

## Appendix I

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## DEPARTMENT OF JUSTICE

## 8 CFR Part 3

[EOIR No. 103F; AG Order No. 1995-95]

RIN 1125-AA03

Executive Office for Immigration Review; Stipulated Requests for Deportation or Exclusion Orders, Telephonic, Video Electronic Media Hearings

AGENCY: Department of Justice.

ACTION: Final rule.

**SUMMARY:** This final rule amends 8 CFR 3.25 by codifying an Immigration Judge's discretion to enter an order of deportation or exclusion without a hearing if satisfied that the alien voluntarily entered into a plea-negotiated or otherwise stipulated request for an order of deportation or exclusion. It further codifies the practice of Immigration Judges conducting telephonic hearings in deportation, exclusion, or rescission cases, and codifies the authority of the Immigration Judge to hold video electronic media hearings.

The proposed rule also clarifies the language in § 3.25(a) to conform with *in absentia* hearing provisions under the Immigration and Nationality Act (the "Act"), 8 U.S.C. 1252, 1252b.

EFFECTIVE DATE: June 16, 1995.

**FOR FURTHER INFORMATION CONTACT:** Gerald S. Hurwitz, Counsel to the Director, Executive Office for Immigration Review, suite 2400, 5107 Leesburg Pike, Falls Church, Virginia 22041 (703) 305-0470.

**SUPPLEMENTARY INFORMATION:** The Department of Justice published a proposed rule on May 13, 1994 (59 FR 24976). The proposed rule sought to amend § 3.25 of title 8, CFR, to require

an Immigration Judge to enter an order of deportation or exclusion on the written record, without an in-person hearing, based upon the stipulated written request of the respondent/applicant and the government under certain specified circumstances. The requirement to enter orders of deportation or exclusion based on the written record would arise only in instances where the Immigration Judge determined that the charging document set forth a valid basis for deportability or excludability; the stipulated request for an order of deportation or exclusion was voluntarily entered into by the respondent/applicant; and the respondent/applicant specifically waived relief from deportation or exclusion as well as the described hearing rights.

The rule also proposed to establish the authority of the Immigration Judge to hold telephonic hearings and video electronic media hearings. Additionally, the proposed rule made minor technical changes in paragraph (a) to conform with the *in absentia* provisions of 8 U.S.C. 1252.

The Executive Office for Immigration Review ("EOIR" or "the Agency") received eighteen comments concerning the proposed rule. The comments addressed the waiver of presence of the parties, the requirement that an Immigration Judge enter stipulated orders of deportation and exclusion under certain circumstances, and an Immigration Judge's discretion to conduct telephonic and video electronic media hearings.

#### 1. Section 3.25(a) Waiver of Presence of the Parties

The Agency received one comment objecting to the proposed rule's provision allowing the Immigration Judge to waive the presence of an alien who is a child where a parent or legal guardian is present. The commenter argued that the rule would provide children with less due process protection than it provides adults.

This rule is for the convenience of the parties. For example, if parents and their infant child are in deportation proceedings, this rule allows the Immigration Judge to waive the presence of the infant. Such a waiver allows parents to place the child in childcare during the hearing. The waiver allows the parents and the Immigration Judge to concentrate on the substantive issues. For pragmatic reasons, the Agency has decided to retain this rule.

#### 2. Section 3.25(b) Stipulated Request for Deportation or Exclusion Orders

Numerous commenters expressed due process concerns with the proposed rule's provision requiring an Immigration Judge to enter an order of deportation or exclusion if, based on the written record, the Judge determines that a represented respondent/applicant voluntarily entered into a stipulated request for an order of deportation or exclusion. Conversely, other commenters expressed approval of the requirement and suggested that the Agency expand the requirement to include motions for changes of venue and some forms of relief. Commenters also expressed concern that the rule requiring that a respondent/applicant make no application for relief unjustly limits the options of the respondent/applicant.

The rule has been modified to respond to the commenters' due process concerns. The final rule does not require an Immigration Judge to enter an order of deportation or exclusion based on the parties' written stipulation, *stead*, the rule explicitly recognizes a Judge's discretion to enter an order of deportation or exclusion based on the parties' written stipulation. The Immigration Judge's discretion to enter an order by written stipulation in the absence of the parties is limited to cases in which the applicant or respondent is represented at the time of the stipulation and where the stipulation is signed on behalf of the government and by both the applicant or respondent and his or her attorney or other representative qualified under part 292 of this chapter. At this juncture, the Agency declines to modify the scope of the stipulation procedure, and so the final rule does not address venue and has not changed with respect to application for relief.

Commenters stated that the proposed rule did not give sufficient emphasis to the requirement that only represented respondents/applicants may enter into stipulation requests. In response, the word "represented" has been inserted before each reference to respondent/applicant in the final version of § 3.25(b).

Commenters stated that the proposed rule did not give sufficient emphasis to the requirement that the respondent/applicant fully understand the ramifications of a stipulation. In ascertaining the extent of understanding, one commenter suggested that the Immigration Judge should focus specifically on the respondent/applicant's English language skills. The words "voluntarily"

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knowingly and intelligently" have been added to ensure maximum protection for aliens entering into stipulations. Because language skills are subsumed in the voluntarily, knowingly and intelligently formula, the Agency considers it unnecessary for the rule to specifically address language skills.

One commenter, although supporting the rule's concept, expressed a technical concern with the elimination of "hearings" when the requirements for a stipulated deportation or exclusion are met. According to the comment, there is a statutory mandate that Immigration Judge conduct "hearings". In response to this comment, the final rule now states that the Immigration Judge may "conduct hearings in the absence of the parties."

A few commenters stated, in essence, that the requirement that the respondent/applicant introduce written statements as an exhibit to the record of proceedings was superfluous. The commenters suggested deletion of this requirement. Because of the potential value of a complete record, the Agency rejects this suggestion.

One commenter suggested that the rule should explicitly permit revocation of stipulated deportations and exclusions. Because the Code of Federal Regulations already provides mechanisms for motions to reopen, motions to reconsider, and notices of appeal, e.g., 8 CFR 103.5, 208.19, 242.21, 242.22, and 3.3, a revocation provision would be redundant and potentially confusing.

The rule implements the statutory requirement of expeditious deportation of criminal aliens under 8 U.S.C. 1252(i), 1252a(d), while protecting the rights of the parties. The rule contemplates employing stipulated deportations to expedite departures of aliens convicted of offenses rendering them immediately deportable or excludable. Stipulated deportations also allow the prompt departure of imprisoned criminal aliens who have no apparent avenue of relief from deportation or exclusion and who wish to avoid immigration-related detention after having completed their criminal sentences. If used more widely by litigants and criminal prosecutors, the procedure could alleviate overcrowded federal, state, and local detention facilities and eliminate the need to calendar such uncontested cases on crowded Immigration Court dockets.

The procedure is not limited to cases arising in the criminal context and can be used in other appropriate settings. The practice codified by the final rule already exists in some jurisdictions. The final rule promotes judicial efficiency in

uncontested cases and resolves the commenters' due process concerns.

### 3. Section 3.25(c) Telephonic or Video Electronic Media Hearing

Commenters raised both statutory and practical concerns with this section of the proposed rule. The statutory concerns revolved around the proper construction of the phrase "before a special inquiry officer" as used in 8 U.S.C. 1252(b). According to some comments, the word "before" must be construed to mean that an alien is entitled to appear physically before an Immigration Judge. Commenters made no distinction between telephonic and video electronic media hearings. These comments relied on *Purba v. INS*, 884 F.2d 516, 517-18 (9th Cir. 1989) (holding that "section 242a(b) [of the Act] requires that the hearing be conducted with the hearing participants in the physical presence of the [Immigration Judge]" and that "telephonic hearings by an IJ, absent consent of the parties, simply are not authorized by the statute"). The Ninth Circuit decision in *Purba* informs the issue of whether telephonic hearings are appropriate. However, *Purba* disposes of the issue in the Ninth Circuit only. Notably, the Eleventh Circuit also has addressed the issue of whether the statutory language of the Act allows for telephonic hearings at the Immigration Judge's discretion or whether the statutory language requires parties' consent. *Bigby v. INS*, 21 F.3d 1059 (11th Cir. 1994).

The Eleventh Circuit expressly cited to and disagreed with the holding in *Purba*, finding instead that an Immigration Judge has the discretion to hold a hearing by telephonic means and that party consent is unnecessary, at least where credibility determinations are not at issue. *Bigby*, 21 F.3d at 1062-64. See also *U.S. v. McCalla*, 821 F. Supp. 363, 369 n. 11 (E.D.Pa. 1993) ("Assuming that the defendant in this case did not consent to holding the hearing by telephone, this is of no moment \* \* \* [the defendant] has demonstrated no prejudice resulting from the use of the telephone such that he would have been entitled to relief from deportation on appeal.")

Commenters relied exclusively on the Ninth Circuit decision and, as of the date of their comments, apparently were unaware of the Eleventh Circuit's recent decision. Numerous commenters conceded that the telephonic hearings currently conducted are procedurally effective and convenient, citing as examples, detained aliens and attorneys who practice some distance from the Immigration Court. However,

commenters asserted that telephonic and video electronic media hearings, as contemplated by the proposed rule, would result in deprivations of respondents' due process rights. The commenters argued that, in some instances, this rule would deprive respondents of the opportunity to present and inspect evidence and the right to cross-examine adverse witnesses. They also stated that telephonic and video electronic media hearings would impair the Immigration Judge's ability to assess credibility. Furthermore, commenters maintained that telephonic and video electronic media hearings would handicap the communication between non-English speaking respondents and their interpreters and would handicap respondents' representation by counsel. In addition, commenters noted that this rule would lead to disparate treatment in the various circuits. Given these perceived harms, the commenters suggested that the Agency either withdraw the telephonic/video electronic media hearing provision or modify it to be consistent with *Purba* by requiring party consent.

In response to the commenters' due process concerns, the Agency has modified the rule's telephonic hearing provision. The final rule requires that parties consent to telephonic procedures which are full evidentiary hearings on the merits. Consequently, the parties will have an opportunity to elect an in-person hearing at a critical juncture.

The final rule, however, distinguishes between telephonic and video electronic media hearings. The final rule does not require that parties consent to video electronic media hearings of any kind. Video electronic media hearings are completely within the discretion of the Immigration Judge. The sophistication of modern video electronic media coupled with the prudent use of Immigration Judge discretion should be sufficient to preserve the integrity of the procedure and the due process rights of the parties.

The final rule, furthermore, retains the proposed rule's provision recognizing the Immigration Judge's discretion to conduct hearings telephonically and by video electronic media when such proceedings are not contested, full evidentiary merit hearings. Judicial discretion will ensure that telephonic and video electronic media hearings will be conducted only as appropriate.

Although his rule probably will result in disparate treatment among the circuits, this situation is neither unusual nor prohibited in our federal system. The Immigration Judges in the

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geographical confines of the Ninth Circuit currently follow *Purba* and will continue to follow the law of that circuit.

Commenters also raised practical concerns with telephonic and video electronic media hearings. Given the nature of immigration proceedings, they correctly note that parties are often unable to communicate proficiently in the English language. These comments posit that telephonic and video electronic media hearings would further impair communication. The caliber of today's technology, the requirement for party consent in critical telephonic merit hearings, the prudent use of Immigration Judge discretion, and the availability of procedural vehicles for review of Immigration Judge decisions sufficiently safeguard non-English speakers from potential prejudice.

The final rule codifies some of the current practices of Immigration Judges holding telephonic hearings at their discretion and extends these practices to video electronic media hearings. The final rule also codifies a limitation on Immigration Judge discretion to conduct certain telephonic hearings. The final rule allows implementation of modern technology in order to increase procedural efficiency while protecting parties' due process rights. The rule assists the Agency in carrying out the country's immigration policy in an equitable and productive manner.

The final rule also makes minor technical changes in paragraph 9a) to conform with the *in absentia* provisions of 8 U.S.C. 1252.

In accordance with 5 U.S.C. 605(b), the Attorney General certifies that this rule does not have a significant adverse economic impact on a substantial number of small entities. The Attorney General has determined that this rule is not a significant regulatory action under Executive Order No. 12866, § 3(f), and accordingly this rule has not been reviewed by the Office of Management and Budget. This rule has no Federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order No. 12612. The rule meets the applicable standards provided in sections 2(a) and 2(b)(2) of Executive Order No. 12778.

#### List of Subjects in 8 CFR Part 3

Administrative practice and procedure, Immigration and Naturalization Service, Organization and functions (government agencies).

Accordingly, 8 CFR part 3 is amended as set forth below:

### PART 3—EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

1. The authority citation for part 3 continues to read as follows:

**Authority:** 5 U.S.C. 301; 8 U.S.C. 1103, 1252 note, 1252b, 1362; 28 U.S.C. 509, 510, 1746; Section 2, Reorganization Plan No. 2 of 1950, 3 CFR, 1949–1953 Comp., p. 1002.

2. Section 3.25 is revised to read as follows:

#### § 3.25 Waiver of presence of the parties.

(a) *Good cause shown.* The Immigration Judge may, for good cause, waive the presence of a respondent/applicant at the hearing when the alien is represented or when the alien is a minor child at least one of whose parents or whose legal guardian is present. In addition, *in absentia* hearings may be held pursuant to sections 1252(b) and 1252b(c) of title 8, United States Code with or without representation.

(b) *Stipulated request for order: waiver of hearing.* Notwithstanding any other provision of this chapter, upon the written request of the respondent/applicant and upon concurrence of the government, the Immigration Judge may conduct hearings in the absence of the parties and enter an order of deportation or exclusion on the written record if the Immigration Judge determines, upon a review of the charging document, stipulation document, and supporting documents, if any, that a represented respondent/applicant voluntarily, knowingly, and intelligently entered into a stipulated request for an order of deportation or exclusion. The stipulation document shall include:

- (1) An admission that all factual allegations contained in the charging document are true and correct as written;
- (2) A concession of deportability or excludability as charged;
- (3) A statement that the respondent/applicant makes no application for relief from deportation or exclusion, including, but not limited to, voluntary departure, asylum, adjustment of status, registry, de novo review of a termination of conditional resident status, de novo review of a denial or revocation of temporary protected status, relief under 8 U.S.C. 1182(c), suspension of deportation, or any other possible relief under the Act;
- (4) A designation of a country for deportation under 8 U.S.C. 1253(a);
- (5) A concession to the introduction of the written statements of the respondent/applicant as an exhibit to the record or proceedings;
- (6) A statement that the attorney/representative has explained the

consequences of the stipulated request to the respondent/applicant and that the respondent/applicant enters the request voluntarily, knowingly and intelligently;

(7) A statement that the respondent/applicant will accept a written order for his or her deportation or exclusion as a final disposition of the proceedings; and

(8) A waiver of appeal of the written order of deportation or exclusion.

The stipulated request and required waivers shall be signed on behalf of the government and by both the respondent/applicant and his or her attorney or other representative qualified under part 292 of this chapter. The attorney or other representative shall file a Notice of Appearance in accordance with § 3.16(b) of this part.

(c) *Telephonic or video electronic media hearing.* An Immigration Judge may conduct hearings via video electronic media or by telephonic media in any proceeding under 8 U.S.C. 1226, 1252, or 1256, except that contested full evidentiary hearings on the merits may be conducted by telephonic media only with the consent of the alien.

Dated: May 8, 1995.

Janet Reno,

Attorney General.

[FR Doc. 95-12080 Filed 5-16-95; 8:45 am]

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RULES and REGULATIONS

DEPARTMENT OF JUSTICE

8 CFR Part 3

[EOIR No. 103F; AG Order No. 1966-95]

RIN 1125-AA03

Executive Office for Immigration Review; Stipulated Requests for Deportation or Exclusion Orders, Telephonic, Video Electronic Media Hearings

Wednesday, May 17, 1995

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ACTION: Final rule.

SUMMARY: This final rule amends 8 CFR 3.25 by codifying an Immigration Judge's discretion to enter an order of deportation or exclusion without a hearing if satisfied that the alien voluntarily entered into a plea-negotiated or otherwise stipulated request for an order of deportation or exclusion. It further codifies the practice of Immigration Judges conducting telephonic hearings in deportation, exclusion, or recission cases, and codifies the authority of the Immigration Judge to hold video electronic media hearings.

The proposed rule also clarifies the language in §3.25(a) to conform with in absentia hearing provisions under the Immigration and Nationality Act (the "Act"), 8 U.S.C. 1252, 1252b.

EFFECTIVE DATE: June 16, 1995.

FOR FURTHER INFORMATION CONTACT:

Gerald S. Hurwitz, Counsel to the Director, Executive Office for Immigration Review, suite 2400, 5107 Leesburg Pike, Falls Church, Virginia 22041 (703) 305-0470.

SUPPLEMENTARY INFORMATION: The Department of Justice published a proposed rule on May 13, 1994 (59 FR 24976). The proposed rule sought to amend §3.25 of title 8, CFR, to require an Immigration Judge to enter an order of deportation or exclusion on the written record, without an in-person hearing, based upon the stipulated written request of the respondent/applicant and the government under certain specified circumstances. The requirement to enter orders of deportation or exclusion based on the written record would arise only in instances where the Immigration Judge determined that the charging document set forth a valid basis for deportability or excludability; the stipulated request for an order of deportation or exclusion was voluntarily entered into by the respondent/applicant; and the respondent/applicant specifically waived relief from deportation or exclusion as well as the described hearing rights.

The rule also proposed to establish the authority of the Immigration Judge to hold telephonic hearings and video

electronic media hearings. Additionally, the proposed rule made minor technical changes in paragraph (a) to conform with the in absentia provisions of 8 U.S.C. 1252.

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This rule is for the convenience of the parties. For example, if parents and their infant child are in deportation proceedings, this rule allows the Immigration Judge to waive the presence of the infant. Such a waiver allows parents to place the child in childcare during the hearing. The waiver allows the parents and the Immigration Judge to concentrate on the substantive issues. For pragmatic reasons, the Agency has decided to retain this rule.

#### 2. Section 3.25(b) Stipulated Request for Deportation or Exclusion Orders

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The rule has been modified to respond to the commenters' due process concerns. The final rule does not require an Immigration Judge to enter an order of deportation or exclusion based on the parties' written stipulation. Instead, the rule explicitly recognizes a Judge's discretion to enter an order of deportation or exclusion based on the parties' written stipulation. The Immigration Judge's discretion to enter an order by written stipulation in the absence of the parties is limited to cases in which the applicant or respondent is represented at the time of the stipulation and where the stipulation is signed on behalf of the government and by both the applicant or respondent and his or her attorney or other representative qualified under part 292 of this chapter. At this juncture, the Agency declines to modify the scope of the stipulation procedure, and so the final rule does not address venue and has not changed with respect to application for relief.

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Commenters stated that the proposed rule did not give sufficient emphasis to the requirement that the respondent/applicant fully understand the ramifications of a stipulation. In ascertaining the extent of understanding, one commenter suggested that the Immigration Judge should focus specifically on the respondent/applicant's English language skills. The words "voluntarily, \*26352 knowingly and intelligently" have been added to ensure maxim-

um protection for aliens entering into stipulations. Because language skills are subsumed in the voluntarily, knowingly and intelligently formula, the Agency considers it unnecessary for the rule to specifically address language skills.

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A few commenters stated, in essence, that the requirement that the respondent/applicant introduce written statements as an exhibit to the record of proceedings was superfluous. The commenters suggested deletion of this requirement. Because of the potential value of a complete record, the Agency rejects this suggestion.

One commenter suggested that the rule should explicitly permit revocation of stipulated deportations and exclusions. Because the Code of Federal Regulations already provides mechanisms for motions to reopen, motions to reconsider, and notices of appeal, e.g., 8 CFR 103.5, 208.19, 242.21, 242.22, and 3.3, a revocation provision would be redundant and potentially confusing.

The rule implements the statutory requirement of expeditious deportation of criminal aliens under 8 U.S.C. 1252(i), 1252a(d), while protecting the rights of the parties. The rule contemplates employing stipulated deportations to expedite departures of aliens convicted of offenses rendering them immediately deportable or excludable. Stipulated deportations also allow the prompt departure of imprisoned criminal aliens who have no apparent avenue of relief from deportation or exclusion and who wish to avoid immigration-related detention after having completed their criminal sentences. If used more widely by litigants and criminal prosecutors, the procedure could alleviate overcrowded federal, state, and local detention facilities and eliminate the need to calendar such uncontested cases on crowded Immigration Court dockets.

The procedure is not limited to cases arising in the criminal context and can be used in other appropriate settings. The practice codified by the final rule already exists in some jurisdictions. The final rule promotes judicial efficiency in uncontested cases and resolves the commenters' due process concerns.

### 3. Section 3.25(c) Telephonic or Video Electronic Media Hearing

Commenters raised both statutory and practical concerns with this section of the proposed rule. The statutory concerns revolved around the proper construction of the phrase "before a special inquiry officer" as used in 8 U.S.C. 1252(b). According to some comments, the word "before" must be construed to mean that an alien is entitled to appear physically before an Immigration Judge. Commenters made no distinction between telephonic and video electronic media hearings. These comments relied on *Purba v. INS*, 884 F.2d 516, 517-18 (9th Cir. 1989) (holding that "section 242a(b) [of the Act] requires that the hearing be conducted with the hearing participants in the physical presence of the IJ [Immigration Judge]" and that "telephonic hearings by an IJ, absent consent of the parties, simply are not authorized by the statute"). The Ninth Circuit decision in *Purba* informs the issue of whether telephonic hearings are appropriate. However, *Purba* disposes of the issue in the Ninth Circuit only. Notably, the Eleventh Circuit also has addressed the issue of whether the statutory language of the Act allows for telephonic hearings at the Immigration Judge's discretion or whether the statutory language requires parties' consent. *Bigby v. INS*, 21 F.3d 1059 (11th Cir. 1994).

The Eleventh Circuit expressly cited to and disagreed with the holding in *Purba*, finding instead that an Immig-

ration Judge has the discretion to hold a hearing by telephonic means and that party consent is unnecessary, at least where credibility determinations are not at issue. *Bigby*, 21 F.3d at 1062-64. See also *U.S. v. McCalla*, 821 F. Supp. 363, 369 n. 11 (E.D.Pa. 1993) ("Assuming that the defendant in this case did not consent to holding the hearing by telephone, this is of no moment \* \* \* [the defendant] has demonstrated no prejudice resulting from the use of the telephone such that he would have been entitled to relief from deportation on appeal.")

Commenters relied exclusively on the Ninth Circuit decision and, as of the date of their comments, apparently were unaware of the Eleventh Circuit's recent decision. Numerous commenters conceded that the telephonic hearings currently conducted are procedurally effective and convenient, citing as examples, detained aliens and attorneys who practice some distance from the Immigration Court. However, commenters asserted that telephonic and video electronic media hearings, as contemplated by the proposed rule, would result in deprivations of respondents' due process rights. The commenters argued that, in some instances, this rule would deprive respondents of the opportunity to present and inspect evidence and the right to cross-examine adverse witnesses. They also stated that telephonic and video electronic media hearings would impair the Immigration Judge's ability to assess credibility. Furthermore, commenters maintained that telephonic and video electronic media hearings would handicap the communication between non-English speaking respondents and their interpreters and would handicap respondents' representation by counsel. In addition, commenters noted that this rule would lead to disparate treatment in the various circuits. Given these perceived harms, the commenters suggested that the Agency either withdraw the telephonic/video electronic media hearing provision or modify it to be consistent with *Purba* by requiring party consent.

In response to the commenters' due process concerns, the Agency has modified the rule's telephonic hearing provision. The final rule requires that parties consent to telephonic procedures which are full evidentiary hearings on the merits. Consequently, the parties will have an opportunity to elect an in-person hearing at a critical juncture.

The final rule, however, distinguishes between telephonic and video electronic media hearings. The final rule does not require that parties consent to video electronic media hearings of any kind. Video electronic media hearings are completely within the discretion of the Immigration Judge. The sophistication of modern video electronic media coupled with the prudent use of Immigration Judge discretion should be sufficient to preserve the integrity of the procedure and the due process rights of the parties.

The final rule, furthermore, retains the proposed rule's provision recognizing the Immigration judge's discretion to conduct hearings telephonically and by video electronic media when such proceedings are not contested, full evidentiary merit hearings. Judicial discretion will ensure that telephonic and video electronic media hearings will be conducted only as appropriate.

Although his rule probably will result in disparate treatment among the circuits, this situation is neither unusual nor prohibited in our federal system. The Immigration Judges in the \*26353 geographical confines of the Ninth Circuit currently follow *Purba* and will continue to follow the law of that circuit.

Commenters also raised practical concerns with telephonic and video electronic media hearings. Given the nature of immigration proceedings, they correctly note that parties are often unable to communicate proficiently in the English language. These comments posit that telephonic and video electronic media hearings would further impair communication. The caliber of today's technology, the requirement for party consent in critical telephonic merit hearings, the prudent use of Immigration Judge discretion, and the availability of procedural

vehicles for review of Immigration Judge decisions sufficiently safeguard non-English speakers from potential prejudice.

The final rule codifies some of the current practices of Immigration Judges holding telephonic hearings at their discretion and extends these practices to video electronic media hearings. The final rule also codifies a limitation on Immigration Judge discretion to conduct certain telephonic hearings. The final rule allows implementation of modern technology in order to increase procedural efficiency while protecting parties' due process rights. The rule assists the Agency in carrying out the country's immigration policy in an equitable and productive manner.

The final rule also makes minor technical changes in paragraph 9a) to conform with the in absentia provisions of 8 U.S.C. 1252.

In accordance with 5 U.S.C. 605(b), the Attorney General certifies that this rule does not have a significant adverse economic impact on a substantial number of small entities. The Attorney General has determined that this rule is not a significant regulatory action under Executive Order No. 12866, §3(f), and accordingly this rule has not been reviewed by the Office of Management and Budget. This rule has no Federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order No. 12612. The rule meets the applicable standards provided in sections 2(a) and 2(b)(2) of Executive Order No. 12778.

#### List of Subjects in 8 CFR Part 3

Administrative practice and procedure, Immigration and Naturalization Service, Organization and functions (government agencies).

Accordingly, 8 CFR part 3 is amended as set forth below:

**PART 3—EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**1. The authority citation for part 3 continues to read as follows:

Authority: 5 U.S.C. 301; 8 U.S.C. 1103, 1252 note, 1252b, 1362; 28 U.S.C. 509, 510, 1746; Section 2, Reorganization Plan No. 2 of 1950, 3 CFR, 1949-1953 Comp., p. 1002.

#### 8 CFR § 3.25

2. Section 3.25 is revised to read as follows:

#### 8 CFR § 3.25

##### §3.25 Waiver of presence of the parties.

(a) Good cause shown. The Immigration Judge may, for good cause, waive the presence of a respondent/applicant at the hearing when the alien is represented or when the alien is a minor child at least one of whose parents or whose legal guardian is present. In addition, in absentia hearings may be held pursuant to sections 1252(b) and 1252b(c) of title 8, United States Code with or without representation.

(b) Stipulated request for order; waiver of hearing. Notwithstanding any other provision of this chapter, upon the written request of the respondent/applicant and upon concurrence of the government, the Immigration Judge may conduct hearings in the absence of the parties and enter an order of deportation or exclusion on the written



record if the Immigration Judge determines, upon a review of the charging document, stipulation document, and supporting documents, if any, that a represented respondent/applicant voluntarily, knowingly, and intelligently entered into a stipulated request for an order of deportation or exclusion. The stipulation document shall include:

- (1) An admission that all factual allegations contained in the charging document are true and correct as written;
- (2) A concession of deportability or excludability as charged;
- (3) A statement that the respondent/applicant makes no application for relief from deportation or exclusion, including, but not limited to, voluntary departure, asylum, adjustment of status, registry, de novo review of a termination of conditional resident status, de novo review of a denial or revocation of temporary protected status, relief under 8 U.S.C. 1182(c), suspension of deportation, or any other possible relief under the Act;
- (4) A designation of a country for deportation under 8 U.S.C. 1253(a);
- (5) A concession to the introduction of the written statements of the respondent/applicant as an exhibit to the record or proceedings;
- (6) A statement that the attorney/representative has explained the consequences of the stipulated request to the respondent/applicant and that the respondent/applicant enters the request voluntarily, knowingly and intelligently;
- (7) A statement that the respondent/applicant will accept a written order for his or her deportation or exclusion as a final disposition of the proceedings; and
- (8) A waiver of appeal of the written order of deportation or exclusion.

The stipulated request and required waivers shall be signed on behalf of the government and by both the respondent/applicant and his or her attorney or other representative qualified under part 292 of this chapter. The attorney or other representative shall file a Notice of Appearance in accordance with § 3.16(b) of this part.

(c) Telephonic or video electronic media hearing. An Immigration Judge may conduct hearings via video electronic media or by telephonic media in any proceeding under 8 U.S.C. 1226, 1252, or 1256, except that contested full evidentiary hearings on the merits may be conducted by telephonic media only with the consent of the alien.

Dated: May 8, 1995.

Janet Reno,

Attorney General.

[FR Doc. 95-12080 Filed 5-16-95; 8:45 am]

BILLING CODE 4410-01-M

60 FR 26351-01, 1995 WL 295647 (F.R.)

END OF DOCUMENT

VTC



**U.S. Department of Justice**  
**Executive Office for Immigration Review**

*Office of the Chief Immigration Judge*

5107 Leesburg Pike, Suite 2500  
Falls Church, Virginia 22041

May 30, 2012

**San Francisco Immigrant Legal & Education Network**  
**938 Valencia Street**  
**San Francisco, CA 94110**

Dear Mr. Ugarte, Mr. Lloyd, and all:

Thank you for your joint letter dated April 30, 2012, concerning the video systems being installed at the San Francisco Sansome detained courtrooms. I have previously given AILA some information on these systems, but here are some additional details that I hope will add clarity to the situation. The installation of the VTC systems in two of the detained courtrooms is part of a headquarters driven, nationwide plan. San Francisco is actually the last large immigration court in the country without VTC in the detained courts; other courts have been using VTC in a detained setting for years. San Francisco currently has three VTC units in non-detained courtrooms at the Montgomery locations, which are used to conduct individual hearings from other locations.

The VTC units for Sansome detained will go in the courtrooms of Immigration Judges Murry and Yamaguchi; the courtroom used by Immigration Judge Daw is on the national registry, which prevents the installation of the necessary wiring for VTC. Presently, VTC installation is on hold while software issues are resolved concerning simultaneous interpretation. Once that is resolved, the installation will proceed, although I'm unaware of the timetable for how long that process will take to complete.

The EOIR believes the pro bono providers are a vital partner in ensuring a fair and impartial hearing for both detained and non-detained respondents. Moreover, the San Francisco Immigration Court has enjoyed a lengthy and outstanding relationship with your organizations. We fully support your efforts, time and experience in assisting with master calendars. To that end, I am very interested in receiving your input as to the issue of representation for detained dockets handled via the VTC program, and I welcome your thoughts and feedback on how to successfully transition to the VTC docket.

I hope I have answered your questions, and please feel free to contact me if you have more.

Sincerely,

**Print Maggard**  
**Assistant Chief Immigration Judge**



**U.S. Department of Justice**

Executive Office for Immigration Review

*Office of the Chief Immigration Judge*

---

5107 Leesburg Pike, Suite 2500  
Falls Church, Virginia 22041

March 3, 2005

Geoffrey Heeren  
Legal Assistance Foundation of Metropolitan Chicago  
111 West Jackson Boulevard, Suite 300  
Chicago, IL 60604-3502

Dear Mr. Heeren:

Thank you for your letter of January 28, 2005, enclosing a list of questions about the Immigration Court's use of video teleconferencing equipment throughout the country. Enclosed are answers to the questions you posed.

I hope this information is useful in your survey.

Yours truly,

Michael F. Rahill  
Assistant Chief Immigration Judge

Enclosure

**FILE**  
ADS8-1 (Part 1)

# Video Tele-conferencing (VTC) in Immigration Court Hearings

Questions presented by the Legal Assistance Foundation of Metropolitan Chicago

**1. How long have courts used VTC for any purpose?**

*The Immigration Court began using video tele-conferencing (VTC) for hearings in 1995. VTC was piloted in three locations that conducted detained hearings: 1) from the Immigration Court in Baltimore, MD, to the Wicomico County, MD, jail; 2) from the Immigration Court in Dallas, TX, to the Bureau of Prisons facility in Big Springs, TX; and 3) from the Immigration Court in Oakdale, LA, to the Immigration and Naturalization Service Processing Center in Oakdale, LA.*

**2. In what capacity was VTC initially used (e.g. master calendar hearings, merits hearings, as part of a pilot program in limited geographic regions, for detained cases, for cases in areas under-served by immigration judges, etc.)?**

*Although VTC was initially used primarily for master calendar hearings at these three detained settings, immigration judges were permitted and encouraged to use the equipment for merits hearings whenever appropriate.*

**3. Which immigration courts currently use VTC?**

*Arlington, VA; Atlanta, GA; Baltimore, MD; Batavia, NY; Bloomington, MN; Boston, MA; Bradenton, FL; Buffalo, NY; Chicago, IL; Dallas, TX; Denver, CO; Detroit, MI; Elizabeth, NJ; Eloy, AZ; El Paso, TX; Guaynabo, Puerto Rico; Harlingen, TX; Hartford, CT; Honolulu, HI; Houston, TX; Imperial, CA; Krome, FL; Lancaster, CA; Las Vegas, NV; Los Angeles, CA; Memphis, TN; Miami, FL; New Orleans, LA; New York, NY (plus Varick Street, NY; Jamaica, NY; Fishkill, NY; Ulster, NY); Newark, NJ; Oakdale, LA; Orlando, FL; Philadelphia, PA; Phoenix, AZ; San Antonio, TX; San Diego, CA; San Pedro, CA; Seattle, WA; Tucson, AZ; York, PA; and EOIR Headquarters Court in Falls Church, VA.*

**4. In what capacity is VTC used in those courts?**

**a. Do some courts use VTC only for master calendar hearings, or for particular kinds of cases?**

*Section 240(b)(2)(A) of the Immigration and Nationality Act and 8 C.F.R. § 1003.25(c) authorize the use of VTC equipment for immigration court hearings. As the regulation states, an immigration judge "may conduct hearings through video conference to the same extent as he or she may conduct hearings in person." Therefore, immigration court policy does not distinguish between in-person and VTC hearings. They are functionally equivalent. Immigration judges, however, have discretion on a case-by-case basis to determine if special circumstances might warrant an in-person hearing. Within those parameters,*

*judges make determinations about their cases. Additionally, in some courts, VTC equipment is used primarily to handle a particular docket: respondents detained at a remote location; Institutional Hearing Program (prison) cases; a non-detained court in a remote location; etc.. Even then, however, circumstances might warrant that the court would also use VTC equipment for other hearings, such as covering a detail in another city.*

- b. Which courts are set up with the immigration judge and counsel in court, and the alien elsewhere, and which courts are set up with the immigration judge alone and all other parties elsewhere?**

*There are no set configurations for VTC hearings. Frequently, but not always, when the immigration judge is conducting detained hearings, most of the parties will be at the judge's location. When a non-detained hearing is conducted via VTC equipment, parties might be at either location. Likewise, for detained hearings, the immigration judge does not require counsel or witnesses to appear at either location. Rather, within parameters set by the detention center or prison, the parties to the hearing are free to determine where they will appear.*

- 5. Can you describe the actual technology that is used for VTC? For example, how many cameras are used, and where are they located (focused on judge, attorney, detainee, documents, etc.)?**

*Several different brands of VTC equipment are used, but the equipment is similar. Each location has a video monitor and a camera. Typically the immigration judge controls the camera settings on either end, using a remote control device. The units permit picture-in-picture displays, so both sides can see each other and can also see how they appear to the other party. As the hearing progresses, the immigration judge will adjust the camera to focus on the appropriate person or document. Courts with VTC equipment also have fax machines to permit documents to be exchanged during the hearing. Additionally, there are supplies of forms (appeal, change of address, etc.) at the remote site.*

- 6. Are EOIR personnel ever located at the out-of-court site (not with the judge) to monitor or facilitate that portion of the hearing?**

*In most instances, personnel from the Executive Office for Immigration Review (EOIR) are not located at the remote site. Frequently, however, prison personnel or detention center personnel will assist with equipment set-up, form distribution, etc. Each VTC remote site has a contact person who will intervene if technical problems develop.*

7. **What, if any, training materials or other memoranda are provided to immigration judges concerning the use of VTC? Could we have copies of these materials? (Note that we already have the bench book that is posted on your website.)**

*Judges are provided copies of the technical material (user guide, etc.) issued by the equipment manufacturer. They are trained in its operation by EOIR personnel, usually the court administrator or designated VTC coordinator in their court. Additionally, as with other training, they observe colleagues conducting VTC proceedings before they conduct such proceedings themselves. The Office of the Chief Immigration Judge has included VTC hearings as a topic during training programs for new and experienced judges. It has also issued Interim Operating Policies and Procedures Memorandum No. 04-06, "Hearings Conducted Through Telephone and Video Conference" (copy attached).*

8. **What, if any, formal training is conducted by EOIR for immigration judges concerning the use of VTC?**

*Please see the answer to Question 7.*

9. **Is there any EOIR standard concerning what amount of technical assistance is to be made available to immigration judges using VTC?**

*It is the responsibility of the EOIR court administrator (or designee) to be available at all times when VTC hearings are conducted. If technical problems arise, it is the court administrator or the designee -- not the immigration judge -- who is responsible for finding a solution. Frequently they will obtain assistance from the VTC support staffs in EOIR and the Department of Homeland Security (DHS).*

10. **What, if any, procedure is in place for immigration judges to express concerns regarding specific problems with the use of VTC?**

*As with problems during any hearing, the court administrator is the first line of response for technical concerns about VTC equipment. Working with the EOIR and DHS support staffs, the court administrators are usually able to resolve the problem. Similarly, if there are other non-technical problems (scheduling, detainee access, etc.) the court administrator can usually resolve those problems with the VTC coordinator at the remote site. Additionally, immigration judges are always free to contact the Office of the Chief Immigration Judge to discuss concerns.*

- 11. Are immigration judges allowed, at their discretion, to opt out of the use of VTC?**

*Please see the answer to Question 4a. VTC hearings are one of the ways that immigration courts handle their dockets, and they are now a routine part of court practice. If a judge wishes to hold an in-person hearing in a situation where the docket typically is covered via VTC technology, the decision must be based on the particular facts of the case.*

- 12. Does EOIR maintain statistics concerning the use of VTC, such as, but not limited to, the number of cases disposed of through VTC and the outcome? If so, would you be willing to share those statistics.**

*No. As noted in response to Question 4a, immigration court policy does not distinguish between in-person and VTC hearings. They are functionally equivalent. Therefore, there is no distinction for statistical purposes.*

- 13. Has EOIR ever undertaken any study of the effectiveness of VTC? If so, could we view the study, or at least an abstract?**

*No formal study has been conducted. However, our experience with VTC equipment has been decidedly positive.*

- 14. Does EOIR have access to statistics concerning the demographic breakdown of respondents/applicants in removal proceedings? If so, could we view those statistics?**

*There are no statistics maintained on the "demographic breakdown" of respondents and applicants in removal proceedings conducted by VTC technology. However, for statistical information generally, we recommend you consult EOIR's Statistical Year Book, available on the Internet at <http://www.usdoj.gov/eoir>.*

- 15. What, if anything, can EOIR say about what it anticipates will be the role of VTC in immigration proceedings in the future? Will VTC be used increasingly or decreasingly, and in the same or different capacities?**

*We anticipate the use VTC equipment in immigration courts will grow. Our goal is for all courts to have the capability of conducting VTC hearings, not only to handle their own dockets, but also to be available to respond to emergencies in other courts. VTC technology enables the system to respond more quickly and effectively to many of the logistical problems posed by conducting removal proceedings nationwide. As technology improves and costs drop, the immigration courts – like other court systems throughout the nation – will use technology to further its mission.*



**U.S. Department of Justice**

Executive Office for Immigration Review

*Office of the Chief Immigration Judge*

Chief Immigration Judge

5107 Leesburg Pike, Suite 2500  
Falls Church, Virginia 22041

August 18, 2004

**MEMORANDUM**

**TO:** All Assistant Chief Immigration Judges  
All Immigration Judges  
All Court Administrators  
All Support Staff

**FROM:** The Office of the Chief Immigration Judge

**SUBJECT:** Interim Operating Policies and Procedures Memorandum No. 04-06:  
Hearings Conducted through Telephone and Video Conference

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I. **INTRODUCTION**

This OPPM supersedes OPPM No. 04-04, **Hearings Conducted Through Telephone Conference and Video Conference**, and sets forth new interim uniform procedures for conducting and handling Telephone and Video Conference hearings. These procedures are interim in nature, and will continue to be revised and reformulated to reflect any changes that may be necessary.

II. **CREATING A CLEAR RECORD OF THE LOCATION OF THE HEARING**

The regulation at 8 C.F.R. § 1003.14 provides that “[j]urisdiction vests, and proceedings before an Immigration Judge commence, when a charging document is filed with the Immigration Court by the Service [now Department of Homeland Security (DHS)].” When a charging document is filed with an Administrative Control Immigration Court pursuant to 8 C.F.R. § 1003.11, the proceedings may actually take place in a location other than where the charging document is filed. Thus, it is important to record the actual location of the hearing.

An immigration judge who conducts a hearing either telephonically or through video conference must create a clear record of where the hearing is taking place. At the beginning of each session of the hearing, the immigration judge must identify himself or herself for the record. The immigration judge must note that he or she is sitting via telephone or video conference and identify the specific hearing location where he or she is conducting the hearing (i.e., **the location where the case is docketed for hearing**). All hearing locations are published in the Office of the Chief immigration judge’s Administrative Control List. This list is made available to the public pursuant to 8 C.F.R. § 1003.11, and is available on the Executive Office for Immigration Review’s (EOIR) Intranet and Internet.

