

A View into Immigration Court

Stakeholder Report from the Immigration Court Observation Project

This 6-month report covers observations from 3.1.2020 through 8.31.2020

ABOUT THE IMMIGRATION COURT OBSERVATION PROJECT

The Immigration Court Observation Project is a collaboration between The Advocates for Human Rights, the James H. Binger Center for New Americans at the University of Minnesota Law School, and Robins Kaplan LLP in Minnesota. It began in April 2017 in response to the first Muslim Ban and the resulting surge of protests and interest in actions to support immigrants. Volunteer observers attend bond and master calendar (preliminary) removal hearings at the Fort Snelling Immigration Court, for immigrants held in ICE detention. By using volunteers who are not required to have any legal background at all, the project focuses on perceptions of fairness, due process, and standards of justice rather than statutory arguments or procedures.

The project seeks to:

- Bring transparency and accountability to immigration court
- Observe and document the impact of the Administration's executive orders, and policy changes
- Compare Minnesota to national trends
- Collaborate with court observation projects nationally
- Refer specific cases for representation, litigation, or competency assessments
- Understand and report on the public's perceptions of justice and due process in Immigration court
- Promote human rights standards for immigration court
- Advocate for just immigration policy on the local, state and federal level

Court observers complete a two-page observation form for each observed hearing. Observers record demographic information such as gender, country of origin, primary language, objective information such as the presiding judge, counsel for the Department of Homeland Security (DHS), whether the person was represented, type of relief (defenses to deportation) being sought, bond requests and decisions, and criminal history. The observation form also collects subjective impressions about the respondents' ability to understand and participate in the hearings, the demeanor of the judge and government attorney, and the fairness of the process and outcome of the hearing. All collected observations are entered by volunteers into a database. Approximately every six months, the data are analyzed, and a stakeholder report is written. This report covers observed hearings at the Fort Snelling Immigration Court, in Minnesota, between March 1, 2020 and August 31, 2020.

Just two weeks into this reporting period, Covid emerged in Minnesota. The impact was felt throughout our immigration system. Covid led to the suspension of non-detained court in Minnesota, and significantly increased health risks to those in detention. The pandemic brought forth new court procedures, and shortened case timelines. Covid raised even more due process concerns, especially with a change to video appearances from jail rather than court room appearances for respondents. A more comprehensive report addressing changes and challenges due to covid will be released in 2021.

Since the inception of this project in 2017 observers have been scheduled to observe all master calendar and bond hearings. However, during the beginning of the pandemic and resulting shelter-in-place and stay-safe mandates, volunteer scheduling was significantly scaled back. This report covers all observed hearings, but the data does not include all court proceedings at the beginning of the pandemic.

FINDINGS

There were **707 documented observations** for a **total of 515 hearings**. Some hearings had more than one observer. There were **285 unique individuals** whose cases were observed. Some detainees had one observed hearing, others had multiple hearings; three individuals had 6 master calendar hearings each in this 6-month reporting period.

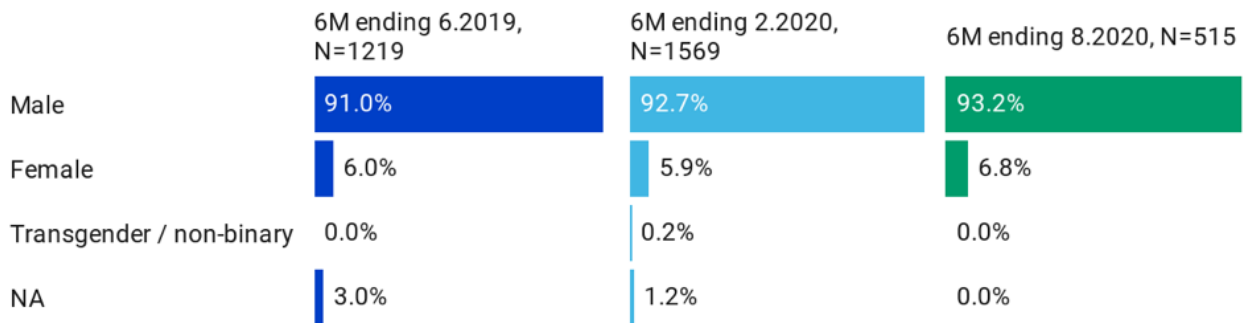
A total of 35 individual observers documented hearings during this 6-month reporting cycle; of these only 22 observers attended court once Covid restrictions were put into place in Minnesota.

NUMBER OF CASES ON DOCKET PER WEEK



Court went from an average of 80-90 hearings per week to an average of 27 during the early months of the pandemic.

RESPONDENTS BY GENDER



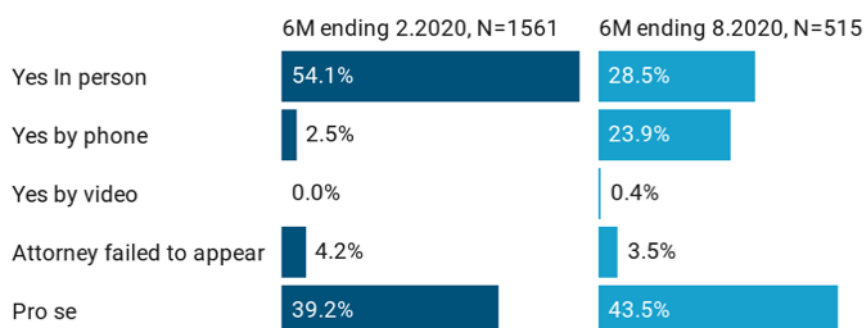
The gender breakdown has been remarkably consistent across reporting periods with approximately 6% of respondents being female.

COUNTRY OF ORIGIN

6 M ending June 2019, by # of hearings	6 M ending February 2020, by # of hearings	6 M ending August 2020, by # of hearings	6 M ending August 2020, by # of individuals
Mexico- 43.0%	Mexico- 40.2%	Mexico- 35.7%	Mexico- 35.9%
Guatemala- 9.4%	Guatemala- 11.7%	Guatemala- 11.5%	Guatemala- 13.0%
Honduras- 5.1%	Honduras- 7.0%	Somalia- 8.7%	Honduras- 8.0%
El Salvador- 4.5%	El Salvador- 5.4%	Honduras- 6.2%	Somalia- 6.4%
Cuba- 4.5%	Somalia- 4.7%	El Salvador- 3.7%	El Salvador- 4.0%
Somalia- 4.4%	Ecuador- 4.5%	Laos- 3.7%	Laos- 3.3%
Liberia- 3.9%	Cuba- 2.9%	Ecuador- 2.9%	Ecuador- 2.9%
Nicaragua- 3.2%	Liberia- 2.1%	South Sudan- 2.7%	Liberia- 2.2%
Ecuador- 2.9%	Nicaragua- 1.5%	Cuba- 1.9%	Burma- 1.8%
Spain- 1.8%	South Sudan- 1.3%	Burma- 1.8%	South Sudan- 1.5%
India- 1.8%	All Others- 18.7%	Liberia- 1.4%	Cuba- 1.5%
All Others- 15.5%		Bosnia- 1.4%	All others: 19.7%
		All Others- 18.4%	

