Executive Office of Immigration Review (EOIR), which is a part of the Department of Justice. For this reason, immigration courts lack critical independence from the Executive Branch and the due process rights of migrants can be compromised in unique ways. Backlogs, disparities in rulings and politicized policies are all related to the lack of judicial independence in immigration courts.

Beginning a court watch program in your area can assist local immigration advocacy efforts. Third-party observers in immigration courtrooms also have a human impact. Our observations help to hold judges accountable, show our solidarity with migrants and can help broaden the public's understanding of a complex immigration system.

Guide to Border Agencies



US Immigration Court

The primary role of judges in immigration courts is to conduct removal proceedings and to adjudicate asylum claims. Removal proceedings determine whether a migrant will be required to stay or leave in the United States per the Immigration and Nationality Act. Asylum is the legal protection granted to people with fear of returning to their home country.

For more information about the different kinds of relief and the various bars to relief, see Relief from Removal (pg.14).

The Department of Homeland Security (DHS) and the Department of Justice (DOJ) play key roles in removal proceedings. US Customs and Border Protection (CBP) and US Immigration and Customs Enforcement (ICE) are agencies of DHS and also exercise critical roles in removal proceedings. The attorney representing the government is from ICE or DHS.

There are two types of court dockets: *the detained docket*, for individuals held in immigration detention and the *non-detained docket*, for migrants not in detention. In this manual, we prioritize observations of the detained docket.

Migrants may be referred to as respondents during immigration hearings.

While migrants have the right to an attorney or accredited representative in navigating immigration courts, they do not have a right to representation at the government's expense. Therefore, many migrants in immigration proceedings do not have attorneys.

While master calendar hearings and bond hearings are open to the public, individual or merits hearings are not.

Planning Your Visit

Contact information for EOIR courts across the country is available at EOIR's website (<https://www.justice.gov/eoir>). You can call to inquire about the court's hours and about the schedule of master calendar and bond hearings. You should also determine whether it is a detained or non-detained docket. Note that observing courts located on the grounds of an ICE detention facility requires additional time in order to go through security.

When arriving, you will likely be instructed to walk through a metal detector. You may also receive a visitor's badge to wear for the duration of your visit. Once checked in, you can ask to go into the court clerk's office to see the docket list.

Depending on your location, court personnel may not be used to the presence of court observers. If you experience hesitation or resistance from court officials or guards, remain calm and courteous while asserting that the public does have access to master calendar and bond hearings. If for some reason you are denied access, document the event with the location, date, time and an account of how you were denied access and by whom.

Once in the courtroom, you will generally find the immigration judge at the front of the room. The DHS attorney representing the government will usually be located at a table in front and to the right of the judge. If the respondent has an attorney, he or she will be called up by the judge and seated across from the DHS attorney. There may also be an interpreter present. You will also notice the presence of a guard as well as a court secretary who assists with scheduling hearings. On occasion, the respondent's family and friends may also be present.

TIP #1: COURT VISIT CHECKLIST

- Government Issued ID
- Notepad, Pencil or Pen
- Sweater or Jacket
- Car Keys
- Drink Water Beforehand

**Normally you will have to leave all other items, including cell phones, wallets, and bags in your car or a locker if the court provides one. Bring a quarter for locker use. You can always call the EOIR court to check phone and bag restrictions before you go.*

www.justice.gov/eoir/eoir-immigration-court-listing



Each judge schedules dockets differently, but in general each one will have morning and afternoon hearings.

If you observe the initial hearing for the group of respondents, the immigration judge will spend the first thirty minutes or so giving advisals. The judge is required to advise all those before him/her of:

- Right to counsel
- Free legal services that may be available in the community
- Evidentiary rights
- Appeal rights
- Right to a non-technical interpretation of the Notice to Appear (NTA)
- Right to designate country of removal

After these advisals are given, the judge addresses each detainee on the record regarding their case.