In addition, the immigration judge should note the location of the respondent, the respondent’s counsel or representative, if any, and counsel for the DHS, in order to create a clear and complete record. For example, at the beginning of a hearing conducted through video conference by an immigration judge in Chicago who is conducting a hearing in our Kansas City, Missouri, hearing location, the immigration judge should state: “This is Immigration Judge John Doe of the Chicago Immigration Court sitting, via video conference, at the hearing location in Kansas City, Missouri. The respondent, the respondent’s attorney, and the attorney for the DHS are all present in Kansas City, Missouri.” In this example the immigration judge identified Kansas City, Missouri, as the hearing location because the case was docketed for a hearing in Kansas City, Missouri. The immigration judge’s participation in the hearing through video conference did not change the hearing location.

The immigration judge must follow the steps outlined above each time he or she commences a session of a hearing through video or telephone conference. In addition, the circuit law that is to be applied to proceedings conducted via telephone or video conference is the law governing the hearing location (i.e., **the location where the case is docketed for hearing**). In the example set forth above, the law applied would be that governing Kansas City, Missouri, the United States Court of Appeals for the Eighth Circuit.

III. ORDERS AND DECISIONS ISSUED IN HEARINGS THROUGH TELEPHONE OR VIDEO CONFERENCE

Any order or decision by an immigration judge in a hearing conducted through video or telephone conference where the case was docketed for a hearing location (as opposed to an administrative control court/base city court) must include the hearing location (not the administrative control court/base city court) in the caption. The order or decision must include a statement that the hearing was conducted through video or telephone conference and a statement that sets forth the administrative control court and address for purposes of correspondence and post-hearing motions.

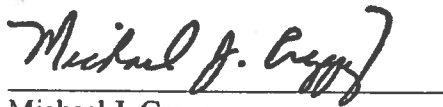
In an effort to promote uniformity in procedures, the following examples are provided. It should be noted that the ANSIR **minute order form** will be modified to create this standard form. In the interim, the court should create a Word Perfect version of each of the minute orders (Attachment A and B) until IRM can program them into ANSIR and subsequently CASE.

1. Attachment A is an example of an ANSIR **Minute Order** issued by an immigration judge who conducted a video conference hearing for a case docketed at an administrative control court/base city court. In this example, a New York immigration judge conducted a hearing through video conference for a case docketed in Detroit, Michigan. Note that a minute order from the Detroit Immigration Court is used and at the bottom of this order there is a notation that the matter was handled through video or telephone conference.
2. Attachment B is an example of an ANSIR **Minute Order** issued by an immigration judge who conducted a video conference hearing for a case docketed at a "hearing location" (a site other than an administrative control court/base city court). In this example, a Chicago immigration judge conducted a hearing through video conference for a case docketed in Kansas City, Missouri. Note that the "hearing location" is listed in the heading and that the address for the administrative control court and a notation that the matter was handled through video or telephone conference are listed at the bottom of the order.
3. Attachment C is an example of a **Written Decision/Order/Other Memoranda** issued by an immigration judge who conducted or is conducting a video conference hearing for a case docketed at a "hearing location" (a site other than an administrative control court/base city court). In this example, a Chicago immigration judge rendered a written decision for a case docketed in Kansas City, Missouri. Note that the "hearing location" is listed in the heading, and a sentence has been inserted in the body of the decision indicating that the matter was heard by video conference followed by a footnote that sets forth the specific hearing location and the address of the administrative control for this hearing location.

4. Attachment D is an example of the appropriate **heading and caption for the Oral Decision of the Immigration Judge** where the hearing was conducted by video conference. Note that in rendering the oral decision the immigration judge must inform the transcriber to place the hearing location (the place where the case was docketed for hearing) in the heading. The immigration judge will also instruct the transcriber to state in the body of the decision that the matter was heard by video conference at the hearing location (i.e., the location where the case was docketed for hearing) followed by a footnote. The footnote should state that "all correspondence and documents pertaining to the case must be filed with the administrative control court" at the listed address. However, if this hearing was conducted by video conference for a case docketed at an administrative control court/base city court, it would not be necessary to include the above mentioned footnote.

#### IV. CONCLUSION

This memorandum has been issued in an effort to promote efficiency of operations and uniformity of procedures in handling or conducting immigration hearings through video or telephone conference.



Michael J. Creppy  
Chief Immigration Judge

Attachments

**ATTACHMENT A**

**IMMIGRATION COURT  
1155 BREWERY PARK BLVD., STE 450  
DETROIT, MI 48207**

In the Matter of: (Name)

File No: A XX-XXX-XXX

Respondent

IN REMOVAL PROCEEDINGS

**ORDER OF THE IMMIGRATION JUDGE**

This is a summary of the oral decision entered on May 28, 2004. This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

- The respondent was ordered removed from the United States to \_\_\_\_\_ or in the alternative to \_\_\_\_\_.
- Respondent's application for voluntary departure was denied and respondent was ordered removed to \_\_\_\_\_ alternative to \_\_\_\_\_.
- Respondent's application for voluntary departure was granted until \_\_\_\_\_ upon posting a bond in the amount of \$ \_\_\_\_\_ with an alternate order of removal to \_\_\_\_\_.
- Respondent's application for asylum was ( ) granted ( ) denied ( ) withdrawn.
- Respondent's application for withholding of removal was ( ) granted ( ) denied ( ) withdrawn.
- Respondent's application for cancellation of removal under section 240A(a) was ( ) granted ( ) denied ( ) withdrawn.
- Respondent's application for cancellation of removal was ( ) granted under section 240A(b)(1) ( ) granted under section 240A(b)(2) ( ) denied ( ) withdrawn. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
- Respondent's application for a waiver under section \_\_\_\_\_ of the INA was ( ) granted ( ) denied ( ) withdrawn or ( ) other.
- Respondent's application for adjustment of status under section \_\_\_\_\_ of the INA was ( ) granted ( ) denied ( ) withdrawn. If granted, it was ordered that respondent be issued all appropriate documents necessary to give effect to this order.
- Respondent's status was rescinded under section 246.
- Respondent is admitted to the United States as a \_\_\_\_\_ until \_\_\_\_\_.
- As a condition of admission, respondent is to post a \$ \_\_\_\_\_ bond.
- Respondent knowingly filed a frivolous asylum application after proper notice.
- Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision
- Proceedings were terminated.
- Other \_\_\_\_\_

Date:

Hearing Conducted by: Telephone Conference/Video Conference

Appeal: Waived/Reserved

Appeal Due By: \_\_\_\_\_

\_\_\_\_\_  
(Name)

Immigration Judge

**ATTACHMENT B**

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
HEARING LOCATION: KANSAS CITY, MISSOURI

In the Matter of: (Name)

File: A XX-XXX-XXX

Respondent

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of oral decision entered on \_\_\_\_\_. This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

- The respondent was ordered removed from the United States to \_\_\_\_\_.
- Respondent's application for voluntary departure was denied and respondent was ordered removed to \_\_\_\_\_ alternative to \_\_\_\_\_.
- Respondent's application for voluntary departure was granted until \_\_\_\_\_ upon posting a bond in the amount of \_\_\_\_\_ with an alternative order of removal to \_\_\_\_\_.
- Respondent's application for asylum was ( ) granted ( ) denied ( ) withdrawn.
- Respondent's application for withholding of removal was ( ) granted ( ) denied ( ) withdrawn.
- Respondent's application for withholding/deferral of removal under Article 3 of the Torture Convention was ( ) granted ( ) denied ( ) withdrawn.
- Respondent's application for cancellation of removal under Section 240A(a) was ( ) granted ( ) denied ( ) withdrawn.
- Respondent's application for cancellation of removal under Section 240A(b) was ( ) granted ( ) denied ( ) withdrawn. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
- Respondent's application for a waiver under Section \_\_\_\_\_ of the INA was ( ) granted ( ) denied ( ) withdrawn ( ) other.
- Respondent's application for adjustment of status under Section 212c of the INA was ( ) granted ( ) denied ( ) withdrawn. If granted, it was ordered that respondent be issued all appropriate documents necessary to give effect to this order.
- Respondent's status was rescinded under Section 246.
- Respondent is admitted to the United States as a \_\_\_\_\_ until \_\_\_\_\_.
- As a condition of admission, respondent is to post a \$ \_\_\_\_\_ bond.
- Respondent knowingly filed a frivolous asylum application after proper notice.
- Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the immigration judge's oral decision.
- Proceedings were terminated, without prejudice.
- Proceedings were administratively closed.
- Other: \_\_\_\_\_

Date:

Administrative Control Court: Immigration Court, 55 East Monroe, Suite 1900, Chicago, IL 60603

Hearing conducted by: \_\_\_\_\_ Telephone Conference/Video Conference

Appeal: WAIVED/RESERVED (A/I/B)

APPEAL DUE BY: \_\_\_\_\_

\_\_\_\_\_  
(Name)  
Immigration Judge

**ATTACHMENT C**



**ATTACHMENT D**

TRANSCRIBER CAPS AND CENTERED AT THE TOP OF THE PAGE PLEASE CREATE THE FOLLOWING HEADING:

UNITED STATES DEPARTMENT OF JUSTICE - NEXT LINE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW - NEXT LINE  
IMMIGRATION COURT - NEXT LINE  
HEARING LOCATION: KANSAS CITY, MISSOURI

PLEASE COME DOWN THREE SPACES AND CREATE THE FOLLOWING CAPTION:

IN THE MATTER OF:            )  
  )  
  )  
(NAME)                            )  
      RESPONDENT                )

FILE NO.: A XX-XXX-XXX

TRANSCRIBER THE TITLE WILL BE AS FOLLOWS: BOLD CAPS AND CENTERED "THE ORAL DECISION OF THE IMMIGRATION JUDGE"

Proceed to dictate your Oral Decision and be certain that the first paragraph includes the following statement; "The hearing in this matter was conducted in Kansas City, Missouri, through video conference pursuant to INA § 240(b)(2)(A)(iii)". Then remind the transcriber to add the following footnote "Pursuant to 8 C.F.R. § 1003.11, all correspondence and documents pertaining to this case must be filed with the administrative control court" and be certain to list the address.

The body of the decision should then proceed as usual.



LEGAL ASSISTANCE FOUNDATION  
OF METROPOLITAN CHICAGO

111 West Jackson Boulevard  
Suite 300  
Chicago, Illinois 60604-3502  
312.341.1070 Phone  
312.341.1041 Fax  
312.431.1206 TDD  
www.lafchicago.org

Writer's Direct Number: (312) 347-8398

January 28, 2005

The Honorable Michael F. Rahill  
Assistant Chief Immigration Judge  
Office of the Chief Immigration Judge  
5107 Leesburg Pike, Ste. 2500  
Falls Church, VA 22041

RECEIVED  
DEPT. OF JUSTICE  
2005 FEB -1 PM 3:59  
OFFICE OF THE CHIEF IMMIGRATION JUDGE

**Re: Questions Concerning Video-Teleconferencing**


Dear Assistant Chief Immigration Judge Rahill:

Thank you for your response, of January 10, 2005, to our letter requesting to meet with Chicago Immigration Judges. We appreciate your concerns about the role of individual judges, and we will respect your decision for us not to meet with them. We also thank you for your offer to cooperate with our study by responding to written questions about EOIR's use of video-teleconferencing (VTC) technology in Immigration Courts nationwide. Although this information cannot replace the impressions of the judges who implement your VTC policies, we anticipate that it will be very helpful to our work. Accordingly, we have attached to this letter a list of questions concerning the use of VTC nationwide.

We intend to complete the drafting of our report by the end of February, so we would appreciate it if you might attempt to respond before that date. Please do not hesitate to call me with any concerns you may have about these questions.

Thank you for your assistance with our study.

Very truly yours,

  
Geoffrey Heeren  
Senior Attorney

encl.

## QUESTIONS CONCERNING THE USE OF VIDEO-TELECONFERENCING IN IMMIGRATION PROCEEDINGS

1. How long have immigration courts used VTC for any purpose?
2. In what capacity was VTC initially used? (e.g. master calendar hearings, merits hearings, as part of a pilot program in limited geographic regions, for detained cases, for cases in areas under-served by immigration judges, etc.)
3. Which immigration courts currently use VTC?
4. In what capacity is VTC used in those courts?
  - a. Do some courts use VTC only for master calendar hearings, or for particular kinds of cases?
  - b. Which courts are set up with the immigration judge and counsel in court, and the alien elsewhere, and which courts are set up with the immigration judge alone and all other parties elsewhere?
5. Can you describe the actual technology that is used for VTC? For example, how many cameras are used, and where are they located (focused on judge, attorney, detainee, documents, etc.)
6. Are EOIR personnel ever located at the out-of-court site (not with the judge), to monitor or facilitate that portion of the hearing?
7. What, if any, training materials or other memoranda are provided to immigration judges concerning the use of VTC? Could we have copies of these materials? (Note that we already have the bench book that is posted on your website.)
8. What, if any, formal training is conducted by EOIR for immigration judges concerning the use of VTC?
9. Is there any EOIR standard concerning what amount of technical assistance is to be made available to immigration judges using VTC?
10. What, if any, procedure is in place for immigration judges to express concerns regarding specific problems with the use of VTC?
11. Are immigration judges allowed, at their discretion, to opt out of the use of VTC?
12. Does EOIR maintain statistics concerning the use of VTC, such as, but not limited to, the number of cases disposed of through VTC, and the outcome? If so, would you be willing to share those statistics?
13. Has EOIR ever undertaken any study of the effectiveness of VTC? If so, could we view the study, or at least an abstract?

14. Does EOIR have access to statistics concerning the demographic breakdown of respondents/applicants in removal proceedings? If so, could we view these statistics?
15. What, if anything, can EOIR say about what it anticipates will be the role of VTC in immigration proceedings in the future? Will VTC be used increasingly, or decreasingly, and in the same, or different capacities?



LEGAL ASSISTANCE FOUNDATION  
OF METROPOLITAN CHICAGO

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Writer's Direct Number: (312) 347-8398

March 17, 2005

The Honorable Michael F. Rahill  
Assistant Chief Immigration Judge  
Office of the Chief Immigration Judge  
5107 Leesburg Pike, Ste. 2500  
Falls Church, VA 22041

**Re: Response to VTC Questions**

Dear Assistant Chief Immigration Judge Rahill:

I wanted to thank you, on behalf of LAF and the Applesed Fund for Justice, for your assistance with our upcoming report concerning the use of Video-teleconferencing in the Chicago Immigration Court. I appreciate you taking the time to respond to our questions so thoroughly. I will forward you a copy of our report as soon as it is finalized, hopefully in May.

Very truly yours,

  
Geoffrey Heeren  
Senior Attorney

RECEIVED  
DEPT. OF JUSTICE  
2005 MAR 31 PM 5:00  
OFFICE OF THE CHIEF  
IMMIGRATION JUDGE

**System Name**

EOIR-AIR-CT01  
EOIR-ATL-CT01  
EOIR-ATL-CT02  
EOIR-ATL-CT03  
EOIR-ATL-CT05  
EOIR-BAL-CT01  
EOIR-BAL-CT02  
EOIR-BAL-CT03  
EOIR-BAL-CT04  
EOIR-BAL-CT05  
EOIR-BAL-CT06  
EOIR-BAT-CT01  
EOIR-BAT-CT02  
EOIR-BLD-CT01  
EOIR-BOS-CT01  
EOIR-BOS-CT02  
EOIR-BOS-CT03  
EOIR-BOS-CT04  
EOIR-BOS-CT05  
EOIR-BOS-CT06  
EOIR-BOS-CT07  
EOIR-BTC-CT01  
EOIR-BUF-CT02  
EOIR-CHD-CT01  
EOIR-CHD-CT02  
EOIR-CHI-CT02  
EOIR-CHI-CT03  
EOIR-CHI-CT04  
EOIR-CHI-CT07  
EOIR-CHL-CT01  
EOIR-CHL-CT02  
EOIR-CLE-CT01  
EOIR-CLE-CT02  
EOIR-CLE-CT03

EOIR-DAL-CT01  
EOIR-DAL-CT02  
EOIR-DAL-CT03  
EOIR-DAL-CT04  
EOIR-DAL-CT05  
EOIR-DEN-CT A  
EOIR-DEN-CT B  
EOIR-DET-CT01  
EOIR-DET-CT02  
EOIR-DET-CT03  
EOIR-DET-CT04  
EOIR-ELC-CT01  
EOIR-ELO-CT02  
EOIR-ELO-CT04  
EOIR-ELP-CT01  
EOIR-ELP-CT03  
EOIR-ELZ-CT01  
EOIR-ELZ-CT02  
EOIR-EPD-CT01  
EOIR-EPD-CT02  
EOIR-EPD-CT04  
EOIR-ETM-CT03  
EOIR-ETM-CT04  
EOIR-FLO-CT02  
EOIR-HAR-CT01  
EOIR-HAR-CT02  
EOIR-HQIC-CT01  
EOIR-HQIC-CT02  
EOIR-HQIC-CT03  
EOIR-HQIC-CT04  
EOIR-HQIC-CT05  
EOIR-HLG-CT01  
EOIR-HLG-CT02  
EOIR-HLG-CT03  
EOIR-HLG-CT05  
EOIR-HOD-CT01  
EOIR-HOD-CT02



EOIR-HOD-CT03  
EOIR-HON-CT01  
EOIR-HON-CT02  
EOIR-HOU-CT01  
EOIR-HOU-CT08  
EOIR-IMP-CT 3  
EOIR-KAD-CT01  
EOIR-KAN-CT01  
EOIR-KAN-CT02  
EOIR-KAN-CT03  
EOIR-KRO-CT01  
EOIR-KRO-CT02  
EOIR-KRO-CT03  
EOIR-LAF-CT01  
EOIR-LAN-CT01  
EOIR-LGD-CT01  
EOIR-LGD-CT03  
EOIR-LOS-CT A  
EOIR-LOS-CT AA  
EOIR-LOS-CT B  
EOIR-LOS-CT C  
EOIR-LOS-CT D  
EOIR-LOS-CT E  
EOIR-LOS-CT F  
EOIR-LOS-CT G  
EOIR-LOS-CT01  
EOIR-LVG-CT01  
EOIR-MEM-CT A  
EOIR-MEM-CT B  
EOIR-MIA-CT22  
EOIR-MIA-CT23  
EOIR-MIA-CT24  
EOIR-NEW-CT C  
EOIR-NEW-CT D  
EOIR-NEW-CT F  
EOIR-NEW-CT G  
EOIR-NEW-CT H

EOIR-NOL-CTB  
EOIR-NYC-CT10  
EOIR-NYC-CT13  
EOIR-NYD-CT B  
EOIR-OAK-CT01  
EOIR-OAK-CT02  
EOIR-OAK-CT03  
EOIR-OMA-CT01  
EOIR-OMA-CT02  
EOIR-OMA-DET  
EOIR-ORL-CT02  
EOIR-ORL-CT04  
EOIR-PHI-CT01  
EOIR-PHI-CT03  
EOIR-PHI-CT05  
EOIR-PHO-CT03  
EOIR-PHO-CT04  
EOIR-PIS-CT01  
EOIR-PIS-CT03  
EOIR-PIS-CT05  
EOIR-POO-CT01  
EOIR-POO-CT02  
EOIR-PSD-CT01  
EOIR-PSD-CT02  
EOIR-PSD-CT03  
EOIR-PSD-CT04  
EOIR-SAI-CT01  
EOIR-SAI-CT02  
EOIR-SAJ-CT02  
EOIR-SAJ-CT03  
EOIR-SEA-CT01  
EOIR-SFD-CT01  
EOIR-SFD-CT03  
EOIR-SFR-CT01  
EOIR-SFR-CT02  
EOIR-SFR-CT09  
EOIR-SLC-CT01

EOIR-SNA-CT01  
EOIR-SNA-CT02  
EOIR-SNA-CT03  
EOIR-SNA-CT04  
EOIR-SNA-CT05  
EOIR-SNA-CT06  
EOIR-SNA-CT07  
EOIR-SND-CT03  
EOIR-SND-CT04  
EOIR-SND-CT05  
EOIR-SPM-CT A  
EOIR-SPM-CT B  
EOIR-TUC-CT01  
EOIR-TUC-CT02  
EOIR-ULS-CT01  
EOIR-WAS-CT01  
EOIR-WAS-CT02  
EOIR-WAS-CT03  
EOIR-WAS-CT04  
EOIR-WAS-CT05  
EOIR-WAS-CT06  
EOIR-YOR-CT01  
EOIR-YOR-CT02  
EOIR-YOR-CT03

VTC Usage Report for 2008

Location	Name of Unit	Type of Unit	Total Usage (min.)- Jan 2008	Total Usage (min.)- Feb 2008	Total Usage (min.)- Mar 2008	Total Usage (min.)- Apr 2008	Total Usage (min.)- May 2008	Total Usage (min.)- Jun 2008	Total Usage (min.)- July 2008	Total Usage (min.)- Aug 2008	Total Usage (min.)- Sep 2008	Total Usage (min.)- Oct 2008	Total Usage (min.)- Nov 2008	Total Usage (min.)- Dec 2008
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**Non responsive**

HDQ VTC LAB	EOIR-IRM-NET-LAB	Tandberg 990MXP	224	130	222	206	112	80	49	1091	NPIN	NPIN	NPIN	691
EOIR, HDQ Court 1	EOIR-HQIC-CT1	Tandberg 6000MXP	627	1411	1706	2686	1036	3378	2924	951	2131	2894	3138	1485
EOIR, HDQ Court 2	EOIR-HQIC-CT2	Tandberg 6000MXP	2811	2178	1928	3898	4277	3125	3659	9	40	450	230	702
EOIR, HDQ Court 3	EOIR-HQIC-CT3	Tandberg 6000MXP	5	4	0	152	470	142	284	1074	116	141	28	43
EOIR, HDQ Court 5	EOIR-HQIC-CT5	Tandberg 6000MXP	291	2113	2261	3136	1929	5611	3816	1063	2145	2064	3410	2376

**Non responsive**

EOIR, Atlanta Court	EOIR-ATL-CT1	Tandberg 800	21329	13934	5107	2266	97	115	1276	4459	315	296	1450	671
	EOIR-ATL-CT2	Tandberg 880MXP	0	34	120	33	0	3263	0	0	NPIN	103	122	793
	EOIR-ATL-CT3	Tandberg 990MXP	15374	25143	2744	112	14	1	62	8	2	4243	207	536
	EOIR-ATL-CT4	Tandberg 990MXP	1351	0	6	10	0.5	9	0	3	7	0	Relocated	Relocated
	EOIR-ATL-CT5	Tandberg 990MXP	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	441	5	0	0	46
EOIR, Bloomington Court	EOIRSPM01VTC	Tandberg 880 MXP	0	0	0	0	0	0	0	NPIN	0	0	0	0
EOIR, Boston Court	EOIRBOS05VTC	Tandberg 880	0	0	0	0	0	109	0	684	80	0	0	177
	EOIRBOS02VTC	Tandberg 880 MXP	832	1066	953	1759	715	1133	1771	218	1555	1110	2672	647
	EOIRBOS03VTC	Tandberg 880 MXP	392	841	613	791	1054	261	794	665	773	481	672	983
EOIR, Charlotte Court	EOIR-CHL CT 1	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	6	295
	EOIR-CHL CT 2	Tandberg 990MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	1055	1137
EOIR, Chicago Court	EOIRCHI01VTC	Tandberg 880	0	0	0	0	0	0	338	2329	1	0	0	1776
EOIR, Chicago Def. Court	EOIRCHD01VTC	Tandberg 990MXP	4592	5271	4729	6141	6292	7221	5664	3633	4984	5019	5098	4781

VTC Usage Report for 2008

Location	Name of Unit	Type of Unit	Total Usage (min.)- Jan 2008	Total Usage (min.)- Feb 2008	Total Usage (min.)- Mar 2008	Total Usage (min.)- Apr 2008	Total Usage (min.)- May 2008	Total Usage (min.)- Jun 2008	Total Usage (min.)- July 2008	Total Usage (min.)- Aug 2008	Total Usage (min.)- Sep 2008	Total Usage (min.)- Oct 2008	Total Usage (min.)- Nov 2008	Total Usage (min.)- Dec 2008
	EOIRCHD02VTC	Tandberg 990MXP	5910	164	2039	5133	4281	5008	2090	700	4041	6608	4229	4050
EOIR, Cleveland Court	EOIRCLE01VTC	Tandberg 990MXP	2183	1191	1526	1889	1273	1018	902	241	112	1293	891	1453
	EOIRCLE02VTC	Tandberg 990MXP	4954	5778	1218	1117	1	838	1045	562	1313	1142	304	3
	EOIRCLE03VTC	Tandberg 990MXP	4810	30	734	3920	4558	4448	3371	817	4476	2400	3563	4974
EOIR, Dallas Court	EOIRDAL01VTC	Tandberg 800	0	0	0	0	0	6	0	992	231	0	0	612
EOIR, Detroit Court	EOIRDET-CT 2	Tandberg 990MXP	1324	1295	441	1497	740	483	446	775	1011	947	1035	713
	EOIRDET-CT 3	Tandberg 3000 MXP	RATMS	804	789	1439	1337	1220	1426	649	1491	2075	1220	1565
EOIR, Elizabeth Court	EOIRELZ01VTC	Tandberg 880	0	0	0	0	0	12	0	2043	8	0	0	881
EOIR, Eloy Court	EOIRELO01VTC	Tandberg 880	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	1610	0	0	0	0
<b>Non responsive</b>														
EOIR, Harlingen Court	EOIR-HLG-CT 1	Tandberg 990MXP	5962	3257	3299	3965	2779	4972	3889	2433	3223	4450	3687	2786
	EOIR-HLG-CT 2	Tandberg 990MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	3514
	EOIR-HLG-CT 3	Tandberg 990MXP	0	0	0	0	0	302	4863	3350	3180	4131	3869	4284
EOIR, Hartford Court	EOIRHAR01VTC	Tandberg 800	0	0	0	0	0	0	0	122	283	0	0	3060
	EOIR-HAR-CT 2	Tandberg 3000 MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	1422	2703	1793	2165	1450	2284
EOIR, Honolulu	EOIRHON01VTC	Tandberg 1000	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	0	0
EOIR, Houston Court	EOIRHOU01VTC	Tandberg 800	0	0	0	0	0	0	0	0	25	0	0	136
	EOIRHOU05VTC	Tandberg 3000 MXP	0	64	108	140	100	0	149	664	146	39	2	199
EOIR, Houston SPC Co	EOIRHOD01VTC	Tandberg 880	0	0	0	0	0	0	2417	2582	789	0	0	1136
	EOIRHOD02VTC	Tandberg 880	0	66	0	0	11	0	9	0	587	0	1052	1185

VTC Usage Report for 2008

Location	Name of Unit	Type of Unit	Total Usage (min.)- Jan 2008	Total Usage (min.)- Feb 2008	Total Usage (min.)- Mar 2008	Total Usage (min.)- Apr 2008	Total Usage (min.)- May 2008	Total Usage (min.)- Jun 2008	Total Usage (min.)- July 2008	Total Usage (min.)- Aug 2008	Total Usage (min.)- Sep 2008	Total Usage (min.)- Oct 2008	Total Usage (min.)- Nov 2008	Total Usage (min.)- Dec 2008
Kansas Detail Court	EOIRKAN01VTC	Tandberg 800	0	0	0	0	0	196	1348	4891	0	0	0	568
EOIR, Kansas City	EOIR-KAN CRT 2	Tandberg 3000	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	18	1084	71	75
	EOIR-KAN CRT 3	Tandberg 3000	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	148	3912	694	0
EOIR, Krome Court	EOIRKRO01VTC	Tandberg 800	0	0	0	0	0	88	0	1	14	0	0	2000
EOIR, Lancaster Court	EOIRLAN01VTC	Tandberg 800	0	0	0	0	0	0	455	2764	304	0	0	994
EOIR, Las Vegas	EOIRLVG01VTC	Tandberg 990MXP	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	35	30	23	NPIN
EOIR, Los Angeles	EOIRLOS CONF RM	Tandberg 500	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	89	0	NPIN	NPIN	NPIN
	EOIRLOS01VTC	Tandberg 880 MXP	0	0	0	0	0	0	0	0	0	0	0	0
	EOIR-LOS-CT C	Tandberg 3000 MXI	RATMS	RATMS	RATMS	RATMS	0	0	0	NPIN	0	102	0	0
	EOIR-LOS-CT D	Tandberg 3000 MXI	RATMS	RATMS	RATMS	RATMS	132	770	210	688	349	347	231	0
EOIR, Lumpkin, GA	EOIR-LUM-CT1	Tandberg 990MXP	1155	0.8	5	561	17123	4748	7952	1884	3984	6017	1805	1344
	EOIR-LUM-CT3	Tandberg 990MXP	1112	72	1841	8211	0.3	0.1	0.3	1	257	215	127	420
EOIR, New York City	EOIR-NYC-CT14	Tandberg 800	7797	1411	3139	2454	769	6496	323	1735	3130	9	1145	102
	EOIR-NYC-CT12	Tandberg 3000	RATMS	RATMS	RATMS	RATMS	0.8	0.7	20	16	2	0.3	986	3
EOIR, Oakdale Court	EOIR-OAK CTRM 1	Tandberg 3000	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	24	467	9	0
	EOIR-OAK CTRM 3	Tandberg 3000	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	29	336	661	706
EOIR, Omaha Court	EOIR-OMA CT 2	Tandberg 3000	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	26	2584	2256
EOIR, Orlando Court	EOIR-ORL-CT-1	Tandberg 800	0.06	22	1	0	14	0	0	0	0	NPIN	NPIN	NPIN
	EOIR-ORL-CT-2	Tandberg 880 MXP	0	131	0	0	33	0	0	NPIN	NPIN	NPIN	NPIN	NPIN
	EOIORL03VTC	Tandberg 880 MXP	0	0	0	0	0	0	0	0	0	NPIN	NPIN	NPIN
	EOIR-ORL-Conf Room	Tandberg 880 MXP	0	0	0	0	183	29	116	821	0	NPIN	NPIN	NPIN

VTC Usage Report for 2008

Location	Name of Unit	Type of Unit	Total Usage (min.)- Jan 2008	Total Usage (min.)- Feb 2008	Total Usage (min.)- Mar 2008	Total Usage (min.)- Apr 2008	Total Usage (min.)- May 2008	Total Usage (min.)- Jun 2008	Total Usage (min.)- July 2008	Total Usage (min.)- Aug 2008	Total Usage (min.)- Sep 2008	Total Usage (min.)- Oct 2008	Total Usage (min.)- Nov 2008	Total Usage (min.)- Dec 2008
EOIR, Napanoch Court	EOIRULS01VTC	Tandberg 880 MXP	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN
EOIR, Philadelphia Cou	EOIR-PHI-CT1,3	Tandberg 880	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	331	175	NPIN	0
	EOIR PHI CT2	Tandberg 3000	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	154	1077	2064	735	1577
	EOIR-PHI Conf Rm	Tandberg 990MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	0	0	0
EOIR, Phoenix Court	EOIRPHO01VTC	Tandberg 880	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	0	1709	0	0	0	416
EOIR, Portand Court	EOIRPOO01VTC	Tandberg 880 MXP	123	157	42	523	194	214	9	452	145	20	74	0
EOIR, Roybal (LOS DE	EOIR-ROY-CT1	Tandberg 880	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	0	0	0	0	0	NPIN
EOIR-SLC-CT2	EOIR-SLC-CT2	Tandberg 800	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	1285	0	NPIN	NPIN	NPIN
EOIR, San Antonio Cou	EOIRSNA01VTC	Tandberg 880 MXP	0	0	0	0	0	0	0	0	NPIN	0	0	0
	EOIRSNA02VTC	Tandberg 880 MXP	0	0	0	538	2400	1509	2037	1715	2464	1927	1487	1518
	EOIR-SNA-CT3	Tandberg 990 MXP	0	0	0	1136	2928	2851	709	1834	3102	3540	3789	3596
EOIR, San Francisco Co	EOIRSF01VTC	Tandberg 990MXP	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN
EOIR, Tucson Court	EOIRTUC01VTC	Tandberg 800	0	0	0	0	0	0	0	1870	303	0	0	0
EOIR, Willacy Court	EOIR-WIC-CT1	Tandberg 990MXP	2039	2134	3068	2633	1443	2788	2396	2390	2598	3959	2744	2583
	EOIR-WIC-CT2	Tandberg 990MXP	0	0	0	0	0.3	0	450	0	4736	1962	246	557
	EOIR-WIC-CT3	Tandberg 990MXP	2935	6217	4577	6005	4689	4099	4173	2244	3108	4078	3883	4146
EOIR, Arlington	EOIR-WAS-02	Tandberg 880 MXP	2786	2175	1300	4270	3194	3227	2741	1517	3038	1814	1741	1431
	EOIR-WAS-CT7	Tandberg 3000 MXI	1625	1133	575	332	318	339	1941	0	906	857	279	1893
	EOIR-WAS-CT3	Tandberg 3000 MXI	9975	1703	2	95	2136	153	1471	2246	2934	2494	1501	954
	EOIR-WAS-01	Tandberg 880 MXP	0	0	0	0	0	0	0	NPIN	0	0	0	0

VTC Usage Report for 2008

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EOIR, York Court	EOIR-YOR-CT2	Tandberg 800	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN
	EOIR-YOR-CT1	Tandberg 880 MXP	0	0	0	491	1477	905	1798	581	1776	1210	1254	1579
	EOIR-YOR-CT 3	Tandberg 3000 MXI	0	0	0	1190	4237	2712	2622	1116	2235	4094	1686	1450
<b>Remote ISDN Only Sites</b>														
Omaha Detail Court	EOIROMA01VTC	Tandberg 800	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only
Cincinnati Detail Court	EOIRCIN01VTC	Tandberg 800	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only
Danbury , FCI	EOIRDAN01VTC	Tandberg 800	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only
Lompoc Detail Court	EOIRLOM01VTC	Tandberg 800	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only

NOTE: If a unit was turned off during the scan, then the unit will not be registered on the spreadsheet. Also, sites that are connected via ISDN only, cannot be scanned since the units are not on the network. These units are highlighted and a policy will need to be created to ensure that all units stay turned on and connected to the network.

The Polycom units provided by DHS are not included in this report.

<b>Legend:</b>
<i>(NPIN) Not Plugged into network</i> - The unit was not plugged into the network when the usage data was collected for this report.
<b>0</b> - The zero is for a unit that is plugged into the network and there is no data to retrieve.
<i>ISDN Only</i> - Due to the unit only being connected via ISDN, the data could not be retrieved.
<i>(RATMS) Recently added to TMS</i> - The unit was recently added to this management system and cannot display data from prior months.
<i>Relocated</i> - The unit EORI-ATL-CT4 was moved from the Atlanta Court and placed in the Charlotte Court and named EOIR-CHL-CT2.



VTC Usage Report

Location	Name of Unit	Type of Unit	Total Usage (min.)- Jan 2009	Total Usage (min.)- Feb 2009	Total Usage (min.)- Mar 2009	Total Usage (min.)- Apr 2009	Total Usage (min.)- May 2009	Total Usage (min.)- Jun 2009	Total Usage (min.)- July 2009	Total Usage (min.)- Aug 2009	Total Usage (min.)- Sep 2009	Total Usage (min.)- Oct 2009	Total Usage (min.)- Nov 2009	Total Usage (min.)- Dec 2009
EOIR Sites														

**Non responsive**

HDQ Court 1	EOIR-HQIC-CT1	Tandberg 6000MXP	2448	2589	3773	4562	3273	3120	3765	2256	860	2720	2888	2129
HDQ Court 2	EOIR-HQIC-CT2	Tandberg 6000MXP	852	891	113	323	421	387	1192	260	366	39	580	1181
HDQ Court 3	EOIR-HQIC-CT3	Tandberg 6000MXP	120	117	318	184	300	125	1527	2237	915	2004	6449	827
HDQ Court 4	EOIR-HQIC-CT4	Tandberg 6000MXP	233	367	131	1	565	1456	3606	1961	412	253	3852	2998
HDQ Court 5	EOIR-HQIC-CT5	Tandberg 6000MXP	1425	3414	4438	2761	2018	3887	1202	1188	240	0	233	367

**Non responsive**

HDQ VTC LAB	RON VTC	Tandberg 990MXP	0	2465	0	27	0	0	0	0	0	0	430	240
Atlanta Court	EOIR-ATL-CT1	Tandberg 990MXP	5635	2408	1749	3095	1246	308	1249	387	1280	1327	1212	1398
	EOIR-ATL-CT2	Tandberg 880MXP	481	2199	981	207	390	1078	377	163	4798	657	507	24
	EOIR-ATL-CT3	Tandberg 990MXP	704	763	813	1065	1065	140	289	238	0	NPIN	581	262
	EOIR-ATL-CT5	Tandberg 880	2730	0	0	0	0	0	0	0	0	0	602	599
Baltimore Court	EOIR-BAL-CT6	Tandberg 990 MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	6	29	184	3215	2971
Bloomington Court	EOIR-SPM01VTC	Tandberg 880 MXP	NPIN	NPIN	0	0	0	0	0	0	0	0	0	0
Boston Court	EOIR-BOS-CT1	Tandberg 800	0	0	0	0	0	0	0	0	0	0	1057	771
	EOIR-BOS-CT2	Tandberg 880 MXP	1000	1576	1581	2371	2232	568	1435	2463	211	1782	1371	1934
	EOIR-BOS-CT3	Tandberg 880 MXP	750	446	879	2639	952	2577	2439	5	564	919	1010	675
	EOIR-BOS-CT4	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	98	6	1	0	418	645	548
	EOIR-BOS-CT5	Tandberg 880	1726	0	0	0	2	363	1430	0	201	350	2752	440
Charlotte Court	EOIR-CHL CT 1	Tandberg 3000MXP	1400	2785	1577	3550	690	795	644	301	167	0	863	83
	EOIR-CHL CT 2	Tandberg 990MXP	194	2140	928	40	0	0	0	0	33	0	17	16

VTC Usage Report

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Chicago Court	EOIR-CHI-CT1	Tandberg 880	4686	0	0	0	0	0	0	0	0	NPIN		0
	EOIR-CHI-CT2 Ceremonial	Tandberg 3000MXP	RATMS	497	2763	3070	4298	1886	5	0	0	0	225	0
Chicago Det. Court	EOIR-CHD-CT1	Tandberg 990MXP	6124	5303	5918	6656	5608	5943	5657	4220	0	455	1908	6439
	EOIR-CHD-CT2	Tandberg 990MXP	3254	2169	3027	947	0	2833	3238	3575	0	1647	2073	4120
Cleveland Court	EOIR-CLE-CT1	Tandberg 990MXP	1858	2674	1033	1199	2847	1424	1587	985	0	380	1046	1816
	EOIR-CLE-CT2	Tandberg 990MXP	845	305	1832	2225	2571	1718	2837	1754	1292	1419	2246	2020
	EOIR-CLE-CT3	Tandberg 990MXP	4390	1877	2156	3433	3560	2725	2510	2537	0	0	1598	4907
Dallas Court	EOIR-DAL-CT1	Tandberg 800	2245	0	0	0	0	0	0	0	0	0	2024	1190
Detroit Court	EOIR-DET-CT2	Tandberg 990MXP	1204	509	2602	352	1012	1678	2407	1208	427	675	1414	1409
	EOIR-DET-CT 3	Tandberg 3000 MXP	2036	1982	1428	2520	2441	2951	1762	8	1241	1859	2004	1880
Danbury , FCI	EOIR-DAN01VTC	Tandberg 800	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	ISDN Only	1	291
Elizabeth Court	EOIR-ELZ-CONF-RM	Tandberg 880	345	0	0	0	0	0	0	0	0	NPIN	481	DECOM
	EOIR-ELZ-CT2	Tandberg 3000 MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	207
	EOIR-ELZ-CT3	Tandberg 3000 MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	396
Eloy Court	EOIR-ELO02VTC	Tandberg 880	148	0	0	0	0	0	0	0	0	0	1064	949
Harlingen Court	EOIR-HLG-CT 1	Tandberg 990MXP	3530	2731	4172	3752	3133	3985	4354	1469	2095	1906	0	3
	EOIR-HLG-CT 3	Tandberg 990MXP	4405	439	0	0	0	4207	3522	1535	0	0	1983	2853
	EOIR-HLG-CT 5	Tandberg 880	5524	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	0	0	2451	3247
Hartford Court	EOIR-HAR-CT1	Tandberg 800	958	0	0	0	0	0	0	0	0	0	2036	1095
	EOIR-HAR-CT 2	Tandberg 3000 MXP	1679	957	813	1345	1255	1672	1566	699	0	1200	825	1196
Honolulu Court	EOIRHONConfRMVTC	Tandberg 1000 MXP	0	0	0	0	0	0	0	0	0	0	31	14
	EOIR-HON CT RM 1	Tandberg 3000 MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	675	2895
Houston Court	EOIR-HOU-CT1	Tandberg 800	58	0	0	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	2	DECOM
	EOIR-HOU-CT 5	Tandberg 3000 MXP	71	0	286	50	0	0	0	0	0	0	188	77