Since the inception of this project in 2017, Mexico has been the most prevalent country of origin, followed by Guatemala. Honduras, Somalia, El Salvador, Ecuador, Liberia, and Cuba have consistently been among the top ten countries of origin. In the most recent 6-month dataset we observed hearings for people from 46 countries. In addition to those in the graphic above, respondents were from: Argentina, Bangladesh, Bosnia, Britain, Cameroon, Canada, Chile, China, Colombia, Democratic Republic of Congo, Egypt, Eritrea, Ethiopia, Gambia, Ghana, Guinea, Guyana, Haiti, India, Iraq, Kenya, Kosovo, Malaysia, Micronesia, Philippines, Rwanda, South Africa, South Sudan, St. Lucia, Sudan, Tanzania, Thailand, Ukraine, and Vietnam. This is the first time Laos, and Burma have appeared in the top 10, likely because after the U.S. put on pressure by restricting visas, the countries agreed on repatriation and began issuing travel documents.

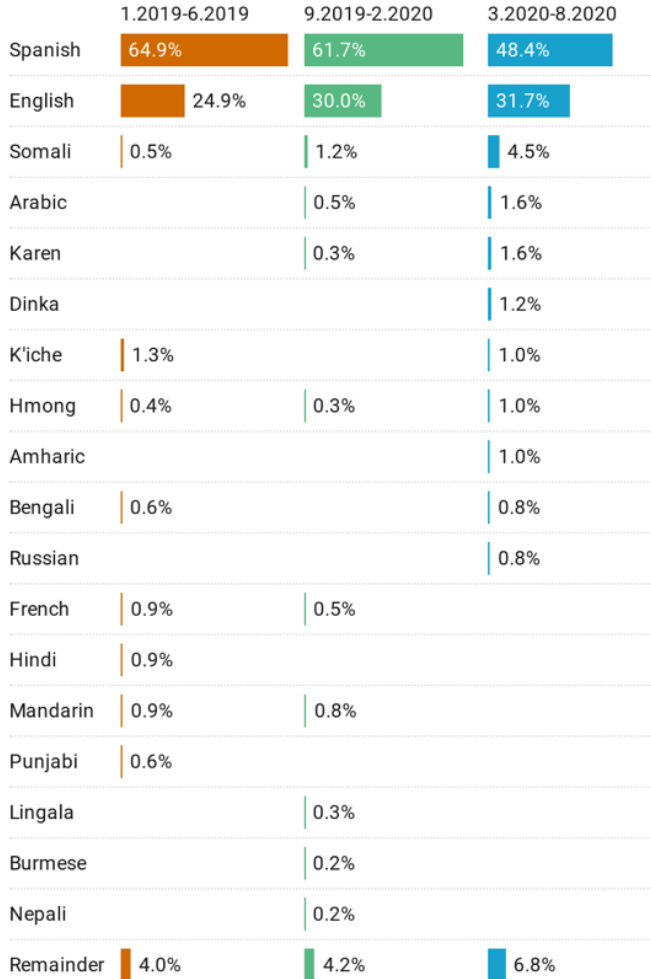
LEGAL REPRESENTATION



More detainees were pro se in the most recent reporting period; 47% represented themselves at the observed hearings compared to 43.4% during the prior reporting period. This small change may be due

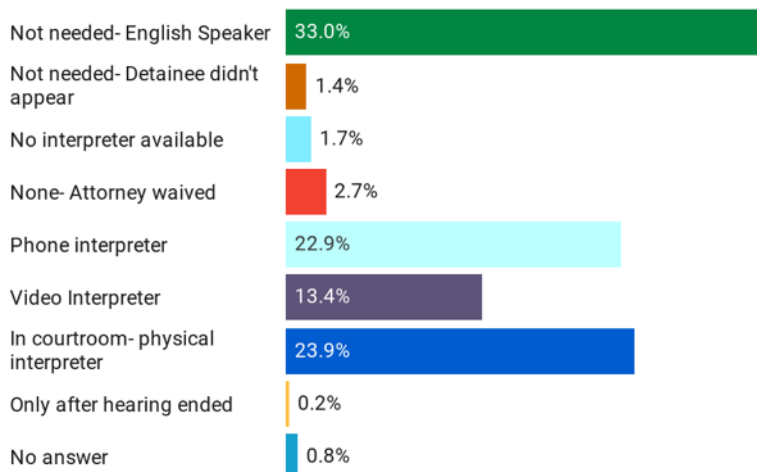
to chance. It may also reflect the increased difficulty some detainees reported in accessing the telephone during the pandemic.

LANGUAGE



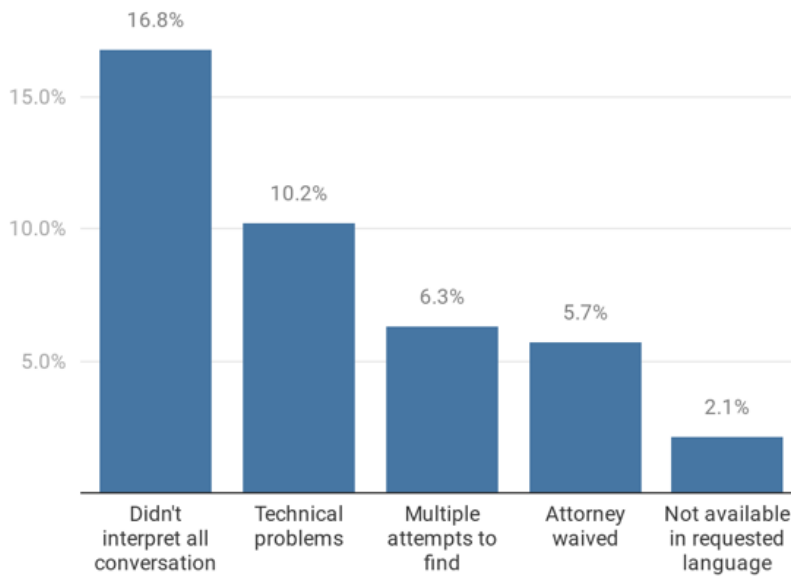
This graphic shows the most common languages requested during 3 reporting periods. There was a significant decrease in the percentage of Spanish speakers. The reason for this is unknown.

Interpretation



Most phone interpreters are for languages other than Spanish. At the beginning of the pandemic and sporadically since, Spanish interpreters were telephonic from Kansas. There was some confusion among observers about how to answer the question if the interpreter was present in the building but appearing on video in the observer's courtroom. Some observers checked "in courtroom", others "video".

Interpretation Problems (non-English speaking detainees)



Incomplete interpretation was a bigger problem during the recent reporting period, though the court has been making efforts to assure complete interpretation, especially after observers' concerns were expressed to the court. In the prior 6-month report, from September 2019 through February 2020, only 2.6% of hearings for non-English speaking respondents were marked as having incomplete interpretation and only 0.7% noted technical problems, all related to phone interpretation.