Pre-Reading

It is important to familiarize yourself with some new content to maximize the court observation experience. We recommend studying the following pages to make the most out of your court visit. This investment will help you think more critically and make deeper connections as you observe.

- ❑ Master Calendar Hearing Timeline (flowchart)
- ❑ Guide to Asylum at the Border (flowchart)
- ❑ Types of Hearings and Relief
- ❑ Form I-589
- ❑ Form EOIR-42B
- ❑ Form I-485
- ❑ Form I-914
- ❑ Form I-360
- ❑ Court Observation Data Collection Template

TIP #2: DRESS THE PART

There is a dress code for court proceedings that applies to everyone, including observers. Commonly, this includes closed-toed shoes, covered shoulders and pants or an appropriate length dress/skirt. It is always better to err on the side of caution - if you are in violation of the court's dress code, you may not be let into court, or you may be asked to leave.

ICE refers to cases of individuals in detention as cases in the 'detained docket'.

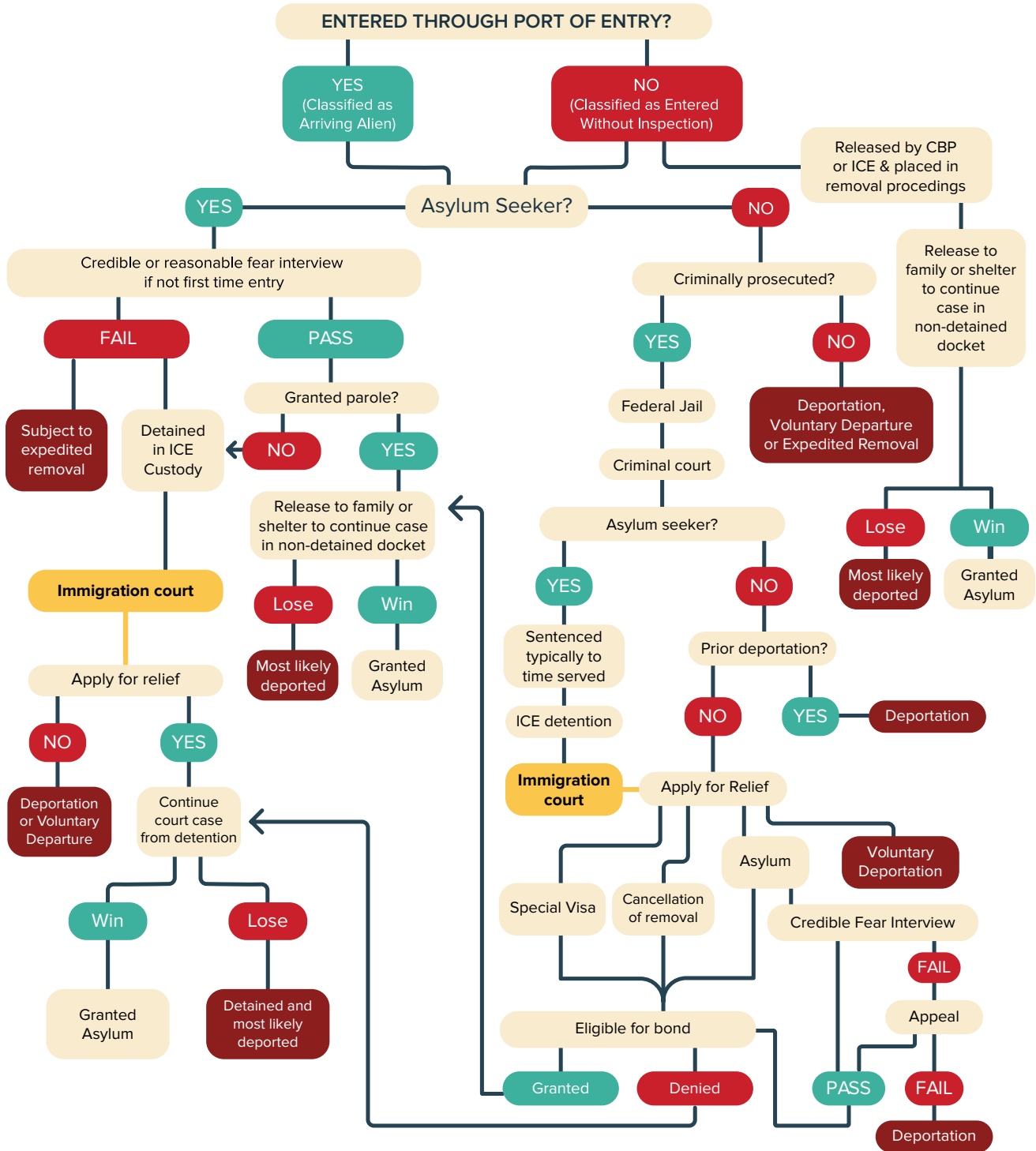
TIP #3: GET FAMILIAR

It is a good idea to make a short, preliminary visit to the court building prior to your first time observing. This will give you a chance to meet the guards and the court clerk. The more that court personnel see you and interact with you, the more they'll get used to your presence and be less inclined to challenge your observation.