VTC Usage Report

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	EOIR-HOU-CT 6	Tandberg 3000 MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	2
Houston SPC Court	EOIR-HOD-CT1	Tandberg 880	5815	0	0	0	0	0	0	0	0	0	0	8
	EOIR-HOD-CT 2	Tandberg 3000 MXP	2	2867	2353	3251	4467	3107	1640	3221	4042	6345	4831	4443
	EOIR-HOD-CT3	Tandberg 3000 MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	229
Kansas City Court	EOIR-KAN CRT 2	Tandberg 3000 MXP	1677	2	1954	3732	918	529	1291	534	0	0	955	1308
	EOIR-KAN CRT 3	Tandberg 3000 MXP	0	0	2629	4416	5007	3031	1724	0	0	695	1793	1950
Kansas Detail Court	EOIR-KAN01VTC	Tandberg 800	488	0	0	0	0	0	0	0	0	0	456	735
Krome Court	EOIR-KRO-CT1	Tandberg 880MXP	RATMS	RATMS	1283	1775	393	584	1913	0	352	1086	2238	3404
	EOIR-KRO-CT2	Tandberg 800	RATMS	RATMS	0	0	0	0	0	13	0	0	0	67
	EOIR-KRO-CT3	Tandberg 880	0	37	0	0	0	0	0	0	0	0	0	0
Lancaster Court	EOIR-LAN-CT1	Tandberg 800	3083	0	0	0	0	0	0	0	0	NPIN	1740	1032
Las Vegas Court	EOIR-LVG-CT1	Tandberg 990MXP	179	0	0	NPIN	NPIN	NPIN	NPIN	174	3	2199	17	0
Lompoc Detained	EOIR-LOM-CT1	Tandberg 800	RATMS	RATMS	0	0	0	0	0	0	0	0	0	0
Los Angeles Court	EOIR-LOS CONF RM	Tandberg 500	0	0	0	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	66.7
	EOIR-LOS01VTC	Tandberg 880 MXP	0	0	0	0	0	0	0	0	0	0	0	0
	EOIR-LOS-CT C	Tandberg 3000 MXP	0	13	0	0	32	0	65	0	67	0	0	NPIN
	EOIR-LOS-CT D	Tandberg 3000 MXP	611	203	32	151	57	0	251	474	164	0	202	50
	EOIR-LOS-S.Perkins	Tandberg 1000 MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	49	83
Stewart Court	EOIR-LUM-CT1	Tandberg 990MXP	2949	2951	3509	3082	2724	2981	7611	2781	2893	3839	4215	2096
	EOIR-LUM-CT3	Tandberg 990MXP	4713	45	23	89	192	40	230	96	226	121	24	48.3
New York City Court	EOIR-NYC-CT10	Tandberg 800	1223	1818	1345	1394	421	0	0	1891	0	0	943	1095
	EOIR-NYC-CT12	Tandberg 3000 MXP	228	7	139	149	2	1	0	251	17	0	1239	12
Oakdale Court	EOIR-OAK CT RM 1	Tandberg 3000 MXP	34	5924	182	1554	267	1602	938	843	242	0	17	988
	EOIR-OAK CT RM 3	Tandberg 3000 MXP	269	1178	1568	689	0	0	608	323	359	0	152	780

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Omaha Court	EOIR-OMA CT 2	Tandberg 3000 MXP	3653	4755	4553	3375	3449	3273	2344	689	1	1729	1878	1006
	EOIR-OMAHA DETAINED	Tandberg 880	RATMS	RATMS	0	0	0	0	0	0	0	0	2593	2688
Orlando Court	EOIR-ORL-CT2	Tandberg 800	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	0	0
	EOIR-ORL-Conf Room	Tandberg 880 MXP	83	52	94	0	162	428	80	5	0	0	0	109
Napanoch Court	EOIR-ULS01VTC	Tandberg 880 MXP	NPIN	NPIN	NPIN	0	0	0	0	0	0	NPIN	NPIN	0
Philadelphia Court	EOIR-PHI-CT1,3	Tandberg 880	14	139	204	1174	0	108	603	188	227	403	989	2659
	EOIR-PHI CT2	Tandberg 3000 MXP	2561	2474	526	1288	838	0	0	0	0	0	1052	1289
	EOIR-PHI Conf Rm	Tandberg 990MXP	48	0	0	0	0	0	0	0	0	NPIN	26	NPIN
Phoenix Court	EOIR-PHO01VTC	Tandberg 880	52	0	0	0	0	0	0	0	0	0	291	0
Portland Court	EOIR-POO01VTC	Tandberg 880 MXP	2	0	0	45	188	280	72	0	0	0	80	47
Port Isabel SPC	EOIR-PISPC-CT1	Tandberg 1000 MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	3	0	0	196	163
Roybal Court	EOIR-ROY-CT1	Tandberg 880	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	1	20
Saipan Court	EOIR-SAI-CT01	Tandberg 3000 MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	55	39
	EOIR-SAI-CT02	Tandberg 3000 MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	48	NPIN
Salt Lake City Court	EOIR-SLC-CT2	Tandberg 800	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	12	101
San Antonio Court	EOIR-SNA-CT1	Tandberg 880 MXP	NPIN	NPIN	0	0	0	0	2879	1887	1560	2157	2305	4870
	EOIRSNA02VTC	Tandberg 990 MXP	1661	2327	2535	2348	2411	1888	1325	1365	1397	2727	3233	2525
	EOIR-SNA-CT3	Tandberg 990 MXP	3125	2576	2499	4212	4078	3981	1989	1568	256	NPIN	3725	4007
	EOIR-SNA-IJ-Dean	Tandberg 1000	92	0	0	0	0	0	0	0	0	0	0	26
San Francisco Court	EOIR-SFR01VTC	Tandberg 990MXP	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	0	15
Tucson Court	EOIR-TUC-CT1	Tandberg 800	2193	0	0	0	0	0	0	0	0	0	164	230
Willacy Court	EOIR-WIC-CT1	Tandberg 990MXP	3629	2620	4672	3531	2171	1496	1482	0	2753	1309	1026	2885

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	EOIR-WIC-CT2	Tandberg 990MXP	2878	4160	2965	737	542	31	417	302	0	0	830	1083
	EOIR-WIC-CT3	Tandberg 990MXP	3966	2858	3841	3948	2403	227	3139	2751	0	0	1725	2572
<b>Arlington Court</b>	EOIR-WAS-01	Tandberg 880 MXP	NPIN	NPIN	0	0	0	0	0	0	0	0	0	0
	EOIR-WAS-CT5	Tandberg 880 MXP	1929	2572	2038	2038	853	2143	0	0	0	0	711	864
	EOIR-WAS-CT3	Tandberg 3000 MXP	688	1005	1737	3737	3421	2194	2446	1786	0	1939	2109	5220
	EOIR-WAS-CT4	Tandberg 880 MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	NPIN	NPIN
	EOIR-WAS-CT6	Tandberg 3000 MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	1365	218
	EOIR-WAS-CT7	Tandberg 3000 MXP	1401	1255	1234	33	0	550	0	1	0	568	799	1095
	EOIR-YOR-CT1	Tandberg 3000 MXP	1587	1554	1993	2791	2888	1124	2751	2251	1896	1289	1237	1642
<b>York Court</b>	EOIR-YOR-CT2	Tandberg 3000 MXP	NPIN	NPIN	0	0	0	0	3035	0	0	NPIN	882	857
	EOIR-YOR-CT 3	Tandberg 880 MXP	2724	371	106	133	0	1857	71	193	715	1215	0	1384
<b>Remote ISDN Only Sites</b>														

NOTE: If a unit was turned off during the scan, then the unit will not be registered on the spreadsheet. Also, sites that are connected via ISDN only, cannot be scanned since the units are not on the network. These units are highlighted and a policy will need to be created to ensure that all units stay turned on and connected to the network.

The Polycom units provided by DHS are not included in this report.

**Legend:**

*(NPIN) Not Plugged into network* - The unit was not plugged into the network when the usage data was collected for this report.

*0* - The zero is for a unit that is plugged into the network and there is no data to retrieve.

*ISDN Only* - Due to the unit only being connected via ISDN, the data could not be retrieved.

*(RATMS) Recently added to TMS* - The unit was recently added to this management system and cannot display data from prior months.

*DECOM* - This unit was decommissioned from service

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Arlington Court	EOIR-WAS-CT01	Tandberg 880MXP	0	0	0	0	0	0	0	0	0	0	0	0
	EOIR-WAS-CT03	Tandberg 3000MXP	5063	4038	6756	5197	3756	6850	3565	4741	4419	3785	4921	5683
	EOIR-WAS-CT04	Tandberg 880MXP	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN
	EOIR-WAS-CT05	Tandberg 880MXP	459	0	0	1055	1089	1145	820	1021	1130	826	525	1636
	EOIR-WAS-CT06	Tandberg 3000MXP	0	0	0	0	9	0	0	0	16	218	142	1
	EOIR-WAS-CT07	Tandberg 3000MXP	1027	729	976	950	897	940	751	709	1350	1173	471	928
Atlanta Court	EOIR-ATL-CT01	Tandberg 990MXP	1404	1003	831	1908	1140	262	718	1927	46	239	43	14
	EOIR-ATL-CT02	Tandberg 880MXP	92	17	13	496	563	410	417	397	99	0	374	403
	EOIR-ATL-CT03	Tandberg 990MXP	0	0	46	1	1	61	0	386	5	7	0	0
	EOIR-ATL-CT05	Tandberg 880	977	1239	3666	0	0	0	0	0	0	0	0	NPIN
Baltimore Court	EOIR-BAL-CT01	Tandberg 3000MXP	RATMS	RATMS	RATMS	246	502	522	462	951	625	883	552	527
	EOIR-BAL-CT04	Tandberg 3000MXP	RATMS	RATMS	RATMS	106	7	NPIN	2825	0	29	0	107	1
	EOIR-BAL-CT05	Tandberg 3000MXP	RATMS	RATMS	RATMS	17	1468	1723	1069	2487	1632	1471	0	0
	EOIR-BAL-CT06	Tandberg 990MXP	272	155	838	821	471	586	302	195	49	305	0	32
Bloomington Court	EOIR-SPM-CT B	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	158	0	1439	737	1467
Bloomington Detention	EOIR-BLD-CT01	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	15	12	0	3	1
Boston Court	EOIR-BOS-CT01	Tandberg 3000MXP	632	245	1819	0	839	314	58	0	NPIN	NPIN	NPIN	NPIN
	EOIR-BOS-CT02	Tandberg 880MXP	1616	1674	2352	2306	1895	2067	227	1417	601	603	948	9609
	EOIR-BOS-CT03	Tandberg 880MXP	595	418	837	414	416	768	518	491	387	477	690	747
	EOIR-BOS-CT04	Tandberg 3000MXP	158	509	218	351	657	688	561	0	NPIN	NPIN	NPIN	NPIN
	EOIR-BOS-CT05	Tandberg 3000MXP	740	559	633	338	389	619	277	883	646	489	643	1064
	EOIR-BOS-CT06	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	772	27	4	196	367	NPIN	NPIN	NPIN
	EOIR-BOS-CT07	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	709	NPIN	614	297	225	0	870	355
	EOIR-BOS-ProBono	Tandberg 1000	0	0	0	0	0	0	0	0	0	0	0	0
Charlotte Court	EOIR-CHL-CT01	Tandberg 3000MXP	0	0	0	2	0	0	99	0	0	0	0	0
	EOIR-CHL-CT02	Tandberg 990MXP	0	16	69	26	0	203	41	0	0	127	266	NPIN

Chicago Court	EOIR-CHI-CT C	Tandberg 3000MXP	40	26	7	0	0	0	0	0	63	4	0	0
	EOIR-CHI-CT F	Tandberg 3000MXP	403	1166	3240	2238	2666	3751	2593	2942	2883	3782	2855	2780
	EOIR-CHI-CT H	Tandberg 3000MXP	5	0	223	102	0	119	111	109	83	558	1123	0
Chicago Det. Court	EOIR-CHD-CT01	Tandberg 990MXP	4988	4219	5554	4694	4710	5483	2003	4981	3958	2259	2352	1231
	EOIR-CHD-CT02	Tandberg 990MXP	56	2735	2883	1475	439	3581	2648	552	984	3018	5156	5263
Cleveland Court	EOIR-CLE-CT01	Tandberg 990MXP	1206	1646	2045	2071	1910	2180	1994	2233	2549	3422	3575	1384
	EOIR-CLE-CT02	Tandberg 990MXP	1022	1669	1335	2674	2056	1276	2204	2526	2550	2850	3320	4783
	EOIR-CLE-CT03	Tandberg 990MXP	5061	4034	6756	5198	3756	1116	1	15	161	233	0	133
Dallas Court	EOIR-DAL-CT01	Tandberg 3000MXP	1023	2238	2608	0	741	1644	828	1447	877	598	1850	1483
	EOIR-DAL-CT03	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	875	1980	365	1015	1639	782	1009	1315
	EOIR-DAL-CT04	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	422	4423	1210	1167	1632	952	899	2213
Danbury FCI	EOIR-DAN-CT01	Tandberg 800	333	532	4	0	0	NPIN	0	0	0	0	NPIN	NPIN
Denver Court	EOIR-DEN-CT A	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	49	0	0	182
	EOIR-DEN-CT B	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	51	35	0	235
Detroit Court	EOIR-DET-CT01	Tandberg 990MXP	2035	481	2012	1310	1651	1768	1961	1965	321	805	2592	2582
	EOIR-DET-CT02	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	2811	111	818	973
	EOIR-DET-CT03	Tandberg 3000MXP	2165	2043	3734	2765	1797	2957	2224	1948	3158	2496	2630	2654
	EOIR-DET-CT04	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	265	273	18	16
East Mesa Court	EOIR-ETM-CT03	Tandberg 3000MXP	RATMS	RATMS	RATMS	1955	4173	4821	3264	5446	4748	3353	4755	4059
	EOIR-ETM-CT04	Tandberg 3000MXP	RATMS	RATMS	RATMS	1365	2458	353	1483	2490	2129	1008	2241	1924
Eloy Court	EOIR-ELO02VTC	Tandberg 880	0	2	0	0	0	0	0	0	0	0	0	0
El Paso Court	EOIR-ELP-CT01	Tandberg 3000MXP	RATMS	RATMS	215	535	924	1165	0	1031	1071	755	403	520
	EOIR-ELP-CT03	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	30	0	12	0	0	0
El Paso SPC Court	EOIR-EPD-CT01	Tandberg 3000MXP	RATMS	RATMS	30	0	69	0	78	6245	5448	5910	5284	6135
	EOIR-EPD-CT02	Tandberg 3000MXP	RATMS	RATMS	31	0	4751	3017	5304	7843	4570	6502	6761	4100
	EOIR-EPD-CT04	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	52	0	534	0	0	0

Elizabeth Court	EOIR-ELZ-CT01	Tandberg 3000MXP	426	403	915	472	317	398	318	271	449	328	1182	347
	EOIR-ELZ-CT02	Tandberg 3000MXP	1	0	0	19	0	7	68	0	1	1	0	2

# Non responsive

Harlingen Court	EOIR-HLG-CT01	Tandberg 990MXP	0	0	0	141	3698	3154	2656	3661	1065	0	0	0
	EOIR-HLG-CT03	Tandberg 990MXP	3453	2299	3928	3401	4006	3662	2897	4687	1161	0	0	0
	EOIR-HLG-CT05	Tandberg 880	3254	2297	1143	0	0	0	0	0	0	0	0	0
Hartford Court	EOIR-HAR-CT01	Tandberg 800	1917	1423	1361	0	0	0	0	0	0	0	0	0
	EOIR-HAR-CT02	Tandberg 3000MXP	1222	1185	776	918	945	1103	626	561	1844	1055	1140	482
HDQ Court	EOIR-HQIC-CT01	Tandberg 6000MXP	2451	2527	5609	3176	3383	4126	2331	1173	2564	2791	2792	650
	EOIR-HQIC-CT02	Tandberg 6000MXP	194	4358	1600	775	684	1115	206	74	602	680	18	286
	EOIR-HQIC-CT03	Tandberg 6000MXP	405	187	1441	6406	1095	1535	848	315	819	2532	351	1471
	EOIR-HQIC-CT04	Tandberg 6000MXP	3654	2574	4511	5151	3897	3354	945	3247	2271	2074	1916	4271
	EOIR-HQIC-CT05	Tandberg 6000MXP	879	223	5121	5301	4781	6415	4411	1032	4244	3370	2045	3524
	EOIR-HQIC-ProBono	Tandberg 990MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	134	79	6027
Honolulu Court	EOIR-HON-CONF	Tandberg 1000MXP	0	3	0	0	0	0	0	0	0	0	0	0
	EOIR-HON-CT01	Tandberg 3000MXP	1759	859	994	2593	2865	2485	1690	2182	136	489	354	1409
	EOIR-HON-CT02	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	82	76	827	1362	1801	2061	1872



<b>Houston Court</b>	<b>EOIR-HOU-CT05</b>	Tandberg 3000MXP	75	196	0	663	0	324	251	71	39	158	17	109
	<b>EOIR-HOU-CT06</b>	Tandberg 3000MXP	0	103	1	85	2	306	103	53	71	0	NPIN	NPIN
<b>Houston SPC Court</b>	<b>EOIR-HOD-CT01</b>	Tandberg 3000MXP	305	67	1	463	170	794	9	269	133	0	25	2215
	<b>EOIR-HOD-CT02</b>	Tandberg 3000MXP	5500	4865	6394	6748	5552	7455	3804	1006	5859	4243	5437	3000
	<b>EOIR-HOD-CT03</b>	Tandberg 3000MXP	5	47	106	0	0	0	0	0	0	0	NPIN	NPIN
<b>Kansas City Court</b>	<b>EOIR-KAN-CT01</b>	Tandberg 3000MXP	RATMS	RATMS	RATMS	646	618	1003	1434	209	835	1211	737	781
	<b>EOIR-KAN-CT02</b>	Tandberg 3000MXP	927	855	994	761	859	997	625	974	822	1181	1204	845
	<b>EOIR-KAN-CT03</b>	Tandberg 3000MXP	1392	974	2555	1873	1523	342	611	1901	1500	584	1565	2160
<b>Kansas Detention</b>	<b>EOIR-KAN-DET</b>	Tandberg 800	807	771	667	0	0	0	0	0	0	0	0	0
<b>Krome Court</b>	<b>EOIR-KRO-CT01</b>	Tandberg 880MXP	2238	2993	4365	4475	3730	3206	1929	2717	3375	3295	2911	3469
	<b>EOIR-KRO-CT02</b>	Tandberg 800	1768	1361	0	0	0	0	0	0	0	0	0	0
	<b>EOIR-KRO-CT03</b>	Tandberg 880	4	350	0	0	0	0	0	0	0	0	0	0
<b>Lancaster Court</b>	<b>EOIR-LAN-CT01</b>	Tandberg 800	226	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN
<b>Las Vegas Court</b>	<b>EOIR-LVG-CT01</b>	Tandberg 990MXP	0	96	106	51	29	4355	695	99	47	321	1143	589
<b>Lompoc Detained</b>	<b>EOIR-LOM-CT01</b>	Tandberg 800	0	0	0	0	0	0	0	0	0	0	0	0
<b>Los Angeles Court</b>	<b>EOIR-LOS-CONF</b>	Tandberg 3000MXP	132	0	258	0	0	49	162	0	NPIN	NPIN	NPIN	NPIN
	<b>EOIR-LOS-CT AA</b>	Tandberg 3000MXP	0	0	0	0	0	60	142	0	3	1	4	698
	<b>EOIR-LOS-CT D</b>	Tandberg 3000MXP	1	0	0	0	0	0	61	41	71	0	0	1299
	<b>EOIR-LOS-CT G</b>	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	1638
	<b>EOIR-LOS-CT03</b>	Tandberg 3000MXP	0	0	0	0	0	0	113	78	781	2291	2842	6385
	<b>EOIR-LOS-Perkins</b>	Tandberg 1000MXP	31	105	36	0	0	0	0	0	0	0	0	0
<b>Los Angeles Fed. Bldg</b>	<b>EOIR-LAF-CT01</b>	Tandberg 3000MXP	0	4	0	0	0	13	0	0	0	0	0	366
<b>Miami Court</b>	<b>EOIR-MIA-CT22</b>	Tandberg 3000MXP	RATMS	784	6807	5252	5461	4821	4850	6739	6041	6044	5259	6265
	<b>EOIR-MIA-CT23</b>	Tandberg 3000MXP	RATMS	784	302	284	560	666	112	444	728	828	213	646
	<b>EOIR-MIA-CT24</b>	Tandberg 3000MXP	RATMS	33	453	98	320	514	0	85	281	140	5	354

Memphis Court	EOIR-MEM-CT A	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	150	6390	5037	7457	7247	3280	4056	3404	
	EOIR-MEM-CT B	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	23	107	0	0	81	0	0	454	
Newark Court	EOIR-NEW-CT B	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	3235	9434	5551	6427	6719
	EOIR-NEW-CT G	Tandberg 3000MXP	29	0	0	2459	4379	6766	5289	6772	5491	6153	4873	4336	
	EOIR-NEW-CT H	Tandberg 3000MXP	NPIN	0	0	678	487	6406	3878	5055	4490	4081	4706	5614	
New York City Court	EOIR-NYC-CT10	Tandberg 990 MXP	1784	3151	1165	669	484	1141	4213	1157	125	194	420	708	
	EOIR-NYC-CT13	Tandberg 3000MXP	10	424	239	3	17	84	0	263	374	460	187	9	
New York Detention	EOIR-NYD-CT B	Tandberg 3000 MXP	RATMS	RATMS	RATMS	RATMS	RATMS	400	1947	2113	13692	5271	7528	6724	
Oakdale Court	EOIR-OAK-CT01	Tandberg 3000MXP	801	500	213	889	1379	1977	350	229	993	12	188	6707	
	EOIR-OAK-CT03	Tandberg 3000MXP	1089	840	1051	664	1130	1641	2144	1545	1114	1467	1289	2622	
Omaha Court	EOIR-OMA-CT01	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	737	1015	702	996	928	1294	1217	822	
	EOIR-OMA-CT02	Tandberg 3000MXP	1199	1836	1708	1021	897	1252	191	617	623	1146	1029	657	
	EOIR-OMA-DET	Tandberg 3000MXP	3105	2648	2154	0	2461	2923	1797	0	2047	3962	3914	3821	
Orlando Court	EOIR-ORL-CONF	Tandberg 990MXP	0	0	0	1	0	0	0	87	1	0	700	21	
	EOIR-ORL-CT02	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	344	228	83	995	
	EOIR-ORL-CT04	Tandberg 3000MXP	182	0	70	0	321	1	5	38	18	0	0	6	
Pearsall Court	EOIR-PSD-CT01	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	792	974	696	1795	3627
	EOIR-PSD-CT02	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	1942	1625	2926	1792	5354
Philadelphia Court	EOIR-PHI-CT01	Tandberg 3000MXP	1482	0	0	502	220	1637	260	500	270	1858	467	1615	
	EOIR-PHI-CT03	Tandberg 3000MXP	2099	1543	2355	3095	2340	4431	75	1853	1305	0	0	0	
	EOIR-PHI-CT05	Tandberg 3000MXP	853	0	0	0	0	0	0	0	1431	2429	1109	288	
Phoenix Court	EOIR-PHO01VTC	Tandberg 880	0	27	35	0	0	0	0	0	0	0	0	0	
Port Isabel SPC	EOIR-PIS-CT01	Tandberg 3000MXP	0	0	80	178	246	0	187	1179	469	849	2118	1866	
	EOIR-PIS-CT03	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	1044	1998	1074	2481	2024	70	75	15	

	EOIR-PIS-CT05	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	2547	8385	4749	6859	5357	1850	531	3
Portland Court	EOIR-POO-CT01	Tandberg 3000MXP	1	238	478	124	263	178	148	60	89	0	1	25
	EOIR-POO-CT02	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	1411	344	109	424	25
Saipan Court	EOIR-SAI-CT01	Tandberg 3000MXP	8	9	0	0	50	0	0	610	196	49	68	251
	EOIR-SAI-CT02	Tandberg 3000MXP	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN
Salt Lake City Court	EOIR-SLC-CT01	Tandberg 3000MXP	10	3	2	61	0	0	1	0	1	125	0	0
San Antonio Court	EOIR-SNA-CT01	Tandberg 3000MXP	4191	4895	2061	2618	0	1364	1814	3507	3734	2273	4227	4160
	EOIR-SNA-CT02	Tandberg 3000MXP	2302	1663	1509	3513	2252	2134	1499	2718	2232	1259	1949	1502
	EOIR-SNA-CT03	Tandberg 3000MXP	2830	2069	2086	3194	3786	3459	568	4324	3729	3445	2528	2434
	EOIR-SNA-CT04	Tandberg 3000MXP	RATMS	RATMS	2095	4648	1250	1365	1088	1178	1334	3469	3730	2302
	EOIR-SNA-CT05	Tandberg 3000MXP	RATMS	RATMS	1538	3591	3717	5130	3892	665	0	1592	408	152
	EOIR-SNA-CT06	Tandberg 3000MXP	RATMS	RATMS	1154	3284	2616	2870	1877	3188	2562	2955	2687	412
	EOIR-SNA-IJ-Dean	Tandberg 1000	0	0	2	0	0	0	0	0	0	0	0	0
San Diego Court	EOIR-SND-CT03	Tandberg 3000MXP	RATMS	RATMS	RATMS	1465	3604	1681	1981	3646	3364	2273	3291	2642
	EOIR-SND-CT04	Tandberg 3000MXP	RATMS	RATMS	RATMS	1626	3186	3576	3088	4461	3902	2149	3841	3589
	EOIR-SND-CT05	Tandberg 3000MXP	RATMS	RATMS	RATMS	370	85	41	43	67	123	45	1202	74
San Francisco Court	EOIR-SFR-CT09	Tandberg 3000MXP	82	0	154	174	268	259	283	196	46	109	141	186
	EOIR-SFR-CONF	Tandberg 990MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	71	9	NPIN	NPIN
San Jaun	EOIR-SAJ-CT02	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	281	0	17	0	0	0
	EOIR-SAJ-CT03	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	230	17	1	67	59	0
Stewart Detention	EOIR-LGD-CT01	Tandberg 990MXP	1794	1553	517	7253	0	26	2002	10129	2229	6188	1609	4276
	EOIR-LGD-CT03	Tandberg 990MXP	273	38	4119	3744	0	12254	4248	4731	67	93	74	19
Tucson Court	EOIR-TUC-CT02	Tandberg 3000MXP	510	0	284	0	0	0	0	0	39	0	0	198
	EOIR-TUC-CT03	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	15	NPIN	NPIN	NPIN
Ulster Court	EOIR-ULS-CT01	Tandberg 880MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	3	0	0	89

<b>Willacy Court</b>	<b>EOIR-WIC-CT01</b>	Tandberg 990MXP	3214	1809	2350	1151	930	1902	1084	823	1167	1820	5276	5029
	<b>EOIR-WIC-CT02</b>	Tandberg 990MXP	253	213	362	2211	2761	302	205	167	69	64	1920	1251
	<b>EOIR-WIC-CT03</b>	Tandberg 990MXP	2614	2702	3104	2982	2827	3491	2804	1787	2303	2968	3383	2080
<b>York Court</b>	<b>EOIR-YOR-CT01</b>	Tandberg 3000MXP	1447	2125	3045	2586	1732	3469	837	1860	1956	1760	1464	855
	<b>EOIR-YOR-CT02</b>	Tandberg 3000MXP	2076	2302	3163	3447	2377	3034	1568	1946	977	1747	2102	1446
	<b>EOIR-YOR-CT03</b>	Tandberg 880MXP	2203	236	72	441	3041	3002	2315	2666	784	2369	2995	1687

**NOTE: If a unit was turned off during the scan, then the unit will not be registered on the spreadsheet. Also, sites that are connected via ISDN only, cannot be scanned since the units are not on the network. These units are highlighted and a policy will**

**The Polycom units provided by DHS are not included in this report.**

**Legend:**

***(NPIN) Not Plugged into network*** - The unit was not plugged into the network when the usage data was collected for this report.

**0** - The zero is for a unit that is plugged into the network and there is no data to retrieve.

***(RATMS) Recently added to TMS*** - The unit was recently added to this management system and cannot display data from prior months.

**DECOM** - This unit was decommissioned from service

Location	Name of Unit	Type of Unit	Total Usage (min.)- Jan 2011	Total Usage (min.)- Feb 2011	Total Usage (min.)- Mar 2011	Total Usage (min.)- Apr 2011	Total Usage (min.)- May 2011	Total Usage (min.)- Jun 2011	Total Usage (min.)- July 2011	Total Usage (min.)- Aug 2011	Total Usage (min.)- Sep 2011	Total Usage (min.)- Oct 2011	Total Usage (min.)- Nov 2011	Total Usage (min.)- Dec 2011	Total Usage (min.)- 2011	Usage YTD
Arlington Court	EOIR-WAS-CT01	Tandberg 990MXP	0	0	0	1519	1676	170	552	1312	1760	2130	1077	740	10936	
	EOIR-WAS-CT02	Tandberg 880MXP	RATMS	RATMS	RATMS	RATMS	RATMS	1519	1162	1646	1826	2151	2440	1584	12328	
	EOIR-WAS-CT03	Tandberg 3000MXP	1587	932	1687	1558	1210	1947	2762	1330	1685	921	1268	1261	18148	
	EOIR-WAS-CT04	Tandberg 880MXP	724	5548	1111	1674	793	1281	726	989	1128	1044	916	687	16621	
	EOIR-WAS-CT05	Tandberg 3000MXP	677	820	1620	1715	1287	1422	1000	792	1516	1265	1707	1487	15308	
	EOIR-WAS-CT06	Tandberg 3000MXP	2519	4004	3009	1968	3351	6799	5053	5450	4435	5163	3498	6048	51297	
Atlanta Court	EOIR-ATL-CT01	Tandberg 990MXP	0	0	0	598	53	0	0	244	35	0	NPIN	NPIN	930	
	EOIR-ATL-CT02	Tandberg 3000MXP	0	51	6	8	11	1691	147	409	0	385	251	535	3494	
	EOIR-ATL-CT03	Tandberg 990MXP	0	0	127	0	0	0	0	0	56	179	15	0	377	
	EOIR-ATL-CT05	Tandberg 3000MXP	0	52	0	1	NPIN	38	93	418	572	138	931	2076	4319	
Baltimore Court	EOIR-BAL-CT01	Tandberg 3000MXP	1227	536	857	816	632	713	247	598	429	514	854	3017	10440	
	EOIR-BAL-CT04	Tandberg 3000MXP	34	116	2	81	114	331	2069	130	306	120	173	2722	6198	
	EOIR-BAL-CT05	Tandberg 3000MXP	645	1534	1644	1395	1549	1626	933	1289	1248	1318	762	1958	15901	
	EOIR-BAL-CT06	Tandberg 990MXP	1045	263	174	8	16212	348	449	705	322	303	577	1392	21798	
Batavia Detention	EOIR-BAT-CT02	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	45	NPIN	NPIN	NPIN	45	
Bloomington Court	EOIR-SPM-CT A	Tandberg 3000MXP	RATMS	RATMS	675	925	684	214	256	0	45	781	453	505	4538	
	EOIR-SPM-CT B	Tandberg 3000MXP	1929	1409	293	340	70	441	146	586	406	307	294	407	6628	
Bloomington Detention	EOIR-BLD-CT01	Tandberg 3000MXP	0	0	1	480	113	26	11	0	1	65	34	0	731	
Boston Court	EOIR-BOS-CT01	Tandberg 3000MXP	115	51	550	552	3147	3460	1947	4232	3577	4159	3006	1243	26039	
	EOIR-BOS-CT02	Tandberg 880MXP	1533	1231	2428	1127	2613	970	543	3250	2885	2701	2352	1667	23300	
	EOIR-BOS-CT03	Tandberg 880MXP	253	571	578	508	134	184	2728	3365	3038	3931	3410	3914	22614	
	EOIR-BOS-CT04	Tandberg 3000MXP	0	177	311	860	130	0	0	0	75	103	0	0	1656	
	EOIR-BOS-CT05	Tandberg 3000MXP	483	213	804	659	125	28	20	0	0	179	4	789	3304	
	EOIR-BOS-CT06	Tandberg 3000MXP	0	412	1061	427	949	621	2415	0	392	173	206	243	6899	
	EOIR-BOS-CT07	Tandberg 3000MXP	0	0	841	815	466	14	186	0	0	0	0	0	2322	
	EOIR-BOS-ProBono	Tandberg 1000 (EOL)	0	39	1	0	0	0	0	0	0	DECOM	DECOM	DECOM	DECOM	40
Broward Transition	EOIR-BTC-CT01	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	1	0	22	23	
Buffalo Court	EOIR-BUF-CT02	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	91	NPIN	NPIN	NPIN	91	
Charlotte Court	EOIR-CHL-CT01	Tandberg 3000MXP	0	2	0	0	0	1	0	0	0	71	0	59	133	
	EOIR-CHL-CT02	Tandberg 3000MXP	0	RATMS	26	0	0	45	0	0	0	0	0	13	84	

Chicago Court	EOIR-CHI-CT C	Tandberg 3000MXP	0	0	1	0	150	968	2505	1570	612	0	3670	4334	13810
	EOIR-CHI-CT F	Tandberg 3000MXP	2527	2078	2962	2143	2485	1859	1295	1298	3438	4708	36	2387	27216
	EOIR-CHI-CT H	Tandberg 3000MXP	0	0	0	NPIN	0	0	0	80	0	0	0	1977	2057
Chicago Detention	EOIR-CHD-CT01	Tandberg 990MXP	795	1222	1319	2361	416	442	1893	6899	2810	1731	2082	2	21972
	EOIR-CHD-CT02	Tandberg 990MXP	3619	5274	6236	5829	6251	6314	3390	3950	2799	3101	3077	942	50782
Cleveland Court	EOIR-CLE-CT01	Tandberg 990MXP	1287	2068	3088	3460	4100	3288	2207	3259	1644	1726	1437	1752	29316
	EOIR-CLE-CT02	Tandberg 990MXP	1880	2441	2731	3537	3312	2614	2069	3927	2491	2606	2898	2794	33300
	EOIR-CLE-CT03	Tandberg 990MXP	364	522	1737	1320	1384	1868	764	2397	2331	1788	1641	1761	17877
Dallas Court	EOIR-DAL-CT01	Tandberg 3000MXP	1397	1492	1845	2759	2050	2292	1490	2421	2890	2564	2078	2291	25569
	EOIR-DAL-CT02	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	7	8	756	1189	1960
	EOIR-DAL-CT03	Tandberg 3000MXP	1527	1619	1901	4988	243	1519	1366	1783	1568	1881	2561	494	21450
	EOIR-DAL-CT04	Tandberg 3000MXP	1925	79	2446	2505	1988	2560	3503	2435	1151	2272	1569	2966	25399
Danbury FCI	EOIR-DAN-CT01	Tandberg 800 (EOL)	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	DECOM	DECOM	DECOM
Denver Court	EOIR-DEN-CT A	Tandberg 3000MXP	0	35	0	537	63	319	2270	39	0	3	0	3438	6704
	EOIR-DEN-CT B	Tandberg 3000MXP	0	37	0	0	0	0	0	0	216	88	240	3831	4412
Detroit Court	EOIR-DET-CT01	Tandberg 990MXP	2898	3082	3586	3108	4812	2612	3194	4817	5257	3904	2989	2228	42487
	EOIR-DET-CT02	Tandberg 3000MXP	758	678	14	480	153	62	62	22	163	126	423	0	2941
	EOIR-DET-CT03	Tandberg 3000MXP	3097	2390	4013	3484	1987	2906	2883	4062	2732	2281	2823	2510	35168
	EOIR-DET-CT04	Tandberg 3000MXP	8	0	81	1	0	109	1692	0	42	242	656	31	2862
East Mesa Court	EOIR-ETM-CT03	Tandberg 3000MXP	3388	3924	5832	5738	5115	5391	3269	5181	5245	3899	4939	1404	53325
	EOIR-ETM-CT04	Tandberg 3000MXP	948	1499	2056	2619	3489	3078	1892	455	598	1539	149	1	18323
Eloy Court	EOIR-ELO-CT02	Tandberg 880 (EOL)	0	228	1160	0	0	330	218	0	231	11	20	317	2515
El Centro Detention	EOIR-ELC-CT01	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	412	2969	1865	2167	478	3713	11604
El Paso Court	EOIR-ELP-CT01	Tandberg 3000MXP	0	1063	919	0	446	1251	2502	317	521	641	838	678	9176
	EOIR-ELP-CT03	Tandberg 3000MXP	0	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	0
El Paso SPC Court	EOIR-EPD-CT01	Tandberg 3000MXP	3523	4045	6425	1829	5207	5303	3110	7312	6604	3216	4935	4168	55677
	EOIR-EPD-CT02	Tandberg 3000MXP	2790	3593	5801	5227	6767	6420	4314	5144	4633	4403	3463	2833	55388
	EOIR-EPD-CT04	Tandberg 3000MXP	0	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	0

Elizabeth Court	EOIR-ELZ-CT01	Tandberg 3000MXP	33	285	304	0	246	672	286	137	174	1665	1810	1952	7564
	EOIR-ELZ-CT02	Tandberg 3000MXP	6	57	0	0	2	123	0	0	15	977	2301	2161	5642

# Non responsive

Florence Detention	EOIR-FLO-CT02	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	8	50	110	168
Harlingen Court	EOIR-HLG-CONF	Tandberg 990MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	0	55	1	NPIN	56
	EOIR-HLG-CT01	Tandberg 990MXP	1448	2136	3016	3086	2711	2376	371	27	122	63	717	2119	18192
	EOIR-HLG-CT02	Tandberg 990MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	501	2	2516	3251	6270
	EOIR-HLG-CT03	Tandberg 880MXP	1304	2262	2560	3104	3107	1236	9575	70	53	115	11	156	23553
	EOIR-HLG-CT05	Tandberg 880 (EOL)	0	54	130	0	1	7	53	205	17	27	2	561	1057
Hartford Court	EOIR-HAR-CT01	Tandberg 3000MXP	0	962	3670	1287	2798	1136	0	2412	1626	2416	3565	2860	22732
	EOIR-HAR-CT02	Tandberg 3000MXP	1168	735	952	1437	950	1632	4484	1384	2236	1497	2309	1038	19822
Headquarters Court	EOIR-HQIC-CT01	Tandberg 6000MXP	1897	2170	4324	4893	1347	3316	2977	2010	2144	2002	2718	1189	30987
	EOIR-HQIC-CT02	Tandberg 6000MXP	298	1750	569	1433	520	2518	3998	2321	662	1407	838	1900	18214
	EOIR-HQIC-CT03	Tandberg 6000MXP	684	301	675	1681	6	891	1821	1063	1382	273	559	191	9527
	EOIR-HQIC-CT04	Tandberg 6000MXP	1532	3637	3699	4411	3425	3692	2695	4220	2697	4113	3677	1435	39233
	EOIR-HQIC-CT05	Tandberg 6000MXP	1447	2083	3860	3756	2121	124	654	3470	3224	2048	2200	3302	28289
	EOIR-HQIC-ProBono	Tandberg 990MXP	138	387	1310	1325	127	437	784	442	251	22	0	23	5246
Honolulu Court	EOIR-HON-CT01	Tandberg 3000MXP	1466	1288	2700	1729	1778	2061	1034	2273	1980	2846	1995	1297	22447
	EOIR-HON-CT02	Tandberg 3000MXP	744	1110	1650	835	806	1137	1033	765	1537	723	2107	1425	13872

Houston Court	EOIR-HOU-CT08	Tandberg 3000MXP	0	89	49	660	399	498	2295	851	404	178	173	417	6013
	EOIR-HOU-CT01	Tandberg 3000MXP	563	52	0	0	0	366	0	0	18	0	0	0	999
Houston Detention SPC	EOIR-HOD-CT01	Tandberg 3000MXP	1206	2378	3123	3266	2783	3585	3220	3556	3061	3973	4862	5288	40301
	EOIR-HOD-CT02	Tandberg 3000MXP	5198	3312	7237	6518	6172	6660	1708	5623	6041	6434	6511	3430	64844
	EOIR-HOD-CT03	Tandberg 3000MXP	0	0	0	484	0	0	90	0	0	0	0	1	575
Imperial Court	EOIR-IMP-CT E	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	2975	1105	946	805	799	382	7012
Kansas City Court	EOIR-KAN-CT01	Tandberg 3000MXP	997	980	1258	1021	781	1200	945	1333	1428	1167	689	393	12192
	EOIR-KAN-CT02	Tandberg 3000MXP	721	748	1063	932	1264	1011	773	1211	927	868	800	1039	11357
	EOIR-KAN-CT03	Tandberg 3000MXP	426	4782	11808	10782	17177	8761	2087	9868	5399	4343	4037	955	80425
Kansas Detention	EOIR-KAD-CT01	Tandberg 800 (EOL)	0	31	32	494	55	19	0	0	2	NPIN	NPIN	176	809
Krome Court	EOIR-KRO-CT01	Tandberg 880MXP	2634	3093	3826	4426	3465	7072	1784	4764	3292	2846	2884	2738	42824
	EOIR-KRO-CT02	Tandberg 800 (EOL)	0	841	2257	2128	2517	2039	1117	2547	1579	1652	1346	1829	19852
	EOIR-KRO-CT03	Tandberg 880 (EOL)	0	282	784	388	102	19	137	67	106	0	19	0	1904
Lancaster Court	EOIR-LAN-CT01	Tandberg 800 (EOL)	NPIN	5	0	480	58	150	1548	0	216	0	0	286	2743
Las Vegas Court	EOIR-LVG-CT01	Tandberg 990MXP	160	805	391	2007	384	186	0	0	0	99	521	2399	6952
Lompoc Detained	EOIR-LOM-CT01	Tandberg 800 (EOL)	0	0	0	0	0	0	0	0	0	0	NPIN	NPIN	0
Los Angeles Court	EOIR-LOS-ACIJ FONG	Tandberg 1000	RATMS	RATMS	RATMS	RATMS	3	384	374	553	545	3206	441	1278	6784
	EOIR-LOS-CONF	Tandberg 3000MXP	0	0	0	489	0	87	218	264	24	5	12	442	1541
	EOIR-LOS-CT A	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	159	103	0	0	0	0	0	262
	EOIR-LOS-CT AA	Tandberg 3000MXP	734	234	132	3	178	883	140	0	0	270	263	884	3721
	EOIR-LOS-CT B	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	116	20	11	1443	5593	4061	1233	12477
	EOIR-LOS-CT C	Tandberg 3000MXP	3111	3678	5711	1891	6028	5080	347	65	1176	3586	4174	3924	38771
	EOIR-LOS-CT D	Tandberg 3000MXP	2	0	0	869	6	15	3387	42	1004	3141	5663	2122	16251
	EOIR-LOS-CT F	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	76	48	0	0	5227	3938	1430	10719
	EOIR-LOS-CT G	Tandberg 3000MXP	2157	8360	7370	6216	7319	6305	4715	1608	7365	3764	6815	2568	64562



