



Human Rights Defender Project
Immigration Court Observation

OBSERVATION FORMS AND ANNOTATED GUIDES

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Immigration Court Observation

OBSERVATION FORMS AND ANNOTATED GUIDES



ROBINS 
KAPLAN_{LLP}



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2025 DETAINED MASTER CALENDAR AND BOND HEARING SAMPLE FORM

Sample Completed

2025 Detained Master Calendar and Bond Hearing-Immigration Court Observation

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

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

GENERAL

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

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

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

5. DHS Attorney: C Bly didn't appear

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

Comment (incl. name if possible): Got pro-bono list, cant read it

7. Detention Location: Freeborn Kandiyohi Sherburne Other:

IHP (Prison): Unknown

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

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

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

Attorney waived Comment: tried 3 language lines

BOND HEARING

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

12. Bond amount requested? \$ No amount specified

13. Respondent argument/evidence:

14. DHS's principle argument:

DHS did not speak

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

Advised request hearing when ready IJ will issue written decision

16. If Granted, Bond Amount: \$

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

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

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

REMOVAL HEARING

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

Not discussed

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

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

Comment:

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

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

Other Comment: guard to give application

A# 474

rev 1.1.25

24. Relief applications discussed as potentially eligible? Not discussed
 Cancellation: 42A (LPR) 42B I-589 Asylum / WOR / CAT U-Visa or T-Visa
 Voluntary Departure Adjustment of Status (I-485) Other/ unsure: _____

25. Did judge explain evidentiary rights today? Yes No Unsure
 26. Did judge explain all applications & evidence must be in English/ save copy for self? Yes No Unsure
 27. Did just give application filing deadline? Yes, date: 1-23-25 No Unsure

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

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

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

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

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

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

34. If judge made final decision did parties reserve appeal? Not applicable
 DHS: Yes No, waived Respondent: Yes No, waived Judge didn't ask Unsure

CRIMINAL HISTORY

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

EQUITIES

36. Length of time in the US: _____ Unknown. Check if likely recent arrival to US?
 37. Family in the US? Yes: _____ No Unknown
 38. Supporters in court? Family Other supporters Can't tell None Supporters acknowledged

WELLBEING

39. Any concern about mental health, physical illness, or competency Yes No Unsure
 Explain: stated has severe headaches

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

41. **IMPRESSIONS:** Use this space for comments, questions, quotes, and impressions
3rd hearing, gave 2 continuances said today must speak for self since hasn't found atty. He doesn't understand why he's stuck in jail.

2025 DETAINED MASTER CALENDAR AND BOND HEARING ANNOTATED FORM

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

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

Date: _____ Observer (full name): _____

Format date: mm/dd/yyyy

Print your first and last name

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

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

GENERAL

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

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

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

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

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

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

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

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

5. DHS Attorney: _____ didn't appear

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

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

Comment (incl. name if possible): _____

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

7. Detention Location: Freeborn Kandiyohi Sherburne Other: _____

IHP (Prison): _____ Unknown

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

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

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

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

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

10. Interpretation issues : None Incomplete Technical problems Unable to find Not in best language
 Attorney waived Comment: _____

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

BOND HEARING

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

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

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

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

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

13. Respondent argument/evidence: _____

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

14. DHS's principle argument: _____

DHS did not speak

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

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

Advised request hearing when ready IJ will issue written decision

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

16. If Granted, Bond Amount: \$ _____

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

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

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

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

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

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

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

REMOVAL HEARING

20. How did respondent get into ICE custody? _____

Not discussed

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

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

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

Comment: _____

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

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

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

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

Other Comment: _____

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

24. Relief applications discussed as potentially eligible? Not discussed

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

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

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

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

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

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

Other/ unsure: _____

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

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

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

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

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

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

28. Comment about relief application discussion: _____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CRIMINAL HISTORY

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

Comments: _____

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

EQUITIES

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

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

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

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

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

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

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

WELLBEING

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

Explain: _____

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

40. Complaints or comments about conditions in detention: _____

_____ None stated

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

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

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

2025 MERITS HEARING SAMPLE FORM

A# 455

1.1.25

2025 Immigration Court Observation -MERIT Hearing

Date: 1-10-25 Observer: Olivia Observer [] In Person [X] WebEx

GENERAL

1. 9 digit A# or last 3: 230662455 2. Country of origin: Guatemala - GT

3. Gender: [X] Male [] Female [] Trans/ non-binary [] Unsure [] Didn't appear, reason:

4. Judge: [] Carr [] Ivany [] Mazzie [] Miller [] Sardelli [] Wood [X] Zaske [] Other:

5. DHS Attorney: C. Bly [] didn't appear

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

Comment (incl. atty name):