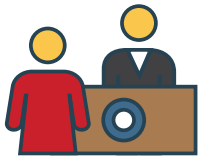


GUIDE TO ASYLUM AT THE BORDER

by HOPE BORDER INSTITUTE

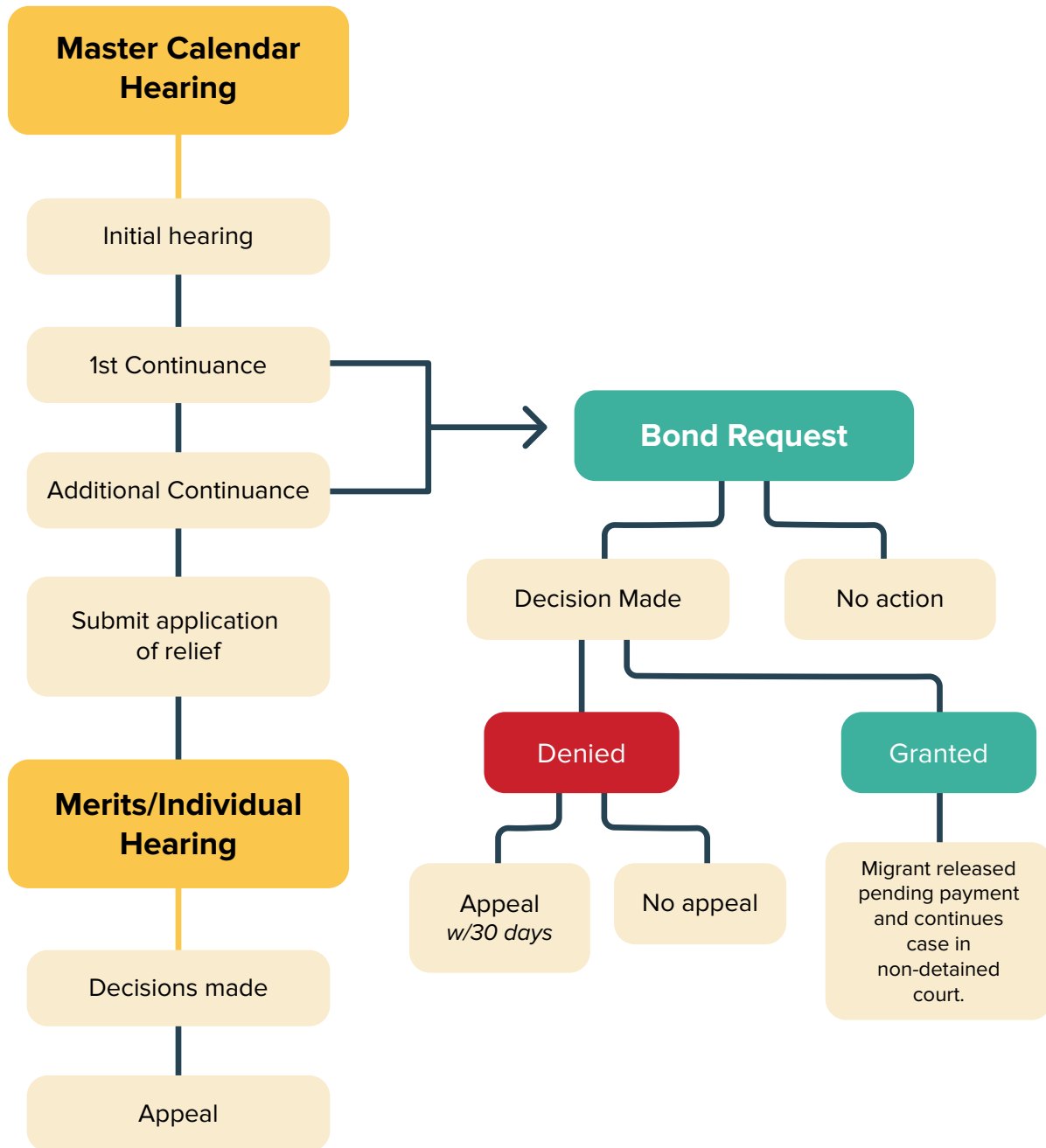


As of September 2019, approximately 71% of the asylum cases in the US were denied. In El Paso, the denial rate is 100%. (<https://trac.syr.edu/phptools/immigration/asylum/>)



MASTER CALENDAR HEARING TIMELINE

by HOPE BORDER INSTITUTE



Types of Hearings and Relief

Master Calendar Hearing

A master calendar hearing is usually a respondent's first appearance before an immigration judge. The purpose of a master calendar hearing is to advise respondents of their rights and of resources that could be of use to them. There will usually be several migrants present in the courtroom at the same time and each will be heard before the judge individually.

Judges will typically grant continuances to migrants during master calendar hearings. These are given to: 1) provide migrants with additional time to identify an attorney; 2) provide migrants who already have an attorney additional time to collect evidence; or 3) provide migrants who represent themselves with time to prepare their case (pro se representation).

Master calendar hearings are open to the public.

Bond Hearing

During a bond hearing, the immigration judge assesses a request from an migrants to be released from detention on bond. The DHS attorney will likely oppose this request and/or request a bond posting much higher than the mandatory minimum of \$1,500. During a bond hearing, the judge generally considers the presence of family members present in the United States, prior immigration history, employment, criminal history and ties to the community.