Los Angeles Fed. Bldg	EOIR-LAF-CT01	Tandberg 3000MXP	0	1	0	481	0	20	103	8	0	0	0	5	618
Memphis Court	EOIR-MEM-CT A	Tandberg 3000MXP	2039	2532	3709	3444	3108	3121	1831	3271	1415	3277	3491	2183	33421
	EOIR-MEM-CT B	Tandberg 3000MXP	0	29	0	16	0	0	0	1039	289	0	0	26	1399
Miami Court	EOIR-MIA-CT22	Tandberg 3000MXP	4244	2146	87	11	300	1024	3546	3430	462	39	0	0	15289
	EOIR-MIA-CT23	Tandberg 3000MXP	677	527	328	937	636	1589	1150	1266	2658	174	1602	296	11840
	EOIR-MIA-CT24	Tandberg 3000MXP	408	55	0	40	39	63	7	35	0	301	1103	274	2325
	EOIR-MIA-ACIJ Sukkar	Tandberg 1000 (EOL)	0	29	NPIN	24	0	596	1711	588	699	2118	430	1049	7244
Newark Court	EOIR-NEW-CT B	Tandberg 3000MXP	5651	7481	9317	7678	5834	8801	4776	9670	8990	5587	8697	4352	86834
	EOIR-NEW-CT C	Tandberg 3000MXP	RATMS	84	8642	1394	2870	2692	2235	3021	4530	3574	2911	2758	34711
	EOIR-NEW-CT F	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	2	8	0	10
	EOIR-NEW-CT G	Tandberg 3000MXP	4460	5559	5825	5905	3064	4269	2346	4010	4118	3200	2225	3029	48010
	EOIR-NEW-CT H	Tandberg 3000MXP	3453	3869	3006	1	0	1	2672	3248	2092	1626	2631	1908	24507
New York City Court	EOIR-NYC-ACIJ Weisel	Tandberg 1000MXP	RATMS	RATMS	RATMS	RATMS	56	5809	8814	425	533	544	396	77	16654
	EOIR-NYC-CT10	Tandberg 990MXP	603	122	2	386	87	206	3846	1310	1519	328	1196	1275	10880
	EOIR-NYC-CT13	Tandberg 3000MXP	0	43	3	495	0	19	403	0	9076	0	0	0	10039
New York Detention	EOIR-NYD-CT B	Tandberg 3000 MXP	5577	7574	9085	8159	5835	8240	0	1221	0	5587	8705	5866	65849
New Orleans Court	EOIR-NOL-CT B	Tandberg 3000 MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	5	NPIN	NPIN	23	28
Oakdale Court	EOIR-OAK-CT01	Tandberg 3000MXP	541	844	1599	1295	852	1434	909	1137	1273	974	982	1184	13024
	EOIR-OAK-CT02	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	3	NPIN	NPIN	NPIN	3
	EOIR-OAK-CT03	Tandberg 3000MXP	1263	1585	3210	2574	2904	3127	1294	2800	2070	2132	2690	1622	27271
Omaha Court	EOIR-OMA-CT01	Tandberg 3000MXP	0	192	2431	2259	1850	1516	559	1450	681	2218	1199	1515	15870
	EOIR-OMA-CT02	Tandberg 3000MXP	2127	1978	2357	1458	1547	0	0	0	0	0	0	0	9467
	EOIR-OMA-DET	Tandberg 3000MXP	3035	3511	2286	2429	1497	2049	1467	2982	2680	2775	2208	1972	28891
Orlando Court	EOIR-ORL-CONF	Tandberg 990MXP	0	0	115	528	44	7	8	248	233	55	18	0	1256
	EOIR-ORL-CT02	Tandberg 3000MXP	0	130	2052	1134	2497	2972	2205	4535	3159	2702	2304	1485	25175
	EOIR-ORL-CT04	Tandberg 3000MXP	260	254	265	1008	443	862	2781	2566	104	769	492	225	10029
Pearsall Court	EOIR-PSD-CT01	Tandberg 3000MXP	2407	2550	3756	5257	3192	2813	2295	3107	2228	2771	2384	1447	34207
	EOIR-PSD-CT02	Tandberg 3000MXP	4319	3234	4555	4768	4191	5200	3831	5849	4375	3663	3125	3440	50550
Philadelphia Court	EOIR-PHI-CT01	Tandberg 880MXP	1486	782	1578	490	731	1288	396	195	1387	472	891	1442	11138
	EOIR-PHI-CT03	Tandberg 3000MXP	0	9	0	480	0	2	0	0	14	0	0	0	505
	EOIR-PHI-CT05	Tandberg 3000MXP	1469	831	2278	650	531	602	0	242	173	879	103	407	8165

Phoenix Court	EOIR-PHO-CT01	Tandberg 800	0	0	54	465	0	31	2224	245	50	DECOM	DECOM	DECOM	3069	
	EOIR-PHO-CT03	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS		33	66	260	359
Port Isabel SPC	EOIR-PIS-CT01	Tandberg 3000MXP	59	184	760	328	603	1362	953	303	428	232	2517	2280	10009	
	EOIR-PIS-CT03	Tandberg 3000MXP	0	291	1	484	43	184	688	103	1049	75	934	1027	4879	
	EOIR-PIS-CT05	Tandberg 3000MXP	2	281	407	636	4	4	417	139	429	45	276	1371	4011	
Portland Court	EOIR-POO-CT01	Tandberg 3000MXP	0	101	8	468	7	33	0	0	0	0	0	19	636	
	EOIR-POO-CT02	Tandberg 3000MXP	212	278	0	510	279	455	2399	154	236	244	410	304	5481	
Saipan Court	EOIR-SAI-CT01	Tandberg 3000MXP	325	658	813	793	60	75	60	381	1139	819	1202	982	7307	
	EOIR-SAI-CT02	Tandberg 3000MXP	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	0	
Salt Lake City Court	EOIR-SLC-CT01	Tandberg 3000MXP	0	29	NPIN	536	104	500	2498	49	80	0	44	271	4111	
San Antonio Court	EOIR-SNA-ACIJ-DEAN	Tandberg 1000 (EOL)	0	29	0	0	238	307	61	506	840	1661	379	152	4173	
	EOIR-SNA-CT01	Tandberg 3000MXP	2712	1567	3547	3355	1275	700	289	535	159	172	71	537	14919	
	EOIR-SNA-CT02	Tandberg 3000MXP	1281	1596	849	1604	2402	3628	1729	3552	3075	2287	1513	958	24474	
	EOIR-SNA-CT03	Tandberg 3000MXP	2062	1996	2074	1780	2301	1478	3218	3417	2653	2760	3393	3395	30527	
	EOIR-SNA-CT04	Tandberg 3000MXP	2627	2574	3016	2916	3556	4003	3091	2432	3753	3768	4844	3604	40184	
	EOIR-SNA-CT05	Tandberg 3000MXP	416	191	1087	3341	4693	5814	2778	5801	3730	2727	3112	1223	34913	
	EOIR-SNA-CT06	Tandberg 3000MXP	1092	1788	1842	1631	2573	2542	1409	3409	4031	2965	1280	2059	26621	
	EOIR-SNA-CT07	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	113	56	45	41	255
San Diego Court	EOIR-SND-CT03	Tandberg 3000MXP	2095	1421	2708	4742	5342	4569	5056	4933	5492	5287	4994	436	47075	
	EOIR-SND-CT04	Tandberg 3000MXP	1998	1769	4495	3970	922	NPIN	798	3118	1710	1636	611	1008	22035	
	EOIR-SND-CT05	Tandberg 3000MXP	151	1020	1565	76	46	57	24	1545	1238	1273	283	244	7522	
San Francisco Court	EOIR-SFR-CT01	Tandberg 990MXP	0	0	175	NPIN	2	233	386	1256	2522	2089	624	972	8259	
	EOIR-SFR-CT02	Tandberg 3000MXP	RATMS	RATMS	205	1377	3881	885	5774	0	0	0	231	197	12550	
	EOIR-SFR-CT09	Tandberg 3000MXP	230	1299	1159	1529	2476	4931	883	1331	1142	839	497	1015	17331	
San Juan Court	EOIR-SAJ-CT02	Tandberg 3000MXP	0	29	80	497	71	360	1389	0	109	39	0	185	2759	
	EOIR-SAJ-CT03	Tandberg 3000MXP	0	33	0	0	0	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	NPIN	33	
Seattle Court	EOIR-SEA-CT01	Tandberg 3000MXP	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	RATMS	2	0	185	187	
Stewart Court	EOIR-LGD-CT01	Tandberg 3000MXP	2442	26	24	88	0	0	13	0	106	0	0	26	2725	
	EOIR-LGD-CT03	Tandberg 3000MXP	1	66	127	585	0	3	51	4	30	16	0	1420	2303	

Tacoma Court	EOIR-AIR-CT01	Tandberg 990MXP	RATMS	RATMS	RATMS	RATMS	RATMS	99	6064	3001	1184	1124	1306	2203	14981
Tucson Court	EOIR-TUC-CT01	Tandberg 3000MXP	NPIN	NPIN	NPIN	NPIN	NPIN	60	0	0	0	0	0	0	60
	EOIR-TUC-CT02	Tandberg 3000MXP	0	254	1240	670	0	365	2275	0	0	0	0	1	4805
Ulster Court	EOIR-ULS-CT01	Tandberg 880MXP	NPIN	8	NPIN	480	0	0	0	0	0	NPIN	NPIN	NPIN	488
Willacy Court	EOIR-WIC-CT01	Tandberg 990MXP	2707	2168	6721	4379	3176	2434	86	DECOM	DECOM	DECOM	DECOM	DECOM	21671
	EOIR-WIC-CT02	Tandberg 990MXP	2607	3297	4805	5360	3182	3811	440	DECOM	DECOM	DECOM	DECOM	DECOM	23502
	EOIR-WIC-CT03	Tandberg 990MXP	2776	2291	2407	3198	3070	1338	1207	DECOM	DECOM	DECOM	DECOM	DECOM	16287
York Court	EOIR-YOR-CT01	Tandberg 3000MXP	1409	1304	2347	1946	1581	2272	1550	1581	1064	465	1019	681	17219
	EOIR-YOR-CT02	Tandberg 3000MXP	2203	2138	1644	2238	1426	2728	1811	1801	1973	1786	1471	793	22012
	EOIR-YOR-CT03	Tandberg 3000MXP	233	1164	838	715	1422	901	534	1138	2294	2365	1108	1911	14623
<b>Total</b>															<b>2705312</b>

NOTE: If a unit was turned off or not connected to the network during the scan, then the unit will not be registered on the spreadsheet. Also, sites that are connected via ISDN only, cannot be scanned since these units are not on the network.

The Polycom units provided by DHS are not included in this report.

**Legend:**

- (NPIN) Not Plugged into network - The unit was not plugged into the network when the usage data was collected for this report.
- (EOL) End of Life - The unit is not supported by Tandberg and there may be issues with the unit generating an accurate report.
- (0) Null - The zero is for a unit that is plugged into the network and there is no data to retrieve.
- (RATMS) Recently added to TMS - The unit was recently added to the management system.
- (DECOM) Decommission - The unit is no longer in use and has been removed.

# Network Capacity Analysis

Site Information										BW					Analysis					Recommendation
Node ID	Comp. Site ID	Volp	City	State	Staff	VTC Units	BW	Max VoIP Calls	Max VoIP CIBS	% of Staff that can make Simultaneous Calls - CIBS 114	Max # of Unreserved VTC Calls	VTC Highest Number of Simultaneous Calls, 2010	% of Units that can make simultaneous VTC Calls	Hours/Month Over 75% Utilization	Recommendation					
LAZ7	CAF	Phase I	DARLALE	LOUISIANA	10	3	1544	6	5.0	50%	1	2	33%	3	Upgrade. Member VoIP or VTC can be supported.					
BY6	BAT	Phase I	BAYTANA	NEW YORK	8	2	1544	6	5.0	87%	3	1	50%	2	Upgrade. Circuit-CBS supports VoIP but additional bandwidth is required to support 2 VTC units.					
NY7B	BUP	Phase I	BUFFALO	NEW YORK	7	2	1544	6	5.0	71%	1	1	50%	2	Upgrade. Circuit-CBS supports VoIP but additional bandwidth is required to support 2 VTC units.					
AL0A	ELZ	Phase I	ELIZABETH	NEW JERSEY	7	2	1544	6	5.0	71%	1	1	50%	2	Upgrade. Circuit-CBS supports VoIP but additional bandwidth is required to support 2 VTC units.					
NE17	OMA	Phase I	OMAHA	NEBRASKA	7	2	1544	6	5.0	71%	1	1	50%	2	Upgrade. Circuit-CBS supports VoIP but additional bandwidth is required to support 2 VTC units.					
CT4S	H4N	Phase I	HARTFORD	CONNECTICUT	6	2	1544	6	5.0	63%	1	2	50%	2	Upgrade. 3 VTC units are a fit and each unit can be supported approximately 10% of the time. Additional bandwidth is required to support 2 VTC units.					
OR54	POO	Phase I	PORTLAND	OREGON	6	2	1544	6	5.0	63%	1	2	50%	2	Upgrade. 3 VTC units are a fit and each unit can be supported approximately 10% of the time. Additional bandwidth is required to support 2 VTC units.					
LAZ1	NOL	Phase I	NEW ORLEANS	LOUISIANA	4	1	1544	6	5.0	100%	1	1	100%	1	Upgrade. VoIP & VTC are supported BW but member VoIP has high utilization.					
CA1A	LAV	Phase I	LANCASTER "Mica Luma"	CALIFORNIA	11	1	1544	3	5.0	48%	1	1	100%	2	Upgrade. Circuit-CBS to a 20% only 5 concurrent calls without use of 11+ call transfer. VTC staff can be supported.					
PH4U	SFO	Phase I	SAN FRANCISCO	CALIFORNIA	15	0	1544	5	5.0	38%	1	0	100%	0	Upgrade. 5 VTC units can be supported for 100% of the time. Additional bandwidth is required to support 2 VTC units.					
WA1E	WAS / ARENG / TOR	Phase I	WASHINGTON	VIRGINIA	21	7	3052	16	15.0	48%	1	3	14%	3	Upgrade. 1 call transfer call can be supported concurrently. Only 1 of the 3 VTC units can be supported.					
GA04	ATL	Phase I	ATLANTA	GEORGIA	12	0	3052	10	13.0	63%	1	3	17%	1	Upgrade. Circuit. If VTC units will be at the site other phases 3.					
MO0	KANSAS CITY	Phase I	KANSAS CITY	MISSOURI	7	3	3052	10	13.0	100%	1	3	33%	2	Upgrade. Two concurrent calls can run if voice queue not missed out. 3rd unit could experience degraded service.					
NC01	CHARLOTTE	Phase I	CHARLOTTE	NORTH CAROLINA	10	0	3052	10	13.0	100%	1	1	33%	2	Upgrade. Two concurrent calls can run if voice queue not missed out. 3rd unit could experience degraded service.					
PA01	PHILADELPHIA	Phase I	PHILADELPHIA	PENNSYLVANIA	13	3	3052	10	13.0	77%	1	3	33%	2	Upgrade. Circuit-Bandwidth. 3 units run concurrently 3% of the time.					
HI03	HONOLULU	Phase I	HONOLULU	HAWAII	7	2	3052	10	13.0	100%	1	2	50%	2	Upgrade. 3 VTC units can be supported for 100% of the time. Additional bandwidth is required to support 2 VTC units.					
GA01	LUMPKIN	Phase I	LUMPKIN	GEORGIA	10	3	3052	10	13.0	100%	1	2	50%	2	Upgrade. 3 VTC units can be supported for 100% of the time. Additional bandwidth is required to support 2 VTC units.					
NV04	LAS VEGAS	Phase I	LAS VEGAS	NEVADA	10	1	3052	16	10.0	100%	1	1	100%	2	Upgrade. 3 VTC units can be supported for 100% of the time. Additional bandwidth is required to support 2 VTC units.					
AZ03	ELOY	Phase I	ELOY	ARIZONA	18	1	3052	16	10.0	100%	1	1	100%	2	Upgrade. 3 VTC units can be supported for 100% of the time. Additional bandwidth is required to support 2 VTC units.					
VA03	FALLO CHURCH	Phase I	FALLO CHURCH	VIRGINIA	11	3	3052	19	13.0	91%	1	3	100%	2	Upgrade per DOC.					
CA01	Los Angeles	Phase I	Los Angeles	CALIFORNIA	125	4	7720	26	25.0	20%	4.0	4	100%	3	Upgrade. Only 20% of staff can make calls. BW for VTC is sufficient but member VoIP is not. Additional bandwidth is required to support 2 VTC units.					
FL00	MIAMI	Phase I	MIAMI	FLORIDA	96	3	7720	26	25.0	33%	4.0	3	100%	3	Leave at it, but Member VoIP Traffic.					
CA00	SAN FRANCISCO	Phase I	SAN FRANCISCO	CALIFORNIA	62	2	7720	27	25.0	40%	4.0	2	100%	2	Possibly change COB to 111. VTC BW is sufficient for the units.					
NY05	NEW YORK	Phase I	NEW YORK	NEW YORK	60	2	7720	26	23.0	25%	4.0	2	100%	0	Leave as is. Member VoIP traffic and possibly change COB to 111. VTC BW is sufficient for the two units.					



Executive Office for Immigration Review  
 Office of Planning, Analysis, and Technology  
 Saipan Proceeding Completions  
 FY 2010 – FY 2011 (through 4/6/11)

Proceeding Completions	117
Hearing Mediums*:	
Non Responsive	
Non Responsive	
Video	40
Non Responsive	

\*Each proceeding may have multiple hearings and multiple hearing mediums.

\*\*The data field that this information is derived from is not a required field in our CASE system.

**Non Responsive**

**United States Department of Justice  
 Executive Office of Immigration Review  
 Office of Planning, Analysis, and Technology**

**OPAT #11-08  
 Breakdown of Hearings by Hearing Location 1st Qtr FY10**

Hearing Location	Non Responsive	Videoconference	Non Responsive	% of Videoconference
AGANA, GUAM		105		94%
AGANA, GUAM - DEPARTMENT OF CORRECTIONS		218		96%
ALLENWOOD CORRECTIONAL INST.		106		93%
ANCHORAGE, ALASKA		0		0%
ARIZONA DOC- PERRYVILLE		0		0%
ARIZONA DOC- TUCSON		0		0%
ARIZONA STATE PRISON COMPLEX - LEWIS		0		0%
ARIZONA STATE PRISON-CENTRAL UNIT		0		0%
ARIZONA STATE PRISON-RYNNING UNIT		0		0%
ARIZONA STATE PRISON-SPECIAL MANAGEMENT UNIT 1		0		0%
ARIZONA STATE PRISON-SPECIAL MANAGEMENT UNIT 2		0		0%
ARLINGTON DETAINED LOCATION		447		67%
ARLINGTON, VIRGINIA		1		0%
ATLANTA DETAINED LOCATION		207		36%
ATLANTA, GEORGIA		7		0%
BALTIMORE, MARYLAND		314		8%
BATAVIA SERVICE PROCESSING CENTER		187		15%
BEDFORD HILLS CORRECTIONAL FACILITY		0		0%
BERKS		88		89%
BIG SPRING CORR. CTR. (AIRPARK)		47		47%
BLOOMINGTON		0		0%
BOISE, IDAHO		0		0%
BOKEN KAMP CHILDREN'S CENTER		84		68%
BOP- LA TUNA		0		0%
BOSTON, MASSACHUSETTS		437		6%
BROWARD CORRECTIONAL INSTITUTION		12		100%
BROWARD TRANSITIONAL CENTER		0		0%

Hearing Location	Non Responsive	Videconference	Non Responsive	% of Videconference
BROWNSVILLE, TEXAS		0		0%
BUFFALO, NEW YORK		0		0%
BUTLER COUNTY SHERIFF'S OFFICE		191		36%
CALIFORNIA DOC- SAN YSIDRO		48		87%
CALIPATRIA STATE PRISON		103		73%
CAMBRIA COUNTY PRISON		99		88%
CENTINELA CORRECTION FACILITY		70		57%
CENTRAL FLORIDA RECEPTION CENTER		2		5%
CHARLOTTE		1		0%
CHARLOTTE CORRECTIONAL INSTITUTION		8		14%
CHICAGO DETAINED		869		55%
CHICAGO, ILLINOIS		9		0%
CLEVELAND DETAINED LOCATION		174		44%
CLEVELAND, OHIO		214		14%
CLINTON COUNTY PRISON		155		92%
CORRECTIONS CORPORATION OF AMERICA-SAN DIEGO,CA		5		1%
DALLAS DETAINED		9		16%
DALLAS OTHER DETAINED		0		0%
DALLAS, TEXAS		5		0%
DAVID L. MOSS CRIMINAL JUSTICE CENTER		0		0%
DENVER DETENTION FACILITY		0		0%
DENVER, COLORADO		0		0%
DETROIT DETAINEES		1,068		78%
DETROIT, MICHIGAN		14		1%
DHS-Litigation Unit/Oakdale		0		0%
DOWNSTATE CORRECTIONAL FACILITY		171		51%
EDEN, TEXAS		22		63%
EL CENTRO, CALIFORNIA		0		0%
EL PASO SERVICE PROCESSING CENTER		0		0%
EL PASO, TEXAS		0		0%
ELIZABETH SERVICE PROCESSING CENTER		0		0%
ELOY INS DETENTION CENTER		94		2%
FCI DANBURY FEDERAL CORRECTIONAL INSTITUTION		48		70%
FEDERAL CORR. INST.-OAKDALE 1		0		0%
FLORENCE, ARIZONA		3		0%



Hearing Location	Non Responsive	Videconference	Non Responsive	% of Videconference
FLORIDA DOC- CHIPLEY		2		1%
GEORGIA DEPARTMENT OF CORRECTIONS- DIAGNOSTIC		1		7%
GLADES COUNTY PRISON		79		11%
HARLINGEN, TEXAS		163		8%
HARTFORD, CONNECTICUT		74		5%
HAWAII DEPARTMENT OF CORRECTIONS		0		0%
HELENA, MONTANA		0		0%
HONOLULU, HAWAII		2		0%
HONOLULU, PRISON DETAINEES - PJKK FEDERAL BLDG.		188		91%
HOUSTON SERVICE PROCESSING CENTER		11		0%
HOUSTON, TEXAS		2		0%
IDAHO DEPARTMENT OF CORRECTIONS		0		0%
ILLINOIS DOC- STATESVILLE		19		46%
IMPERIAL, CALIFORNIA		0		0%
INDIANA YOUTH CENTER		0		0%
IOWA DEPARTMENT OF CORRECTIONS		0		0%
KANSAS CITY IMMIGRATION COURT - DETAINED		73		20%
KANSAS CITY, MISSOURI		260		14%
KROME NORTH SERVICE PROCESSING CENTER		2		0%
LACKAWANNA COUNTY PRISON		496		90%
LAREDO, TEXAS - PORT OF ENTRY		0		0%
LAREDO, TEXAS - DETENTION FACILITY		172		97%
LAS VEGAS, NEVADA		0		0%
LASALLE DETENTION FACILITY		0		0%
LOMPOC FEDERAL CORRECTIONAL INSTITUTION		0		0%
LOS ANGELES 3		0		0%
LOS ANGELES, CALIFORNIA		0		0%
LOUISIANA DEPARTMENT OF CORRECTIONS		0		0%
LOUISVILLE, KENTUCKY		228		71%
MARYLAND CORRECTIONAL INSTITUTE		25		81%
MASSACHUSETTS DEPARTMENT OF CORRECTIONS		0		0%
MCDUGAL-WALKER CORRECTIONAL INSTITUTION		150		97%
MEMPHIS, TENNESSEE		2		0%
MIAMI, FLORIDA		0		0%
MICHIGAN DEPT. OF CORR., PRISON OF SO. MICHIGAN		13		76%

Hearing Location	Non Responsive	Videconference	Non Responsive	% of Videconference
MINNESOTA CORRECTIONAL FACILITY		0		0%
MIRA LOMA DETENTION FACILITY		0		0%
MOSHANNON VALLEY CORRECTIONAL FACILITY		221		95%
NEBRASKA DEPARTMENT OF CORRECTIONS		0		0%
NEW ORLEANS DETENTION		0		0%
NEW ORLEANS, LOUISIANA		0		0%
NEW YORK CITY, NEW YORK		0		0%
NEW YORK SERVICE PROCESSING CENTER (VARICK ST)		0		0%
NEWARK - VIDEO HEARINGS		39		76%
NEWARK VIDEO HEARINGS		27		73%
NEWARK, NEW JERSEY		1		0%
NORTH CAROLINA DEPT. OF CORR., CENTRAL PRISON		0		0%
NORTH DAKOTA DEPARTMENT OF CORRECTIONS		0		0%
NORTH FLORIDA RECEPTION CENTER (NFC)		5		4%
NORTHERN MARIANAS DETAINED		0		0%
NORTHWEST DETENTION CENTER		1		0%
OAKDALE FEDERAL DETENTION CENTER		0		0%
OHIO DEPT. OF CORR., CORRECTIONAL RECEPTION CEN		52		73%
OKLAHOMA CITY DETAINED		24		6%
OKLAHOMA CITY, OKLAHOMA		27		8%
OKLAHOMA IHP		7		100%
OMAHA IMMIGRATION COURT - DETAINED		482		41%
OMAHA, NEBRASKA		1,114		53%
ORLANDO, FLORIDA		0		0%
OTERO COUNTY PROCESSING CENTER		1		0%
PEACE ARCH PORT OF ENTRY		0		0%
PEARSALL, TEXAS - DETENTION FACILITY		4,290		97%
PENNSYLVANIA DEPT. OF CORR., STATE CORR. INST.		118		96%
PHILADELPHIA, PENNSYLVANIA		100		4%
PHO Juvenile		0		0%
PHOENIX, ARIZONA		0		0%
PIKE COUNTY PRISON		474		94%
PITTSBURGH, PENNSYLVANIA		149		83%
PLEASANTON - FEDERAL CORRECTIONAL INSTITUTION		0		0%
PLYMOUTH COUNTY CORRETIONAL FACILITY		0		0%

Hearing Location	Non Responsive	Videoconference	Non Responsive	% of Videoconference
POLK COUNTY DETENTION FACILITY		2,023		86%
PORT ISABEL SERVICE PROCESSING CENTER		1,694		91%
PORTLAND DETENTION CENTER		0		0%
PORTLAND, OREGON		0		0%
REEVES COUNTY LAW ENFORCEMENT CENTER		55		49%
RENO, NEVADA		0		0%
ROLLING PLAINS DETENTION CENTER		488		61%
SAIPAN, NORTHERN MARIANAS ISLANDS		0		0%
SALT LAKE CITY, UTAH		0		0%
SAN ANTONIO DETAINED		127		45%
SAN ANTONIO, TEXAS		32		2%
SAN DIEGO, CALIFORNIA		850		33%
SAN FRANCISCO ANNEX		0		0%
SAN FRANCISCO DETAINED		0		0%
SAN FRANCISCO, CALIFORNIA		0		0%
SAN JUAN, PUERTO RICO		17		1%
SAN PEDRO		0		0%
SEATTLE, WASHINGTON		0		0%
SOUTH DAKOTA DEPARTMENT OF CORRECTIONS		0		0%
SOUTH FLORIDA RECEPTION CENTER		9		12%
ST. CROIX, VIRGIN ISLANDS		0		0%
ST. LOUIS, MISSOURI		0		0%
ST. LOUIS, MISSOURI DETAINED		0		0%
ST. THOMAS, VIRGIN ISLANDS		6		5%
STEWART DETENTION CENTER - LUMPKIN GEORGIA		1,953		95%
T. DON HUTTO RESIDENTIAL		791		97%
TEXAS DOC- HUNTSVILLE		187		69%
TUC INS		0		0%
TUCSON, ARIZONA		0		0%
ULSTER CORRECTIONAL FACILITY		358		91%
UNITED STATES PENITENTIARY - LOMPOC		0		0%
WASHINGTON CORRECTIONS CENTER		0		0%
WILLACY DETENTION FACILITY		2,393		92%
WISCONSIN DEPARTMENT OF CORRECTIONS		1		100%
YORK COUNTY PRISON		33		2%

TOTAL	Hearing Location	Non Responsive	Videoconference	Non Responsive	% of Videoconference
			25,753		12%

United States Department of Justice  
 Executive Office of Immigration Review  
 Office of Planning, Analysis, and Technology

**OPAT #11-08**

**Breakdown of VTC by Hearing Location and Schedule Type 1st Qtr FY10**

Hearing Location	--	AT	CY
AGANA, GUAM	0	0	0
AGANA, GUAM - DEPARTMENT OF CORRECTIONS	0	0	100
ALLENWOOD CORRECTIONAL INST.	0	0	0
ARLINGTON DETAINED LOCATION	0	0	37
ARLINGTON, VIRGINIA	0	0	0
ATLANTA DETAINED LOCATION	0	0	30
ATLANTA, GEORGIA	0	0	1
BALTIMORE, MARYLAND	0	0	75
BATAVIA SERVICE PROCESSING CENTER	0	0	93
BERKS	0	0	6
BIG SPRING CORR. CTR. (AIRPARK)	0	0	0
BOKEN KAMP CHILDREN'S CENTER	0	0	0
BOSTON, MASSACHUSETTS	0	1	174
BROWARD CORRECTIONAL INSTITUTION	0	0	0
BUTLER COUNTY SHERIFF'S OFFICE	0	0	43
CALIFORNIA DOC- SAN YSIDRO	0	0	0
CALIPATRIA STATE PRISON	0	0	0
CAMBRIA COUNTY PRISON	0	0	40
CENTINELA CORRECTION FACILITY	0	0	0
CENTRAL FLORIDA RECEPTION CENTER	0	0	0
CHARLOTTE	0	0	0
CHARLOTTE CORRECTIONAL INSTITUTION	0	0	0
CHICAGO DETAINED	0	0	203
CHICAGO, ILLINOIS	0	0	1
CLEVELAND DETAINED LOCATION	0	0	53
CLEVELAND, OHIO	0	0	0
CLINTON COUNTY PRISON	0	0	47
CORRECTIONS CORPORATION OF AMERICA-SAN DIEGO,CA	0	0	1
DALLAS DETAINED	0	0	4
DALLAS, TEXAS	0	0	0
DETROIT DETAINEES	0	0	425
DETROIT, MICHIGAN	0	0	0
DOWNSTATE CORRECTIONAL FACILITY	0	0	1
EDEN, TEXAS	0	0	0
ELOY INS DETENTION CENTER	0	0	0
FCI DANBURY FEDERAL CORRECTIONAL INSTITUTION	0	0	0
FLORENCE, ARIZONA	0	0	1
FLORIDA DOC- CHIPLEY	0	0	0
GEORGIA DEPARTMENT OF CORRECTIONS- DIAGNOSTIC	0	0	0
GLADES COUNTY PRISON	0	0	21
HARLINGEN, TEXAS	0	0	0
HARTFORD, CONNECTICUT	0	0	27
HONOLULU, HAWAII	0	0	0

HONOLULU, PRISON DETAINEES - PJKK FEDERAL BLDG.	0	0	63
HOUSTON SERVICE PROCESSING CENTER	0	0	3
HOUSTON, TEXAS	0	0	0
ILLINOIS DOC- STATESVILLE	0	0	0
KANSAS CITY IMMIGRATION COURT - DETAINED	0	0	39
KANSAS CITY, MISSOURI	0	0	0
KROME NORTH SERVICE PROCESSING CENTER	0	0	1
LACKAWANNA COUNTY PRISON	0	0	164
LAREDO, TEXAS - DETENTION FACILITY	0	0	25
LOUISVILLE, KENTUCKY	0	0	0
MARYLAND CORRECTIONAL INSTITUTE	0	0	0
MCDUGAL-WALKER CORRECTIONAL INSTITUTION	0	0	0
MEMPHIS, TENNESSEE	0	0	0
MICHIGAN DEPT. OF CORR., PRISON OF SO. MICHIGAN	0	0	0
MOSHANNON VALLEY CORRECTIONAL FACILITY	0	0	0
NEWARK - VIDEO HEARINGS	0	0	0
NEWARK VIDEO HEARINGS	0	0	0
NEWARK, NEW JERSEY	0	0	0
NORTH FLORIDA RECEPTION CENTER (NFC)	0	0	0
NORTHWEST DETENTION CENTER	0	0	1
OHIO DEPT. OF CORR., CORRECTIONAL RECEPTION CEN	0	0	0
OKLAHOMA CITY DETAINED	0	0	13
OKLAHOMA CITY, OKLAHOMA	0	0	0
OKLAHOMA IHP	0	0	0
OMAHA IMMIGRATION COURT - DETAINED	0	0	74
OMAHA, NEBRASKA	0	0	0
OTERO COUNTY PROCESSING CENTER	0	0	0
PEARSALL, TEXAS - DETENTION FACILITY	0	0	807
PENNSYLVANIA DEPT. OF CORR., STATE CORR. INST.	0	0	0
PHILADELPHIA, PENNSYLVANIA	0	0	0
PIKE COUNTY PRISON	0	0	146
PITTSBURGH, PENNSYLVANIA	0	0	0
POLK COUNTY DETENTION FACILITY	0	0	205
PORT ISABEL SERVICE PROCESSING CENTER	0	0	576
REEVES COUNTY LAW ENFORCEMENT CENTER	0	0	0
ROLLING PLAINS DETENTION CENTER	0	0	110
SAN ANTONIO DETAINED	0	0	5
SAN ANTONIO, TEXAS	0	0	2
SAN DIEGO, CALIFORNIA	0	0	0
SAN JUAN, PUERTO RICO	0	0	7
SOUTH FLORIDA RECEPTION CENTER	0	0	0
ST. THOMAS, VIRGIN ISLANDS	0	0	0
STEWART DETENTION CENTER - LUMPKIN GEORGIA	4	0	126
T. DON HUTTO RESIDENTIAL	0	0	210
TEXAS DOC- HUNTSVILLE	0	0	0
ULSTER CORRECTIONAL FACILITY	0	0	1
WILLACY DETENTION FACILITY	0	0	821
WISCONSIN DEPARTMENT OF CORRECTIONS	0	0	0
YORK COUNTY PRISON	0	0	8
<b>TOTAL</b>	<b>4</b>	<b>1</b>	<b>4,790</b>

ED	IA	ID	II	IR	MD	MM	MR	RR
0	3	0	19	4	0	10	69	0
0	0	0	1	0	2	12	103	0
0	0	0	13	4	14	14	61	0
0	1	44	10	0	0	115	233	7
0	0	0	0	0	0	1	0	0
0	0	2	2	1	41	77	54	0
0	0	0	0	0	0	4	2	0
0	0	0	2	0	10	118	105	4
0	0	1	0	0	1	91	1	0
0	0	0	7	0	9	16	35	14
0	0	0	0	0	3	18	26	0
0	0	0	0	0	10	45	29	0
0	0	1	4	1	0	256	0	0
0	0	0	2	0	0	6	4	0
0	6	9	13	0	35	27	58	0
0	0	1	0	0	2	36	9	0
0	0	0	0	0	0	94	9	0
0	0	0	0	0	13	41	5	0
0	0	0	0	0	0	59	11	0
0	0	0	2	0	0	0	0	0
0	0	0	0	1	0	0	0	0
0	0	0	8	0	0	0	0	0
0	0	101	1	4	12	162	386	0
0	0	0	1	0	0	5	2	0
0	10	1	10	0	0	40	59	1
0	27	3	176	2	0	1	5	0
0	0	0	1	0	14	45	48	0
0	0	0	0	0	0	4	0	0
0	0	4	1	0	0	0	0	0
0	0	0	2	0	0	3	0	0
0	0	31	1	1	0	498	111	1
0	0	0	5	0	0	7	2	0
0	0	0	0	0	0	67	103	0
0	0	1	1	0	3	3	14	0
0	0	0	26	0	0	67	1	0
0	0	0	3	0	0	34	11	0
0	0	0	1	0	0	0	1	0
0	0	0	1	0	0	0	1	0
0	0	0	0	0	0	0	1	0
0	0	0	0	0	0	56	2	0
0	0	0	1	0	0	55	107	0
0	0	0	5	0	1	23	18	0
0	0	0	1	0	0	0	1	0

0	0	0	12	14	9	32	58	0
0	0	1	0	0	0	3	4	0
0	0	0	0	0	0	2	0	0
0	0	0	0	0	0	0	19	0
0	0	1	2	0	1	17	13	0
0	0	0	32	0	0	154	74	0
0	0	0	0	0	0	1	0	0
0	0	0	2	0	33	125	172	0
0	0	4	1	0	1	108	33	0
0	0	0	57	13	0	86	72	0
0	0	0	0	0	1	11	13	0
0	0	0	8	0	0	100	42	0
0	0	0	0	1	0	1	0	0
0	0	0	1	0	0	4	8	0
0	0	0	11	2	17	60	131	0
0	0	0	1	0	0	28	10	0
0	0	0	2	1	0	12	12	0
0	0	0	0	0	0	1	0	0
0	0	0	5	0	0	0	0	0
0	0	0	0	0	0	0	0	0
0	0	1	0	0	0	16	35	0
0	0	0	0	0	3	1	7	0
0	0	0	1	0	0	9	17	0
0	0	0	0	0	0	7	0	0
0	0	85	4	0	0	32	287	0
0	0	0	186	1	0	22	905	0
0	0	1	0	0	0	0	0	0
1	2	139	58	13	11	1,613	1,513	133
0	0	0	7	5	12	28	66	0
0	0	0	14	1	0	27	58	0
0	0	0	11	2	33	122	160	0
0	0	0	11	0	0	40	98	0
0	1	16	17	1	389	1,112	277	4
0	0	128	6	7	16	451	486	24
0	0	0	0	0	1	36	18	0
0	0	0	0	1	32	110	230	4
0	0	5	0	1	4	53	59	0
0	0	1	0	1	0	15	13	0
0	22	46	56	0	42	213	466	5
0	0	0	0	0	0	10	0	0
0	0	0	9	0	0	0	0	0
0	0	0	0	0	0	2	4	0
0	1	21	21	16	16	1,123	623	2
0	0	9	5	1	3	250	176	137
0	0	0	5	0	30	55	97	0
0	0	0	0	0	0	127	230	0
0	0	119	6	3	3	772	654	15
0	0	0	0	0	0	0	1	0
0	0	0	2	1	1	2	19	0
<b>1</b>	<b>73</b>	<b>776</b>	<b>873</b>	<b>103</b>	<b>828</b>	<b>9,103</b>	<b>8,847</b>	<b>351</b>



<b>TD</b>	<b>TOTAL</b>
0	105
0	218
0	106
0	447
0	1
0	207
0	7
0	314
0	187
1	88
0	47
0	84
0	437
0	12
0	191
0	48
0	103
0	99
0	70
0	2
0	1
0	8
0	869
0	9
0	174
0	214
0	155
0	5
0	9
0	5
0	1,068
0	14
0	171
0	22
0	94
0	48
0	3
0	2
0	1
0	79
0	163
0	74
0	2

0	188
0	11
0	2
0	19
0	73
0	260
0	2
0	496
0	172
0	228
0	25
0	150
0	2
0	13
0	221
0	39
0	27
0	1
0	5
0	1
0	52
0	24
0	27
0	7
0	482
0	1,114
0	1
0	4,290
0	118
0	100
0	474
0	149
1	2,023
0	1,694
0	55
1	488
0	127
0	32
0	850
0	17
0	9
0	6
0	1,953
0	791
0	187
0	358
0	2,393
0	1
0	33
3	25,753

**United States Department of Justice  
 Executive Office of Immigration Review  
 Office of Planning, Analysis, and Technology**

**OPAT #11-08  
 Breakdown of Hearings by Hearing Location 2nd Qtr FY10**

Hearing Location	Non Responsive	Videoconference	Non Responsive	% of Videoconference
AGANA, GUAM		84		90%
AGANA, GUAM - DEPARTMENT OF CORRECTIONS		58		98%
ALLENWOOD CORRECTIONAL INST.		158		95%
ANCHORAGE, ALASKA				0%
ARIZONA DOC- PERRYVILLE				0%
ARIZONA DOC- TUCSON				0%
ARIZONA STATE PRISON COMPLEX - LEWIS		0		0%
ARIZONA STATE PRISON-CENTRAL UNIT		0		0%
ARIZONA STATE PRISON-RYNNING UNIT		0		0%
ARIZONA STATE PRISON-SPECIAL MANAGEMENT UNIT 1		0		0%
ARIZONA STATE PRISON- PHOENIX WEST		0		0%
ARLINGTON DETAINED LOCATION		484		69%
ARLINGTON, VIRGINIA				0%
ATLANTA DETAINED LOCATION		7		41%
ATLANTA, GEORGIA		30		1%
BALTIMORE, MARYLAND				5%
BATAVIA SERVICE PROCESSING CENTER		155		13%
BEDFORD HILLS CORRECTIONAL FACILITY		0		0%
BERKS		91		82%
BIG SPRING CORR. CTR. (AIRPARK)		32		27%
BLOOMINGTON		0		0%
BOISE, IDAHO		0		0%
BOKEN KAMP CHILDREN'S CENTER		109		63%
BOP- LA TUNA		0		0%
BOSTON, MASSACHUSETTS				5%