7. Has the respondent been deemed incompetent by the court? [] Yes [X] No [] Unsure

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

9. DOCKET: [] Non-Detained [] IHP (prison) [X] ICE detention [] Unsure; Comment: Freeborn Cty Jail

LANGUAGE

10. Respondent's preferred language: Mam

11. Did court find interpreter in preferred language? [X] Yes [] No; If no, what language provided?

12. Interpretation: [] No problems [] Problem; Comment: Judge noted interpreter pre-scheduled, often hard to hear - background noise. Consecutive interpretation

MERITS

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

- [] Adjustment of status [X] I-589: [X] Asylum [X] WOR [] CAT [] Other
[] Cancellation: [] 42A (LPR) [] 42B [] Termination Dismissal [] Unsure
[] Voluntary Departure

14. Comment re evidence submitted by Respondent: said couldnt get evidence, phone stolen enroute

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

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

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

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

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

Presence in country

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

21. Does respondent have family in the US? [X] Yes [] No [] Unknown If family present, who and what status in US:
uncle - legal permanent resident

Background

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

Criminal history

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

Comments: _____

Legal argument

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

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

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

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

Health

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

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

Comment: unclear if related to detention or ongoing issue

CONCLUSION

29. Judge's action:

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

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

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

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

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

Comment: _____

33. Other comments, impressions, concerns:

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

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

2025 MERITS HEARING ANNOTATED FORM

A# _____

1.1.25

2025 Immigration Court Observation -MERIT Hearing

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

Date: _____ Observer: _____ In Person Webex
Format date: mm/dd/yyyy Print your first and last name Check whether you're observing in court or on webex

GENERAL

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

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

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

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

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

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

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

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

5. DHS Attorney: _____ didn't appear

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

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

Comment (incl. atty name): _____

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

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

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

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

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

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

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

LANGUAGE

10. Respondent's preferred language: _____

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

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

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

12. Interpretation: No problems Problem; Comment: _____

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

MERITS

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

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

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

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

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

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

14. Comment re evidence submitted by Respondent: _____

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

15. Comment re evidence submitted by DHS: _____

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

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

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

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

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

18. Comment about testifiers/ testimony: _____

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

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

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

Presence in country

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

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

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

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

Background

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

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

Criminal history

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

Comments: _____

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

Legal argument

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

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

25. Describe the main argument of government attorney: _____

26. Describe main questioning / reasoning of Judge: _____

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

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

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

Health

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

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

Comment: _____

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

CONCLUSION

29. Judge's action:

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

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

Comment: _____

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

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

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

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

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

Comment: _____

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

33. Other comments, impressions, concerns:

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

A# _____

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

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

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

2025 NON-DETAINED MASTER CALENDAR HEARING SAMPLE FORM

Sample Completed

1.1.2025

2025 Non-Detained Master Calendar Hearings- Immigration Court Observation

1. Date: 1-9-25 2. Observer (full name): Olivia Observer
 3. Shift time: 8:30-10:30 10:30-12:30 1:30-3:00 3:00-4:30 Check if not allowed in at shift start time:
 4. Judge: Carr Ivany Mazzie Miller Sardelli Wood Zaske Other: _____
 5. DHS Attorney: k. Knapp

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

Total hearings: III III II (12)
 Hearings R in person: III III (10)
 Hearings R remote (video/phone): II (2)
 Hearings R pro se: III III (10)
 Hearings R represented: II (2)
 Respondents have moved: III (5)

1st hearing is more than one year past entry into US:

(1)

R already filed asylum app: II (2)

If filed asylum, pleadings done today: 0

Pleadings done, no relief filed yet: 0

Language:

English Speakers: 0

Specify Languages: Haitian Creole, kiche

Spanish Speakers: III III (10)

Other Languages: II (2)

Case not heard, no interpreter: 0

Tally outcomes of hearings conducted:

Master calendar reset: III III I (11)

Removal order: 0

Merit hearing/trial queue next: 0

Voluntary Departure granted: 0

Termination/Dismissal: 0

Change of Venue: (1)