Interpreter Not Available in Preferred Language:

This was not a frequent problem, it occurred in 29 cases (2.1% of cases with a non-English speaking detainee) Lack of appropriate language interpretation is a significant barrier for pro se individuals.

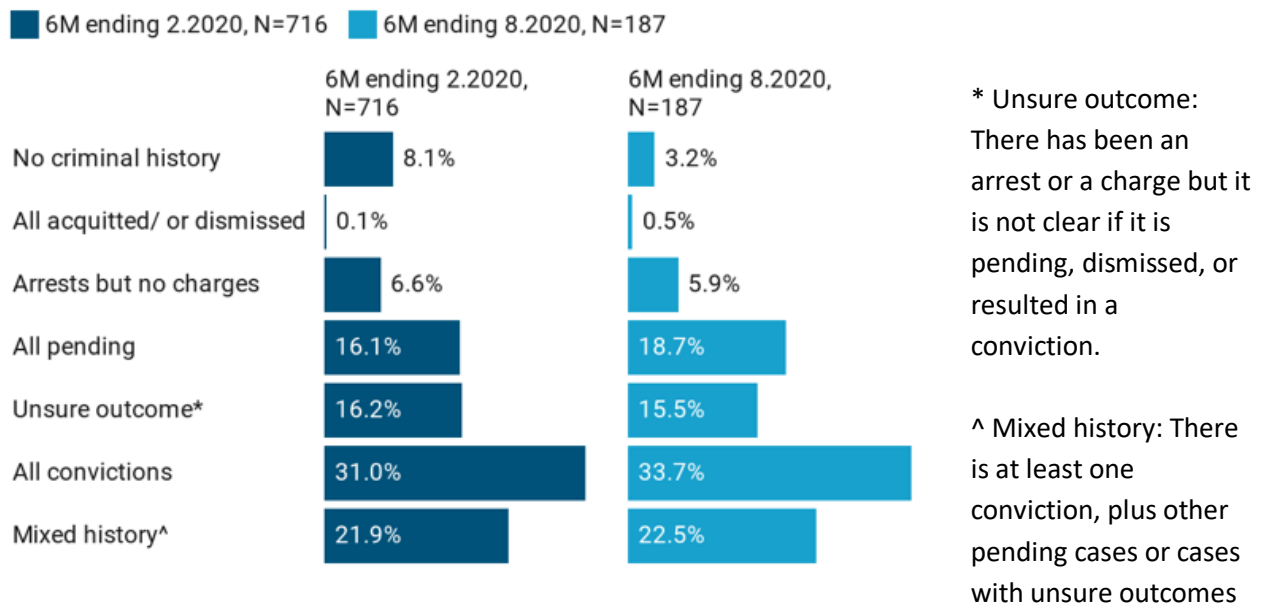
Requested	Provided English, had Attorney	Provided English, was Pro Se	Provided other language, had Attorney	Provided Other Language, was Pro Se
Arabic	1			
Cantonese				Mandarin (1)
Creole	1			
Dinka		2		
Hmong		3		
K'iche	1			Spanish (1)
Karen	2	1		
Mam	1			
Somali	9	1		
Spanish	2	1		
Thai	1			
Zapotec				Spanish(1)

DETAINEE APPEARANCE:

After the Minnesota Governor’s shelter-in-place order began the evening of March 17, 2020, detained people appeared in-person 7.4%, via video 89.1%, and by phone 0.8%. Appearance method not documented in 0.3% of cases. Detainee did not appear in 2.4% of cases.

CRIMINAL HISTORY

For immigrants, an encounter with police often leads to an encounter with ICE. Court observers document what, if anything, is said about criminal history and how detainees came into ICE custody. For the first time, in this report, were able to analyze data not just by observed hearing but by individual detainee. Many detainees appear in court for multiple hearings. Prior to this report we did not have the capacity to consolidate the criminal history into one record per individual. Remarkably, whether analyzing the data per hearing (with some appearing multiple times) or analyzing per individual (with each respondent counted only once) the results were remarkably similar. Only the reporting by individual is displayed below.

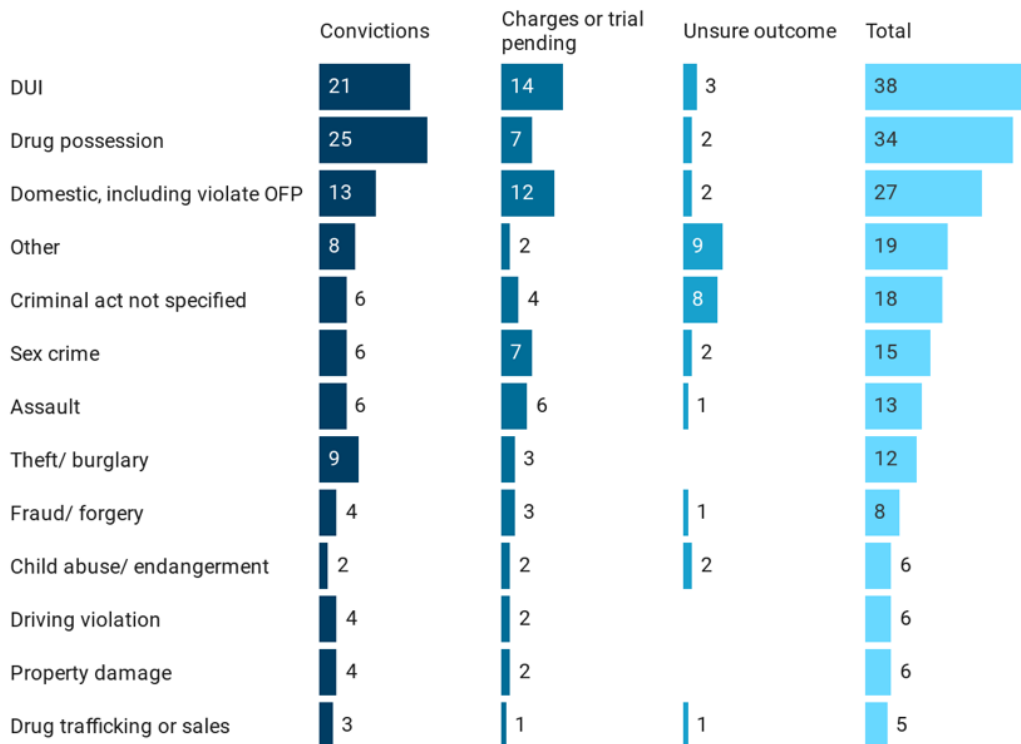


There were 3.2% of respondents with no criminal history in this reporting period, compared to 8.1% in the previous reporting period. But there were very similar percentages of people who have not been convicted of a crime: 30.9% last reporting period, compared to 28.3% this reporting period. This includes people with no criminal history, with arrests but no charges, and people whose cases are pending. It is critical to keep in mind that not all of the hearings the first weeks of pandemic were observed. In addition, ICE may have released people who had no criminal records on a bond, ankle monitoring, or for humanitarian reasons as a Covid precaution early in the pandemic. As a result, the previous reporting period and the current reporting period may not have similar populations of detained persons.