Hearing Location	Non Responsive	Videoconference	Non Responsive	% of Videoconference
BROWARD CORRECTIONAL INSTITUTION		18		100%
BROWARD TRANSITIONAL CENTER		0		0%
BROWNSVILLE, TEXAS				0%
BUFFALO, NEW YORK				0%
BUTLER COUNTY SHERIFF'S OFFICE		103		59%
CALIFORNIA DOC- SAN YSIDRO				66%
CALIPATRIA STATE PRISON				93%
CAMBRIA COUNTY PRISON				70%
CENTINELA CORRECTION FACILITY		61		77%
CENTRAL FLORIDA RECEPTION CENTER		2		5%
CHARLOTTE		0		0%
CHARLOTTE CORRECTIONAL INSTITUTION		8		15%
CHICAGO DETAINED		1,001		76%
CHICAGO, ILLINOIS		4		0%
CLEVELAND DETAINED LOCATION		248		65%
CLEVELAND, OHIO		149		10%
CLINTON COUNTY PRISON				93%
CORRECTIONS CORPORATION OF AMERICA-SAN DIEGO,CA		1		0%
DALLAS DETAINED		2		4%
DALLAS OTHER DETAINED				43%
DALLAS, TEXAS		9		0%
DENVER DETENTION FACILITY				0%
DENVER, COLORADO				0%
DETROIT DETAINEES				75%
DETROIT, MICHIGAN				1%
DHS-Litigation Unit/Oakdale				0%
DOWNSTATE CORRECTIONAL FACILITY		128		53%
EDEN, TEXAS		49		88%
EL CENTRO, CALIFORNIA				0%
EL PASO SERVICE PROCESSING CENTER		0		0%
EL PASO, TEXAS		1		0%
ELIZABETH SERVICE PROCESSING CENTER		2		0%
ELOY INS DETENTION CENTER				0%
FCI DANBURY FEDERAL CORRECTIONAL INSTITUTION		85		87%
FEDERAL CORR. INST.-OAKDALE 1		0		0%

Hearing Location	Non Responsive	Videoconference	Non Responsive	% of Videoconference
FLORENCE, ARIZONA				0%
FLORIDA DOC- CHIPLEY				4%
GEORGIA DEPARTMENT OF CORRECTIONS- DIAGNOSTIC		1		33%
GLADES COUNTY PRISON				9%
HARLINGEN, TEXAS		54		2%
HARTFORD, CONNECTICUT				0%
HAWAII DEPARTMENT OF CORRECTIONS		0		0%
HELENA, MONTANA		0		0%
HONOLULU, HAWAII		1		0%
HONOLULU, PRISON DETAINEES - PJKK FEDERAL BLDG.		208		88%
HOUSTON SERVICE PROCESSING CENTER		10		0%
HOUSTON, TEXAS		0		0%
IDAHO DEPARTMENT OF CORRECTIONS		0		0%
ILLINOIS DOC- STATESVILLE				50%
IMPERIAL, CALIFORNIA				0%
INDIANA YOUTH CENTER				6%
KANSAS CITY IMMIGRATION COURT - DETAINED		76		24%
KANSAS CITY, MISSOURI				3%
KROME NORTH SERVICE PROCESSING CENTER		1		0%
LACKAWANNA COUNTY PRISON		6		94%
LAREDO, TEXAS - PORT OF ENTRY		0		0%
LAREDO, TEXAS - DETENTION FACILITY		240		97%
LAS VEGAS, NEVADA				0%
LASALLE DETENTION FACILITY				0%
LOMPOC FEDERAL CORRECTIONAL INSTITUTION		0		0%
LOS ANGELES 3		0		0%
LOS ANGELES, CALIFORNIA				0%
LOUISVILLE, KENTUCKY				85%
MARYLAND CORRECTIONAL INSTITUTE		19		83%
MASSACHUSETTS DEPARTMENT OF CORRECTIONS		0		0%
MCDUGAL-WALKER CORRECTIONAL INSTITUTION		179		96%
MEMPHIS, TENNESSEE				0%
MIAMI, FLORIDA		0		0%
MICHIGAN DEPT. OF CORR., PRISON OF SO. MICHIGAN		62		93%
MIRA LOMA DETENTION FACILITY		0		0%

Hearing Location	Non Responsive	Videconference	Non Responsive	% of Videconference
MOSHANNON VALLEY CORRECTIONAL FACILITY		268		94%
NEBRASKA DEPARTMENT OF CORRECTIONS		0		0%
NEW ORLEANS DETENTION				0%
NEW ORLEANS, LOUISIANA				0%
NEW YORK CITY, NEW YORK				0%
NEW YORK SERVICE PROCESSING CENTER (VARICK ST)		0		0%
NEWARK - VIDEO HEARINGS				83%
NEWARK VIDEO HEARINGS				70%
NEWARK, NEW JERSEY				17%
NORTH CAROLINA DEPT. OF CORRECTION RALEIGH NC-IHP		0		0%
NORTH FLORIDA RECEPTION CENTER (NFC)		9		6%
NORTHWEST DETENTION CENTER				0%
OAKDALE FEDERAL DETENTION CENTER		0		0%
OHIO DEPT. OF CORR., CORRECTIONAL RECEPTION CEN		54		87%
OKLAHOMA CITY DETAINED				6%
OKLAHOMA CITY, OKLAHOMA				8%
OMAHA IMMIGRATION COURT - DETAINED		335		22%
OMAHA, NEBRASKA		637		33%
ORLANDO, FLORIDA				0%
OTERO COUNTY PROCESSING CENTER		148		7%
PEACE ARCH PORT OF ENTRY				0%
PEARSALL, TEXAS - DETENTION FACILITY		4,464		98%
PENNSYLVANIA DEPT. OF CORR., STATE CORR. INST.		108		96%
PHILADELPHIA, PENNSYLVANIA		2		9%
PHO Juvenile		0		0%
PHOENIX, ARIZONA		0		0%
PIKE COUNTY PRISON				93%
PITTSBURGH, PENNSYLVANIA				69%
PLEASANTON - FEDERAL CORRECTIONAL INSTITUTION		0		0%
POLK COUNTY DETENTION FACILITY		1,943		89%
PORT ISABEL SERVICE PROCESSING CENTER		1,678		90%
PORTLAND DETENTION CENTER				0%
PORTLAND, OREGON				0%
REEVES COUNTY LAW ENFORCEMENT CENTER		4		12%
RENO, NEVADA		0		0%

Hearing Location	Non Responsive Videoconference	Non Responsive	% of Videoconference
ROLLING PLAINS DETENTION CENTER	493		58%
SAIPAN, NORTHERN MARIANAS ISLANDS	0		0%
SALT LAKE CITY, UTAH			0%
SAN ANTONIO DETAINED			56%
SAN ANTONIO, TEXAS			1%
SAN DIEGO, CALIFORNIA			32%
SAN FRANCISCO ANNEX			0%
SAN FRANCISCO DETAINED			0%
SAN FRANCISCO, CALIFORNIA			0%
SAN JUAN, PUERTO RICO			0%
SAN PEDRO	0		0%
SEATTLE, WASHINGTON			0%
SOUTH FLORIDA RECEPTION CENTER	8		10%
ST. CROIX, VIRGIN ISLANDS			1%
ST. LOUIS, MISSOURI			0%
ST. LOUIS, MISSOURI DETAINED			0%
ST. THOMAS, VIRGIN ISLANDS			6%
STEWART DETENTION CENTER - LUMPKIN GEORGIA	1,436		45%
T. DON HUTTO RESIDENTIAL			96%
TEXAS DOC- HUNTSVILLE			70%
TUC INS	0		0%
TUCSON, ARIZONA	0		0%
ULSTER CORRECTIONAL FACILITY	337		90%
UNITED STATES PENITENTIARY - LOMPOC	0		0%
VIRGINIA DEPARTMENT OF CORRECTIONS	0		0%
WASHINGTON CORRECTIONS CENTER	0		0%
WILLACY DETENTION FACILITY	57		95%
YORK COUNTY PRISON			2%
<b>TOTAL</b>	<b>25,612</b>		<b>12%</b>

**United States Department of Justice  
 Executive Office of Immigration Review  
 Office of Planning, Analysis, and Technology**

**OPAT #11-08**

**Breakdown of VTC by Hearing Location and Schedule Type 2nd Qtr FY10**

Hearing Location	--	AT	CY
AGANA, GUAM	0	0	0
AGANA, GUAM - DEPARTMENT OF CORRECTIONS	0	0	16
ALLENWOOD CORRECTIONAL INST.	0	0	0
ARLINGTON DETAINED LOCATION	0	0	36
ARLINGTON, VIRGINIA	0	0	0
ATLANTA DETAINED LOCATION	0	0	54
ATLANTA, GEORGIA	0	0	0
BALTIMORE, MARYLAND	0	0	73
BATAVIA SERVICE PROCESSING CENTER	0	0	77
BERKS	0	0	8
BIG SPRING CORR. CTR. (AIRPARK)	0	0	0
BOKEN KAMP CHILDREN'S CENTER	0	0	0
BOSTON, MASSACHUSETTS	0	1	146
BROWARD CORRECTIONAL INSTITUTION	0	0	0
BUFFALO, NEW YORK	0	0	1
BUTLER COUNTY SHERIFF'S OFFICE	0	0	20
CALIFORNIA DOC- SAN YSIDRO	0	0	0
CALIPATRIA STATE PRISON	0	0	0
CAMBRIA COUNTY PRISON	0	0	15
CENTINELA CORRECTION FACILITY	0	0	0
CENTRAL FLORIDA RECEPTION CENTER	0	0	0
CHARLOTTE CORRECTIONAL INSTITUTION	0	0	0
CHICAGO DETAINED	0	0	346
CHICAGO, ILLINOIS	0	0	0
CLEVELAND DETAINED LOCATION	1	0	70
CLEVELAND, OHIO	0	0	0
CLINTON COUNTY PRISON	0	0	51
CORRECTIONS CORPORATION OF AMERICA-SAN DIEGO,CA	0	0	0
DALLAS DETAINED	0	0	1
DALLAS OTHER DETAINED	0	0	19
DALLAS, TEXAS	0	0	0
DETROIT DETAINEES	0	0	389
DETROIT, MICHIGAN	0	0	0
DOWNSTATE CORRECTIONAL FACILITY	0	0	1
EDEN, TEXAS	0	0	0
EL PASO, TEXAS	0	0	0
ELIZABETH SERVICE PROCESSING CENTER	0	0	0
FCI DANBURY FEDERAL CORRECTIONAL INSTITUTION	0	0	0
FLORIDA DOC- CHIPLEY	0	0	0
GEORGIA DEPARTMENT OF CORRECTIONS- DIAGNOSTIC	0	0	0
GLADES COUNTY PRISON	0	0	21
HARLINGEN, TEXAS	0	0	0
HARTFORD, CONNECTICUT	0	0	0



HONOLULU, HAWAII	0	0	0
HONOLULU, PRISON DETAINEES - PJKK FEDERAL BLDG.	0	0	77
HOUSTON SERVICE PROCESSING CENTER	0	0	0
ILLINOIS DOC- STATESVILLE	0	0	0
INDIANA YOUTH CENTER	0	0	0
KANSAS CITY IMMIGRATION COURT - DETAINED	0	0	43
KANSAS CITY, MISSOURI	0	0	0
KROME NORTH SERVICE PROCESSING CENTER	0	0	0
LACKAWANNA COUNTY PRISON	0	0	109
LAREDO, TEXAS - DETENTION FACILITY	0	0	29
LAS VEGAS, NEVADA	0	0	0
LOUISVILLE, KENTUCKY	0	0	0
MARYLAND CORRECTIONAL INSTITUTE	0	0	0
MCDUGAL-WALKER CORRECTIONAL INSTITUTION	0	0	0
MEMPHIS, TENNESSEE	0	0	1
MICHIGAN DEPT. OF CORR., PRISON OF SO. MICHIGAN	0	0	0
MOSHANNON VALLEY CORRECTIONAL FACILITY	0	0	0
NEW YORK CITY, NEW YORK	0	0	0
NEWARK - VIDEO HEARINGS	0	0	0
NEWARK VIDEO HEARINGS	0	0	0
NEWARK, NEW JERSEY	0	0	359
NORTH FLORIDA RECEPTION CENTER (NFC)	0	0	0
OHIO DEPT. OF CORR., CORRECTIONAL RECEPTION CEN	0	0	0
OKLAHOMA CITY DETAINED	0	0	3
OKLAHOMA CITY, OKLAHOMA	0	0	0
OMAHA IMMIGRATION COURT - DETAINED	0	0	68
OMAHA, NEBRASKA	0	0	0
OTERO COUNTY PROCESSING CENTER	0	0	7
PEARSALL, TEXAS - DETENTION FACILITY	0	0	859
PENNSYLVANIA DEPT. OF CORR., STATE CORR. INST.	0	0	0
PHILADELPHIA, PENNSYLVANIA	0	0	0
PIKE COUNTY PRISON	0	0	113
PITTSBURGH, PENNSYLVANIA	0	0	0
POLK COUNTY DETENTION FACILITY	0	0	186
PORT ISABEL SERVICE PROCESSING CENTER	0	0	532
REEVES COUNTY LAW ENFORCEMENT CENTER	0	0	0
ROLLING PLAINS DETENTION CENTER	0	0	111
SAN ANTONIO DETAINED	0	0	2
SAN ANTONIO, TEXAS	0	0	1
SAN DIEGO, CALIFORNIA	0	0	0
SOUTH FLORIDA RECEPTION CENTER	0	0	0
ST. CROIX, VIRGIN ISLANDS	0	0	0
ST. THOMAS, VIRGIN ISLANDS	0	0	0
STEWART DETENTION CENTER - LUMPKIN GEORGIA	2	0	148
T. DON HUTTO RESIDENTIAL	1	0	281
TEXAS DOC- HUNTSVILLE	0	0	0
ULSTER CORRECTIONAL FACILITY	0	0	0
WILLACY DETENTION FACILITY	0	1	654
YORK COUNTY PRISON	0	0	10
<b>TOTAL</b>	<b>4</b>	<b>2</b>	<b>4,937</b>

ED	IA	ID	II	IR	MD	MM	MR	RR
0	4	0	13	15	0	11	41	0
0	0	0	6	2	1	8	25	0
0	0	0	7	2	1	48	100	0
0	0	54	3	0	1	162	217	11
0	0	0	0	0	0	1	0	0
0	0	0	1	1	27	118	56	0
0	0	0	0	0	0	28	2	0
0	0	0	2	0	10	92	25	0
0	0	1	0	0	2	75	0	0
0	0	0	3	0	1	25	43	11
0	0	1	0	0	0	10	21	0
0	0	0	0	0	12	73	24	0
0	0	0	3	0	0	194	1	1
0	0	0	4	0	0	6	8	0
0	0	0	0	0	0	0	0	0
0	5	15	7	0	8	15	33	0
0	0	0	1	0	0	3	21	0
0	0	0	0	0	0	120	1	0
0	0	0	0	0	0	7	8	0
0	0	0	0	0	0	51	10	0
0	0	0	2	0	0	0	0	0
0	0	0	8	0	0	0	0	0
0	0	72	0	0	6	197	380	0
0	0	0	0	0	0	3	1	0
0	14	2	9	0	0	66	85	1
0	23	2	122	0	0	0	2	0
0	0	0	1	2	7	59	72	0
0	0	0	0	0	0	1	0	0
0	0	0	1	0	0	0	0	0
0	0	0	0	0	1	21	2	0
0	0	0	3	0	0	4	2	0
0	0	54	1	0	0	400	118	0
0	0	0	10	1	0	4	2	0
0	0	1	0	0	0	38	88	0
0	0	0	0	0	22	11	16	0
0	0	0	0	0	0	1	0	0
0	0	0	1	0	0	1	0	0
0	0	0	2	0	0	38	45	0
0	0	0	7	0	0	0	0	0
0	0	1	0	0	0	0	0	0
0	0	0	0	0	0	33	8	0
0	0	0	3	0	0	20	31	0
0	0	0	0	0	0	1	2	0

0	0	0	0	0	0	0	1	0
0	0	0	16	9	1	49	56	0
0	0	1	2	0	1	1	5	0
0	0	0	0	0	0	9	9	0
0	0	0	0	0	0	1	0	0
0	0	0	2	0	1	11	19	0
0	0	0	34	0	0	15	1	0
0	0	0	0	0	0	1	0	0
0	0	0	3	0	5	132	117	0
0	0	8	1	0	0	119	83	0
0	0	0	4	0	0	0	0	0
0	0	0	51	9	0	94	71	0
0	0	0	0	0	1	7	11	0
0	0	0	6	0	0	124	49	0
0	0	0	0	0	0	0	1	0
0	0	0	5	0	4	36	17	0
0	0	0	12	5	9	108	134	0
0	0	0	7	1	0	0	0	0
0	0	0	3	0	0	32	9	0
0	0	0	5	2	0	14	5	0
0	0	7	1	0	1	428	459	2
0	0	0	8	0	0	0	1	0
0	1	2	0	0	3	15	33	0
0	0	0	0	0	0	1	15	0
0	0	0	0	0	0	25	11	0
0	0	63	4	0	0	31	169	0
0	0	0	310	1	0	4	322	0
0	0	2	0	0	0	127	12	0
0	7	110	51	8	4	1,612	1,756	57
0	0	0	10	5	11	27	55	0
0	0	0	37	2	0	108	125	0
1	0	0	9	1	6	129	174	0
0	0	0	26	1	0	48	94	0
0	2	16	32	2	379	974	350	2
0	0	73	3	13	5	381	604	67
0	0	0	0	0	0	2	2	0
0	0	1	2	0	8	151	219	1
0	0	2	1	2	9	119	59	0
0	0	0	2	0	0	19	5	0
0	29	37	54	1	30	244	446	12
0	0	0	8	0	0	0	0	0
0	0	0	0	0	0	1	0	0
0	0	0	0	0	0	7	1	0
0	0	3	27	30	3	786	436	1
0	0	10	6	0	35	365	341	128
0	1	3	5	0	13	12	102	0
0	0	1	0	0	0	80	256	0
0	1	70	17	2	11	614	775	12
0	0	0	1	3	0	3	8	0
<b>1</b>	<b>87</b>	<b>612</b>	<b>985</b>	<b>120</b>	<b>639</b>	<b>9,011</b>	<b>8,908</b>	<b>306</b>

**TOTAL**

84
58
158
484
1
257
30
202
155
91
32
109
346
18
1
103
25
121
30
61
2
8
1,001
4
248
149
192
1
2
43
9
962
17
128
49
1
2
85
7
1
62
54
3

1
208
10
18
1
76
50
1
366
240
4
225
19
179
2
62
268
8
44
26
1,257
9
54
19
36
335
637
148
4,464
108
272
433
169
1,943
1,678
4
493
194
27
853
8
1
8
1,436
1,167
136
337
2,157
25
25,612

**United States Department of Justice  
 Executive Office of Immigration Review  
 Office of Planning, Analysis, and Technology**

**OPAT #11-08  
 Breakdown of Hearings by Hearing Location 3rd Qtr FY10**

Hearing Location	Non Responsive	Videoconference	Non Responsive	% of Videoconference
AGANA, GUAM		98		89%
AGANA, GUAM - DEPARTMENT OF CORRECTIONS		74		95%
ALABAMA DEPARTMENT OF CORRECTIONS		0		0%
ALLENWOOD CORRECTIONAL INST.		109		93%
ANCHORAGE, ALASKA				0%
ARIZONA DOC- PERRYVILLE		0		0%
ARIZONA DOC- TUCSON				0%
ARIZONA STATE PRISON COMPLEX - LEWIS		0		0%
ARIZONA STATE PRISON-CENTRAL UNIT		0		0%
ARIZONA STATE PRISON-RYNNING UNIT		0		0%
ARIZONA STATE PRISON-SPECIAL MANAGEMENT UNIT 1		0		0%
ARLINGTON DETAINED LOCATION		679		65%
ARLINGTON, VIRGINIA				0%
ATLANTA DETAINED LOCATION		190		20%
ATLANTA, GEORGIA				1%
BALTIMORE, MARYLAND		6		8%
BATAVIA SERVICE PROCESSING CENTER		168		14%
BEDFORD HILLS CORRECTIONAL FACILITY		1		8%
BERKS		132		86%
BIG SPRING CORR. CTR. (AIRPARK)		58		36%
BLOOMINGTON				0%
BOISE, IDAHO		0		0%
BOKEN KAMP CHILDREN'S CENTER		112		62%
BOP- LA TUNA		6		86%
BOSTON, MASSACHUSETTS		162		6%

Hearing Location	Non Responsive	Videoconference	Non Responsive	% of Videoconference
BROWARD CORRECTIONAL INSTITUTION		10		100%
BROWARD TRANSITIONAL CENTER		0		0%
BROWNSVILLE, TEXAS				0%
BUFFALO, NEW YORK				0%
BUTLER COUNTY SHERIFF'S OFFICE		210		43%
CALIFORNIA DOC- SAN YSIDRO		12		52%
CALIPATRIA STATE PRISON		93		70%
CAMBRIA COUNTY PRISON		0		73%
CENTINELA CORRECTION FACILITY		81		70%
CENTRAL FLORIDA RECEPTION CENTER		2		7%
CHARLOTTE		1		0%
CHARLOTTE CORRECTIONAL INSTITUTION		5		13%
CHICAGO DETAINED				66%
CHICAGO, ILLINOIS				0%
CLEVELAND DETAINED LOCATION		183		49%
CLEVELAND, OHIO				8%
CLINTON COUNTY PRISON		55		79%
COLUMBIA CARE FACILITY		1		33%
CORRECTIONS CORPORATION OF AMERICA-SAN DIEGO,CA		1		0%
DALLAS DETAINED				9%
DALLAS OTHER DETAINED		2		58%
DALLAS, TEXAS				0%
DAVID L. MOSS CRIMINAL JUSTICE CENTER		1		100%
DENVER DETENTION FACILITY		0		0%
DENVER, COLORADO				0%
DETROIT DETAINEES				75%
DETROIT, MICHIGAN				1%
DHS-Litigation Unit/Oakdale				0%
DOWNSTATE CORRECTIONAL FACILITY		143		45%
EDEN, TEXAS		54		82%
EL CENTRO, CALIFORNIA				0%
EL PASO SERVICE PROCESSING CENTER		0		0%
EL PASO, TEXAS				0%
ELIZABETH SERVICE PROCESSING CENTER		0		0%

Hearing Location	Non Responsive	Videconference	Non Responsive	% of Videconference
ELOY INS DETENTION CENTER		0		0%
FCI DANBURY FEDERAL CORRECTIONAL INSTITUTION		50		78%
FEDERAL CORR. INST.-OAKDALE 1		0		0%
FLORENCE, ARIZONA				0%
FLORIDA DOC- CHIPLEY				4%
GEORGIA DEPARTMENT OF CORRECTIONS- DIAGNOSTIC		0		0%
GLADES COUNTY PRISON				0%
HARLINGEN, TEXAS				2%
HARTFORD, CONNECTICUT		3		0%
HAWAII DEPARTMENT OF CORRECTIONS		0		0%
HELENA, MONTANA				0%
HONOLULU, HAWAII				1%
HONOLULU, PRISON DETAINEES - PJKK FEDERAL BLDG.		249		90%
HOUSTON SERVICE PROCESSING CENTER		17		1%
HOUSTON, TEXAS				5%
IDAHO DEPARTMENT OF CORRECTIONS		0		0%
ILLINOIS DOC- STATESVILLE		8		73%
IMPERIAL, CALIFORNIA				0%
INDIANA YOUTH CENTER				0%
IOWA DEPARTMENT OF CORRECTIONS		0		0%
JOHNSON COUNTY JAIL				38%
KANSAS CITY IMMIGRATION COURT - DETAINED		285		53%
KANSAS CITY, MISSOURI				2%
KROME NORTH SERVICE PROCESSING CENTER		0		0%
LACKAWANNA COUNTY PRISON		419		89%
LAREDO, TEXAS - DETENTION FACILITY		277		97%
LAS VEGAS, NEVADA				0%
LASALLE DETENTION FACILITY		0		0%
LOMPOC FEDERAL CORRECTIONAL INSTITUTION		0		0%
LOS ANGELES 3				0%
LOS ANGELES, CALIFORNIA		0		0%
LOUISIANA DEPARTMENT OF CORRECTIONS		0		0%
LOUISVILLE, KENTUCKY		7		82%
MARYLAND CORRECTIONAL INSTITUTE		19		79%



Hearing Location	Non Responsive	Videoconference	Non Responsive	% of Videoconference
MASSACHUSETTS DEPARTMENT OF CORRECTIONS		0		0%
MCDUGAL-WALKER CORRECTIONAL INSTITUTION		125		86%
MEMPHIS, TENNESSEE				0%
MIAMI, FLORIDA				0%
MICHIGAN DEPT. OF CORR., PRISON OF SO. MICHIGAN		20		87%
MINNESOTA CORRECTIONAL FACILITY		0		0%
MIRA LOMA DETENTION FACILITY		0		0%
MONTANA DEPT. OF CORR., MONTANA STATE PRISON		0		0%
MOSHANNON VALLEY CORRECTIONAL FACILITY		326		93%
NEBRASKA DEPARTMENT OF CORRECTIONS		0		0%
NEVADA DEPARTMENT OF CORRECTIONS		1		25%
NEW HAMPSHIRE DEPARTMENT OF CORRECTIONS		0		0%
NEW ORLEANS, LOUISIANA		0		0%
NEW YORK ANNEX				0%
NEW YORK CITY, NEW YORK		7		0%
NEW YORK SERVICE PROCESSING CENTER (VARICK ST)		0		0%
NEWARK - VIDEO HEARINGS		30		86%
NEWARK VIDEO HEARINGS		19		86%
NEWARK, NEW JERSEY				30%
NORTH CAROLINA DEPT. OF CORRECTION RALEIGH NC-IHP		0		0%
NORTH FLORIDA RECEPTION CENTER (NFC)		8		10%
NORTHWEST DETENTION CENTER		0		0%
OAKDALE FEDERAL DETENTION CENTER		0		0%
OHIO DEPT. OF CORR., CORRECTIONAL RECEPTION CEN		32		76%
OKLAHOMA CITY DETAINED		21		3%
OKLAHOMA CITY, OKLAHOMA		28		6%
OMAHA IMMIGRATION COURT - DETAINED		426		31%
OMAHA, NEBRASKA				27%
ORLANDO, FLORIDA				0%
OTERO COUNTY PROCESSING CENTER		482		23%
PEACE ARCH PORT OF ENTRY		0		0%
PEARSALL, TEXAS - DETENTION FACILITY		4,126		98%
PENNSYLVANIA DEPT. OF CORR., STATE CORR. INST.		255		96%
PHILADELPHIA, PENNSYLVANIA		221		8%

Hearing Location	Non Responsive	Videconference	Non Responsive	% of Videconference
PHO Juvenile		0		0%
PHOENIX, ARIZONA				0%
PIKE COUNTY PRISON				91%
PITTSBURGH, PENNSYLVANIA		178		82%
PLEASANTON - FEDERAL CORRECTIONAL INSTITUTION		0		0%
PLYMOUTH COUNTY CORRETIONAL FACILITY		0		0%
POLK COUNTY DETENTION FACILITY		2,169		84%
PORT ISABEL SERVICE PROCESSING CENTER		1,874		85%
PORTLAND DETENTION CENTER		0		0%
PORTLAND, OREGON				0%
REEVES COUNTY LAW ENFORCEMENT CENTER		52		47%
RENO, NEVADA				0%
ROLLING PLAINS DETENTION CENTER		517		61%
SAIPAN, NORTHERN MARIANAS ISLANDS		0		0%
SALT LAKE CITY, UTAH				0%
SAN ANTONIO DETAINED		0		47%
SAN ANTONIO, TEXAS				2%
SAN DIEGO, CALIFORNIA		9		31%
SAN FRANCISCO ANNEX				0%
SAN FRANCISCO DETAINED		0		0%
SAN FRANCISCO, CALIFORNIA		0		0%
SAN JUAN, PUERTO RICO				0%
SEATTLE, WASHINGTON				0%
SOUTH FLORIDA RECEPTION CENTER		7		10%
ST. LOUIS, MISSOURI				0%
ST. LOUIS, MISSOURI DETAINED		0		0%
ST. THOMAS, VIRGIN ISLANDS		14		10%
STEWART DETENTION CENTER - LUMPKIN GEORGIA		1,706		47%
T. DON HUTTO RESIDENTIAL		1,420		95%
TEXAS DOC- HUNTSVILLE		56		95%
TUC INS		0		0%
TUCSON, ARIZONA				0%
ULSTER CORRECTIONAL FACILITY		345		90%
UNITED STATES PENITENTIARY - LOMPOC		0		0%

Hearing Location	Non Responsive	Videconference	Non Responsive	% of Videconference
WASHINGTON CORRECTIONS CENTER		0		0%
WILLACY DETENTION FACILITY		2,621		91%
YORK COUNTY PRISON				3%
<b>TOTAL</b>		<b>30,155</b>		<b>13%</b>

**United States Department of Justice  
 Executive Office of Immigration Review  
 Office of Planning, Analysis, and Technology**

**OPAT #11-08**

**Breakdown of VTC by Hearing Location and Schedule Type 3rd Qtr FY10**

Hearing Location	--	AT	CY
AGANA, GUAM	0	0	0
AGANA, GUAM - DEPARTMENT OF CORRECTIONS	0	0	34
ALLENWOOD CORRECTIONAL INST.	0	0	0
ARLINGTON DETAINED LOCATION	0	0	74
ARLINGTON, VIRGINIA	0	0	0
ATLANTA DETAINED LOCATION	0	0	48
ATLANTA, GEORGIA	0	0	2
BALTIMORE, MARYLAND	0	0	114
BATAVIA SERVICE PROCESSING CENTER	0	0	85
BEDFORD HILLS CORRECTIONAL FACILITY	0	0	0
BERKS	0	0	10
BIG SPRING CORR. CTR. (AIRPARK)	0	0	0
BOKEN KAMP CHILDREN'S CENTER	0	0	0
BOP- LA TUNA	0	0	0
BOSTON, MASSACHUSETTS	0	0	197
BROWARD CORRECTIONAL INSTITUTION	0	0	0
BUFFALO, NEW YORK	0	0	1
BUTLER COUNTY SHERIFF'S OFFICE	0	0	75
CALIFORNIA DOC- SAN YSIDRO	0	0	0
CALIPATRIA STATE PRISON	0	0	0
CAMBRIA COUNTY PRISON	0	0	16
CENTINELA CORRECTION FACILITY	0	0	0
CENTRAL FLORIDA RECEPTION CENTER	0	0	0
CHARLOTTE	0	0	0
CHARLOTTE CORRECTIONAL INSTITUTION	0	0	0
CHICAGO DETAINED	1	0	610
CHICAGO, ILLINOIS	0	0	0
CLEVELAND DETAINED LOCATION	1	0	46
CLEVELAND, OHIO	0	0	0
CLINTON COUNTY PRISON	0	0	35
COLUMBIA CARE FACILITY	0	0	0
CORRECTIONS CORPORATION OF AMERICA-SAN DIEGO,CA	0	0	0
DALLAS DETAINED	0	0	5
DALLAS OTHER DETAINED	0	0	17
DALLAS, TEXAS	0	0	0
DAVID L. MOSS CRIMINAL JUSTICE CENTER	0	0	1
DETROIT DETAINEES	0	0	411
DETROIT, MICHIGAN	0	0	0
DOWNSTATE CORRECTIONAL FACILITY	0	0	0
EDEN, TEXAS	0	0	0
FCI DANBURY FEDERAL CORRECTIONAL INSTITUTION	0	0	0
FLORIDA DOC- CHIPLEY	0	0	0
HARLINGEN, TEXAS	0	0	0

HARTFORD, CONNECTICUT	0	0	0
HONOLULU, HAWAII	0	0	0
HONOLULU, PRISON DETAINEES - PJKK FEDERAL BLDG.	0	1	89
HOUSTON SERVICE PROCESSING CENTER	0	0	0
HOUSTON, TEXAS	0	0	0
ILLINOIS DOC- STATESVILLE	0	0	0
JOHNSON COUNTY JAIL	0	0	4
KANSAS CITY IMMIGRATION COURT - DETAINED	0	0	126
KANSAS CITY, MISSOURI	0	0	0
LACKAWANNA COUNTY PRISON	0	0	130
LAREDO, TEXAS - DETENTION FACILITY	0	0	22
LAS VEGAS, NEVADA	0	0	0
LOUISVILLE, KENTUCKY	0	0	1
MARYLAND CORRECTIONAL INSTITUTE	0	0	0
MCDUGAL-WALKER CORRECTIONAL INSTITUTION	0	0	0
MEMPHIS, TENNESSEE	0	0	0
MICHIGAN DEPT. OF CORR., PRISON OF SO. MICHIGAN	0	0	0
MOSHANNON VALLEY CORRECTIONAL FACILITY	0	0	0
NEVADA DEPARTMENT OF CORRECTIONS	0	0	0
NEW YORK CITY, NEW YORK	0	0	0
NEWARK - VIDEO HEARINGS	0	0	0
NEWARK VIDEO HEARINGS	0	0	0
NEWARK, NEW JERSEY	2	0	634
NORTH FLORIDA RECEPTION CENTER (NFC)	0	0	0
OHIO DEPT. OF CORR., CORRECTIONAL RECEPTION CEN	0	0	0
OKLAHOMA CITY DETAINED	0	0	10
OKLAHOMA CITY, OKLAHOMA	0	0	0
OMAHA IMMIGRATION COURT - DETAINED	0	0	97
OMAHA, NEBRASKA	0	0	0
OTERO COUNTY PROCESSING CENTER	0	0	16
PEARSALL, TEXAS - DETENTION FACILITY	0	0	710
PENNSYLVANIA DEPT. OF CORR., STATE CORR. INST.	0	0	0
PHILADELPHIA, PENNSYLVANIA	0	0	0
PIKE COUNTY PRISON	0	0	146
PITTSBURGH, PENNSYLVANIA	0	0	0
POLK COUNTY DETENTION FACILITY	1	0	297
PORT ISABEL SERVICE PROCESSING CENTER	0	1	556
REEVES COUNTY LAW ENFORCEMENT CENTER	0	0	1
ROLLING PLAINS DETENTION CENTER	0	0	99
SAN ANTONIO DETAINED	0	0	4
SAN ANTONIO, TEXAS	0	0	0
SAN DIEGO, CALIFORNIA	0	0	0
SOUTH FLORIDA RECEPTION CENTER	0	0	0
ST. THOMAS, VIRGIN ISLANDS	0	0	0
STEWART DETENTION CENTER - LUMPKIN GEORGIA	3	0	297
T. DON HUTTO RESIDENTIAL	0	0	234
TEXAS DOC- HUNTSVILLE	0	0	0
ULSTER CORRECTIONAL FACILITY	0	0	0
WILLACY DETENTION FACILITY	0	0	840
YORK COUNTY PRISON	0	0	16
<b>TOTAL</b>	<b>8</b>	<b>2</b>	<b>6,110</b>

ED	IA	ID	II	IR	MD	MM	MR	RD
0	4	0	20	11	0	9	54	0
0	0	0	2	0	4	11	23	0
0	0	0	6	2	0	8	93	0
0	0	57	11	0	4	213	312	0
0	0	0	0	0	0	3	0	0
0	2	0	2	1	0	31	104	0
0	0	0	0	1	0	26	2	0
0	0	0	1	0	17	135	39	0
0	0	0	0	0	1	80	2	0
0	0	1	0	0	0	0	0	0
0	0	0	12	0	0	45	39	0
0	0	0	0	0	0	24	34	0
0	0	0	0	0	34	61	17	0
0	0	0	0	0	0	0	6	0
0	0	0	0	0	0	263	1	0
0	0	0	0	0	0	4	6	0
0	0	0	0	0	0	0	1	0
0	2	22	1	0	0	51	59	0
0	0	0	0	0	4	1	7	0
0	0	0	0	1	2	90	0	0
0	0	0	0	0	0	6	8	0
0	0	0	0	0	0	60	21	0
0	0	0	2	0	0	0	0	0
0	0	0	1	0	0	0	0	0
0	0	0	5	0	0	0	0	0
0	0	56	0	0	3	419	484	0
0	0	0	1	2	0	4	0	0
0	20	6	4	0	0	32	74	0
0	14	0	124	1	0	0	2	0
0	0	0	2	0	0	54	64	0
0	0	0	0	0	0	1	0	0
0	0	0	0	0	0	1	0	0
0	0	1	0	0	0	0	0	0
0	0	0	0	0	7	17	31	0
0	0	0	0	0	0	1	2	0
0	0	0	0	0	0	0	0	0
0	0	50	0	1	20	391	136	0
0	0	0	6	1	0	4	4	0
0	0	1	0	0	0	60	82	0
0	0	0	0	0	33	7	14	0
0	0	0	4	0	0	29	17	0
0	0	0	5	0	0	0	0	0
0	0	0	0	1	0	31	15	0

0	0	0	0	0	0	1	2	0
0	1	0	0	1	0	1	0	0
0	1	1	15	9	11	45	77	0
0	0	1	0	0	0	4	12	0
0	0	0	1	5	0	115	95	0
0	0	1	3	0	0	0	4	0
0	0	0	0	0	1	10	11	0
0	0	4	8	0	24	39	84	0
0	0	0	31	2	0	5	4	0
0	0	0	3	0	0	156	130	0
0	0	6	3	0	0	144	102	0
0	0	0	3	0	0	0	0	0
0	0	0	46	12	0	151	107	0
0	0	0	0	0	1	2	16	0
0	0	0	10	0	0	62	53	0
0	0	0	0	0	0	4	1	0
0	0	0	3	0	0	8	9	0
0	0	0	27	11	0	95	193	0
0	0	1	0	0	0	0	0	0
0	0	0	4	1	0	0	2	0
0	0	0	4	1	0	16	9	0
0	0	0	0	0	0	10	9	0
0	0	75	22	5	0	588	997	0
0	0	0	8	0	0	0	0	0
0	0	6	0	0	0	3	23	0
0	0	0	0	0	2	9	0	0
0	0	0	0	0	0	27	1	0
0	0	59	5	0	0	40	224	0
0	0	0	297	0	0	1	223	0
0	0	18	1	0	0	333	114	0
1	2	90	45	5	13	1,616	1,600	0
0	0	0	13	9	2	59	172	0
0	0	0	35	2	0	71	113	0
0	0	0	7	0	1	194	174	0
0	0	0	14	0	0	54	110	0
0	3	18	40	2	672	707	428	0
0	0	89	3	27	8	490	634	0
0	0	0	2	0	19	16	14	0
0	0	2	0	0	43	164	202	0
0	0	2	2	1	9	95	67	0
0	0	0	2	3	0	27	17	0
0	22	22	69	0	92	168	512	0
0	0	0	7	0	0	0	0	0
0	0	0	0	0	0	3	11	0
0	0	1	22	26	1	755	600	0
0	2	10	0	0	33	555	539	0
0	0	5	20	1	22	156	151	1
0	0	0	0	0	0	134	211	0
0	0	56	3	9	7	924	715	0
0	0	0	0	1	0	24	13	0
<b>1</b>	<b>73</b>	<b>661</b>	<b>987</b>	<b>155</b>	<b>1,090</b>	<b>10,253</b>	<b>10,538</b>	<b>1</b>

<b>RR</b>	<b>TD</b>	<b>TOTAL</b>
0	0	98
0	0	74
0	0	109
8	0	679
0	0	3
2	0	190
0	0	31
0	0	306
0	0	168
0	0	1
26	0	132
0	0	58
0	0	112
0	0	6
1	0	462
0	0	10
0	0	2
0	0	210
0	0	12
0	0	93
0	0	30
0	0	81
0	0	2
0	0	1
0	0	5
0	0	1,573
0	0	7
0	0	183
0	0	141
0	0	155
0	0	1
0	0	1
0	0	6
0	0	72
0	0	3
0	0	1
1	0	1,010
0	0	15
0	0	143
0	0	54
0	0	50
0	0	5
0	0	47



0	0	3
0	0	3
0	0	249
0	0	17
0	0	216
0	0	8
0	0	26
0	0	285
0	0	42
0	0	419
0	0	277
0	0	3
0	0	317
0	0	19
0	0	125
0	0	5
0	0	20
0	0	326
0	0	1
0	0	7
0	0	30
0	0	19
0	0	2,323
0	0	8
0	0	32
0	0	21
0	0	28
1	0	426
0	0	521
0	0	482
43	1	4,126
0	0	255
0	0	221
0	0	522
0	0	178
1	0	2,169
66	0	1,874
0	0	52
7	0	517
0	0	180
0	0	49
3	1	889
0	0	7
0	0	14
1	0	1,706
47	0	1,420
0	0	356
0	0	345
67	0	2,621
0	0	54
274	2	30,155

**United States Department of Justice  
 Executive Office of Immigration Review  
 Office of Planning, Analysis, and Technology**

**OPAT #11-08  
 Breakdown of Hearings by Hearing Location 4th Qtr FY10**

Hearing Location	Non Responsive	Videconference	Non Responsive	% of Videconference
AGANA, GUAM		102		81%
AGANA, GUAM - DEPARTMENT OF CORRECTIONS		61		95%
ALLENWOOD CORRECTIONAL INST.		90		90%
ANCHORAGE, ALASKA				0%
ARIZONA DOC- PERRYVILLE				0%
ARIZONA DOC- TUCSON				0%
ARIZONA STATE PRISON COMPLEX - LEWIS		0		0%
ARIZONA STATE PRISON-CENTRAL UNIT		0		0%
ARIZONA STATE PRISON-RYNNING UNIT		0		0%
ARIZONA STATE PRISON-SPECIAL MANAGEMENT UNIT 1		0		0%
ARIZONZA STATE PRISON- PHOENIX WEST		0		0%
ARLINGTON DETAINED LOCATION		742		68%
ARLINGTON, VIRGINIA				0%
ATLANTA DETAINED LOCATION		196		22%
ATLANTA, GEORGIA				0%
BALTIMORE, MARYLAND				9%
BATAVIA SERVICE PROCESSING CENTER		189		21%
BEDFORD HILLS CORRECTIONAL FACILITY		0		0%
BERKS		129		82%
BIG SPRING CORR. CTR. (AIRPARK)		30		60%
BLOOMINGTON		0		0%
BOISE, IDAHO		0		0%
BOKEN KAMP CHILDREN'S CENTER		128		45%
BOP- LA TUNA		0		0%
BOSTON, MASSACHUSETTS				5%