Admin closure: 0

No shows reset: 0

Status Docket: 0

No-shows In absentia removal: 0

7. Comment on any hearing tallies above: one case will go on status docket after file w/ USCIS

8. Continuance date for next master calendar hearings (main reset date): 11-15-25

9. Interpretation problems/ Comments Took 3 tries to get kiche interpreter - bad connection - background noise

10. If any respondents live outside MN, please list the states here: North Carolina, will change venue

ADVISALS

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

- | | | | | | | |
|--|-----|-----|-----|---|-----|----|
| 11. For pro se respondents at 1 st hearing, IJ gave a group advisal | 1 | 2 | 3 | 4 | (5) | NA |
| 12. For pro se respondents at 1 st hearing, IJ warned about attorney /notario fraud | 1 | (2) | 3 | 4 | 5 | NA |
| 13. IJ stated attorneys are expensive, might not be worth it | (1) | 2 | 3 | 4 | 5 | NA |
| 14. IJ stated they wouldn't discuss work authorization | 1 | 2 | (3) | 4 | 5 | NA |
| 15. For <u>all</u> respondents IJ verified current address | 1 | 2 | 3 | 4 | (5) | NA |

- 16. For pro se respondents IJ explained R must file change of address w/in 5 days 1 2 3 4 (5) NA
- 17. For pro se respondents IJ explained "failure to appear" results in deportation order 1 2 3 4 (5) NA
- 18. Judge offered WebEx appearance to people who live far from court 1 2 (3) 4 5 NA
- 19. IJ discussed change of venue if R lives outside MN, SD, or ND 1 2 3 4 (5) NA

ASYLUM APPLICATIONS & FILINGS

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

- 20. IJ offered pro se respondents an asylum application at first hearing 1 2 3 (4) 5 NA
- 21. IJ gave asylum application to respondents upon request 1 2 3 4 5 (NA)
- 22. For pro se respondents at 1st hearing IJ explained 1 year filing deadline for asylum 1 2 3 (4) 5 NA
- 23. For pro se respondents at 1st hearing IJ gave specific filing date or noted entry date 1 2 (3) 4 5 NA
- 24. For pro se respondents at continued hearing, IJ reiterated asylum filing deadline 1 2 3 4 5 (NA)
- 25. IJ explained can add evidence and amend filed asylum application until final hearing (1) 2 3 4 5 NA
- 26. IJ explained if asylum app filed > 1 yr after entry, can be considered for Withholding (WOR) 1 2 (3) 4 5 NA
- 27. If asylum application has been filed, IJ took pleadings and offered merit hearing next (1) 2 3 4 5 NA
- 28. If R is pro se today, IJ offered time to find atty even if asylum application already filed 1 2 3 (4) 5 NA

OTHER RELIEF APPLICATIONS

- 29. Mark which applications for relief other than asylum were discussed or offered to respondents: None
- Adjustment of status Cancellation of removal Cuban Adj Act SIIS Termination/dismissal TPS VAWA

Comment: Discussed TPS with family from Venezuela

30. New procedures, policies, or arguments noted: none noted

31. Comments about Judge: kind to kids. Group advisal thorough

32. Comments on DHS attorney: Barely spoke, no objection to continuances.

33. Comments about respondents: In general people seemed confused but almost no one asked questions,

34. Did anyone ask about asylum clock? Yes No Unsure Comment: _____

35. Additional impressions, questions, observations, quotes: All initial hearings. Courtroom crowded, not allowed in for 1st group advisal, present for 2nd group advisal. Clerk reviewed change of address forms respondent completed.

2025 NON-DETAINED MASTER CALENDAR HEARING ANNOTATED FORM

1.1.2025

2025 Non-Detained Master Calendar Hearings- Immigration Court Observation

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. Be aware that many respondents will have cases that have been consolidated with other family members so several individual cases listed on the docket may be conducted as one hearing.

1. Date: _____ 2. Observer (full name): _____

Format date: mm/dd/yyyy

Clearly print your first and last name

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

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

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

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

5. DHS Attorney: _____

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

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

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

Total hearings: _____

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

Hearings R in person: _____

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

Hearings R remote (video/phone): _____

Mark the number of hearings where all respondents in an individual or consolidated case appear via webex or phone (i.e. no one who is a party to the case is in person).

Hearings R pro se: _____

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

Hearings R represented: _____

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

Respondents have moved: _____

Tally the number of hearings where the respondent has moved i.e. the respondent's current address is different than the address the court has on record.