Out of the 285 individuals whose hearings were observed, criminal history was discussed for 189 of them, including 6 who had no interactions with the criminal justice system. For those with arrests, pending cases

and/or convictions, the type of crime alleged or committed was categorized. The numbers add up to more than 183 because some individuals had multiple arrests or were convicted of multiple crimes.

Crime By Type

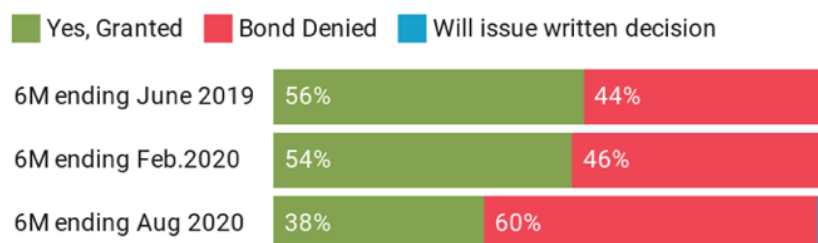


The numbers listed refer to individuals. As is true each time we have analyzed data for this project alcohol and drug crimes are the most prevalent, followed by domestic violence. Four of the individuals with a DUI conviction, noted above, had more than one DUI conviction. Eight of the sex crime cases (both conviction and pending) involved sex acts against a minor child. The “other” category included "CIMTs" crimes involving moral turpitude (unspecified), terroristic threats, disorderly conduct, stalking, firearms, smuggling, criminal mischief, and manslaughter.

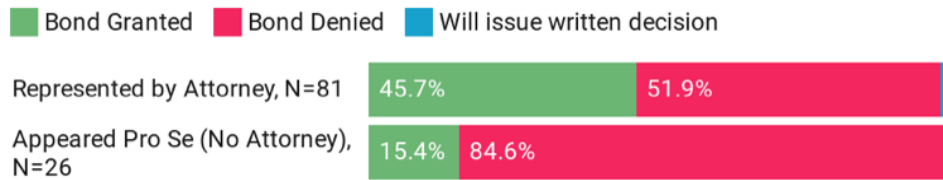
BOND

The following graphics show outcomes in cases where the bond hearing was completed-- not cases that were continued, or where the respondent withdrew the bond request.

Bond Decision

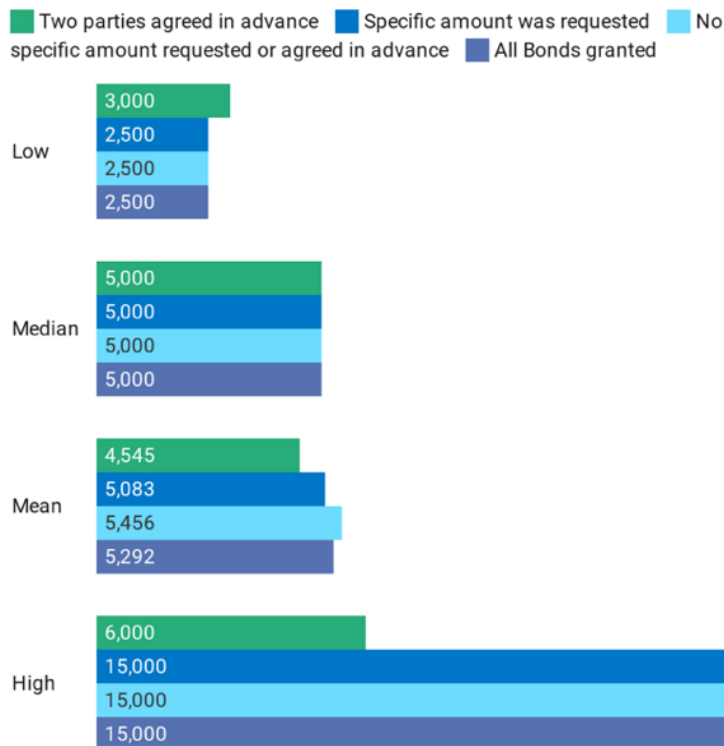


Bond Decision by Attorney Representation



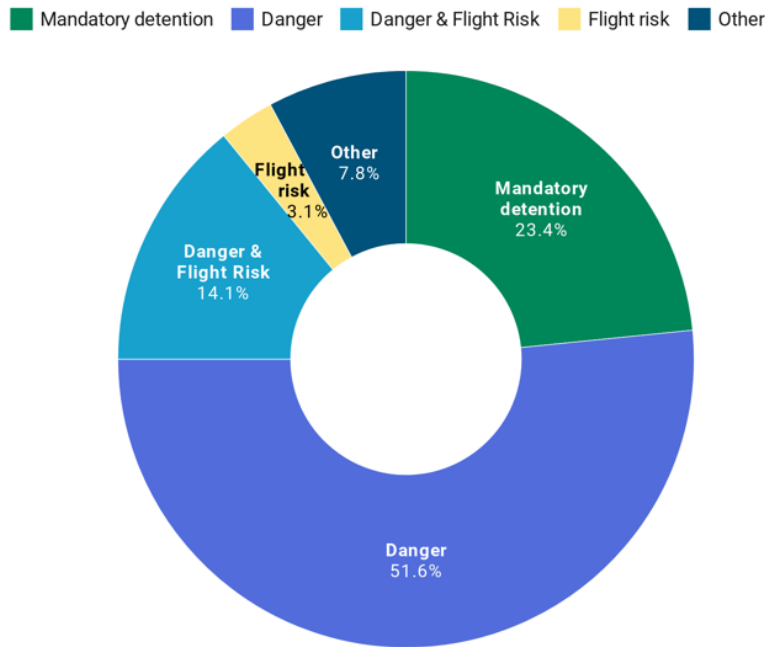
Having an attorney makes a big difference. In the previous reporting period (September 2019-February 2020, not shown in graphic above), detainees with attorneys won bond in 65% of cases, and pro se cases were granted bond 29% of time. In this six-month reporting period, bond grant rates were lower, and pro se individuals were granted bonds at one-third the rate of represented respondents. The explanation for lower bond grant rates could be that some bond-eligible people were paroled out early in the pandemic when the observers were not scheduled for all hearings or that a higher percentage of respondents had arrests and convictions. But we cannot rule out that DHS was arguing more persuasively against bond, that detainees who are pro se faced even greater barriers to obtaining evidence, or because of the cessation of in-person legal orientation by legal nonprofits, pro se clients were less prepared to understand bond requirements.

Bond Amounts Granted



Not surprisingly, when the ICE attorney and the respondent’s attorney reach a bond agreement prior to the hearing, the average bond and the highest granted bond amount was lower, compared to adversarial bond hearings. The median bond amount in Minnesota (half higher, half lower) has remained at \$5,000 since the beginning of the project in 2017.