Hearing Location	Non Responsive	Videoconference	Non Responsive	% of Videoconference
BROWARD CORRECTIONAL INSTITUTION		8		100%
BROWARD TRANSITIONAL CENTER		0		0%
BROWNSVILLE, TEXAS				0%
BUFFALO, NEW YORK				0%
BUTLER COUNTY SHERIFF'S OFFICE		256		33%
CALIFORNIA DOC- SAN YSIDRO		22		58%
CALIPATRIA STATE PRISON				72%
CAMBRIA COUNTY PRISON				82%
CENTINELA CORRECTION FACILITY		82		78%
CENTRAL FLORIDA RECEPTION CENTER		0		0%
CHARLOTTE		1		0%
CHARLOTTE CORRECTIONAL INSTITUTION		9		27%
CHICAGO DETAINED				62%
CHICAGO, ILLINOIS				0%
CLEVELAND DETAINED LOCATION		277		45%
CLEVELAND, OHIO				3%
CLINTON COUNTY PRISON				78%
COLUMBIA CARE FACILITY				17%
CORRECTIONS CORPORATION OF AMERICA-SAN DIEGO,CA		1		0%
DALLAS DETAINED				3%
DALLAS OTHER DETAINED				0%
DALLAS, TEXAS		0		0%
DENVER DETENTION FACILITY		0		0%
DENVER, COLORADO				0%
DETROIT DETAINEES				79%
DETROIT, MICHIGAN				1%
DHS-Litigation Unit/Oakdale				0%
DOWNSTATE CORRECTIONAL FACILITY		105		49%
EDEN, TEXAS		27		84%
EL CENTRO, CALIFORNIA				0%
EL PASO SERVICE PROCESSING CENTER		0		0%
EL PASO, TEXAS		0		0%
ELIZABETH SERVICE PROCESSING CENTER		1		0%
ELOY INS DETENTION CENTER		0		0%
FCI DANBURY FEDERAL CORRECTIONAL INSTITUTION		40		67%

Hearing Location	Non Responsive	Videoconference	Non Responsive	% of Videoconference
FEDERAL CORR. INST.-OAKDALE 1		0		0%
FLORENCE, ARIZONA				0%
FLORIDA DOC- CHIPLEY				10%
GEORGIA DEPARTMENT OF CORRECTIONS- DIAGNOSTIC		0		0%
GLADES COUNTY PRISON				0%
HARLINGEN, TEXAS				1%
HARTFORD, CONNECTICUT				1%
HAWAII DEPARTMENT OF CORRECTIONS		0		0%
HELENA, MONTANA				0%
HONOLULU, HAWAII				0%
HONOLULU, PRISON DETAINEES - PJKK FEDERAL BLDG.		202		94%
HOUSTON SERVICE PROCESSING CENTER		6		0%
HOUSTON, TEXAS				0%
IDAHO DEPARTMENT OF CORRECTIONS		0		0%
ILLINOIS DOC- STATESVILLE				25%
IMPERIAL, CALIFORNIA				0%
INDIANA YOUTH CENTER				40%
JOHNSON COUNTY JAIL				48%
KANSAS CITY IMMIGRATION COURT - DETAINED		587		69%
KANSAS CITY, MISSOURI				1%
KROME NORTH SERVICE PROCESSING CENTER		0		0%
LACKAWANNA COUNTY PRISON		360		89%
LAREDO, TEXAS - PORT OF ENTRY		0		0%
LAREDO, TEXAS - DETENTION FACILITY		245		95%
LAS VEGAS, NEVADA				0%
LASALLE DETENTION FACILITY		0		0%
LOMPOC FEDERAL CORRECTIONAL INSTITUTION		0		0%
LOS ANGELES 3		65		8%
LOS ANGELES, CALIFORNIA				0%
LOUISVILLE, KENTUCKY				73%
MARYLAND CORRECTIONAL INSTITUTE		5		22%
MASSACHUSETTS DEPARTMENT OF CORRECTIONS		0		0%
MCDUGAL-WALKER CORRECTIONAL INSTITUTION		123		94%
MEMPHIS, TENNESSEE				1%
MIAMI, FLORIDA		2		0%

Hearing Location	Non Responsive	Videoconference	Non Responsive	% of Videoconference
MICHIGAN DEPT. OF CORR., PRISON OF SO. MICHIGAN		84		95%
MIRA LOMA DETENTION FACILITY		0		0%
MOSHANNON VALLEY CORRECTIONAL FACILITY		184		97%
NEBRASKA DEPARTMENT OF CORRECTIONS		0		0%
NEVADA DEPARTMENT OF CORRECTIONS		2		67%
NEW HAMPSHIRE DEPARTMENT OF CORRECTIONS		0		0%
NEW ORLEANS, LOUISIANA				0%
NEW YORK CITY, NEW YORK				0%
NEW YORK SERVICE PROCESSING CENTER (VARICK ST)		14		1%
NEWARK - VIDEO HEARINGS				97%
NEWARK VIDEO HEARINGS				94%
NEWARK, NEW JERSEY				27%
NORTH CAROLINA DEPT. OF CORRECTION RALEIGH NC-IHP		0		0%
NORTH FLORIDA RECEPTION CENTER (NFC)		16		13%
NORTHWEST DETENTION CENTER		0		0%
OAKDALE FEDERAL DETENTION CENTER		0		0%
OHIO DEPT. OF CORR., CORRECTIONAL RECEPTION CEN		18		86%
OKLAHOMA CITY DETAINED				6%
OKLAHOMA CITY, OKLAHOMA		3		1%
OMAHA IMMIGRATION COURT - DETAINED		328		23%
OMAHA, NEBRASKA				22%
ORLANDO, FLORIDA				0%
OTERO COUNTY PROCESSING CENTER		1,567		55%
PEACE ARCH PORT OF ENTRY				0%
PEARSALL, TEXAS - DETENTION FACILITY		3,517		98%
PENNSYLVANIA DEPT. OF CORR., STATE CORR. INST.		168		98%
PHILADELPHIA, PENNSYLVANIA		159		6%
PHO Juvenile		0		0%
PHOENIX, ARIZONA				0%
PIKE COUNTY PRISON				86%
PITTSBURGH, PENNSYLVANIA		135		81%
PLEASANTON - FEDERAL CORRECTIONAL INSTITUTION		0		0%
POLK COUNTY DETENTION FACILITY		2,044		86%
PORT ISABEL SERVICE PROCESSING CENTER		1,454		91%
PORTLAND DETENTION CENTER		0		0%

Hearing Location	Non Responsive	Videconference	Non Responsive	% of Videconference
PORTLAND, OREGON				0%
REEVES COUNTY LAW ENFORCEMENT CENTER		120		73%
RENO, NEVADA		0		0%
ROLLING PLAINS DETENTION CENTER		422		55%
SAIPAN, NORTHERN MARIANAS ISLANDS		0		0%
SALT LAKE CITY, UTAH				0%
SAN ANTONIO DETAINED				31%
SAN ANTONIO, TEXAS				1%
SAN DIEGO, CALIFORNIA				31%
SAN FRANCISCO ANNEX				0%
SAN FRANCISCO DETAINED				0%
SAN FRANCISCO, CALIFORNIA				0%
SAN JUAN, PUERTO RICO				0%
SEATTLE, WASHINGTON				0%
SOUTH FLORIDA RECEPTION CENTER		10		16%
ST. CROIX, VIRGIN ISLANDS				0%
ST. LOUIS, MISSOURI				0%
ST. LOUIS, MISSOURI DETAINED		0		0%
ST. THOMAS, VIRGIN ISLANDS				0%
STEWART DETENTION CENTER - LUMPKIN GEORGIA		1,312		37%
T. DON HUTTO RESIDENTIAL		72		94%
TEXAS DOC- HUNTSVILLE				79%
TUC INS		0		0%
TUCSON, ARIZONA				0%
ULSTER CORRECTIONAL FACILITY		300		89%
UNITED STATES PENITENTIARY - LOMPOC		0		0%
VIRGINIA DEPARTMENT OF CORRECTIONS		0		0%
WASHINGTON CORRECTIONS CENTER		0		0%
WILLACY DETENTION FACILITY		2,863		90%
YORK COUNTY PRISON				1%
<b>TOTAL</b>		<b>28,245</b>		<b>13%</b>

United States Department of Justice  
 Executive Office of Immigration Review  
 Office of Planning, Analysis, and Technology

OPAT #11-08

Breakdown of VTC by Hearing Location and Schedule Type 4th Qtr FY10

Hearing Location	--	AT	CY
AGANA, GUAM	0	0	0
AGANA, GUAM - DEPARTMENT OF CORRECTIONS	0	0	26
ALLENWOOD CORRECTIONAL INST.	0	0	0
ARLINGTON DETAINED LOCATION	0	0	83
ARLINGTON, VIRGINIA	0	0	0
ATLANTA DETAINED LOCATION	0	0	13
ATLANTA, GEORGIA	0	0	1
BALTIMORE, MARYLAND	0	0	119
BATAVIA SERVICE PROCESSING CENTER	0	0	91
BERKS	0	0	13
BIG SPRING CORR. CTR. (AIRPARK)	0	0	0
BOKEN KAMP CHILDREN'S CENTER	0	0	0
BOSTON, MASSACHUSETTS	0	0	149
BROWARD CORRECTIONAL INSTITUTION	0	0	0
BUTLER COUNTY SHERIFF'S OFFICE	0	0	85
CALIFORNIA DOC- SAN YSIDRO	0	0	0
CALIPATRIA STATE PRISON	0	0	0
CAMBRIA COUNTY PRISON	0	0	17
CENTINELA CORRECTION FACILITY	0	0	0
CHARLOTTE	0	0	0
CHARLOTTE CORRECTIONAL INSTITUTION	0	0	0
CHICAGO DETAINED	0	0	575
CHICAGO, ILLINOIS	0	0	0
CLEVELAND DETAINED LOCATION	0	0	94
CLEVELAND, OHIO	0	0	0
CLINTON COUNTY PRISON	0	0	31
COLUMBIA CARE FACILITY	0	0	0
CORRECTIONS CORPORATION OF AMERICA-SAN DIEGO,CA	0	0	0
DALLAS DETAINED	0	0	2
DETROIT DETAINEES	0	4	484
DETROIT, MICHIGAN	0	0	0
DOWNSTATE CORRECTIONAL FACILITY	0	0	0
EDEN, TEXAS	0	0	0
ELIZABETH SERVICE PROCESSING CENTER	0	0	1
FCI DANBURY FEDERAL CORRECTIONAL INSTITUTION	0	0	0
FLORIDA DOC- CHIPLEY	0	0	0
HARLINGEN, TEXAS	0	0	1
HARTFORD, CONNECTICUT	0	0	0
HONOLULU, HAWAII	0	0	0
HONOLULU, PRISON DETAINEES - PJKK FEDERAL BLDG.	0	1	80
HOUSTON SERVICE PROCESSING CENTER	0	0	1
HOUSTON, TEXAS	0	0	0
ILLINOIS DOC- STATESVILLE	0	0	0

INDIANA YOUTH CENTER	0	0	0
JOHNSON COUNTY JAIL	0	0	12
KANSAS CITY IMMIGRATION COURT - DETAINED	0	0	203
KANSAS CITY, MISSOURI	0	0	0
LACKAWANNA COUNTY PRISON	0	0	112
LAREDO, TEXAS - DETENTION FACILITY	0	0	27
LAS VEGAS, NEVADA	0	0	0
LOS ANGELES 3	0	0	11
LOUISVILLE, KENTUCKY	0	0	2
MARYLAND CORRECTIONAL INSTITUTE	0	0	0
MCDUGAL-WALKER CORRECTIONAL INSTITUTION	0	0	0
MEMPHIS, TENNESSEE	0	0	0
MIAMI, FLORIDA	0	0	0
MICHIGAN DEPT. OF CORR., PRISON OF SO. MICHIGAN	0	0	0
MOSHANNON VALLEY CORRECTIONAL FACILITY	0	0	0
NEVADA DEPARTMENT OF CORRECTIONS	0	0	0
NEW YORK CITY, NEW YORK	0	0	0
NEW YORK SERVICE PROCESSING CENTER (VARICK ST)	0	0	2
NEWARK - VIDEO HEARINGS	0	0	0
NEWARK VIDEO HEARINGS	0	0	0
NEWARK, NEW JERSEY	0	0	455
NORTH FLORIDA RECEPTION CENTER (NFC)	0	0	0
OHIO DEPT. OF CORR., CORRECTIONAL RECEPTION CEN	0	0	0
OKLAHOMA CITY DETAINED	0	0	6
OKLAHOMA CITY, OKLAHOMA	0	0	0
OMAHA IMMIGRATION COURT - DETAINED	0	0	31
OMAHA, NEBRASKA	0	0	0
OTERO COUNTY PROCESSING CENTER	0	0	126
PEARSALL, TEXAS - DETENTION FACILITY	0	1	725
PENNSYLVANIA DEPT. OF CORR., STATE CORR. INST.	0	0	0
PHILADELPHIA, PENNSYLVANIA	0	0	0
PIKE COUNTY PRISON	0	0	126
PITTSBURGH, PENNSYLVANIA	0	0	0
POLK COUNTY DETENTION FACILITY	0	0	165
PORT ISABEL SERVICE PROCESSING CENTER	0	1	477
REEVES COUNTY LAW ENFORCEMENT CENTER	0	0	0
ROLLING PLAINS DETENTION CENTER	0	0	112
SAN ANTONIO DETAINED	0	0	4
SAN ANTONIO, TEXAS	0	0	0
SAN DIEGO, CALIFORNIA	0	0	0
SOUTH FLORIDA RECEPTION CENTER	0	0	0
STEWART DETENTION CENTER - LUMPKIN GEORGIA	2	0	238
T. DON HUTTO RESIDENTIAL	0	0	172
TEXAS DOC- HUNTSVILLE	0	0	0
ULSTER CORRECTIONAL FACILITY	0	0	0
WILLACY DETENTION FACILITY	0	2	787
YORK COUNTY PRISON	0	0	2
<b>TOTAL</b>	<b>2</b>	<b>9</b>	<b>5,661</b>



ED	IA	ID	II	IR	MD	MM	MR	RR
0	12	0	21	13	0	14	42	0
0	0	0	0	0	3	18	14	0
0	0	0	7	5	0	10	68	0
0	1	44	5	1	2	269	334	3
0	0	0	1	0	0	1	1	0
0	0	0	1	2	0	97	82	1
0	0	0	0	0	0	4	0	0
0	0	1	0	0	7	127	50	0
0	0	0	0	0	0	97	0	1
0	0	0	7	0	0	54	34	21
0	0	0	0	0	0	19	11	0
0	0	0	0	0	2	117	9	0
0	0	0	0	1	0	197	0	0
0	0	0	0	0	0	3	5	0
0	2	23	5	0	0	63	78	0
0	0	0	1	0	0	4	17	0
0	0	0	0	0	0	83	2	0
0	0	0	1	0	0	10	13	0
0	0	0	0	0	0	75	7	0
0	0	0	1	0	0	0	0	0
0	0	0	9	0	0	0	0	0
0	0	56	3	2	2	407	495	1
0	1	0	0	2	0	7	0	0
0	14	8	6	0	0	79	74	2
0	12	0	45	0	0	3	3	0
0	0	0	7	1	1	45	35	0
0	0	0	0	0	0	0	1	0
0	0	0	0	0	0	1	0	0
0	0	0	0	0	0	0	0	0
0	0	19	4	1	29	465	143	0
0	0	0	5	0	0	3	3	0
0	0	0	0	0	0	46	59	0
0	0	0	0	0	12	8	7	0
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0	0	0	6	0	0	13	21	0
0	0	0	6	0	0	0	0	0
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0	0	0	1	1	0	0	0	0
0	2	0	17	8	5	32	57	0
0	0	0	0	0	1	4	0	0
0	0	0	0	0	0	1	0	0
0	0	0	0	0	0	1	0	0

0	0	0	2	0	1	0	5	0
0	0	0	0	0	5	12	10	1
0	2	11	10	2	10	211	138	0
1	0	0	14	7	0	1	0	0
0	0	0	6	0	0	152	90	0
0	0	12	3	0	1	135	67	0
0	0	0	4	0	0	0	0	0
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0	0	0	16	12	0	23	133	0
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0	0	0	1	0	0	14	18	0
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0	1	4	1	0	0	0	12	0
0	0	0	0	0	0	7	1	0
0	0	0	1	0	0	1	1	0
0	0	38	5	0	2	11	241	0
0	0	1	235	0	0	1	193	0
0	0	54	3	0	4	909	471	0
0	10	125	37	5	8	1,264	1,295	47
0	0	0	4	7	0	32	125	0
0	0	0	22	0	0	41	96	0
0	0	0	10	1	2	134	143	0
0	0	0	8	1	0	38	88	0
0	0	11	33	2	541	805	486	1
0	2	78	1	28	5	351	498	12
0	0	0	0	0	37	70	13	0
0	0	0	1	0	43	84	179	3
0	0	0	1	0	6	54	61	0
0	0	1	1	3	0	10	7	0
0	0	0	122	0	52	160	536	24
0	0	0	10	0	0	0	0	0
0	0	25	14	11	0	536	484	2
0	0	4	8	0	14	544	359	71
0	0	2	7	0	17	78	120	0
0	0	0	0	0	0	98	202	0
2	0	41	7	7	2	1,195	711	109
0	0	0	1	0	0	3	8	0
<b>3</b>	<b>62</b>	<b>635</b>	<b>831</b>	<b>127</b>	<b>821</b>	<b>10,297</b>	<b>9,495</b>	<b>299</b>

<b>TD</b>	<b>TOTAL</b>
0	102
0	61
0	90
0	742
0	3
0	196
0	5
0	304
0	189
0	129
0	30
0	128
0	347
0	8
0	256
0	22
0	85
0	41
0	82
0	1
0	9
0	1,541
0	10
0	277
0	63
0	120
0	1
0	1
0	2
0	1,149
0	11
0	105
0	27
0	1
0	40
0	6
0	17
0	6
0	2
0	202
0	6
0	1
0	1

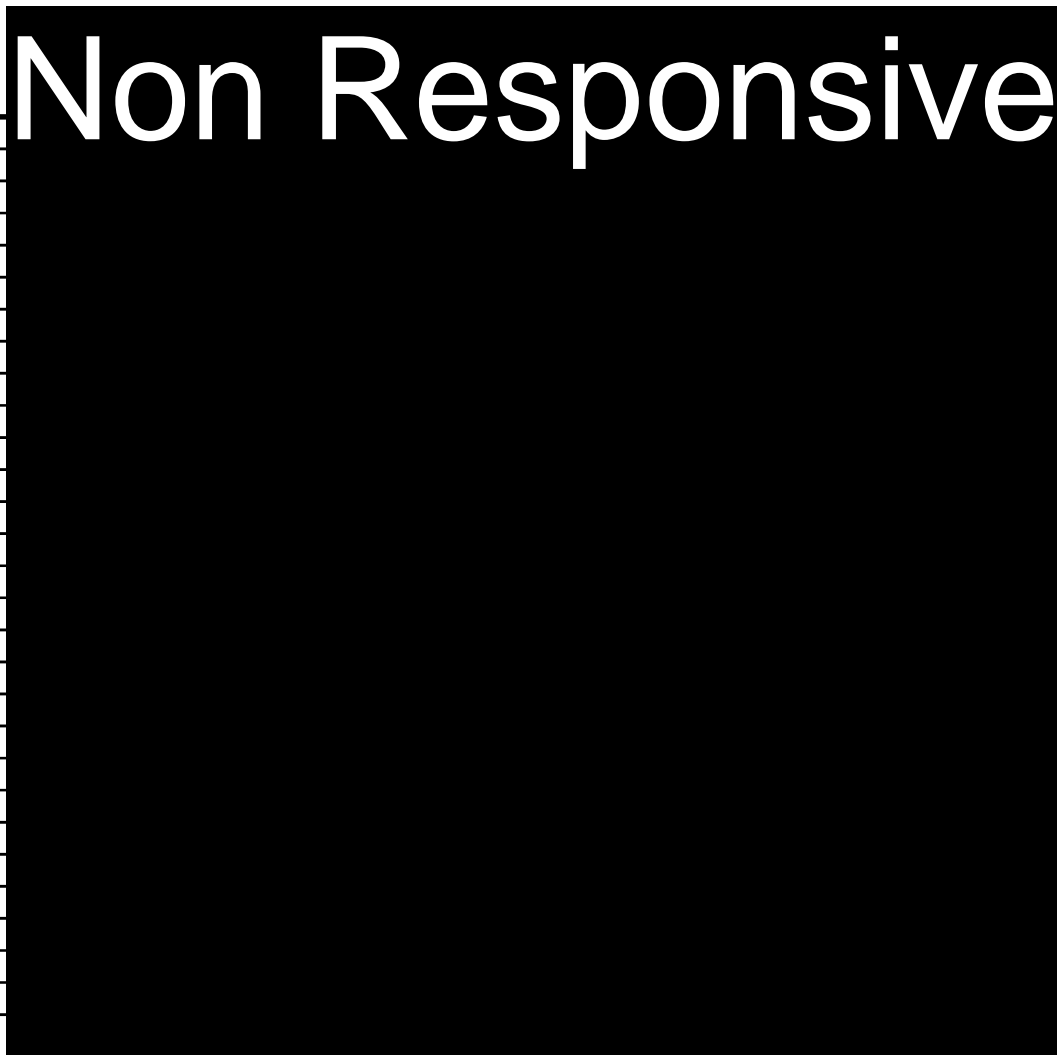
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0	40
0	587
1	24
0	360
0	245
0	4
0	65
0	309
0	5
0	123
0	12
0	2
0	84
0	184
0	2
0	1
0	14
0	31
0	33
0	1,944
0	16
0	18
0	14
0	3
0	328
0	430
0	1,567
0	3,517
0	168
0	159
0	416
0	135
0	2,044
1	1,454
0	120
0	422
0	126
0	22
1	895
0	10
0	1,312
0	1,172
0	224
0	300
0	2,863
0	14
3	28,245

**Executive Office for Immigration Review  
Office of Planning, Analysis, and Technology**

**OPAT#11-87**

**Video Hearings by Base City (FY <sup>Non Responsiv</sup> - FY2010)  
Breakdown by Fiscal Year**

Base City	FY 2009	FY 2010	TOTAL
ARLINGTON	2,495	2,358	18,956
ATLANTA	280	935	1,273
BALTIMORE	1,249	1,194	3,567
BLOOMINGTON	29	0	100
BOSTON	970	1,592	3,841
BUFFALO	530	702	1,980
CHARLOTTE	3	5	8
CHICAGO	5,318	5,075	26,452
CLEVELAND	3,143	2,414	14,713
DALLAS	3,280	2,652	20,163
DENVER	0	0	41
DETROIT	4,086	4,437	10,390
EL PASO	329	2,437	6,617
ELIZABETH	85	252	542
ELOY	256	94	460
FLORENCE	4	3	230
GUAYNABO	503	46	3,102
HAGATNA	717	808	3,252
HARLINGEN	13,652	10,338	33,420
HARTFORD	1,439	886	3,739
HONOLULU	1,195	857	2,855
HOUSTON	10,152	9,795	29,016
IMPERIAL	565	696	2,318
KANSAS CITY	1,286	1,424	10,234
LANCASTER	0	0	33
LAS VEGAS	18	14	96
LOS ANGELES	38	65	1,186
LOS FRESNOS	6,163	6,700	14,502



**Executive Office for Immigration Review  
Office of Planning, Analysis, and Technology**

**OPAT#11-87**

**Video Hearings by Base City (FY Non Responsive - FY2010)  
Breakdown by Fiscal Year**

Base City	FY 2009	FY 2010	TOTAL
LUMPKIN	5,706	6,407	13,158
MEMPHIS	977	1,153	9,195
MIAMI	348	322	4,943
NAPANOCH	2,086	1,888	14,848
NEW ORLEANS	0	0	4,178
NEW YORK	9	31	54
NEWARK	51	5,544	5,629
OAKDALE	1	0	136
OMAHA	8,077	4,659	37,678
ORLANDO	11	0	455
PHILADELPHIA	1,249	1,447	5,768
PHOENIX	0	0	4
PORTLAND	23	0	220
SAN ANTONIO	19,740	22,667	93,943
SAN DIEGO	3,637	3,610	9,424
SAN FRANCISCO	1	0	4
SEATTLE	0	0	1
TACOMA	0	1	14
TUCSON	0	0	13
YORK	6,348	7,225	27,744
<b>TOTAL</b>	<b>106,049</b>	<b>110,733</b>	<b>440,495</b>

Non Responsive

**Executive Office for Immigration Review  
Office of Planning, Analysis, and Technology**

**OPAT#11-113**

**Nationwide and Colorado (Denver) Proceeding Data FY 2010**

**Nationwide**

**Non Responsive**

**Video Hearings - 110,731**

**Percentage of Video Hearings - 12%**

**Colorado (Denver)**

**Non Responsive**

**Video Hearings - 0**

**Taylor, Lamont (EOIR)**

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**From:** Taylor, Lamont (EOIR)  
**Sent:** Wednesday, June 29, 2011 1:37 PM  
**To:** Blacksten, Deborah A. (EOIR); Barylski, Mike (EOIR)  
**Cc:** Endres, Brett (EOIR)  
**Subject:** RE: VTC Detained Hearings/Completions?

Good Afternoon Mike,

Here are the numbers you requested concerning detained VTC hearings and completions for FY 2008 through FY 2010.

**Detained VTC Hearings**

**Non responsive**  
FY 2009 – 70,262  
FY 2010 – 71,470

**Detained VTC Completions (Proceedings where at least one of the hearings was VTC)**

**Non responsive**  
FY 2009 – 33,648  
FY 2010 – 31,876





# Non Responsive

**Executive Office for Immigration Review  
Office of Planning, Analysis, and Technology**

**OPAT#11-184**

**Video Hearing Information FY Non Responsive - FY 2011**

**Video Hearings (by Base City and FY)**

BASE CITY NAME	2009	2010	2011	TOTAL
ARLINGTON, VIRGINIA	2,490	2,357	4,926	23,849
ATLANTA, GEORGIA	278	935	204	1,475
BALTIMORE, MARYLAND	1,247	1,192	2,011	5,563
BATAVIA SPC, NEW YORK	509	699	451	2,392
BLOOMINGTON (ST. PAUL), MINNESOTA	29	0	1	101
BOSTON, MASSACHUSETTS	970	1,591	1,570	5,407
BUFFALO, NEW YORK	21	3	2	41
CHARLOTTE, NORTH CAROLINA	3	5	0	8
CHICAGO, ILLINOIS	5,315	5,075	6,711	33,133
CLEVELAND, OHIO	3,141	2,415	3,894	18,585
DALLAS, TEXAS	3,269	2,639	3,731	24,157
DENVER, COLORADO	0	0	0	38
DETROIT, MICHIGAN	4,086	4,436	5,541	15,923
EAST MESA, CALIFORNIA	12	8	16	51
EL CENTRO SPC, CALIFORNIA	0	0	72	76
EL PASO SPC, TEXAS	28	0	32	95
EL PASO, TEXAS	301	2,437	7,506	14,060
ELIZABETH SPC, NEW JERSEY	0	3	18	24
ELOY, ARIZONA	256	94	21	481
FISHKILL - NEW YORK STATE DOC, NEW YORK	610	547	531	3,897
FLORENCE SPC, ARIZONA	4	3	1	231
GUAYNABO (SAN JUAN), PUERTO RICO	503	46	1	3,102
HARLINGEN, TEXAS	13,611	10,330	11,043	44,412
HARTFORD, CONNECTICUT	1,439	886	721	4,459
HONOLULU, HAWAII	1,907	1,664	1,757	7,781
HOUSTON SPC, TEXAS	9,831	9,132	9,857	36,601

Non Responsive

**Please Note: These numbers are for hearings scheduled. A case may have multiple hearings before a completion.**

**Executive Office for Immigration Review  
Office of Planning, Analysis, and Technology**

**OPAT#11-184**

**Video Hearing Information FY Non Responsive - FY 2011**

**Video Hearings (by Base City and FY)**

BASE CITY NAME	Non Responsive			
	2009	2010	2011	TOTAL
HOUSTON, TEXAS	321	663	144	2,415
IMPERIAL, CALIFORNIA	564	696	687	3,000
KANSAS CITY, MISSOURI	1,284	1,423	2,545	12,746
KROME NORTH SPC, FLORIDA	96	144	81	1,915
LANCASTER, CALIFORNIA	0	0	0	109
LAS VEGAS, NEVADA	18	14	73	169
LOS ANGELES, CALIFORNIA	38	65	7,570	8,756
LOS FRESNOS (PORT ISABEL SPC), TEXAS	6,157	6,698	607	15,094
MEMPHIS, TENNESSEE	980	1,153	1,782	10,983
MIAMI, FLORIDA	252	178	338	3,445
NEW ORLEANS, LOUISIANA	0	0	0	4,176
NEW YORK CITY, NEW YORK	9	17	4	44
NEWARK, NEW JERSEY	136	5,791	8,963	15,126
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	1	0	7,664	7,800
OMAHA, NEBRASKA	8,063	4,662	2,163	39,810
ORLANDO, FLORIDA	11	0	1,314	1,769
PEARSALL, TEXAS	12,640	16,391	11,070	62,177
PHILADELPHIA, PENNSYLVANIA	1,249	1,447	1,033	6,034
PHOENIX, ARIZONA	0	0	0	4
PORTLAND, OREGON	23	0	0	220
SAIPAN, NORTHERN MARIANAS ISLANDS	0	0	248	248
SALT LAKE CITY, UTAH	0	0	0	3
SAN ANTONIO, TEXAS	7,087	6,264	6,447	48,671
SAN DIEGO, CALIFORNIA	3,625	3,602	3,311	12,700
SAN FRANCISCO, CALIFORNIA	1	0	58	62
SEATTLE, WASHINGTON	0	0	1	2

**Please Note: These numbers are for hearings scheduled. A case may have multiple hearings before a completion.**

**Executive Office for Immigration Review  
Office of Planning, Analysis, and Technology**

**OPAT#11-184**

**Video Hearing Information FY [Redacted] - FY 2011**

**Video Hearings (by Base City and FY)**

BASE CITY NAME	2009	2010	2011	TOTAL
STEWART DETENTION FACILITY, GEORGIA	5,706	6,406	503	13,658
TACOMA, WASHINGTON	0	0	2	13
TUCSON, ARIZONA	0	0	0	13
ULSTER - NEW YORK STATE DOC, NEW YORK	1,476	1,341	1,454	12,936
VARICK SPC, NEW YORK	0	14	2	16
YORK, PENNSYLVANIA	6,348	7,225	5,566	34,076
<b>TOTAL</b>				

**Non Responsive**

Executive Office for Immigration Review  
Office of Planning, Analysis, and Technology

OPAT#11-184

Video Hearing Information FY Non Responsive - FY 2011

Video Master Calendar Hearings (by Base City and FY)

BASE CITY NAME	2009	2010	2011	TOTAL
ARLINGTON, VIRGINIA	1,879	1,866	3,528	19,182
ATLANTA, GEORGIA	242	764	188	1,230
BALTIMORE, MARYLAND	890	804	1,259	3,733
BATAVIA SPC, NEW YORK	239	350	243	1,073
BLOOMINGTON (ST. PAUL), MINNESOTA	28	0	0	91
BOSTON, MASSACHUSETTS	504	914	915	3,033
BUFFALO, NEW YORK	10	1	1	19
CHARLOTTE, NORTH CAROLINA	0	2	0	2
CHICAGO, ILLINOIS	3,350	3,028	4,333	25,758
CLEVELAND, OHIO	1,571	1,094	2,233	11,301
DALLAS, TEXAS	2,601	2,076	2,989	21,184
DENVER, COLORADO	0	0	0	38
DETROIT, MICHIGAN	2,324	2,513	3,009	8,904
EAST MESA, CALIFORNIA	12	7	13	47
EL CENTRO SPC, CALIFORNIA	0	0	54	58
EL PASO SPC, TEXAS	1	0	30	65
EL PASO, TEXAS	278	2,206	6,120	12,392
ELIZABETH SPC, NEW JERSEY	0	1	5	9
ELOY, ARIZONA	208	68	20	405
FISHKILL - NEW YORK STATE DOC, NEW YORK	609	543	531	3,891
FLORENCE SPC, ARIZONA	2	2	0	210
GUAYNABO (SAN JUAN), PUERTO RICO	332	39	1	2,401
HARLINGEN, TEXAS	8,559	6,686	6,853	27,970
HARTFORD, CONNECTICUT	1,020	805	656	3,278
HONOLULU, HAWAII	1,002	925	1,052	4,075
HOUSTON SPC, TEXAS	8,578	8,015	8,327	32,139

Non Responsive

Please Note: These numbers are for hearings scheduled. A case may have multiple hearings before a completion.

Executive Office for Immigration Review  
Office of Planning, Analysis, and Technology

OPAT#11-184

Video Hearing Information FY Non Responsive - FY 2011

Video Master Calendar Hearings (by Base City and FY)

BASE CITY NAME	2009	2010	2011	TOTAL
HOUSTON, TEXAS	314	656	144	2,370
IMPERIAL, CALIFORNIA	563	695	685	2,996
KANSAS CITY, MISSOURI	893	832	1,523	9,817
KROME NORTH SPC, FLORIDA	64	101	69	1,645
LANCASTER, CALIFORNIA	0	0	0	89
LAS VEGAS, NEVADA	13	1	70	142
LOS ANGELES, CALIFORNIA	5	54	3,973	5,040
LOS FRESNOS (PORT ISABEL SPC), TEXAS	3,483	3,939	295	8,891
MEMPHIS, TENNESSEE	687	902	1,379	8,038
MIAMI, FLORIDA	70	44	141	1,380
NEW ORLEANS, LOUISIANA	0	0	0	4,167
NEW YORK CITY, NEW YORK	1	3	2	18
NEWARK, NEW JERSEY	119	4,120	6,181	10,607
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	1	0	5,361	5,433
OMAHA, NEBRASKA	5,821	2,888	1,173	31,207
ORLANDO, FLORIDA	3	0	875	884
PEARSALL, TEXAS	9,093	12,325	7,554	47,024
PHILADELPHIA, PENNSYLVANIA	1,077	1,258	872	4,714
PHOENIX, ARIZONA	0	0	0	1
PORTLAND, OREGON	23	0	0	182
SAIPAN, NORTHERN MARIANAS ISLANDS	0	0	211	211
SAN ANTONIO, TEXAS	5,589	4,744	5,356	42,940
SAN DIEGO, CALIFORNIA	3,100	3,074	2,677	10,931
SAN FRANCISCO, CALIFORNIA	0	0	0	1
SEATTLE, WASHINGTON	0	0	1	2
STEWART DETENTION FACILITY, GEORGIA	5,489	5,374	455	12,289

Non Responsive

Please Note: These numbers are for hearings scheduled. A case may have multiple hearings before a completion.

**Executive Office for Immigration Review  
Office of Planning, Analysis, and Technology**

**OPAT#11-184**

**Video Hearing Information FY [Redacted] - FY 2011**

**Video Master Calendar Hearings (by Base City and FY)**

BASE CITY NAME	<b>Non Responsive</b>				2009	2010	2011	TOTAL
TACOMA, WASHINGTON	<b>Non Responsive</b>				0	0	0	10
TUCSON, ARIZONA	<b>Non Responsive</b>				0	0	0	13
ULSTER - NEW YORK STATE DOC, NEW YORK	<b>Non Responsive</b>				1,476	1,338	1,454	12,929
VARICK SPC, NEW YORK	<b>Non Responsive</b>				0	11	0	11
YORK, PENNSYLVANIA	<b>Non Responsive</b>				4,748	5,413	4,181	27,115
<b>TOTAL</b>	<b>Non Responsive</b>							

**Please Note: These numbers are for hearings scheduled. A case may have multiple hearings before a completion.**

**Executive Office for Immigration Review  
Office of Planning, Analysis, and Technology**

**OPAT#11-184**

**Video Hearing Information FY Non Responsive - FY 2011**

**Video Individual Hearings (by Base City and FY)**

BASE CITY NAME	2009	2010	2011	TOTAL
ARLINGTON, VIRGINIA	611	491	1,398	4,667
ATLANTA, GEORGIA	36	171	16	245
BALTIMORE, MARYLAND	357	388	752	1,830
BATAVIA SPC, NEW YORK	270	349	208	1,319
BLOOMINGTON (ST. PAUL), MINNESOTA	1	0	1	10
BOSTON, MASSACHUSETTS	466	677	655	2,374
BUFFALO, NEW YORK	11	2	1	22
CHARLOTTE, NORTH CAROLINA	3	3	0	6
CHICAGO, ILLINOIS	1,965	2,047	2,378	7,375
CLEVELAND, OHIO	1,570	1,321	1,661	7,284
DALLAS, TEXAS	668	563	742	2,973
DETROIT, MICHIGAN	1,762	1,923	2,532	7,019
EAST MESA, CALIFORNIA	0	1	3	4
EL CENTRO SPC, CALIFORNIA	0	0	18	18
EL PASO SPC, TEXAS	27	0	2	30
EL PASO, TEXAS	23	231	1,386	1,668
ELIZABETH SPC, NEW JERSEY	0	2	13	15
ELOY, ARIZONA	48	26	1	76
FISHKILL - NEW YORK STATE DOC, NEW YORK	1	4	0	6
FLORENCE SPC, ARIZONA	2	1	1	21
GUAYNABO (SAN JUAN), PUERTO RICO	171	7	0	701
HARLINGEN, TEXAS	5,052	3,644	4,190	16,442
HARTFORD, CONNECTICUT	419	81	65	1,181
HONOLULU, HAWAII	905	739	705	3,706
HOUSTON SPC, TEXAS	1,253	1,117	1,530	4,462
HOUSTON, TEXAS	7	7	0	45

Non Responsive

**Please Note: These numbers are for hearings scheduled. A case may have multiple hearings before a completion.**



**Executive Office for Immigration Review  
Office of Planning, Analysis, and Technology**

**OPAT#11-184**

**Video Hearing Information FY Non Responsive - FY 2011**

**Video Individual Hearings (by Base City and FY)**

BASE CITY NAME	2009	2010	2011	TOTAL
IMPERIAL, CALIFORNIA	1	1	2	4
KANSAS CITY, MISSOURI	391	591	1,022	2,929
KROME NORTH SPC, FLORIDA	32	43	12	270
LANCASTER, CALIFORNIA	0	0	0	20
LAS VEGAS, NEVADA	5	13	3	27
LOS ANGELES, CALIFORNIA	33	11	3,597	3,716
LOS FRESNOS (PORT ISABEL SPC), TEXAS	2,674	2,759	312	6,203
MEMPHIS, TENNESSEE	293	251	403	2,945
MIAMI, FLORIDA	182	134	197	2,065
NEW ORLEANS, LOUISIANA	0	0	0	9
NEW YORK CITY, NEW YORK	8	14	2	26
NEWARK, NEW JERSEY	17	1,671	2,782	4,519
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	0	0	2,303	2,367
OMAHA, NEBRASKA	2,242	1,774	990	8,603
ORLANDO, FLORIDA	8	0	439	885
PEARSALL, TEXAS	3,547	4,066	3,516	15,153
PHILADELPHIA, PENNSYLVANIA	172	189	161	1,320
PHOENIX, ARIZONA	0	0	0	3
PORTLAND, OREGON	0	0	0	38
SAIPAN, NORTHERN MARIANAS ISLANDS	0	0	37	37
SALT LAKE CITY, UTAH	0	0	0	3
SAN ANTONIO, TEXAS	1,498	1,520	1,091	5,731
SAN DIEGO, CALIFORNIA	525	528	634	1,769
SAN FRANCISCO, CALIFORNIA	1	0	58	61
STEWART DETENTION FACILITY, GEORGIA	217	1,032	48	1,369
TACOMA, WASHINGTON	0	0	2	3

Non Responsive

**Please Note: These numbers are for hearings scheduled. A case may have multiple hearings before a completion.**

**Executive Office for Immigration Review  
Office of Planning, Analysis, and Technology**

**OPAT#11-184**

**Video Hearing Information FY [Redacted] - FY 2011**

**Video Individual Hearings (by Base City and FY)**

BASE CITY NAME	Non Responsive				2009	2010	2011	TOTAL
ULSTER - NEW YORK STATE DOC, NEW YORK					0	3	0	7
VARICK SPC, NEW YORK	0	3	2	5				
YORK, PENNSYLVANIA	1,600	1,812	1,385	6,961				
<b>TOTAL</b>								

**Please Note: These numbers are for hearings scheduled. A case may have multiple hearings before a completion.**

**Executive Office for Immigration Review  
Office of Planning, Analysis, and Technology**

**OPAT#11-184**

**Video Hearing Information FY Non Responsive - FY 2011**

**Video Continuances\* (by Base City and FY)**

BASE CITY NAME	2009	2010	2011	TOTAL
ARLINGTON, VIRGINIA	2,441	2,331	4,806	21,021
ATLANTA, GEORGIA	275	914	204	1,446
BALTIMORE, MARYLAND	1,195	1,162	1,972	5,382
BATAVIA SPC, NEW YORK	501	694	446	2,350
BLOOMINGTON (ST. PAUL), MINNESOTA	29	0	1	101
BOSTON, MASSACHUSETTS	925	1,556	1,548	5,214
BUFFALO, NEW YORK	21	3	2	41
CHARLOTTE, NORTH CAROLINA	3	5	0	8
CHICAGO, ILLINOIS	5,184	5,020	6,655	27,495
CLEVELAND, OHIO	3,121	2,403	3,874	18,063
DALLAS, TEXAS	3,228	2,627	3,711	18,740
DENVER, COLORADO	0	0	0	27
DETROIT, MICHIGAN	3,452	3,836	4,880	13,749
EAST MESA, CALIFORNIA	12	8	16	50
EL CENTRO SPC, CALIFORNIA	0	0	68	72
EL PASO SPC, TEXAS	28	0	32	90
EL PASO, TEXAS	301	2,428	7,264	11,150
ELIZABETH SPC, NEW JERSEY	0	3	17	22
ELOY, ARIZONA	253	93	21	460
FISHKILL - NEW YORK STATE DOC, NEW YORK	610	547	531	3,467
FLORENCE SPC, ARIZONA	4	2	1	115
GUAYNABO (SAN JUAN), PUERTO RICO	460	45	1	2,605
HARLINGEN, TEXAS	13,502	10,294	11,016	44,143
HARTFORD, CONNECTICUT	1,401	884	720	4,308
HONOLULU, HAWAII	1,857	1,657	1,749	7,330
HOUSTON SPC, TEXAS	9,733	9,110	9,836	35,348
HOUSTON, TEXAS	321	663	144	2,173

Non Responsive

**Please Note: These numbers are for hearings scheduled. A case may have multiple hearings before a completion.**

\* Indicates that the case was adjourned for a future hearing date.