'Arriving Aliens' (those taken into custody at ports of entry) are not eligible for bond. Other circumstances that would render a respondent ineligible for bond are:

- An aggravated felony;
- One or more convictions of drug possession or charges related to firearms
- Convictions that indicate 'moral turpitude'

Bond hearings are open to the public.

Parole Requests

Those who are not eligible for bond can request parole from ICE. Parole allows a migrant otherwise considered inadmissible to remain in the United States temporarily. Parole is considered an extraordinary measure and is not intended as a substitute for normal visa processing procedures and timelines.

Individual Calendar or Merits Hearing

At an individual hearing, commonly referred to as a merits hearing, the respondent is given a chance to present evidence and witnesses as part of an application for relief from removal. Applicants also have the opportunity to prove to the immigration judge that they are eligible for judicial discretion to be exercised in their favor.

Merits hearings are closed to the public to ensure the privacy and safety of migrants.

TIP #4: BE POLITE

Be polite and cordial in the courtroom, and don't be afraid to smile or say hello. It is important to remember to stand when the judge enters the room and always address the judge as 'Your Honor.' Again, you may be the first observer a judge has seen, so being polite and respectful will go a long way.

To establish eligibility for asylum or refugee status, you must prove you are either the victim of past persecution or you have a well-founded fear of future persecution. In the case of past persecution, you must prove that you were persecuted in your home country or last country of residence.