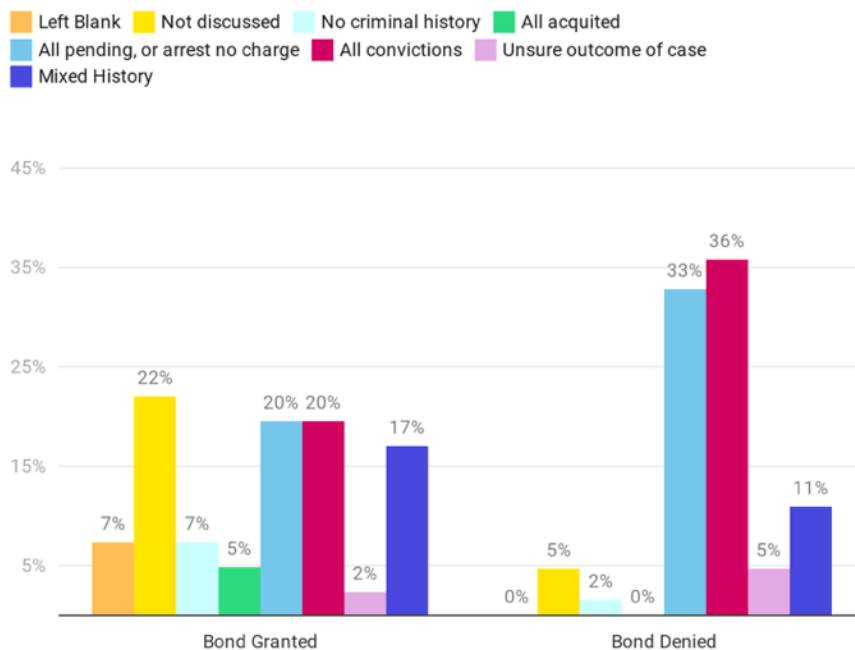
Bond Denial Reason N=64



To get a bond, the detainee first must establish that they are eligible for release and not statutorily subject to mandatory detention. Then they must prove they are not a danger to society. If they are not subject to mandatory detention and deemed not a danger, they then must demonstrate that they are not a flight risk. The judge sets a bond amount that mitigates against flight risk and incentivizes them to show up in court for future hearings if they are released. The judge will look at arrest and/or conviction documents and evaluate “equities” such as ties to the

community, family with legal status, moral character, employment, and living situation. It is difficult for those in detention to obtain documents which would demonstrate these “equities”. It is increasingly difficult for anyone with a DUI or any arrest for domestic assault to get a bond, as they are almost always deemed a danger to society.

Criminal History and Bond Outcome



Not surprisingly, those who were granted bond were more likely to have no criminal history, while those who had bond denied were much more likely to have arrests and convictions. In 22% of cases where bond was granted, the criminal history was not discussed. It is possible that the judge had information in the written record that influenced a decision but was not discussed at the hearing.

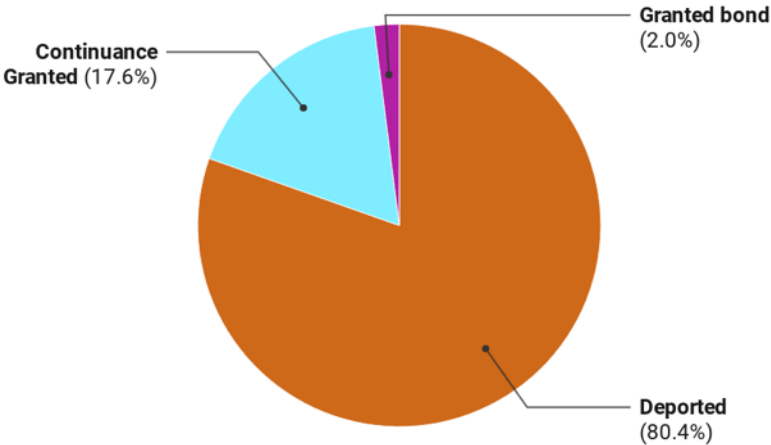
DETAINEES ASKED TO BE DEPORTED

This project always examines cases in which detained people give up and ask for a removal order. People give up because for many reasons:

- Detention is corrosive and coercive
 - Fighting for relief takes a long time, especially if one appeals a denial
 - Conditions are dehumanizing
- Detention causes financial burden
 - Unable to work
 - Bonds, if they can even get one, are too expensive.
 - People choose between hiring an attorney, paying bills, and having money left when deported
- Barriers to relief are tremendous
 - It is nearly impossible to win without an attorney (10% chance)
 - Lack of legal and language resources in detention

In this 6-month reporting period, **49 individuals asked for a deportation order.** (This occurred in 51 separate hearings; two people asked at two hearings each). Of those asking to be deported the average (mean) length of time these individuals lived in the US was 12 years, the median was 11 years, the range was 1-30 years.

Outcome After Asking for Deportation



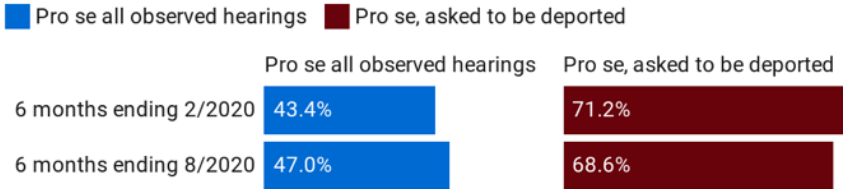
Of those requesting deportations, 2% were granted bond, 17.6% were granted continuances, and 80.4% were deported. No one was granted voluntary departure. Of those getting deported, two were female and 39 were male. Of the continued cases, two were ordered deported at their next master calendar hearing when they again requested a removal order.

No Grants of Voluntary Departure. Of those asking to be deported, ten were evaluated for voluntary departure and deemed ineligible, 8 were ordered deported.

Country of Origin – Among those asking to be deported were detainees from Bangladesh, El Salvador, Ethiopia, Guatemala, Honduras, Laos, Mexico, Nicaragua, South Sudan. People from Mexico, Honduras and Guatemala asked for deportation at a rate disproportionate to their proportion of all respondents. Of those asking for deportation 42.9% were from Mexico, 24.5% were from Guatemala and 14.3% were from Honduras. For all observed hearings those percentages are 35.7%, 11.5% and 6.2% respectively. This

might be an incidental finding or may relate to changes in avenues for relief, conditions in home countries, family ties, or other factors.