Executive Office for Immigration Review  
Office of Planning, Analysis, and Technology

OPAT#11-184

Video Hearing Information FY Non Responsive - FY 2011

Video Continuances\* (by Base City and FY)

BASE CITY NAME	Non Responsive				2009	2010	2011	TOTAL
IMPERIAL, CALIFORNIA					564	696	685	2,996
KANSAS CITY, MISSOURI					1,260	1,414	2,500	10,544
KROME NORTH SPC, FLORIDA					89	137	80	1,469
LANCASTER, CALIFORNIA					0	0	0	60
LAS VEGAS, NEVADA					18	14	73	169
LOS ANGELES, CALIFORNIA					37	65	7,538	8,432
LOS FRESNOS (PORT ISABEL SPC), TEXAS					6,097	6,648	595	14,787
MEMPHIS, TENNESSEE					978	1,148	1,748	9,026
MIAMI, FLORIDA					252	177	335	2,096
NEW ORLEANS, LOUISIANA					0	0	0	1,518
NEW YORK CITY, NEW YORK					9	17	4	42
NEWARK, NEW JERSEY					133	5,534	8,844	14,736
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA					1	0	7,656	7,790
OMAHA, NEBRASKA					7,766	4,612	2,159	34,710
ORLANDO, FLORIDA					10	0	1,272	1,627
PEARSALL, TEXAS					12,574	16,304	10,973	58,798
PHILADELPHIA, PENNSYLVANIA					1,246	1,445	1,031	5,632
PHOENIX, ARIZONA					0	0	0	3
PORTLAND, OREGON					23	0	0	207
SAIPAN, NORTHERN MARIANAS ISLANDS					0	0	246	246
SALT LAKE CITY, UTAH					0	0	0	1
SAN ANTONIO, TEXAS					7,055	6,239	6,419	37,815
SAN DIEGO, CALIFORNIA					3,620	3,591	3,307	12,398
SAN FRANCISCO, CALIFORNIA					1	0	57	59
SEATTLE, WASHINGTON					0	0	1	2
STEWART DETENTION FACILITY, GEORGIA					5,689	6,299	500	13,522
TACOMA, WASHINGTON					0	0	2	12

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\* Indicates that the case was adjourned for a future hearing date.

Executive Office for Immigration Review  
Office of Planning, Analysis, and Technology

OPAT#11-184

Video Hearing Information FY Non Responsive - FY 2011

Video Continuances\* (by Base City and FY)

BASE CITY NAME	Non Responsive				2009	2010	2011	TOTAL
TUCSON, ARIZONA					0	0	0	1
ULSTER - NEW YORK STATE DOC, NEW YORK					1,474	1,338	1,452	10,604
VARICK SPC, NEW YORK					0	14	2	16
YORK, PENNSYLVANIA					6,127	7,036	5,503	30,651
<b>TOTAL</b>								

Please Note: These numbers are for hearings scheduled. A case may have multiple hearings before a completion.

\* Indicates that the case was adjourned for a future hearing date.

Executive Office for Immigration Review  
Office of Planning, Analysis, and Technology

OPAT#11-184

Video Hearing Information FY Non Responsive - FY 2011

Detained Respondents (By Base City and FY)

BASE CITY NAME	2009	2010	2011	TOTAL
ARLINGTON, VIRGINIA	1,747	1,881	3,336	17,533
ATLANTA, GEORGIA	217	651	133	1,044
BALTIMORE, MARYLAND	1,011	889	1,365	4,077
BATAVIA SPC, NEW YORK	380	461	327	1,696
BLOOMINGTON (ST. PAUL), MINNESOTA	0	0	1	22
BOSTON, MASSACHUSETTS	756	1,286	1,276	4,235
BUFFALO, NEW YORK	10	1	2	18
CHARLOTTE, NORTH CAROLINA	0	2	0	2
CHICAGO, ILLINOIS	3,866	3,684	4,464	25,399
CLEVELAND, OHIO	1,108	1,275	3,191	7,188
DALLAS, TEXAS	2,845	2,287	3,129	20,413
DENVER, COLORADO	0	0	0	38
DETROIT, MICHIGAN	3,276	3,352	4,360	12,475
EAST MESA, CALIFORNIA	10	8	14	47
EL CENTRO SPC, CALIFORNIA	0	0	69	73
EL PASO SPC, TEXAS	28	0	30	89
EL PASO, TEXAS	299	2,154	6,118	12,381
ELIZABETH SPC, NEW JERSEY	0	1	5	7
ELOY, ARIZONA	243	82	21	424
FISHKILL - NEW YORK STATE DOC, NEW YORK	610	546	531	3,890
FLORENCE SPC, ARIZONA	4	2	0	159
GUAYNABO (SAN JUAN), PUERTO RICO	309	13	0	1,436
HARLINGEN, TEXAS	8,620	4,765	3,240	22,931
HARTFORD, CONNECTICUT	1,276	861	709	4,049
HONOLULU, HAWAII	1,107	897	1,037	4,251
HOUSTON SPC, TEXAS	8,184	7,517	7,396	30,295

Non Responsive

Please Note: These numbers are for hearings scheduled. A case may have multiple hearings before a completion.

Executive Office for Immigration Review  
Office of Planning, Analysis, and Technology

OPAT#11-184

Video Hearing Information FY Non Responsive - FY 2011

Detained Respondents (By Base City and FY)

BASE CITY NAME	Non Responsive				2009	2010	2011	TOTAL
HOUSTON, TEXAS					119	91	29	731
IMPERIAL, CALIFORNIA					563	692	635	2,942
KANSAS CITY, MISSOURI					276	677	1,457	3,690
KROME NORTH SPC, FLORIDA					70	123	63	1,279
LANCASTER, CALIFORNIA					0	0	0	89
LAS VEGAS, NEVADA					18	3	41	125
LOS ANGELES, CALIFORNIA					21	49	5,845	5,981
LOS FRESNOS (PORT ISABEL SPC), TEXAS					5,399	4,906	341	11,829
MEMPHIS, TENNESSEE					16	8	9	973
MIAMI, FLORIDA					250	175	338	3,367
NEW ORLEANS, LOUISIANA					0	0	0	3,249
NEW YORK CITY, NEW YORK					0	1	0	4
NEWARK, NEW JERSEY					116	4,360	6,604	11,299
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA					1	0	6,497	6,609
OMAHA, NEBRASKA					2,372	1,096	204	9,920
ORLANDO, FLORIDA					0	0	1,170	1,181
PEARSALL, TEXAS					6,270	8,723	5,918	32,924
PHILADELPHIA, PENNSYLVANIA					22	9	9	71
PORTLAND, OREGON					1	0	0	37
SAIPAN, NORTHERN MARIANAS ISLANDS					0	0	31	31
SAN ANTONIO, TEXAS					4,098	2,223	2,193	24,145
SAN DIEGO, CALIFORNIA					2,873	2,811	2,523	10,025
SAN FRANCISCO, CALIFORNIA					1	0	0	2
STEWART DETENTION FACILITY, GEORGIA					5,258	5,686	444	12,357
TACOMA, WASHINGTON					0	0	2	5
TUCSON, ARIZONA					0	0	0	13

Please Note: These numbers are for hearings scheduled. A case may have multiple hearings before a completion.

**Executive Office for Immigration Review  
Office of Planning, Analysis, and Technology**

**OPAT#11-184**

**Video Hearing Information FY [Redacted] - FY 2011**

**Detained Respondents (By Base City and FY)**

BASE CITY NAME	<b>Non Responsive</b>				2009	2010	2011	TOTAL
ULSTER - NEW YORK STATE DOC, NEW YORK					1,470	1,299	1,432	<b>12,848</b>
VARICK SPC, NEW YORK	0	12	0	<b>12</b>				
YORK, PENNSYLVANIA	5,043	5,836	4,289	<b>27,549</b>				
<b>TOTAL</b>								

**Please Note: These numbers are for hearings scheduled. A case may have multiple hearings before a completion.**



Executive Office for Immigration Review  
Office of Planning, Analysis, and Technology

OPAT#11-184

Video Hearing Information FY Non Responsive - FY 2011

Non-Detained Respondents (By Base City and FY)

BASE CITY NAME	2009	2010	2011	TOTAL
ARLINGTON, VIRGINIA	743	476	1590	6,316
ATLANTA, GEORGIA	61	284	71	431
BALTIMORE, MARYLAND	236	303	646	1,486
BATAVIA SPC, NEW YORK	129	238	124	696
BLOOMINGTON (ST. PAUL), MINNESOTA	29	0	0	79
BOSTON, MASSACHUSETTS	214	305	294	1,172
BUFFALO, NEW YORK	11	2	0	23
CHARLOTTE, NORTH CAROLINA	3	3	0	6
CHICAGO, ILLINOIS	1449	1391	2247	7,734
CLEVELAND, OHIO	2033	1140	703	11,397
DALLAS, TEXAS	424	352	602	3,744
DETROIT, MICHIGAN	810	1084	1181	3,448
EAST MESA, CALIFORNIA	2	0	2	4
EL CENTRO SPC, CALIFORNIA	0	0	3	3
EL PASO SPC, TEXAS	0	0	2	6
EL PASO, TEXAS	2	283	1388	1,679
ELIZABETH SPC, NEW JERSEY	0	2	13	17
ELOY, ARIZONA	13	12	0	57
FISHKILL - NEW YORK STATE DOC, NEW YORK	0	1	0	7
FLORENCE SPC, ARIZONA	0	1	1	72
GUAYNABO (SAN JUAN), PUERTO RICO	194	33	1	1,666
HARLINGEN, TEXAS	4991	5565	7803	21,481
HARTFORD, CONNECTICUT	163	25	12	410
HONOLULU, HAWAII	800	767	720	3,530
HOUSTON SPC, TEXAS	1647	1615	2461	6,306
HOUSTON, TEXAS	202	572	115	1,684

Non Responsive

Please Note: These numbers are for hearings scheduled. A case may have multiple hearings before a completion.

**Executive Office for Immigration Review  
Office of Planning, Analysis, and Technology**

**OPAT#11-184**

**Video Hearing Information FY Non Responsive - FY 2011**

**Non-Detained Respondents (By Base City and FY)**

BASE CITY NAME	2009	2010	2011	TOTAL
IMPERIAL, CALIFORNIA	1	4	52	58
KANSAS CITY, MISSOURI	1008	746	1088	9,056
KROME NORTH SPC, FLORIDA	26	21	18	636
LANCASTER, CALIFORNIA	0	0	0	20
LAS VEGAS, NEVADA	0	11	32	44
LOS ANGELES, CALIFORNIA	17	16	1725	2,775
LOS FRESNOS (PORT ISABEL SPC), TEXAS	758	1792	266	3,265
MEMPHIS, TENNESSEE	964	1145	1773	10,010
MIAMI, FLORIDA	2	3	0	78
NEW ORLEANS, LOUISIANA	0	0	0	927
NEW YORK CITY, NEW YORK	9	16	4	40
NEWARK, NEW JERSEY	20	1431	2359	3,827
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	0	0	1167	1,191
OMAHA, NEBRASKA	5691	3566	1959	29,890
ORLANDO, FLORIDA	11	0	144	588
PEARSALL, TEXAS	6370	7668	5152	29,253
PHILADELPHIA, PENNSYLVANIA	1227	1438	1024	5,963
PHOENIX, ARIZONA	0	0	0	4
PORTLAND, OREGON	22	0	0	183
SAIPAN, NORTHERN MARIANAS ISLANDS	0	0	217	217
SALT LAKE CITY, UTAH	0	0	0	3
SAN ANTONIO, TEXAS	2989	4041	4254	24,526
SAN DIEGO, CALIFORNIA	752	791	788	2,675
SAN FRANCISCO, CALIFORNIA	0	0	58	60
SEATTLE, WASHINGTON	0	0	1	2
STEWART DETENTION FACILITY, GEORGIA	448	720	59	1,301

Non Responsive

**Please Note: These numbers are for hearings scheduled. A case may have multiple hearings before a completion.**

**Executive Office for Immigration Review  
Office of Planning, Analysis, and Technology**

**OPAT#11-184**

**Video Hearing Information FY [Redacted] - FY 2011**

**Non-Detained Respondents (By Base City and FY)**

BASE CITY NAME	<b>Non Responsive</b>				2009	2010	2011	TOTAL
TACOMA, WASHINGTON					0	0	0	8
ULSTER - NEW YORK STATE DOC, NEW YORK					6	42	22	88
VARICK SPC, NEW YORK					0	2	2	4
YORK, PENNSYLVANIA					1305	1389	1277	6,527
<b>TOTAL</b>								

**Please Note: These numbers are for hearings scheduled. A case may have multiple hearings before a completion.**

Executive Office for Immigration Review  
Office of Planning, Analysis, and Technology

OPAT#11-184

Video Hearing Information FY Non Responsive - FY 2011

Bond Decision of New Amount (By Base City and FY)

BASE CITY NAME	Non Responsive			
	2009	2010	2011	TOTAL
ARLINGTON, VIRGINIA	93	50	399	731
ATLANTA, GEORGIA	7	47	3	65
BALTIMORE, MARYLAND	58	111	253	481
BATAVIA SPC, NEW YORK	46	67	35	212
BLOOMINGTON (ST. PAUL), MINNESOTA	0	0	0	4
BOSTON, MASSACHUSETTS	109	100	120	524
BUFFALO, NEW YORK	5	2	0	7
CHARLOTTE, NORTH CAROLINA	1	0	0	1
CHICAGO, ILLINOIS	186	360	632	1,203
CLEVELAND, OHIO	91	167	482	829
DALLAS, TEXAS	128	121	227	685
DETROIT, MICHIGAN	207	315	296	941
EL CENTRO SPC, CALIFORNIA	0	0	1	1
EL PASO SPC, TEXAS	0	0	1	1
EL PASO, TEXAS	0	64	300	365
ELIZABETH SPC, NEW JERSEY	0	0	6	6
FLORENCE SPC, ARIZONA	0	1	1	2
GUAYNABO (SAN JUAN), PUERTO RICO	39	1	0	135
HARLINGEN, TEXAS	1,073	832	1,151	3,863
HARTFORD, CONNECTICUT	44	1	0	139
HONOLULU, HAWAII	88	81	96	302
HOUSTON SPC, TEXAS	565	511	756	1,995
HOUSTON, TEXAS	5	0	0	6
KANSAS CITY, MISSOURI	33	74	200	310
KROME NORTH SPC, FLORIDA	7	10	8	46
LOS ANGELES, CALIFORNIA	1	0	851	852

**Executive Office for Immigration Review  
Office of Planning, Analysis, and Technology**

**OPAT#11-184**

**Video Hearing Information FY Non Responsive - FY 2011**

**Bond Decision of New Amount (By Base City and FY)**

BASE CITY NAME	Non Responsive			
	2009	2010	2011	TOTAL
LOS FRESNOS (PORT ISABEL SPC), TEXAS	78	193	71	396
MEMPHIS, TENNESSEE	3	0	2	57
NEWARK, NEW JERSEY	5	152	355	512
OAKDALE FEDERAL DETENTION CENTER, LOUISIANA	0	0	443	451
OMAHA, NEBRASKA	231	99	1	347
ORLANDO, FLORIDA	0	0	71	71
PEARSALL, TEXAS	1,277	1,689	1,407	6,144
PORTLAND, OREGON	0	0	0	11
SAIPAN, NORTHERN MARIANAS ISLANDS	0	0	2	2
SAN ANTONIO, TEXAS	576	654	413	2,110
SAN DIEGO, CALIFORNIA	0	0	9	9
STEWART DETENTION FACILITY, GEORGIA	32	200	4	245
TACOMA, WASHINGTON	0	0	0	3
VARICK SPC, NEW YORK	0	1	0	1
YORK, PENNSYLVANIA	315	214	165	971
<b>TOTAL</b>	<b>5,303</b>	<b>6,117</b>	<b>8,761</b>	<b>25,036</b>

strCode	strDescription
---------	----------------

**non responsive**

AT	Attorney Discipline
----	---------------------

**non responsive**

CY	Custody
----	---------

**non responsive**

ED	Reasonable Cause
----	------------------

IA	Individual Asylum
----	-------------------

ID	Individual Detainee
----	---------------------

II	Individual
----	------------

IR	Individual Reset
----	------------------

**non responsive**

MD	Detained Master
----	-----------------

MM	Initial Master
----	----------------

MR	Master Reset
----	--------------

**non responsive**

RR	Credible/Reasonable Fear
----	--------------------------

**non responsive**

TD	Reasonable Cause Reset
----	------------------------

**non responsive**

# Non Responsive

- of the master calendar, individual calendar, in absentia hearings and other hearings (if coded separately) occurred by video? 105,901

## Non Responsive

### Bond and motions hearings

10. a. What percentage of the 51,141 bond hearings in 2010 were held by video? by telephone?

## Non Responsive

Adjournment Medium	Total
-----------------------	-------

## Non Responsive

Video	22,933
-------	--------

## Non Responsive

# Non Responsive





## AMERICAN IMMIGRATION LAW FOUNDATION

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June 2, 2004

Kevin Rooney  
Director, Executive Office for Immigration Review  
5107 Leesburg Pike, Suite 2400  
Falls Church, VA 22041


Dear Mr. Rooney:

We recently heard that the Executive Office for Immigration Review is proposing to begin a "national video immigration court" to be housed at the EOIR's headquarters in Falls Church, Virginia. We understand that you expect that all of these hearings, including merits hearings, will be conducted by video-conference and that there are no provisions for attorneys, respondents, or witnesses to appear before these immigration judges. EOIR has not issued any information to the public about this proposal and what we have heard has been in the nature of rumors. We also understand that EOIR does not intend to propose this change in the Federal Register or to give an opportunity for interested or affected people to comment before this new plan is implemented.

If true, this major and alarming development raises numerous serious concerns. As you know, our organizations have thousands of members and participating lawyers throughout the United States. Our members and/or our members' clients may be directly and negatively impacted by this national video court. ✓

We respectfully request an urgent meeting with you, within two weeks of the date of this letter, to confirm whether these reports are true, to learn more details, and to express our concerns. We also hereby request that any such plan first be proposed in the Federal Register with full opportunity for comment, in compliance with the Administrative Procedures Act and other pertinent authority.

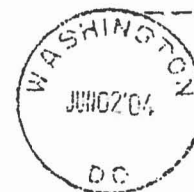
Thank you.

  
Nadine K. Wettstein  
Director, Legal Action Center  
American Immigration Law Foundation  
and on behalf of  
American Immigration Lawyers Association  
Capital Area Immigrants' Rights (CAIR) Coalition  
Catholic Legal Immigration Network, Inc.  
Just Neighbors



AMERICAN IMMIGRATION LAW FOUNDATION

918 F STREET, NW, 6TH FLOOR  
WASHINGTON, DC 20004



U.S. POSTAGE

00.37:

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Mr. Kevin Rooney  
Director, Executive Office for Immigration  
Review  
5107 Leesburg Pike, Suite 2400  
Falls Church, VA 22041

22041+3260 24





**U. S. Department of Justice**

**Executive Office for Immigration Review**

*Office of the Director*

**D**irector

*5107 Leesburg Pike, Suite 2600*

*Falls Church, Virginia 22041*

Ms. Nadine K. Wettstein  
Director, Legal Action Center  
American Immigration Law Foundation  
918 F Street, NW, 6<sup>th</sup> Floor  
Washington, DC 20004

Dear Ms. Wettstein:

Thank you for your June 2, 2004, letter regarding the establishment of the Headquarters Immigration Court (HQIC) at Falls Church, Virginia. As you noted, judges assigned to this new court will hear cases via video-conferencing equipment. I am pleased to answer the questions you have regarding the HQIC.

Video-conferencing (VTC) hearings already are held in immigration courts throughout the United States pursuant to congressional mandate at 8 U.S.C. 1229a(b)(2)(A)(iii), Section 240(b)(2)(A)(iii) of the Immigration and Nationality Act. The hearings held by the immigration judges at the HQIC will be conducted no differently than those VTC hearings now conducted on a daily basis. These hearings will be fundamentally fair and will fully protect the participant's right to procedural due process. Neither the opening of a new court nor the use of video-conferencing equipment warrants a public notice in the Federal Register.

Initially, HQIC judges will assist existing courts with their dockets. As such, they will be considered to be sitting in, and a part of, the base city court. Accordingly, the local operating procedures of the base city court will be applied to HQIC proceedings. Although the HQIC Immigration Judges will have the ability to accept new charging documents, the venue for cases heard by the judges will remain with the court in which the charging document was filed initially. It is expected that respondents, attorneys, witnesses, and other observers will appear in the court in which venue lies because it will be more convenient for them. However if an attorney or witness is geographically closer in proximity to the HQIC, their appearance in Falls Church would be permissible in coordination with the Immigration Judge.

**Ms. Nadine K. Wettstein**  
**Director, Legal Action Center**  
**American Immigration Law Foundation**

2

The use of VTC equipment does not change the adjudicative quality of hearings or change decisional outcomes in cases. We are confident that, as in the past, the use of video-teleconferencing equipment will permit us to better address our caseload while ensuring fairness to all participants.

Sincerely,

Kevin D. Rooney  
Director



**U. S. Department of Justice**

**Executive Office for Immigration Review**

*Office of the Director*

**D**irector

*5107 Leesburg Pike, Suite 2600*

*Falls Church, Virginia 22041*

June 18, 2004

**Mr. Robert D. Evans**  
**D**irector  
American Bar Association  
Governmental Affairs Office  
740 15th Street, N.W.  
Washington, D.C. 20005

**D**ear Mr. Evans:

Thank you for your June 9, 2004, letter regarding the establishment of the Headquarters Immigration Court (HQIC) at Falls Church, Virginia.

As you noted, judges assigned to the HQIC will hear cases via video-teleconferencing (VTC) equipment. VTC hearings already are held in immigration courts throughout the United States pursuant to congressional mandate at 8 U.S.C. 1229a(b)(2)(A)(iii), Section 240(b)(2)(A)(iii) of the Immigration and Nationality Act. The hearings held by the immigration judges at the HQIC will be conducted no differently than those VTC hearings now conducted on a daily basis. These hearings will be fundamentally fair and will fully protect the participant's right to procedural due process. Neither the opening of a new court nor the use of video-teleconferencing equipment warrants a public notice in the Federal Register.

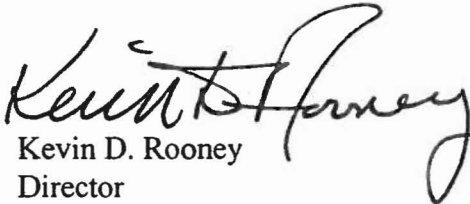
Initially, HQIC judges will assist existing courts with their dockets. As such, they will be considered to be sitting in, and a part of, the base city court. Accordingly, the local operating procedures of the base city court will be applied to HQIC proceedings. Although the HQIC Immigration Judges will have the ability to accept new charging documents, the venue for cases heard by the judges will remain with the court in which the charging document was filed initially. It is expected that respondents, attorneys, witnesses, and other observers will appear in the court in which venue lies because it will be more convenient for them. However if an attorney or witness is geographically closer in proximity to the HQIC, his/her appearance in Falls Church will be permissible in coordination with the Immigration Judge.

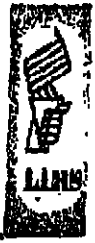
Mr. Robert D. Evans  
Director  
Governmental Affairs Office

2

The use of VTC equipment does not change the adjudicative quality of hearings or change decisional outcomes in cases. We are confident that, as in the past, the use of video-teleconferencing equipment will permit us to address our caseload better while ensuring fairness to all participants.

Sincerely,

  
Kevin D. Rooney  
Director



**L.I.R.S.**  
700 Light Street  
Baltimore, MD 21230

**FAX Cover  
Sheet**

410 - 230 - 2700  
410 - 230 - 2791

Date: 9/08/00

Number of pages (including cover): 6

SENT TO: Name: Chude Adkins-Blanch

Company: FOIR

Phone Number: 703/305-0470

FAX Number: 703/305-0443

SENT BY: Name: MATT WILCH

Phone Number: 410/230-2721

Email address: mwilch@lirs.org

**DESCRIPTION:**

These a brief back ground sheets for  
the representation discussion and  
the video conferencing discussion.

**FILE**  
ADS 8-1  
BO



# CATHOLIC LEGAL IMMIGRATION NETWORK, INC.

McCormick Pavilion  
415 Michigan Avenue, N.E., Washington, DC 20017 (202) 635-2556 Fax (202) 635-2649  
E-mail: NATIONAL@CLINICLEGAL.ORG

## NATIONAL OFFICE

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1117 N. Stanton, #200  
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TO: Interested Parties

FR: Christina DeConcini *CD*  
Director of Advocacy, CLINIC

Northwest Field Office  
FDR Station  
P.O. Box 1390  
New York, NY 10150-1390  
Tel: (212) 826-6251  
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E-mail: CLINICNY1@aol.com

RE: Due Process Concerns Arising from Video Conference Hearings

DT: September 7, 2000

Northwest Field Office  
564 Market Street  
Suite 416  
San Francisco, CA 94104  
Tel: (415) 362-8677  
Fax: (415) 394-8696  
E-mail: CLINICSF@aol.com

CLINIC recently surveyed practitioners throughout the country who have had experience representing detained clients via video conference hearings. Every practitioner interviewed reported serious due process concerns resulting from video conference hearings. Below is a summary of the findings.

### 1) Use of Video Conferencing:

Use of video conferencing varies significantly between jurisdictions. Some jurisdictions only use the system for preliminary or master calendar hearings while others use it for both master calendar and merits hearings. In one jurisdiction where the system was observed, at least half of the cases it was used for were asylum seekers with no criminal background. Some courts that have the video equipment choose not to use it. The EOIR predicts that by the end of the year, 31 immigration courts will have operational video conferencing hearing systems and that all immigration courts will have the system as soon as the budget allows.

### 2) Location of Parties; Physical Limitations

In most cases, the detainee is in a cell block with a guard and appears by video in the courtroom where the LJ, INS trial attorney, translator and detainee's attorney (if he has one) is located. Those in the courtroom see the detainee on a T.V. screen. Many practitioners stated that there are often problems with contrast and focus on the small screen and it is difficult to observe facial expressions or emotions. This interferes with the detainee's ability to fairly present his case. Likewise, the detainee has a difficult time picking up the nuances of people in the courtroom such as body language, cues regularly relied on when communicating in person.



The detainee is dressed in prison clothing and in some jails is handcuffed during the hearing. Because he is in a jail cell, with a prison guard and usually not with his attorney, he often does not feel at ease or comfortable. For many detainees, this is their first time every speaking into a camera or communicating with people via video. They often feel intimidated by the experience.

An attorney representing a man seeking protection under the Convention Against Torture, chose to be present with his client, who was held at a maximum security state jail, located one and a half hours north of Milwaukee, during the master calendar hearing. The client, the client's parents, the attorney and the nurse controlling the video camera were crammed into an examination room at the infirmary in the jail for this hearing. The U, INS trial attorney and translator were in the courtroom. The attorney felt so disconnected from the proceeding during this process that he chose to appear in the courtroom during the merits hearing in order to better understand and see what was going on in the courtroom. Unfortunately, his client did not have this option.

### 3.) Translation Problems:

Because the court translator is located with the judge in the immigration court and not with the detainee, it is nearly impossible for the translator to pick up natural cues, body language and hesitations that signal the translator or the applicant to speak or pause, as these are not transmitted via the video camera. The translator is not projected on the screen shown to the detainee. Thus, it is impossible for the translator to use hand signals and eye contact to interrupt the applicant's speech to allow for translation. This often leads to longer periods of speech before translation, which increases the likelihood that information is forgotten or omitted during translation. These problems are only exacerbated when the translator does not appear in person in the courtroom, but instead by speaker-phone.

In the absence of the applicant's presence in the courtroom, there is a greater tendency for the U to speak without pausing for translation. As a distant figure on a screen, the applicant (and his/her need for translation) are often forgotten. Attorneys noted the need to be assertive to ensure ongoing translation throughout the hearing. Several practitioners noted that during hearings, only questions posed directly to the applicant, and the applicant's answers were translated. Preliminary matters and motions and even the judge's decision are not translated in some courts. One practitioner recalled that the closing arguments at a merits hearing would have proceeded without translation, had she not interrupted and insisted it be translated. The detainee's isolation and confusion is compounded by these translation problems.

### 4. Credibility:

The image of detainees in prison clothing, located in cell blocks and sometimes handcuffed unduly prejudice him by making him look like a criminal. Frequent complaints about the image projected by the camera further interferes with accurate

determinations of the applicant's credibility by the IJ. The camera is often fuzzy, has poor resolution and contrast, freezes, appears to be in slow motion or suddenly cuts off. For detainees with dark complexions, their mannerisms, expressions and eyes are particularly hard to see. Eye contact, body language and emotions -- all factors that influence credibility findings -- are not captured by the video camera.

Detainees who are ill-prepared (especially those who are unrepresented) do not know where to look during the video hearing. Others appear to have difficulty (or find it unnatural) responding to a camera. As a result, their appearance may be perceived as unconvincing or insincere to the Immigration Judge.

One attorney stated that the "video hearing experience was a surreal experience, with my client transformed into a piece of electronic equipment."

#### 5. Audio Problems:

Practitioners complained that the poor audio quality during hearings, coupled with clients' strong accents made it difficult to comprehend applicants. One attorney, who was located in the detention center with her client, noted that if, while she was speaking, any noise from the courtroom was picked up by the recorder, even those as minor as shuffling of papers, her speech was immediately cut off by the recorder. Another attorney reported repeated translation errors, caused in part by the poor audio system, during a merits hearing. If she had not had a volunteer translator with her she would not have been able to object to, and correct, the dozens of translation errors (including translating "Holland" as "Uganda") being made by the court translator.

#### 6. Elimination of Confidential Attorney-Client Communication:

The video conference format eliminates the ability for attorney and client to communicate privately as they would be able to if they are in the same room and seated next to one another. Confused or anxious clients are unable to privately request information from, convey worries to, or ask for clarification from their attorneys during video conference hearings. As a result, important information, that an attorney and his/her client would be able to exchange during a normal hearing, may be omitted or misunderstood. This interferes with the attorney's ability to effectively present the case.

#### 7. Inadequate Notice of Hearing and Service of Documents:

Poor coordination between INS, EOIR and prison officials results in detainees often not receiving documents that are faxed or mailed to the prisons by INS attorneys. Attorneys also cited several examples where they failed to receive notice of hearings.

#### 8. Identification of Evidence Difficult:

Since most of the video system operators cannot maneuver the camera to focus close-up on a particular object, there is no routine way to show a client a document for

identification, or to refresh his recollection. At a master calendar hearing held by video conference one and half hours outside of Milwaukee, the client had not seen the charging document. There was supposed to be a slid-like mechanism to allow for the Notice to Appear to appear on the screen, but it did not work.

Conclusion:

These are some of the most common problems experienced by practitioners representing people via video conferencing. In each instance, practitioners experienced a system that directly interfered with the full and fair hearing due process affords every alien. In addition, the video conferencing system impedes counsel's ability to effectively present a case. CLINIC opposes the use of video conferencing hearings because of these serious due process concerns.

**Asylum Representation**  
**DWN Meeting with EOIR Director Kevin Rooney**  
**Andrew Schoenholtz, Georgetown University**  
**September 12, 2000**

**1. Representation matters in pursuing a claim in a complex legal system**

**Outcomes: 4-6 times more likely to be granted asylum when represented (Table 1)**

**No shows: *pro se* are 8 times more likely not to show at Immigration Court (no shows make up 30% of the *pro se* caseload in affirmative cases, over 6,000 in FY 1999) (Table 2)**

**2. Nationality matters as to who gets represented**

**Affirmative: 17% (Vietnam) to 98% (Yugoslavia); average 64% (Table 3)**

**Defensive: 57% (Vietnam) to 99% (Sri Lanka); average 82% (Table 3)**

**3. Locality matters as to who gets represented and just how important representation is to outcome**

**Representation: the range is considerable—from 23% in Atlanta and 51% in Los Angeles to 87% in New York in affirmative cases (Table 4)**

**Outcomes: while representation makes a considerable difference everywhere, the degree of difference varies significantly. The national grant rate for represented asylum seekers in affirmative proceedings was 37%; Seattle, Miami, Houston, and Arlington grant rates are all in the low to mid-20's, while Baltimore and Philadelphia have 54% and 49% grant rates, respectively, for represented asylum seekers (Table 5)**

**4. Too many asylum seekers lack any kind of representation (let alone competent representation)**

**INS Asylum Offices: 3 out of 4 were not represented in FY 1998; improved to 2 out of 3 in FY 1999 and so far in FY 2000, but still very low (Table 6)**

**Immigration Court, Affirmative Cases (which constitute 80+% of all cases): more than 1 out of 3 lack representation (20,000 in FY99) (Table 7)**

**Detention: as a percentage, more than twice as many detained asylum seekers lack representation when compared with non-detained asylum seekers in defensive proceedings (Table 8)**

**Sources: EOIR (FY 1999); INS Asylum Office (FY 1998 and 1999)**

O'Leary —  
See me.  
mgl

**From:** Michael McGoings  
**To:** Armstrong, Jere; Creppy, Michael; O'Leary, Brian  
**Date:** Wed, Sep 27, 2000 12:00 PM  
**Subject:** Fwd: "Reality TV..."

FYI. If you have not seen the article I can fax one to you.

**FILE**  
ADS 8-1  
Bo

**From:** Thomas Bonita  
**To:** CAs  
**Date:** Wed, Sep 27, 2000 11:14 AM  
**Subject:** "Reality TV..."

The September 1 issue of Bender's Immigration Bulletin contains an article by Peggy Gleason of CLINIC in DC, entitled "Reality TV for Immigrants: Representing Clients in Video Conference Hearings." The article is highly critical of the use of video conferencing by the Immigration Courts, both in theory and in our implementation. While there are some valid points, the article contains numerous inaccuracies, generalizations, and complaints that have nothing to do with the use of video. All CA's and IJ's involved in video hearings should be aware of this article, for it's valid and invalid content as well as its "Practice Tips on Representing People in Video Hearings" If HDQ wants to consider a response, I for one would be happy to assist.--->TJB

**CC:** David Crosland

DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
TELECOPIER COVER SHEET

DATE:

9/27/00

TIME:

9:20 A.M.

TO:

NAME: Judge  
O'Heary  
OFFICE:

FROM:

NAME: Judge  
McGuings  
OFFICE:

PHONE:

(702) 305-1247

PHONE:

(520) 466-3071

FAX NO.:

(702) 305-1448

FAX NO.:

NUMBER OF PAGES:

7

(Including Coversheet)

SUBJECT:

COMMENTS:

**REALITY TV  
FOR IMMIGRANTS:  
REPRESENTING CLIENTS IN  
VIDEO CONFERENCE  
HEARINGS**

*By Peggy Gleason\**

How can the practitioner effectively represent an image of an asylum seeker on a TV screen? Is it possible to convince the judge of the client's credibility when the client does not personally appear in the courtroom? Do video hearings really comply with constitutional requirements of due process and right to counsel? These are questions that many practitioners will soon be facing. Under the new video conference hearing system authorized by IIRIRA, removal hearings for detained aliens now routinely take place in many immigration courts where the alien is only present on a video monitor. By the end of this year, the Executive Office for Immigration Review (EOIR) estimates that 31 immigration courts will have operational video conference hearing systems. An administrator at the EOIR responsible for overseeing the installation of the systems states that all immigration courts will have the video hearing systems as soon as the budget allows.

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\* Peggy Gleason is a Senior Attorney with Catholic Legal Immigration Network (CLINIC) in Washington, D.C. She provides technical support services and training to local diocesan immigration programs. She previously worked as a staff attorney for Colorado Rural Legal Services Farmworker program, and as a attorney for Micronesian Legal Services in the Marshall Islands.

(Matthew Bender & Co., Inc., Pub. 421)

INA § 240(b)(2)(1), enacted with IIRIRA, allows the INS to hold removal proceedings in person, through video or telephonic conference. There is no restriction whatsoever on the use of video conference hearings. However, the statute specifies that to conduct telephonic hearings on the merits of a case, the alien must first be advised of the right to proceed in person or through video conference. There are no regulations nor published guidelines on implementation of this provision, and immigration courts that have the video equipment are approaching its use somewhat differently in each jurisdiction.

The video conference system is now used for detained cases, including non-criminal asylum seekers and detainees with criminal convictions, among them many long-term lawful permanent residents. In one jurisdiction where the video system was observed, at least half of the detained cases were asylum seekers with no criminal background. Some courts have decided to use the video system only for preliminary or master calendar hearings, while others have fully embraced the system and use it for both master calendar and merits hearings. Other courts that have the equipment seem to have resisted using it thus far.

In a typical video hearing, the detainee sits in a room in a detention center with a prison guard near by. He is dressed in prison clothing and he faces a video camera. In some jails the detainee may be handcuffed during the hearing. The attorneys for both the INS and the detainee are in the immigration courtroom many miles away, as are the immigration judge and

Vol. 5, No. 17 (September 1, 2000)



the translator. A television is set up in the courtroom, and the image of the detainee is projected on it. There is a smaller screen within the screen (picture-in-picture) that reflects the image being projected to the detainee in the jail. The camera in the courtroom is controlled by the immigration judge, or the support personnel, while the camera in the jail is controlled by a prison guard. The image of the detainee on the screen is small, and contrast and focus seem to present problems. It is difficult to observe facial expressions or emotion.

There are numerous practical difficulties to be faced in trials by video conference. The judge relies on the prison guard to assist in such matters as distributing application forms for relief, or advising the detainee how to contact his counsel. Most detainees go through the entire hearing process unrepresented. Since the detention centers are often located in remote areas, even those persons who have counsel may not meet their attorney in person, and instead prepare for their hearing over the telephone.

The court translator is also located with the judge in the immigration court. The difficulties of effective translation are compounded by the distance, as visual cues, body language, and hesitations are hard to gauge on the small screen image. The translator is not projected on the screen shown to the detainee. Thus, the translator and the detainee cannot use eye contact or hand signals to signal when the speaker should pause to allow translation. Also, the courts often dispense with translation in video hearing cases for all matters except questions being asked directly of the detainee. Preliminary matters and

motions, opening and closing arguments, and even the judge's decision are not translated in some courts. This furthers the detainee's confusion and isolation from the hearing.

The video conference equipment is still a novelty in most jurisdictions, and its operation presents technical challenges. The video image sometimes freezes, requiring long periods of trouble-shooting before it resumes. In one court, the prison guard in charge of the video camera pointed the camera so that detainees only appeared on the screen from the neck up. In another, the video images appeared to move in slow motion part of the time. The sound system presents challenges that routinely interfere with testimony, since background noises are picked up at equal volume. Persons speaking accented English are even harder to understand on video, since it is difficult to observe their facial expressions and gestures, and the sound is not as clear as it would be in person.

Use and identification of evidence also pose new challenges in the video setting. Since most of the video system operators cannot maneuver the camera to focus close-up on a particular object, there is no routine way to show a client a document for identification, or to refresh his recollection. In some cases, this means that the detainee is not shown the charging Notice to Appear during the video hearing. Instead of asking the detainee to identify the Notice to Appear, the judges often rely on a signature or thumb print to show that service has been made.

Notice of hearing and service of documents on detainees and counsel is

also uncertain in the video hearing process. Since coordination between INS, EOIR, and the local prisons is poor, documents that are faxed or mailed to the prisons by INS attorneys sometimes do not reach the detainees. Notice of hearing to counsel also seems to suffer from this lack of coordination. One practitioner who has represented six different persons in the video conference system advised that the only way to reliably find out when hearings are scheduled is to call the computer information line at EOIR [(800) 898-7180], since calls to the local immigration court resulted in no information. The administrative support that applies to the normal immigration court operations appears to be disconnected from the video hearings for the detained in many jurisdictions. Also, the personnel working in the local jails are not immigration employees, and their knowledge of the entire immigration process is sketchy at best.

With Catholic Charities, Washington, DC, I recently represented a detained Iraqi asylum seeker who went through the video hearing process in Arlington, VA. Mr. M was detained in a county jail in Farmville, VA, four hours away from the court. He arrived in the U.S. with a false Dutch passport, and was put in an "asylum only" removal proceeding by INS. We applied for parole and were ignored by INS, even though we were able to find a local contact who agreed to house Mr. M. I interviewed Mr. M several times over the phone, with an Arabic translator, before sending him a draft of his asylum application and affidavit. I was able to call the jail and have Mr. M brought to the phone at specific times.