WHAT BARS RELIEF?

Note: This is not a comprehensive list, and each form of relief may have different criteria

1. Aggravated felonies
2. A particularly serious crime or PSC, i.g.: drug trafficking
3. Seeking asylum or relief at a port of entry
4. A prior removal order renders one ineligible for voluntary departure

Trends to Monitor

During a court observation, you will witness the shifting policies of US immigration law. The following are trends to watch for during observations.

Family Separation

In some cases, parents continue to be separated from their children or detained apart from their children. It is not unheard of for a parent in a removal hearing to inquire about their children, including their whereabouts, and ask when they will be reunited.

Take note of how the judge responds to inquiries from a respondent or the respondent's attorney regarding the whereabouts of the respondent's children, spouse or other relatives.

Vulnerable Populations

Pay attention to individuals who may be members of a vulnerable population - physically disabled, mentally disabled, LGBTQ, pregnant women, unaccompanied children, etc.

Asylum *(for more information on asylum, see Relief from Removal, pg. 13)*

Be aware that immigration policies have begun to change rapidly under this administration. This can cause confusion. For example, in a June 2018 order, Attorney General Jeff Sessions ruled that 'membership in a particular social group' as a basis for an asylum petition would generally no longer include those survivors of gang violence or domestic abuse. Later, a federal court reversed this ruling.

If the immigration judge allows you to ask questions while the court is in recess, it may be helpful to ask about any memoranda or court decisions that have been referenced during a proceeding.

Legal Representation

Another likely trend to watch for is the stark ratio between pro se cases (where the respondent does not have a lawyer) versus respondents with legal representation. An individual has a higher chance of obtaining relief with representation. Respondents should receive a list of free or discounted legal services at their initial hearing. However, migrants do not have a right to legal representation at the government's expense.

Due Process Concerns

1) Televideo Conferencing

With the increased number of cases on immigration judges' dockets and pressure for a faster turnover with removal decisions, some immigration courts have turned to the use of televideo conferencing. Essentially, the judge and DHS attorney conduct the hearing from the courtroom while the respondents are located in a detention center at a distance, usually in some sort of mock courtroom. Generally there is a Spanish language interpreter working with the respondent. This method of conducting hearings can lead to connectivity problems impede clear communication. If the respondent has an attorney, they may not be together.

2) Language Barriers

Asylum application forms and instructions are in English which presents a tremendous barrier for migrants without attorneys.

2018's family separation policy is one aspect of US immigration policy. It was presented to the public as a 'zero tolerance' approach intended to deter illegal immigration and to encourage tougher legislation.

TIP #5: GOT A QUESTION? ASK.

When the court takes a break, the judge may give you the opportunity to ask questions. Don't be afraid to interact with the judge and speak up if there is something you'd like to ask.

As an observer, you will likely see migrants from a variety of countries. While migrants will often be native Spanish speakers, many immigration courts now have a growing need for interpreters of Central American indigenous languages. Guatemala alone has over 25 indigenous languages. The limited number of interpreters pose a challenge for migrants and for courts. Judges may rely on interpretation over the phone with interpreters who have little to no courtroom experience. If the judge cannot locate an interpreter, the hearing may be conducted in a migrant's non-preferred language.

3) *Immigration Court Quotas*

Trump administration quotas require that each immigration judge complete at least 700 cases per year. Immigration judges are penalized for referring more than 15 percent of their cases to higher courts and for scheduling hearings too far apart from one another. These practices compromise due process by creating rushed application times and decisions.

'Self-Deportation'

While not an official type of removal, 'self-deportation' is a trend a court observer will likely. This term refers to when the respondent initiates their own deportation. While this decision could be made for a multitude of reasons, many migrants who request their own deportation have spent weeks, months and in some cases years in detention.