Lack of Legal Representation as a Factor in Giving Up



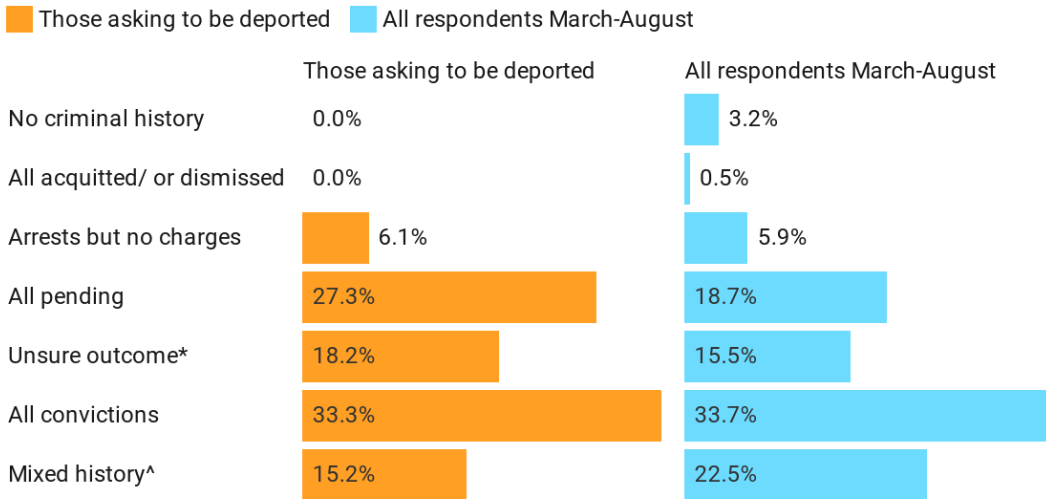
Created with Datawrapper

In the last two reporting periods individuals were pro se for 43.4% and 47.0% of hearings respectively. Those giving up and asking to be deported were much more likely to be unrepresented: 71.2% in the 6 months ending February 2020 and 68.6% in the period ending August 31, 2020.

Bond Denial for Those Asking for Deportation

Eleven individuals asked for a removal order after being denied bond, of these, seven got a removal order and four got continuances. *“If I can't get bond, I want to be deported as soon as possible, tomorrow - there's a plane leaving tomorrow.”*

Does Criminal History have Impact on Requesting Deportation?



It is challenging to determine whether there is a correlation between criminal history and asking for deportation. There was no one who asked to be deported for whom it was clearly stated there was no history of police encounters, and none who had only acquittals, compared to all respondents. But the percentage of people who had “all convictions” was the same for those asking for deportation and respondents as a whole in this 6-month reporting period. Among those who asked to be removed, a much higher percentage of had cases that were “all pending”, than was the case among all respondents: 27.3% vs 18.7% respectively, a difference of 8.6%. This could suggest people are choosing deportation rather than face jail time for a possible criminal conviction. However, when adding “arrests but no charges”, “all

pending”, and “mixed history”, which is comprised of people with a combination of convictions and either pending cases or outcomes unknown, the difference between those asking to be deported and the population of all respondents dips significantly to 1.5% (48.6% vs 47.1%). It is not clear that criminal history or pending criminal cases is a significant factor in requesting deportation. This could be further explored only in interviews with detainees.

Family in U.S.

Those who were deported leave behind: at least 10 siblings with LPR or citizenship status, 7 siblings whose legal status is unknown, unnumbered aunts and uncles, 2 US citizen parents, 3 parents who have legal permanent residency status (LPR), 3 parents who are undocumented or whose status is unknown, 7 U.S. citizen spouses, 2 LPR spouses, 3 spouses who are undocumented or whose status is unknown, 6 children who are undocumented or whose status is unknown and **25 U.S. citizen children**. For a number of the individuals, family ties in the U.S was not discussed.

Comments from Respondents make clear the coercive nature of detention, the financial barriers facing detainees and the difficulty fighting a case from detention.

Attorney: “My client has a blood clot in his lung and he can't be in jail any longer; he had been planning to file for asylum and has a US citizen fiancé.” Detainee: “My health is not doing well, I'm not doing well. I was denied a bond, I just can't stay in jail anymore.”

Detainee was so downtrodden in detention, without an attorney, and caught up in a bar sweep, he chose deportation to a country he doesn't know and hasn't been since a kid 30 years ago, with all family in the U.S. Really unfair!

Had received an Asylum application at previous hearing. Respondent said he doesn't want to apply. He has seen too many claims denied, and doesn't want to be locked up anymore.

“I don't want to be in custody. I've been in custody 5 months. One's mind changes--I don't want to be locked up anymore. I want to leave. I don't have any money. I'd like to be on the soonest flight.”

“I'll tell you the truth, I decided I want to sign a deportation. If I got a bond I wouldn't be able to pay. I have friends here but no family. I might as well just take a deportation.”

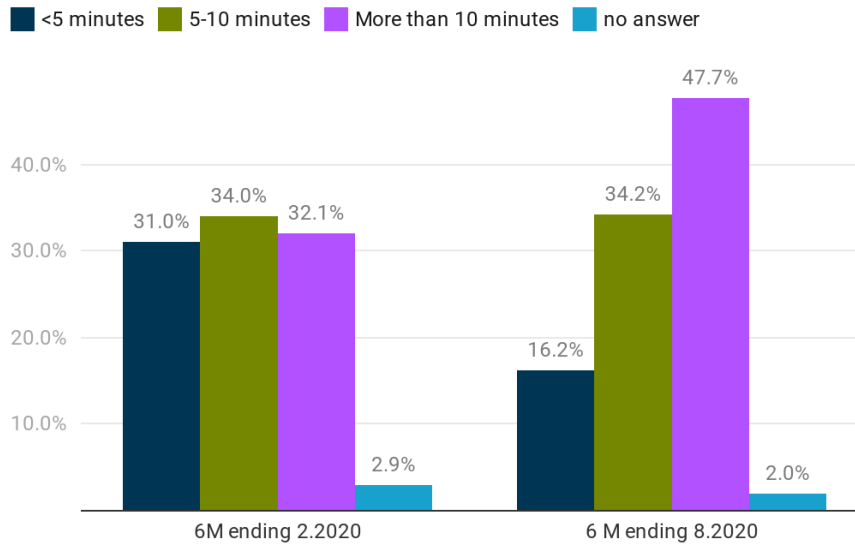
“I'll just go.” [judge had offered application for asylum] “Even if I take the application, it won't be granted because I can't prove the things you are asking. If I take the application I will be locked up even longer. I've been locked up for 7 months.”

“I don't have money. I am a family man. I support my family. If you release me on bond I can help my family. I don't want to sit here. If you have to deport me, deport me. I have to support my family.”

He wanted to get out [of detention on bond] so he could earn money to pay back the people who lent him money to come to US. They have threatened his family because they aren't getting paid back. Detainee