1st hearing is more than one year past entry into US:

Asylum filings are due within one year of entry, some asylum seekers end up having a first hearing when they've already been in the US more than a year, if you are observing initial hearings and the entry date is stated and is more than a year ago, tally that here (tally a case if the lead respondent on a family case has been here more than a year)

R already filed asylum app: _____

If it is stated that any respondents (or families) whose hearing you are observing have already submitted their asylum application, either to USCIS or to immigration court, tally it here.

If filed asylum, pleadings done today: _____

If pleadings are done for someone who previously filed their asylum application or who brings a completed application to court today, tally it here.

Pleadings done, no relief filed yet: _____

If pleadings are done because someone has had multiple continuances and haven't found an attorney or the judge says they "need to move forward", and you know the respondent/family has not submitted an application for relief, tally it here.

Language:

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

English Speakers: _____

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

Spanish Speakers: _____

Tally the number of cases where the respondent spoke Spanish.

Other Languages: _____

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

Specify Languages: _____

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

Case not heard, no interpreter: _____

If the judge is unable to conduct a hearing because an appropriate interpreter cannot be found, mark that here. If the hearing is conducted in a nonpreferred language, but one that the respondent can understand, you would not mark that here, but you can make a note of it in question 9.

Tally outcomes of hearings conducted:

Master calendar reset: _____

Count the number of hearings in which respondents were granted a continuance and given a date for another master calendar hearing. Usually everyone being scheduled for a master calendar hearing will be scheduled for the same day or two.

Merit hearing/trial queue next: _____

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

Termination/Dismissal: _____

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

Admin closure: _____

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

Status Docket: _____

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

Removal order: _____

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

Voluntary Departure granted: _____

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

Change of Venue: _____

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

No shows reset: _____

After the judge completes the cases for all the respondents who showed up whether in -person or on Webex, s/he will review the "no-shows", the people who failed to appear. The judge will typically decide either to reset the case – schedule another hearing and send out a new hearing notice, or order the person removed in absentia. If you are present when the judge is reviewing each no-show, please tally the outcomes- either reset or removal. Any other outcome or discussion related to no-shows, can go in question #7 below.

No-shows In absentia removal: _____

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

7. Comment on any hearing tallies above: _____

8. Continuance date for next master calendar hearings (main reset date): _____

Give the date that most of the master calendar hearings are being reset for. IF there are two main dates, list the soonest date. Format date: mm/dd/yyyy

9. Interpretation problems/ Comments

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.

10. 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.

ADVISALS

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

Read carefully whether a question applies just to pro se respondents, just to people at their first hearing, or for all respondents. For example: It is expected that respondents who have an attorney will have all their rights explained by the attorney and will be screened for eligibility for relief by their attorney. It would be appropriate to discuss the one year filing deadline for asylum applications at a first hearing because waiting until a second hearing would mean most people would be well past the one year deadline for filing.

11. For pro se respondents at 1st hearing, I J gave a group advisal 1 2 3 4 5 NA

Did the judge explain the nature of immigration court, their right to an attorney to a group or to each individual who was called up to the table. In general group advisals are more thorough. If the judge does a group advisal for the Spanish speakers and individual advisals to non-Spanish speakers, you'd mark it as a group advisal.

12. For pro se respondents at 1st hearing, I J warned about attorney /notario fraud 1 2 3 4 5 NA

We are seeing a lot of cases of fraud- people paying money and giving documents to people they hire as attorneys who are not attorneys. We have advocated to the court that pro se individuals are warned about the risk of fraud at a first hearing. Some judges elaborate more than others; this question just asks if anything at all about fraud is given when they are told they have a right to an attorney regardless of whether you think this warning is sufficient.

13. I J stated attorneys are expensive, might not be worth it 1 2 3 4 5 NA

We are listening for statements which might dissuade people from seeking legal representation.

14. I J stated they wouldn't discuss work authorization 1 2 3 4 5 NA

Asylum seekers can apply for work authorization with USCIS 150 days after filing an asylum application. People are eager to get work authorization and often ask about it in court. Some judges are willing to answer questions, some judges refuse to answer those questions. This question is asking whether a judge either pre-emptively states they won't answer questions about work authorization or they state it in response to a query.

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

Judges are supposed to verify the current address of a respondent at each hearing.

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

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

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

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

18. Judge offered WebEx appearance to people who live far from court 1 2 3 4 5 NA

Judges aren't required to offer webex. Respondents and their attorneys can request webex (video) appearances, but most won't even know it is an option. Many people travel long distances at great expense of time and money to get to court. This question is asking if the judge is proactively offering webex appearances to people who live far from court. You may not know where all the cities are that are being referenced, use your best estimate. 3 hours or more is considered FAR from court.