'Self-deportation' reflects in part the inhumane conditions and extended lengths of stay endemic to immigrant detention. NGOs and government oversight groups have long documented alarming conditions in immigrant detention centers, including health and safety issues as well as harsh and inappropriate treatment. Detention centers are commonly located in remote locations, making them difficult for visitors, lawyers and NGOs to access.

TIP #6: TRACKING JUDGES' TIME

Local observers have noted judges have different practices when it comes to having information or conversations on and off the court's official record. We suggest noting what information is disclosed when a judge on and off the record given that discrepancies could impact a case.



Delayed Hearings

Another trend you may note is the busy schedule of the immigration court. Hearings may be scheduled months in the future, meaning a lengthier stay in detention for many.

Deterrence & Demeanor

The different cogs in the US immigration system -- courts, enforcement agencies and administrative policies -- have increasingly been weaponized against migrants as part of an overall strategy of deterrence. This may also extend to the judge's manner of proceeding during hearings. Pay attention to how the judge phrases questions to the asylum seeker and to his or her tone, eye contact and manner.

Arbitrarily High Bonds/Bond Denials

An immigration bond is the amount paid by a non-citizen released by ICE under parole or an Alternatives to Detention (ATD) program during removal proceedings. Eligible migrants include those charged with 'entering without inspection' (EWI). Bond hearings are increasingly treated by many judges as mini-asylum hearings, and if significant evidence and documentation of the asylum claim is not presented, judges may deny bond. However, the full merits of an asylum claim are unrelated to whether an individual in detention represents a flight or security risk. Furthermore, asylum seekers have the highest court appearance rates in the immigration system. Forcing asylum seekers to argue their cases while detained presents serious burdens. Bond amounts can be exorbitant, often totaling more than \$10,000 and even as much as \$30,000.

A NOTE ABOUT SELF-CARE

Court observations can be quite emotionally draining. For this reason, among others, it is usually better to observe with a partner rather than going by yourself. It also may be helpful to debrief the experience with others after your trips.

It is likely that you will see things that upset you, or at the very least, things that make you uncomfortable. Practices such as writing field notes after your trip, or journaling about how the experience made you feel, can help you process things that may have been hard to comprehend in the moment.

Self-care is important because it can help keep you from burning out. If you are upset by what you see and do not address it, you will not feel as comfortable returning to court to observe again.

Relief from Removal

Adapted from a chart originally produced by Bryan Lonagan, Immigration Law Unit of the Legal Aid Society of New York. Revisions provided by Paromita Shah of the National Immigration Project and the New York State Defenders Association Immigrant Defense Project.

Listed below are eight ways that detainees can apply to receive relief from removal (i.e.: a deportation order). The first three are the most common. One of these, voluntary departure, does not mean that a detainee can remain in the United States, but it gives them the opportunity to leave on their own without being subject to a deportation order that could remain on their record potentially cause future challenges.

Form I-589

Application for Asylum, CAT and Withholding; applicant has to prove the following criteria:

- I. 'Well-Founded Fear'
- II. Of 'Persecution'
- III. Perpetrated by the government or an entity the government cannot or will not control
- IV. And 'on account of' (must be at least one of the following)
 - Race
 - Religion
 - Nationality
 - Political opinion
 - Membership in a particular social group
- V. Generally, it is required that a person seeking asylum apply within one year of arrival to the United States
- VI. Some asylum seekers may be barred from receiving asylum as a result of the following categories:
 - Missed the one-year filing deadline
 - Firm resettlement
 - Persecutor
 - Terrorist
 - Particularly serious crime
 - Convicted of aggravated felonies
 - Serious non-political crimes outside US
 - Danger to the security of US

Even if an asylum seeker is ineligible to be granted asylum, there are two other relief options within the same application.

Protection under the Convention Against Torture

Protection under the Convention Against Torture is granted by a judge if an applicant would:

- Suffer severe pain and suffering
- Intentionally inflicted
- For an illicit purpose
- By or at the instigation of or with the acquiescence of a public official who has custody and control of the person
- Not arising from lawful sanction

Withholding of Removal

Withholding of removal is an order granted by a judge that prevents respondents from being deported back to a specific country where they fear persecution. The criteria are the same as for asylum.