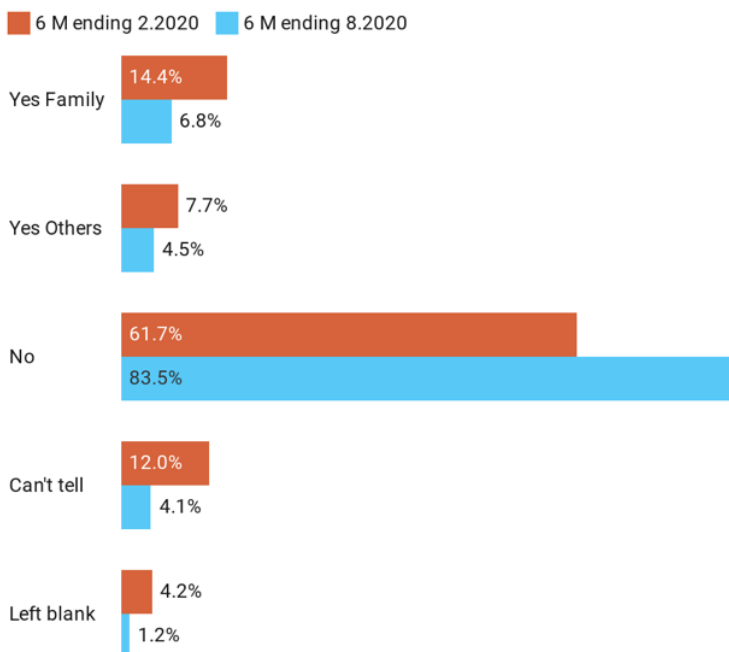
was unsuccessful in finding an attorney. He was frustrated and said that the judge giving him more time would not help. Said if he goes back to GT he will pay with his life. Said "I would rather it be me than my family." At one point, Judge said "You are saying two things...you want to be deported and you will die with you go back to Guatemala." Told him "You are giving up your rights to stay in the US and choosing deportation." Judge got very frustrated with detainee because he was very vocal in explaining his situation and kept interrupting her.

LENGTH OF HEARINGS



Hearings are longer this reporting period. No doubt this is because of the cumbersome nature of VTC (video teleconferencing) hearings during Covid and the lack of simultaneous in-person interpretation.

SUPPORTERS IN THE COURTROOM



In this chart, "Can't tell" means that supporters were present but it wasn't clear which respondent they were present for.

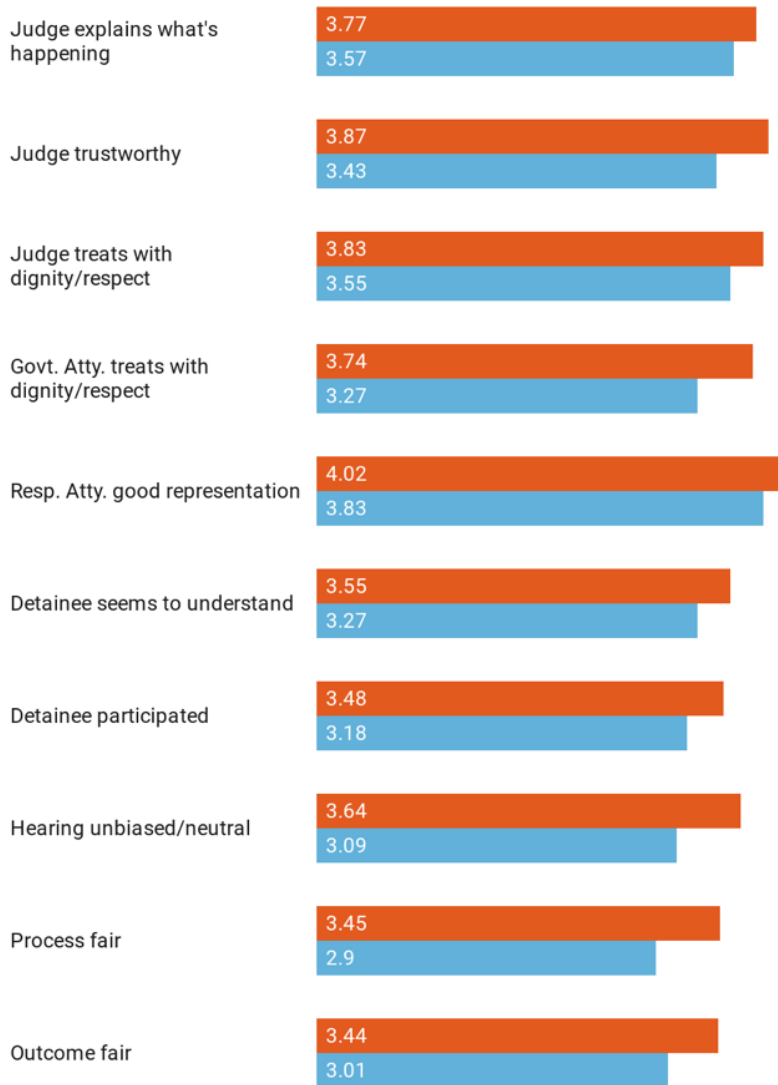
There were far few supporters in the courtroom in the most recent reporting period. An obvious explanation is the Shelter-in-Place and the Stay-Safe orders due to Covid. It is possible, that after learning all non-detained hearings were cancelled, and that all detained hearings were by video conference, families and friends were not aware they could attend. It is certainly less satisfying watching your loved one on a small screen, knowing

you cannot gesture to each other, speak, and that you may not even be visible. Supporters, including

court propelled these individual observers to assume the increased risk of court observation during a pandemic.

1 = strongly disagree, 3 = neutral, 5 = strongly agree

9.2019-2.2020 3.2020-8.2020



IN THEIR OWN WORDS

The following comments and quotes from observers’ documentation of immigration hearings illustrate the barriers detainees face, the rigidity of court processes, the many legal limits our immigration system imposes and the coercive nature of detention. The comments illuminate the complexity of people’s lives, the trauma that families face through detention and deportation, and the dignity they demand for themselves. These reflections are shared in tribute to the detainees fighting for their lives and families, and to the dedicated court observers who bear witness.

Long SAD case. Previous hearings in English, requested interpreter this time (Spoke some English during hearing). States he can sign his name but can't read or write. "There are many things I don't understand, I

was asked to sign papers but I didn't understand them". Refused to sign NTA [Notice to Appear], didn't know what it said or meant. HAS HAD NO LANGUAGE ACCESS IN DETENTION- unfair, not one can help him and he is illiterate. Basically he has no eligibility for relief. In pleadings Judge asking re: fears of persecution, qualifying family member for adjustment, length of time in US etc. His main argument is that he needs support from his family because he is uneducated (seems like he's got cognitive or significant learning disability)- he has no family in home country, all live in US or Guam. He won't be able to manage if he is deported. Long discussion of right to appeal- this was Orwellian, he says he can't read or write, judge explains his appeal needs to be written in English and that it isn't her role to help him. He says he wants to appeal but he can't do it on his own, this went in circles for some time. She finally said, "Your hearing is over. You have to figure it out, either find an attorney to help you or ask your family. I cannot help you". He was practically pleading. "I need someone to help me. How am I supposed to do this". I don't think government attorney looked up or spoke during the entire hearing.

He has been in ICE custody over two years. States he came to U.S. as a stowaway and therefore Liberia won't issue travel documents and he can't be deported. TERRIBLY UNFAIR that they seem to be holding him indefinitely. No one seemed to take his mental health history and treatment into consideration. In fact no one even responded when he talked about it. He took full responsibility and promised not to make those mistakes again. The system is broken if it offers no chance in situations like this. He works as roofing contractor. ICE arrested him at work.

I need to stay in the US, I've been here 20 years, I ask forgiveness. My kids need me, and me them. This is the only mistake I've made".