19. I J discussed change of venue if R lives outside MN, SD, or ND 1 2 3 4 5 NA

Respondents may ask to move their hearing to a court closer to where they live if they have moved from MN, ND or SD. This question is asking whether the judge makes the inquiry or suggestion without prompting from a respondent, if they live out of this court's region.

ASYLUM APPLICATIONS & FILINGS

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

Read carefully whether a question applies just to pro se respondents, just to people at their first hearing or for all respondents. . It would be appropriate to discuss the one year filing deadline for asylum applications at a first hearing because waiting until a second hearing would mean most people would be well past the one year deadline for filing.

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

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

21. IJ gave asylum application to respondents upon request 1 2 3 4 5 NA

In contrast with the statement in #20, this is asking whether the judge hands out an application only if a respondent requests one.

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

Does the judge explain that asylum applications must be filed within one year of entry into the U.S.? You'd mark agreement whether the judge says this in a group advisal or consistently in an individual advisal. Any clarifying comments can be made in question #35.

23. For pro se respondents at 1st hearing IJ gave specific filing date or noted entry date 1 2 3 4 5 NA

To assure understanding of the 1 year filing deadline a judge can tell the person, based on date of entry, the deadline by which they should submit their application to the court. Is the judge doing this? Is the judge at least reminding people what date of entry is on their notice to appear, by which the person can hopefully calculate their filing deadline? If the judge elaborates and explains that applications must be in English, that the respondent should save a copy etc., document that in question #35.

24. For pro se respondents at continued hearing, IJ reiterated asylum filing deadline 1 2 3 4 5 NA

Because so much information is given at a first hearing, it is helpful for a judge to reiterate the application filing deadline at subsequent hearings and to offer relief applications. As observers you won't know how many people are new arrivals seeking asylum and who is eligible for other forms or relief. If you are hearing all "adjourned" (continued cases) and no one is being reminded of a one year filing deadline, you would disagree with this statement.

25. IJ explained can add evidence and amend filed asylum application until final hearing 1 2 3 4 5 NA

Does the judge tell people who have been given or have filed an application that they can continue to submit evidence until their final hearing? They can also amend an application. Knowing this can help people make the filing deadline; they don't need to have all evidence gathered in order to submit their application. You'll use your best judgement as to whether the judge is telling people this consistently or failing to tell people for whom the advisal might be appropriate.

26. IJ explained if asylum app filed > 1 yr after entry, can be considered for Withholding (WOR) 1 2 3 4 5 NA

If a person misses the 1 year filing deadline for asylum, their I-589 application can still be considered for withholding of removal and deferral of removal under the conventions against torture. Some Judges will explain this to people and some won't.

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

Most people who file their asylum application want to move their case along because that enables them to get a work permit. But often a Judge won't take pleadings or offer a merit hearing because the respondent hasn't found an attorney. It is usually in the respondent's best interest to do pleadings and schedule a merit hearing, but they may not know to ask, or the judge may automatically just set another master calendar hearing. This questions asks about whether the judge is moving the case along.

28. If R is pro se today, IJ offered time to find atty even if asylum application already filed 1 2 3 4 5 NA

This is another way of asking the questions in #27. Does the judge ask someone who has already filed for asylum if they are still looking for an attorney, and if yes, just sets a master calendar hearing? The alternative would be the judge explaining that if they accept a merit date, they can continue to look for an attorney. By accepting a merit date after filing an asylum application, the asylum clock keeps going; the asylum clock is the time after filing an asylum application until a person can apply for a work permit.

OTHER RELIEF APPLICATIONS

29. Mark which applications for relief other than asylum were discussed or offered to respondents: None

Adjustment of status Cancellation of removal Cuban Adj Act SIJS Termination/dismissal TPS VAWA

It is not necessary to know what these forms of relief are, just check any that are mentioned as possible pathways for respondents in the hearings you observe. Feel free to add comments. Cuban Adj Act refers to status under the Cuban Adjustment Act.

Comment: _____

30. New procedures, policies, 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.

31. Comments about Judge: _____

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.

32. Comments on 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.

33. Comments about respondents: _____

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. You are not expected to take notes on every case/every respondent. You may note generalities or highlight a case that seems out of the ordinary.

34. Did anyone ask about asylum clock? Yes No Unsure Comment: _____

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

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

Please note if there are procedural improvements or shortcomings that you note in court, this can include issues in the lobby, among other court staff or about proceedings. 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.