Voluntary Departure (no form required)

Voluntary Departure allows eligible respondents who would otherwise be deported to leave without a deportation order. To be eligible, a respondent must have a passport and enough money to pay for a plane ticket to their home country (except Mexicans, who are repatriated at the border). If granted, a respondent has 120 days to leave.

Form EOIR-42B

For a non-LPR (lawful permanent resident) to be eligible for cancellation of removal, the respondent:

- Has been present in the US for at least 10 years
- Demonstrates 'good moral character' for 10 years
- Has not been convicted of certain crimes
- Demonstrates that departure would cause 'exceptional and extremely unusual hardship' to a US citizen or LPR spouse, parent or child and that the respondents are deserving of a favorable exercise of the judge's discretion

Form I-485

If admitted, paroled, and has an approved petition, a respondent can adjust status if:

- The respondent is eligible for an immigrant visa
- The respondent is admissible into the United States
- An immigrant visa is immediately available

Form I-914

Under the 'Trafficking Victims Prevention Act' of 2000 (TVPA), a special visa can be issued to persons who:

- Have been subject to 'severe trafficking'
- Agree to assist law enforcement OR are under 18 years of age
- Would suffer 'extreme hardship involving unusual and severe harm upon removal'

Form I-360

A child is eligible for Special Immigrant Juvenile Status (SIJS) if:

- The child is deemed to require long term foster care (under age 18 and a juvenile court has determined that family reunification is no longer a viable option) or the child was committed to the custody of a state agency or department due to neglect, abuse or abandonment
- The applicant is under 21 years of age and unmarried
- The applicant establishes:
 - VII. Date and place of birth
 - VIII. Date and manner of entry into the US
 - IX. Current immigration status
 - X. Whereabouts and status of the parents
 - XI. Evidence of abuse/neglect/abandonment and reasons why it would not be in the child's best interest to return to his/her native country

¹ US Department of Justice Executive Office for Immigration Review. 'Form EOIR-42B: Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents.' Last modified July 2015. <https://www.justice.gov/sites/default/files/pages/attachments/2015/07/24/eoir42b.pdf>