The judge explained to the detainee that he needed to have all supporting docs for his asylum hearing ready [in two weeks]. He said he didn't have any way of getting any documents from Cuba. The judge said he could use the library and internet to get some articles about Cuba. The detainee said that Freeborn had no library and no internet.

When the detainee explained that he gave a completed I-589 to a guard [in detention center] to mail on 8/1 (the day after he got the form on 7/31), The Judge said she never got it, and appeared impatient when the detainee expressed frustration that he had to pay another detainee to translate it. The Judge directed the guard to give him two copies, so that he could fill out one, and keep one for himself, after he explained that he didn't have a copy of the one he had given to the guard because they had no copier they could use. The Judge said if it wasn't submitted by the 8/27 continued date, he'd be deported.

Asylum application submitted in K'iche. The Judge told detainee it needs to be submitted in English. Detainee said he does not read or write so had difficulty submitting application. The Judge said "Do the best you can." Detainee asked for more time so he could get someone to help him.

Detainee said he has not completed the I-589 because he appealed his bond decision and didn't think he needed to file asylum application. Judge RUDELY explained the difference between the bond and removal hearings. Detainee was obviously confused. DHS thinks he should be deported today because his asylum

application has been "abandoned" (since detainee hadn't filled it out). Judge said she is going to give him "the benefit of the doubt" and allow him one more week to fill out the application.

Respondent fears to return to Mexico. Had been involved in family dispute regarding his father's land. Judge deemed the dispute 'an internal tribal issue.' Asked several questions re indigenous nature of dispute: Were the lands in question indigenous lands? Were the cousins indigenous? Were they of the same indigenous group as the respondent? My question: What sort of training or information does the Court receive regarding cultural issues of respondents?

Came to US on tourist visa. Overstayed visa. Detainee seems confused as to what this hearing is about and his rights. He has an attorney for a criminal case and an assault by security guards for which he was hospitalized. He did not want an attorney for his immigration case. He expressed fear about returning to Colombia. He has spoken with an immigration attorney about a U visa. He seems confused about the jurisdiction among his various cases and is very emotionally disturbed by the assault and racist treatment that he has received. He is very frustrated and confused by the limitations of the courts.

Detainee appeared very young, teens or early 20s; says letters were sent to court by sister and mother for bond, but she was told that meth conviction made her ineligible for bond. Had been given I-589 at last hearing, she said "I don't know what to do, I have been here since 2 years old". Given new application. "I don't know how to fill it out as I have never been to Mexico".

The judge had already explained in great detail about why he was not eligible for relief at this time, but how his girlfriend, if they were to be married, could file a petition for his deportation order to be pardoned. UNFAIR - there's no way the detainee could understand and retain all of the instructions provided by the judge, even if she was trying to be helpful, as he had no paper/pencil. His family and infant daughter were there, it was very emotional for all. The Judge was very compassionate allowing the detainee to say goodbye to his girlfriend, daughter, and 3 other young children for several minutes at the end, including kissing their heads, touching fingers. Bailiff and clerk were very helpful as well with patience and tissue.

When asked if he would be in danger if he returned to Mexico - he said he had fear of cartels - he had experience before when going to agricultural work - bus pulled over, men taken off & then we [were] down on knees with pistols & machine guns to head. Judge pressed him - would they be after him specifically now - no just general violence in his country.

At one point, the judge asked the detainee if he believes he was a victim of human or labor trafficking - he did not know what that meant so the judge had to read him the definitions. The Detainee said that after he broke his vertebrae, his boss forced him to continue working on snow and ice despite the Detainee calling him every day and explaining why he believes he can't come into work. The judge provided the phone number for the national human trafficking resource center. She then explained that he may be eligible for a T-visa, depending on if he is officially labeled a victim of trafficking. She provided him with instructions on how to apply if that is the case.

Detainee said she didn't complete the I-589 application because she needs help and doesn't know how to fill it out. Said she calls daily to find an attorney but has had no luck. Judge said that if detainee doesn't fill out application "I cannot help you." "I'm giving you three weeks (until Sep 10) to fill out the application because you speak a rare language." Detainee sometimes spoke in English when she was responding angrily. Judge said "I will order you deported at that time (next hearing) if you don't complete the application."

Overstayed tourist visa that expired Oct 2019. Said he was a victim of a racial assault recently by 4 security guards. Wants to work with ICE against his employer because no employees are legal. Judge directed him to speak with ICE staff at detention center. Requested I-589 application via email so his sister in Colorado can help him fill it out; Judge said she can't do that because she (Judge) is not allowed to help him with his application. Encouraged him to find an attorney to assist.

Fiancé has 4 children that he considers his own. Regarding interpretation, when they couldn't find a Zapotec interpreter, the Judge said she didn't want to delay his case but wanted him to understand. He said he wants to go ahead today in Spanish because my "wife" isn't working (diabetic) and he wants to work to be able to "buy milk for my children." Judge asked him questions regarding forms of relief then determined he was not eligible for any relief. He asked if he could get bond and if he couldn't could he get voluntary departure. The Judge said she would not grant voluntary departure based on his previous immigration violations [multiple unlawful entries into the United States]. He did not appeal her decision.

Respondent claimed he did not understand what was happening, and that he needed to be out of jail so he could support his family. Judge stated that he had been convicted of some crimes, and asked if he wanted time to find an attorney. Respondent kept coming back to his need to be freed so he could work and also to find an attorney. Near the end of the hearing, he asked why the police had beaten him up. He also used the word "tortured." Said he had been beaten while he was handcuffed. Judge responded that she was sympathetic, but that she had no authority over the police.

Detainee cried throughout the hearing; she came to US in 2015 on a tourist visa and overstayed past June 2016. In 2017 she filed for permanent asylum; detainee had gone to Advocates for Human Rights a couple of months before her arrest seeking help with immigration and in finding a shelter. Judge said that the fact that she visited Advocates before her arrest lends credence to her claim of domestic violence against her. Her friend in South Dakota is willing to use his entire savings of \$3000 for her bond; DHS disagreed with bond being granted; said that police report is not favorable and that she's a flight risk and a prostitute. Detainee's attorney said she is trying to find a spot for her in a shelter for women who are victims of domestic violence but that space cannot be requested until detainee is out on bond.

CONCLUSION

As noted in previous reports, observers identify serious barriers to justice that undermine the fairness of proceedings which result in the expulsion of hundreds of thousands of people from the United States each year. They note the overwhelmingly disproportionate impact of immigration enforcement on Black, Latinx, and Asian refugees and immigrants, and the way in which racist criminal policing and prosecution practices magnify who ends up detained by ICE.

Observers witness and document the coercive power of detention on people's ability to pursue their cases. They question the legitimacy of a system where laws appeared unable to do justice, even when procedures are followed. This most recent observation data illustrates and reinforces these conclusions.

This 6 month data report was written by Amy Lange, Project Coordinator, Immigration Court Observation Project for The Advocates for Human Rights .

Graphics were prepared using Datawrapper: <https://www.datawrapper.de/>

Special thanks to Ngoc Bui for helping analyze narrative comments in the data.

Inquiries can be made to Amy Lange at courtobserver@umn.edu.