Court Observation Template

| | | |
|--|--|-----------|
| Data ID (Date.Court.Judge.Case.Observer Initials): | | Date: / / |
| Name of respondent: | | |
| Is the respondent present? <input type="radio"/> Yes <input type="radio"/> No | Respondent appeared: <input type="radio"/> In person <input type="radio"/> Teleconference | |
| Type of Hearing: <input type="radio"/> Master Calendar <input type="radio"/> Bond <input type="radio"/> Merits | Start time in front of Judge: | |
| Circle stage of hearing: <input type="radio"/> Initial <input type="radio"/> Check-in or Continuance <input type="radio"/> Submission of application | Start time on the record: | |
| Relief Requested (fill all that apply): <input type="radio"/> Asylum <input type="radio"/> CAT <input type="radio"/> Withholding <input type="radio"/> T Visa <input type="radio"/> Special Juvenile Visa <input type="radio"/> Other special visa <input type="radio"/> Voluntary Departure | End time in front of IJ: | |
| Respondent's Region: <input type="radio"/> Africa (N/W/E/SS) <input type="radio"/> Asia <input type="radio"/> SE Asia <input type="radio"/> Caribbean <input type="radio"/> Central America <input type="radio"/> Mexico <input type="radio"/> Europe <input type="radio"/> NA | Color of uniform: <input type="radio"/> Blue <input type="radio"/> Orange <input type="radio"/> Red <input type="radio"/> Other: | |
| Country of origin: | Gender: <input type="radio"/> Female <input type="radio"/> Male <input type="radio"/> Transgender | |
| Legal Representation: <input type="radio"/> Pro Se <input type="radio"/> Attorney | ICE Attorney: | |
| Attorney: <input type="radio"/> Present/phone/other <input type="radio"/> Local/Out of town <input type="radio"/> Pro-Bono/Private | Attorney name: | |
| Point of Entry: <input type="radio"/> Arriving Alien <input type="radio"/> EWI | Date NTA signed: | |
| Date of detention/length of detention: | Number of previous continuances: | |
| Language interpreted in court: <input type="radio"/> Spanish <input type="radio"/> Portuguese <input type="radio"/> French <input type="radio"/> Punjabi <input type="radio"/> Indigenous <input type="radio"/> Other specify: | Preferred Language: | |
| Interpreter (circle one): <input type="radio"/> In person <input type="radio"/> By phone | Name of interpreter: | |
| Does respondent express fear of return to country of origin? <input type="radio"/> Yes <input type="radio"/> No | CFI/RFI Results: | |
| Eligible for Bond? <input type="radio"/> Yes <input type="radio"/> No | | |
| Bond Decision & Amount: | Reasons given by judge: | |
| Family in US (fill all that apply): <input type="radio"/> Immediate <input type="radio"/> Other relatives <input type="radio"/> Friend | Location: | |
| Level of comprehension of legal options: <input type="radio"/> NA <input type="radio"/> None <input type="radio"/> Basic <input type="radio"/> Moderate <input type="radio"/> Other | Explain: | |
| Did Judge discuss other types of relief respondent may be eligible for? | If so, what? | |
| Was there any +/- bias by the judge? <input type="radio"/> Yes <input type="radio"/> No | Explain: | |
| Does the judge use their own instruction sheet or standing order? | If so, what? | |
| Did respondent mention discrimination in detention? <input type="radio"/> Yes <input type="radio"/> No | If so, what? | |
| Court's Ruling: | Next Court Date: | |
| Reserved right to appeal? <input type="radio"/> Yes <input type="radio"/> No | | |



Court Observation FAQ's

Isn't immigration court just like the ones I see on TV?

Not necessarily. While both have judges presiding over them, immigration court judges are part of the Department of Justice and not the judiciary branch of government. Also, while defendants in these courts can have an attorney represent them throughout their case, there is not one provided at government expense.

Do I have to be a legal scholar to observe?

No. You don't have to be an expert, but you should take the time to complete the pre-reading included in this manual.

Does observing make a difference?

The presence of neutral third parties can make a difference when it comes to court proceedings. Observations can impact how a judge behaves, how migrants feel and how observers better understand the system. Data collected may be used for advocacy that can lead to changes in policy.

Is one visit enough?

One visit is certainly enough to deepen the knowledge of the observer, but it is not enough for true data collection purposes.

I'd rather just listen during the proceedings. Do I really have to take notes?

While there is a benefit to passive observation, the most robust outcomes will take place when diligent documentation is conducted throughout the proceedings.

What do I do with all this data?

The first step is to make sure the data is consistent and clean so you can analyze it. Use critical thinking skills to analyze the data and determine what story it can tell. The numbers alone don't mean much.

What if I need help while I'm there?

Each court has an administrator that should be able to answer questions you may have either before or after the proceedings. You may be able to ask the immigration judge a question as well, but do not interrupt proceedings.

How do I find the courts in my area?

Visit the EOIR website: <https://www.justice.gov/eoir> for details.

Is this the same as accompaniment?

No. Accompaniment means being present for individual migrants as they proceed through their court proceedings. You are there on their behalf and may even advocate for them. Court observations are impartial and are primarily used for research purposes.

Is there anyone who can help me with setting up a program in my area?

Edith Tapia from the Hope Border Institute is available for limited consultations. Reach her at etapia@hopeborder.org.

Additional Reading

HOPE Border Institute. 'Border Observatory 2019: Hope and Resistance at the Border.' <https://www.hopeborder.org>

HOPE Border Institute. 'Sealing the Border,' 2018. <https://www.hopeborder.org>

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