Fortunately, Mr. M could read and write English, although he could not speak it, and he was able to make corrections to the written documents. We mailed corrections back and forth a few times before I was able to drive down to Farmville and meet with him in person. I had to find a volunteer translator who was willing to spend the whole day doing this as well, since the eight-hour round-trip drive and the two hours at the jail made for a long day. Everything had to be done as quickly as possible, since the court keeps detained cases on the expedited docket, and this made preparation very difficult. Mr. M advised me right away on numerous documents critical to his case that he had left with friends in the Netherlands en route to the United States. It took two weeks to have them sent here, and then we had to have 50 pages of Arabic and Dutch documents translated. By a fluke, the court's schedule was slowed down during the month this began because of several conferences and a week-long trial that occupied the judge. Thus, I actually had one month to prepare — a luxury in these cases. I also had the great good fortune to have two hard-working interns, Ben Doherty and Kathleen Moroney, to pursue witnesses, find translators and write briefs.

Mr. M told me about potential witnesses who could give statements in support of his case, but they were located in the Netherlands, and I could only contact them by fax. We managed to obtain two such statements from the leadership of his political party, and we found local experts in the United States who wrote opinion letters in support of Mr. M's claim. We wrote a brief and compiled the

necessary background information on treatment of opposition political parties in Iraq. The key to Mr. M's case, however, was preparation of his oral testimony, so more visits to the Farmville prison were needed.

Like many asylum applicants, Mr. M was the only witness in his case. When I first met him, he was a nervous and didactic speaker. He appeared panicked by the entire setting, and would interrupt his questioner without hearing the question so that he could tell his story in the order he wanted to tell it. He would begin somewhere in the middle, and would become very excited over some tangential story, and then gradually work his way back to the main story. Understandably, he wanted to talk about how miserable he was in jail. He appeared to have an attitude of arrogance when speaking, even when he was speaking to the judge. What appeared to be arrogance may really have been fear, but in any case it was not going to play well in court. My biggest challenge was to teach Mr. M how to tell his story in a chronological fashion, to respond to questions with direct answers, and to show deference to the judge. With the assistance of an Iraqi translator who befriended Mr. M, I was able to convey these points. The translator gave him a long lecture about deference and attitude in the hearing. I sent all the questions for his direct examination to him in advance, and then rehearsed them in person with the assistance of a translator.

At the hearing, Mr. M proved to be an effective witness for himself, answering the questions in a logical fashion, and making as much contact as he could with a judge who was only an image on a video monitor. I had to

rethink the normal advice I give to clients, such as "look at the judge when you answer my questions." Instead, I told him to look straight at the video camera, and to say "your honor" as often as possible.

Overall, the video hearing experience was a surreal experience, with my client transformed into a piece of electronic equipment, and it was certainly no less strange for Mr. M, who was huddled in the jail room staring at a camera. We had technical video problems, such as the frozen screen in the midst of direct examination, and a translator who had difficulty hearing Mr. M accurately. When Mr. M said he had traveled through "Holland" en route, it was translated as "Uganda," to cite one example. I was able to object to repeated mistakes in translation because I had a volunteer Arabic translator seated beside me in court, furiously passing me notes throughout the hearing. The volunteer was Iraqi like Mr. M, and was familiar with some of the local vocabulary that was not shared by the Moroccan translator. The volunteer also knew the particulars of Mr. M's story, since he had been working with me throughout the case. Fortunately, Mr. M was granted asylum despite the difficulties of presenting his case in the video format.

### Practice Tips on Representing People in Video Hearings

1. *Object to the Video Hearing* — Make a motion for a live appearance in lieu of a video hearing. It will probably be denied, as the statute authorizes these hearings, but the constitutionality of such court hearings remains to be tested. You should

challenge the immigration court's use of video on merits hearings, as it interferes with the full and fair hearing that due process affords every alien in proceedings, and it hampers counsel's ability to effectively present a case. Use an affidavit from your client to support the motion, detailing the difficulties he has hearing the proceedings, understanding the translator, and communicating with his lawyer. When technical difficulties recur throughout the hearing, renew your motion.

**2. Prepare Your Client In Person —** Since detained clients are held in jails many hours away from the courts, many practitioners taking these cases are only preparing with their clients over the phone. Preliminary work can be done in phone calls and exchange of written documents, if your client is literate in English. To finalize affidavits and contents of applications, as well as to prepare live testimony, there is no substitute for a personal meeting with the client.

**3. Insist on Translation of the Entire Proceeding —** Many courts treat video conference cases differently than live appearance cases, and do not ask the court translator to translate preliminary matters, arguments by either counsel, or any matters other than questions made directly to the detainee. A person in proceedings has an absolute right to translation as part of the right to present evidence and to cross-examine witnesses. Try to have your own volunteer translator present in the court to apprise you of any problems that arise with the court translation.

**4. Request Attorney-Client Conference**

**Time —** The video conference format does not allow the attorney and client to communicate privately in the way that you would if you were in the same room and seated next to your client. Ask that the judge instruct your client to raise his hand or make a signal during the hearing if he needs to communicate with you privately. Request that the court also allow you a few minutes off the record with your client prior to beginning the hearing.

**5. Publicize these Cases —** The video hearing process is an affront to fundamental fairness. When you have a particularly deserving case that must go through this system, try to obtain publicity on it. Most Americans would be shocked to learn that the sacred right to "a day in court" has been reduced to a video screen appearance.

**6. Object To Lack of Notice —** Many representatives report that notice of hearing as well as the notice to appear are often not served in a timely manner on the alien or on counsel. There is an absolute right to effective notice of charges and scheduled hearings in immigration court, and you should ask for a continuance anytime this right has been violated.

**7. Object to Prison Clothing and Handcuffs —** All detained cases appear in video hearings in prison clothing. In some jails, they are even handcuffed during the hearing. These factors make the detainee appear as a criminal, and unduly prejudice him in the presentation of his case. Request that your client be allowed to wear non-prison clothing for the hearing, and insist that he not be handcuffed.

I would be pleased to speak with anyone who wants further information on the video hearing process. I would also like to hear your experiences in

representing clients in this setting. I can be reached at [pgleason@cliniclegal.org](mailto:pgleason@cliniclegal.org), or (202) 635-5823.

### CALL FOR UNPUBLISHED DECISIONS

If you have been involved in a proceeding before the BIA, AAO, BALCA, OCAHO, or federal courts that has resulted in an unpublished decision that you believe may be of interest to the immigration bar, please fax a copy of the decision to Daniel M. Kowalski at (206) 652-2926 or e-mail a scanned version in PDF to [kowalski@ryanlaw.com](mailto:kowalski@ryanlaw.com). We would be happy to summarize the decision in a future issue of the BULLETIN and to make full-text copies of the decision available to readers upon request.

### BIA DECISIONS

*Matter of Cuevas-Garcia*, A90 195 715 (BIA Feb. 23, 2000) (unpublished): Respondent was convicted in the U.S. District Court, California, on February 20, 1998, of eight counts of mail fraud and two related counts. All counts were part of the same scheme to defraud CareAmerica. Respondent was sentenced to 15 months imprisonment on each count to be served concurrently and was ordered to pay restitution in the amount of \$52,638.09. The IJ found him removable due to his conviction for an aggravated felony under §237(a)(2)(A)(iii) of the INA. Respondent appealed, arguing that the record of conviction indicated that no single count involved loss to the victim exceeding \$10,000, and therefore could not be considered an aggravated felony.

The Board found that for a fraud offense to be considered an aggravated

felony under §101(a)(43)(M)(i) of the Act it must 1) involve fraud or deceit; and 2) involve loss to the victim of over \$10,000. The Board held that "there is no question that each of the relevant separate counts of the indictment involve fraud; and the judgment, which orders the respondent to pay over \$52,000 restitution to CarAmerica, establishes that this fraud...involved loss to the victim of over \$10,000."

The Board also noted that although the IJ relied on a case that was later withdrawn (*Souetti v. INS*) they agreed with the prior Board analysis in that case.

Appeal dismissed.

Respondent was represented by Paul Medved.

*Matter of Clerjuste*, A72 444 612 (BIA Mar. 8, 2000) (unpublished): An IJ found that respondent's aggravated felony conviction was for a per se particularly serious crime and ordered

**Asylum Representation**  
**DWN Meeting with EOIR Director Kevin Rooney**  
**Andrew Schoenholtz, Georgetown University**  
**September 12, 2000**

**1. Representation matters in pursuing a claim in a complex legal system**

**Outcomes: 4-6 times more likely to be granted asylum when represented (Table 1)**

**No shows: *pro se* are 8 times more likely not to show at Immigration Court (no shows make up 30% of the *pro se* caseload in affirmative cases, over 6,000 in FY 1999) (Table 2)**

**2. Nationality matters as to who gets represented**

**Affirmative: 17% (Vietnam) to 98% (Yugoslavia); average 64% (Table 3)**

**Defensive: 57% (Vietnam) to 99% (Sri Lanka); average 82% (Table 3)**

**3. Locality matters as to who gets represented and just how important representation is to outcome**

**Representation: the range is considerable—from 23% in Atlanta and 51% in Los Angeles to 87% in New York in affirmative cases (Table 4)**

**Outcomes: while representation makes a considerable difference everywhere, the degree of difference varies significantly. The national grant rate for represented asylum seekers in affirmative proceedings was 37%; Seattle, Miami, Houston, and Arlington grant rates are all in the low to mid-20's, while Baltimore and Philadelphia have 54% and 49% grant rates, respectively, for represented asylum seekers (Table 5)**

**4. Too many asylum seekers lack any kind of representation (let alone competent representation)**

**INS Asylum Offices: 3 out of 4 were not represented in FY 1998; improved to 2 out of 3 in FY 1999 and so far in FY 2000, but still very low (Table 6)**

**Immigration Court, Affirmative Cases (which constitute 80+% of all cases): more than 1 out of 3 lack representation (20,000 in FY99) (Table 7)**

**Detention: as a percentage, more than twice as many detained asylum seekers lack representation when compared with non-detained asylum seekers in defensive proceedings (Table 8)**

**Sources: EOIR (FY 1999); INS Asylum Office (FY 1998 and 1999)**

identification, or to refresh his recollection. At a master calendar hearing held by video conference one and half hours outside of Milwaukee, the client had not seen the charging document. There was supposed to be a slid-like mechanism to allow for the Notice to Appear to appear on the screen, but it did not work.

Conclusion:

These are some of the most common problems experienced by practitioners representing people via video conferencing. In each instance, practitioners experienced a system that directly interfered with the full and fair hearing due process affords every alien. In addition, the video conferencing system impedes counsel's ability to effectively present a case. CLINIC opposes the use of video conferencing hearings because of these serious due process concerns.

determinations of the applicant's credibility by the DJ. The camera is often fuzzy, has poor resolution and contrast, freezes, appears to be in slow motion or suddenly cuts off. For detainees with dark complexions, their mannerisms, expressions and eyes are particularly hard to see. Eye contact, body language and emotions -- all factors that influence credibility findings -- are not captured by the video camera.

Detainees who are ill-prepared (especially those who are unrepresented) do not know where to look during the video hearing. Others appear to have difficulty (or find it unnatural) responding to a camera. As a result, their appearance may be perceived as unconvincing or insincere to the Immigration Judge.

One attorney stated that the "video hearing experience was a surreal experience, with my client transformed into a piece of electronic equipment."

#### 5. Audio Problems:

Practitioners complained that the poor audio quality during hearings, coupled with clients' strong accents made it difficult to comprehend applicants. One attorney, who was located in the detention center with her client, noted that if, while she was speaking, any noise from the courtroom was picked up by the recorder, even those as minor as shuffling of papers, her speech was immediately cut off by the recorder. Another attorney reported repeated translation errors, caused in part by the poor audio system, during a merits hearing. If she had not had a volunteer translator with her she would not have been able to object to, and correct, the dozens of translation errors (including translating "Holland" as "Uganda") being made by the court translator.

#### 6. Elimination of Confidential Attorney-Client Communication:

The video conference format eliminates the ability for attorney and client to communicate privately as they would be able to if they are in the same room and seated next to one another. Confused or anxious clients are unable to privately request information from, convey worries to, or ask for clarification from their attorneys during video conference hearings. As a result, important information, that an attorney and his/her client would be able to exchange during a normal hearing, may be omitted or misunderstood. This interferes with the attorney's ability to effectively present the case.

#### 7. Inadequate Notice of Hearing and Service of Documents:

Poor coordination between INS, EOIR and prison officials results in detainees often not receiving documents that are faxed or mailed to the prisons by INS attorneys. Attorneys also cited several examples where they failed to receive notice of hearings.

#### 8. Identification of Evidence Difficult:

Since most of the video system operators cannot maneuver the camera to focus close-up on a particular object, there is no routine way to show a client a document for



The detainee is dressed in prison clothing and in some jails is handcuffed during the hearing. Because he is in a jail cell, with a prison guard and usually not with his attorney, he often does not feel at ease or comfortable. For many detainees, this is their first time every speaking into a camera or communicating with people via video. They often feel intimidated by the experience.

An attorney representing a man seeking protection under the Convention Against Torture, chose to be present with his client, who was held at a maximum security state jail, located one and a half hours north of Milwaukee, during the master calendar hearing. The client, the client's parents, the attorney and the nurse controlling the video camera were crammed into an examination room at the infirmary in the jail for this hearing. The U, INS trial attorney and translator were in the courtroom. The attorney felt so disconnected from the proceeding during this process that he chose to appear in the courtroom during the merits hearing in order to better understand and see what was going on in the courtroom. Unfortunately, his client did not have this option.

### 3.) Translation Problems:

Because the court translator is located with the judge in the immigration court and not with the detainee, it is nearly impossible for the translator to pick up natural cues, body language and hesitations that signal the translator or the applicant to speak or pause, as these are not transmitted via the video camera. The translator is not projected on the screen shown to the detainee. Thus, it is impossible for the translator to use hand signals and eye contact to interrupt the applicant's speech to allow for translation. This often leads to longer periods of speech before translation, which increases the likelihood that information is forgotten or omitted during translation. These problems are only exacerbated when the translator does not appear in person in the courtroom, but instead by speaker-phone.

In the absence of the applicant's presence in the courtroom, there is a greater tendency for the U to speak without pausing for translation. As a distant figure on a screen, the applicant (and his/her need for translation) are often forgotten. Attorneys noted the need to be assertive to ensure ongoing translation throughout the hearing. Several practitioners noted that during hearings, only questions posed directly to the applicant, and the applicant's answers were translated. Preliminary matters and motions and even the judge's decision are not translated in some courts. One practitioner recalled that the closing arguments at a merits hearing would have proceeded without translation, had she not interrupted and insisted it be translated. The detainee's isolation and confusion is compounded by these translation problems.

### 4. Credibility:

The image of detainees in prison clothing, located in cell blocks and sometimes handcuffed unduly prejudice him by making him look like a criminal. Frequent complaints about the image projected by the camera further interferes with accurate

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TO: Interested Parties

FR: Christina DeConcini *CD*  
Director of Advocacy, CLINIC

RE: Due Process Concerns Arising from Video Conference Hearings

DT: September 7, 2000

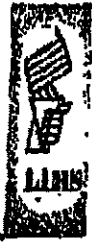
CLINIC recently surveyed practitioners throughout the country who have had experience representing detained clients via video conference hearings. Every practitioner interviewed reported serious due process concerns resulting from video conference hearings. Below is a summary of the findings.

### 1) Use of Video Conferencing:

Use of video conferencing varies significantly between jurisdictions. Some jurisdictions only use the system for preliminary or master calendar hearings while others use it for both master calendar and merits hearings. In one jurisdiction where the system was observed, at least half of the cases it was used for were asylum seekers with no criminal background. Some courts that have the video equipment choose not to use it. The EOIR predicts that by the end of the year, 31 immigration courts will have operational video conferencing hearing systems and that all immigration courts will have the system as soon as the budget allows.

### 2) Location of Parties; Physical Limitations

In most cases, the detainee is in a cell block with a guard and appears by video in the courtroom where the LI, INS trial attorney, translator and detainee's attorney (if he has one) is located. Those in the courtroom see the detainee on a T.V. screen. Many practitioners stated that there are often problems with contrast and focus on the small screen and it is difficult to observe facial expressions or emotions. This interferes with the detainee's ability to fairly present his case. Likewise, the detainee has a difficult time picking up the nuances of people in the courtroom such as body language, cues regularly relied on when communicating in person.



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FAX Cover  
Sheet

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410 - 230 - 2791

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DESCRIPTION:

These are brief background sheets for  
the representation discussion and  
the video conferencing discussion.

**FILE**  
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December 19, 2003

Michael J. Creppy  
 Chief Immigration Judge  
 Executive Office for Immigration Review  
 5107 Leesburg Pike, Ste. 2400  
 Falls Church, VA 22041

Dear Judge Creppy:

I am writing on behalf of the American Bar Association to express grave concern about the tele-video hearings that have recently been implemented at the Port Isabel Service Processing Center (PISPC) in Los Fresnos, Texas. As you are aware, beginning on November 12, 2003, the immigration judge assignments for this facility were changed. One judge is now permanently assigned to the PISPC court and the other three judges are based in the nearby city of Harlingen, and appear through video conference for their detained PISPC dockets. We understand that this new system is causing a multitude of problems for the court, the detainees, and the attorneys. Based on this information, we believe the tele-video hearings should be re-evaluated and that immigration judges should resume in person appearances for individual calendar hearings.

First and foremost, the tele-video hearings may compromise the integrity of the court process. Removal proceedings often carry grave consequences for the respondents, and when a hearing is held through video conference, both the judge and the detainee and his or her lawyers are at a disadvantage. According to our information, the image on the screen is extremely small and the sound often fails. People in court frequently have to shout to be heard and the image is often fuzzy and jerky. In addition, technological problems are common: the video conferencing equipment often shuts off in the middle of the hearing, interrupting detainees' testimony and unduly delaying the proceedings. Moreover, judges in Harlingen sometimes ask the court interpreter to repeat what is being said by

Michael J. Creppy  
December 19, 2003  
Page 2

lawyers and respondents at the detention center because the sound quality is so poor. One judge reportedly didn't even recognize an attorney who had appeared before her scores of times.

Furthermore, the detainees are often confused about the respective roles of those on the video and in the courtroom. At these tele-video proceedings, the trial attorneys appear at the detention center, as does a single clerk. Some judges have the interpreter with them in Harlingen, while others allow the interpreter to go to PISPC. Some defense attorneys appear in Harlingen with the judge while others accompany their clients at the detention center. It has been reported to us that many detainees do not understand the respective roles of those in the courtroom, or which of the people on the screen is the judge. Even some represented detainees erroneously believe that the court is not in session and that their hearings have been canceled because the judge is on TV rather than in court. All of these problems are significantly compounded for unrepresented individuals.

Most importantly, tele-video hearings may render it difficult for an immigration judge to make credibility determinations and gauge demeanor. With the immigration judge unable to clearly see the respondent, the image on the screen is a poor substitute for testimony given live. This is a problem especially in asylum hearings and other applications for relief where findings made with respect to an applicant's credibility are often central to the resolution of the claim. The BIA attaches significant weight to the immigration judge's credibility determination, in large part because the immigration judge supposedly has the opportunity to personally observe the applicant's testimony. Only through in-person testimony can the judge observe the respondent's body language, facial expressions, and tone of voice, all necessary elements in determining credibility.

Finally, this new procedure places the respondent's attorney in a difficult position. If the attorney appears with her client, then she gives up the opportunity to interact in-person with the judge. If the attorney appears with the judge, the client's representation may be compromised, because the attorney is unable to privately confer with her client. This creates an obstacle to the provision of full and meaningful legal representation for the detainees.

We understand that this policy was implemented due to budget constraints. However, while these measures may save the government a modest amount in travel expenses, there are additional costs incurred with the new system. First of all, the case files must be sent by Federal Express from Harlingen to the immigration court at the detention center, at a considerable expense. Additionally, for attorneys appearing with their clients at the detention center, legal motions, supporting declarations and documents that are submitted into evidence on the day of the hearing must be faxed from the detention center to the judge in Harlingen. This process adds additional administrative tasks and delays the hearings. In sum, the master calendar hearings have become much longer and draining for the detainees, immigration court personnel and attorneys.

Michael J. Creppy  
December 19, 2003  
Page 3

Since 1996, the numbers of detained individuals has increased significantly. While we understand the benefits that technology can often provide in broadening access to justice, such innovations must not impair due process protections. Hearings by video conference in this instance, with the technological problems being experienced and the special needs of the detainee population on whom it is being imposed, appear to have serious adverse effects on the detainees and the administration of justice. We strongly urge you to reconsider restoring in-person hearings at the Port Isabel Service Processing Center

Thank you for your attention to this important matter.

Sincerely,

*Robert D. Evans*

Robert D. Evans

1-12-04 - Spc w/ Judge Mc Goy  
He will be away

Executive Office for Immigration Review  
Office of the Chief Immigration Judge

on response  
See of Nav

Concerns to have

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- HELENA
- JOHN
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- LARRY
- LEONARD
- LEVETTE
- LINDA SULLIVAN
- LISA
- LORE
- MADELINE

- MARK *already been*
- MARGOT *addressed this*
- MARIO *J. Hurwitz*
- MARTIN ROLDAN
- MICHAEL MCGOINGS
- MICHAEL PORTER
- MICHAEL RAHILL
- MIRNA
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Comments:

Pls. review — I have assigned  
this matter to Judge Mc Goy

From:

Michael J. Creppy  
Chief Immigration Judge

Date: 12/23/03

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168 S.E. 1st St. Suite 802  
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## FAX COVER SHEET

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FAX NO. (703) 305-1448

TO BE DELIVERED TO: Judge Creppy

COMPANY: \_\_\_\_\_

SENT BY: Mary Kramer

OF: MARY E. KRAMER, P.A.

NUMBER OF PAGES: 4 (including coversheet)

OUR FAX NUMBER IS: (305) 374-3748

MESSAGE: See Attachment

\_\_\_\_\_

\_\_\_\_\_

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AMERICAN IMMIGRATION LAWYERS ASSOCIATION**

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Charles B. Breslow  
(1903-1978)

December 23, 2003

**By Fed Ex & Fax to (703) 305-1448**

**The Honorable Chief Judge Michael Creppy  
Executive Office for Immigration Review  
5107 Leesburg Pike Suite 2600  
Falls Church, VA 22041**

**RE: Proposed video hearings for the  
Broward Transitional Center Court**

Dear Chief Judge Creppy:

It has very recently come to our attention that the Executive Office for Immigration Review intends to replace the current personal courtroom hearings at the Broward Transitional Center ("Pompano") with a court system of video hearings. On behalf of the South Florida Chapter of the American Immigration Lawyers Association ("AILA") we are writing to respectfully request that you do not go forward with these plans, and instead continue with personal courtroom hearings.

As you may know, the South Florida AILA Chapter is comprised of approximately 450 members. We enjoy active liaison with the EOIR, as well as the detention centers, and have a committed and busy pro bono project which serves the Miami Court. Issues of due process and justice are important to our membership, and we are aware that quality legal representation and access to the justice system are significant concerns of your own. It is with the strongest—yet most respectful—of terms that we beg you to reconsider the planned video hearings.

We have several points of concern. The Pompano facility holds approximately 250 beds. It is a fully operational, self-sufficient detention center with its own Officer-In-Charge and Detention Staff. Our membership was invited on a tour of Pompano, and can assure you that the courtroom and EOIR office space are substantial in size and professional in appearance. Indeed, the Pompano courtroom is more spacious and professional (in terms of decorum) than the Krome courtrooms. The Pompano facility is located in Central Broward County, and is an easy drive for immigration judges, private attorneys, witnesses, and DHS attorneys. The facility, in fact, is closer in distance than Krome for practitioners in Northern Miami, Broward, and Palm Beach counties.



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Charles B. Brestlow  
(1903-1979)

We are not aware of any difficulties posed for judges and DHS staff to travel to the Pompano site. Although as attorneys we prefer that our clients be at liberty, our members acknowledge that it is an exceptional facility in every sense of the word.

We ask you to consider that it creates a strong sense of injustice and prejudice (indeed, a violation of equal protection), to treat the females at Pompano different from the males at Krome. As you know, Krome houses only males. Krome has three courtrooms, and often sends visiting judges to hear additional cases as needed. Krome and Pompano are comparable facilities in terms of the type of cases heard (neither of these facilities are IHP track; asylum cases, and other forms of significant relief, are heard in the courts). We question whether it is fair and appropriate to treat the non-criminal females so drastically differently than men, when the dockets are equivalent. It is not just the appearance of discrimination in the eyes of the public ("men get hearings; women don't"); the disparate treatment may indeed be a violation of equal protection.

equal protection argument

In addition, we note the following practical problems associated with off-site video hearings. The majority of the cases at Pompano are asylum claims. Women there may also be eligible for cancellation of removal (INA §240A(b)) and adjustment of status. With this in mind, (1) assessment of credibility is key to proper adjudication of the case; assessment of credibility is hampered by video hearings. (2) Especially in asylum cases, but other types of cases as well, it is important to view evidence. Having the respondent in one location, with the Judge and DHS counsel in another, poses a problem with presenting the original documents and giving all parties concerned an opportunity to review and discuss them. (3) Asylum applications are to be filed in person, in court, and then signed by the respondent in front of the Judge. Video hearings create, obviously, a difficulty in having an I-589 signed in open court. (4) It is cumbersome for an interpreter to interpret well without making eye contact with the witness. The separation and sound-delay cause confusion in interpretations.

(2)  
(3)  
(4)  
(5)

AILA respectfully submits that video hearings can never provide the same quality hearing--and the respondent will never feel that justice was truly served--as a personal appearance before a judge in a real courtroom setting. Although video hearings may serve a purpose in the IHP setting, where the majority of individuals are ineligible for relief and



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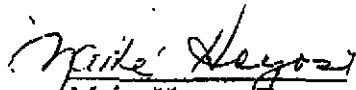
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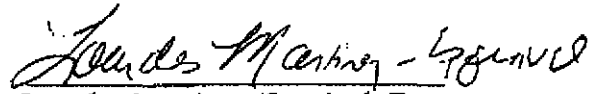
Charles B. Breslow  
(1903-1978)


simply take a final order, we really see no gain—financial, practical, or qualitative—in conducting video hearings for an exceptional facility like Pompano, that is geographically close and extremely accommodating to the Court, the attorneys, and most importantly, the detainees. It is therefore in the name of justice, due process, and equal protection that the South Florida Chapter of AILA asks you to discontinue these plans. We would be pleased to meet with you and discuss this issue further. Thank you for your time.

Sincerely,

  
Maite Hoyos, Esq.

President  
S. FLA Chapter  
Of AILA

  
Lourdes Martinez-Esquivel, Esq.  
S. FLA AILA EOIR Liaison

  
Mary Kramer, Esq.  
S. FLA AILA Detention  
Liaison & Co-Chair  
Legal Assistance Project  
Past-President  
S. FLA Chapter  
Of AILA

Cheryl Little  
Executive Director  
Florida Immigrant Advocacy Center, Inc.  
3000 Biscayne Blvd. #400  
Miami, FL 33137-4129

RE: Use of Video Conferencing for Immigration Hearings at the Broward Transitional Center(BTC) Center in Pompano Beach, Florida

Dear Ms. Little:

We are in receipt of your letter dated December 22, 2003, in which you state your opposition to the use of video-teleconferencing(VTC) to conduct hearings for females housed at the Broward Transitional Center(BTC).

The BTC was opened as a detail hearing location in September, 2002. It was placed under the Krome Immigration Court where it remains today. Hearings for female detainees were conducted via VTC in accordance with the original intent. Following the Haitian Boatload in December, 2002, and the demolition of the VTC courtroom at Krome in January, 2003, judges were sent to BTC to conduct hearings. It was never perceived that this arrangement would be permanent. Thus, with the completion of the new VTC courtroom at Krome, plans are now underway to resume VTC hearings between BTC and Krome. Present plans call for all bond and Master Calendar Hearings to be conducted via VTC from Krome and Individual Hearings to be conducted on-site at BTC. It is anticipated that bond hearings will be completed within one day of filing. The conducting of on-site Individual Hearings at BTC will be reassessed after a six-month trial period.

It is not EOIR's policy to place a permanent judge at facilities with 250 or more detainees as you stated in your letter. Some factors which help decide whether additional resources are needed at a particular hearing location are the pending caseload over a period of years, the number of case filings over several years that give an accurate indication of an upward or downward trend, how far out the court calendars are, and the nature of the caseload. Oftentimes, simply adding judge time through details, telephonic hearings, or VTC can remedy the situation. In addition, the current budgetary crisis the agency is now experiencing has resulted in a hiring freeze.

**ROUTING AND TRANSMITTAL SLIP**

**DATE 03/26/04**

**TO: Name, Office Symbol, Room Number, Building, Agency/Post**

**Initials**

**Date**

1. Acting Chief Immigration Judge  
Brian M. O'Leary

2. — assign to Judge McGee

3. to drop a reply —

4. — copy to CIT, ACITs + Lara

Boj 3/30/07

**REMARKS:**

In Chief Immigration Judge Michael J. Creppy's absence, please find attached a fax from Christina DeConcini, subject: Expanded use of video-conferencing technology in removal proceedings for any action you deem appropriate. If no action is necessary please let me know.

**FROM: Name, Org. Symbol, Agency/Post**

**Room No. -- Bldg.**

Vicki A. Butler  
Staff Assistant to the Chief Immigration Judge

2500

**Phone No.**  
(703 ) 305-1247

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A058-1



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TO: The Honorable Michael J. Creppy, Chief Immigration Judge

FAX NUMBER: (703) 305-1448

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FROM: Christina De Concini

PHONE NUMBER: (202) 635-5912

COMMENTS: \_\_\_\_\_  
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VIA FACSIMILE (703) 305-1448

March 26, 2004

The Honorable Michael J. Creppy  
Chief Immigration Judge  
Executive Office for Immigration Review  
U.S. Department of Justice  
5107 Leesburg Pike, Suite 2600  
Falls Church, VA 22041

Dear Honorable Judge Creppy:

We, the undersigned organizations, write to express concern over the expanded use of video-conferencing technology in removal proceedings. We strongly oppose the use of video hearings and urge the Executive Office for Immigration Review to limit the use of video-conferencing technology. Video hearings increase the likelihood of due process violations. We are particularly concerned about the impact of merit hearings held via video, since due process violations that occur during merit hearings carry significant consequences for individuals in removal proceedings.

To date, the only court to examine the legality of video hearings in removal proceedings found that such hearings could potentially violate due process by depriving an individual of a full and fair hearing.<sup>1</sup> Such hearings are often plagued with technological problems related to defective equipment, and can result in confusion, misunderstandings, delays and rescheduled hearings. ~~Video hearings complicate and sometimes make accurate translation extremely difficult if not impossible.~~ They force legal representatives to choose between appearing in court with the Immigration Judge and Trial Attorney or at the detention facility with a client. Both options unfairly compromise an attorney's ability to effectively represent his or her client. Finally, video hearings deprive Immigration Judges of the opportunity to examine a respondent's demeanor in person. This undermines a respondent's ability to make a sincere impression on the Immigration Judge, and can lead to inequitable credibility determinations.

#### Technical Problems

Immigration Court practitioners report many problems with video-conferencing equipment. The problems include frozen images, camera images that are too small or blurry to see, lack of camera movement throughout the courtroom so that only the Immigration Judge is seen during the hearing, breaks in audio transmission that require

<sup>1</sup> *Rusu v. INS*, 296 F. 3d 316, 321-22 (4<sup>th</sup> Cir. 2002).

much repetition and that slow the pace of the hearing<sup>2</sup>, as well as the interference of background noises picked up by the camera. Technical deficiencies can present several problems for all parties to the hearing, including difficulty in observing courtroom testimony, hearing a speaker, observing physical expressions, etc. Such problems can directly contribute to misunderstandings and consequently erroneous decisions. In a merit hearing, such problems can be especially detrimental to the outcome of a case.

### Translation

Accurate translation is complicated by the physical separation of the translator and respondent. The natural cues, body language, and hesitations that signal the translator or the applicant to speak or pause are much more difficult to determine via video. Depending upon the scope or size of the image captured by the camera, such signs may not be transmitted at all. Video-conferencing makes it impossible for a translator to use hand signals and eye contact to interrupt a respondent's speech to allow for translation. This leads to longer periods of speech before translation, which increases the likelihood that information is forgotten or unintentionally omitted. Accurate translation is critical in all hearings, but especially important in a merit hearing where the substance of a claim for relief from removal is fully articulated.

These problems are further exacerbated when the interpreter does not appear on camera and is therefore not visible to the respondent at the detention facility. Additionally, some practitioners have noted that in the absence of the respondent's presence in the courtroom, there is a greater tendency for the Immigration Judge to speak without pausing for translation. As a distant figure on a screen, the respondent, and his or her need for translation are more easily forgotten. In such cases, attorneys have noted the need to be assertive to ensure ongoing translation throughout the hearing. It has also been noted that in courts where the Immigration Judge regularly instructs the translator sit next to the respondent to translate the final oral decision, the separation of the respondent and translator during hearings held via video makes this practice impossible.

---

Pro se individuals have no advocate in the courtroom working to ensure translation of the complete hearing. As a result, there is a greater probability that such individuals will be adversely impacted by inaccurate or incomplete translation. This will impair their ability to understand the purpose and significance of the hearing.

### Interference with Effective Representation

During video-hearings, legal representatives are forced to choose between appearing in court with the Immigration Judge and trial attorney and appearing at the detention facility with a client. Both options unfairly compromise an attorney's ability to effectively and best represent his or her client. During an in-person hearing, an applicant and his or her attorney sit next to each other in the courtroom. This proximity allows them to exchange

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<sup>2</sup> In one example from an attorney who attended a master calendar hearing held by video, almost everything said by the Immigration Judge had to be repeated at least three times before it was clearly understood because the audio transmission repeatedly failed.



notes, write or discuss questions or concerns that arise and must be clarified during the hearing, and to draw pictures if necessary. If, during a hearing, an attorney chooses to appear in the courtroom with the Immigration Judge, these fundamentals of the attorney-client relationship are lost. Confused or anxious clients separated from their attorneys are unable to privately request information or convey worries during video hearings. This reduces a respondent's ability to participate in his or her hearing in a meaningful manner.

Conversely, if an attorney decides to appear with his or her client, this decision undermines the attorney's ability to effectively cross-examine witnesses brought by the government, or to directly examine witnesses present to testify in support of the respondent. Absence from the courtroom also makes it impossible for the attorney and respondent to view and examine documents submitted by the government at the hearing. Moreover, video hearings decrease the respondent's ability to present convincing evidence of physical injuries related to an asylum, withholding, or Convention Against Torture claims to the Immigration Court. The effect of video presentation of such injuries is not equivalent to the effect of an in-person presentation. The impact of something seen on screen is significantly less than something seen in-person. Effective cross-examination, as well as the ability to present and examine evidence are central to a fair and full hearing. Video hearings undermine one's ability to achieve this.

#### Pro Se Respondents

Due process requires that an individual have the ability to meaningfully participate in a proceeding held against him or her. Respondents in removal hearings often face language barriers, and are unfamiliar with the U.S. legal system and the complex immigration laws that govern their procedures. Hearings held via camera only amplify these obstacles. Furthermore, immigrants in removal proceedings are not afforded court appointed counsel. Those who are unable to secure legal counsel due to their detention must proceed without a legal representative's helpful explanation of the proceedings and laws that apply to their cases. There is a heightened need to ensure the ability of such individuals to meaningfully participate in their hearings. Video-hearings detract from this goal. The remoteness created by the camera decreases the likelihood that the respondent will understand the proceedings around him. Similarly, they make it equally more difficult for an Immigration Judge to ensure that a respondent understands the process and outcome of the proceedings. In-person hearings help to safeguard the fundamental need for the person subject to removal proceedings to understand and effectively participate in the proceeding. This is essential in a merit hearing since the outcome may result in permanent separation from family members residing in the United States or removal to a country where an individual's life may be at stake.

#### Credibility Assessments

An Immigration Judge's credibility determination is one of the most important findings in a removal proceeding. Many forms of relief from removal are dependent upon an Immigration Judge's credibility finding. A process that interferes with a Judge's ability to make a fair credibility finding carries significant consequences for the respondent. In

*Rusu v. INS*, the court found that video hearings "may render it difficult for a fact finder in adjudicative proceedings to make credibility determinations and to gauge demeanor." It is much more difficult to assess the credibility of a small image that appears on a television screen than a live person. Eye contact, body language, facial expressions and demeanor, all factors that influence credibility, cannot be sufficiently captured by video camera. The small size of the video screen and occasionally poor quality of the transmission can make a detainee's expressions and body language extremely difficult for the Immigration Judge to observe. As a result, there is an increased likelihood that judges will make errors when assessing credibility during video-hearings.

Pro se individuals are particularly disadvantaged, as they attend video hearings without the benefit of preparation by legal counsel. Such individuals do not know where to look during the hearing and do not receive reminders from counsel to look into the camera. As a result, an Immigration Judge may wrongly perceive a respondent's confusion or failure to consistently look directly at the camera to be a sign of insincerity or a lack of credibility.

For the above reasons, we respectfully request that the EOIR discontinue the use of video hearings. Video-hearings clearly involve multiple avenues where due process violations can occur. As stated above, in merit hearings the consequences of such violations are so amplified that no individual should be subjected to them.

Sincerely,

Organizations

American-Arab Anti-Discrimination Committee (ADC)  
4201 Connecticut Avenue, NW  
Suite 300  
Washington, DC 20008

American Civil Liberties Union (ACLU)  
1333 H St., Tenth Floor, NW  
Washington, DC 20005

American Friends Service Committee (AFSC)  
1501 Cherry Street  
Philadelphia, PA 19102

American Immigration Lawyers Association (AILA)  
918 F Street, NW  
Washington DC 20004

Capital Area Immigrants' Rights (CAIR) Coalition  
415 Michigan Avenue NE, Suite 140  
Washington, DC 20017

Catholic Charities of the Archdiocese of New Orleans  
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New Orleans, LA 70113-1942

Catholic Charities of Central Texas  
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Catholic Charities of the Diocese of Monterey  
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Seaside, CA 93955

Catholic Charities of the Diocese of Santa Rosa  
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Santa Rosa, CA 95402)

Catholic Charities of Idaho  
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Catholic Charities Immigration Legal Services of the Archdiocese of Washington  
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Catholic Charities Immigration Legal Services of Oregon  
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Portland, OR 97214

Catholic Charities Immigration Services of the Diocese of Charleston  
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Columbia, SC 29202

Catholic Charities Migration and Refugee Services of the Archdiocese of Hartford  
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**Catholic Charities Migration and Refugee Services of the Diocese of Cleveland**  
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Cleveland, OH 44102

**Catholic Charities Refugee and Immigrant Services of the Diocese of San Diego**  
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San Diego, CA 92101

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**Catholic Social Services, Inc of the Archdiocese of Atlanta**  
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**Center for Gender and Refugee Studies**  
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**Chicago Legal Clinic, Inc.**  
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**Detention Resource Project**  
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**Diocesan Migrant & Refugee Services, Inc.**  
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El Paso, Texas 79903

**Florence Immigrant and Refugee Rights Project**  
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Florence, AZ 85232

**Florida Immigrant Advocacy Center (FIAC)**  
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Guadalupe Center  
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Huntingburg, IN 48542

Holy Cross Church/Hispanic Ministry  
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Kernersville, NC 27284

Human Rights First (formerly Lawyers Committee for Human Rights)  
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New York, NY 10001-5004

Illinois Coalition for Immigrant and Refugee Rights (ICIRR)  
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1663 Mission Street, Suite 602  
San Francisco, CA 94103

Immigrant and Refugee Rights Project  
Washington Lawyers' Committee for Civil Rights and Urban Affairs  
11 Dupont Circle, NW Suite 400  
Washington, DC 20036

---

Immigration Equality  
(formerly known as Lesbian and Gay Immigration Rights Task Force)  
350 W. 31st St., Ste. 505  
New York, NY 10001

Interfaith Legal Services for Immigrants  
4232 Forest Park Avenue  
Saint Louis, MO 63108

Interfaith Refugee & Immigration Ministries  
4753 N. Broadway, Suite 401  
Chicago, IL 60640-4907

Law Offices of Vikram Badrinath, P.C.  
100 North Stone Avenue, Suite 302  
Tucson, AZ 85701-1514

Lawyers' Committee for Civil Rights  
131 Steuart St., #400  
San Francisco, CA 94105

Legal Aid Society of Rochester, Inc.  
Immigration Program  
65 West Broad Street Room 400  
Rochester, New York 14614

Lutheran Immigration and Refugee Service  
700 Light Street  
Baltimore, MD 21230

Margaret W. Wong & Associates  
3150 Chester  
MWW Building  
Cleveland, OH 44114

Mexican-American Political Organization  
532 N. Lewis Avenue  
Waukegan, IL 60085

The Midwest Immigrant & Human Rights Center, a program of Heartland Alliance  
208 S. LaSalle St. Suite 1818  
Chicago, Illinois 60604

Migration and Refugee Services of the Diocese of Trenton  
33 West Front Street  
Trenton, NJ 08608-2015

National Immigration Forum  
50 F. Street, NW, Suite 300  
Washington, D.C. 20001

New York Immigration Coalition (NYIC)  
275 Seventh Avenue, 9<sup>th</sup> Floor  
New York, NY 10001

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**Boulder, Colorado 80304**

cc:

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**Director, EOIR**

**Kevin Ohlson**  
**Deputy Director, EOIR**

**Charles Adkins-Blanch**  
**General Counsel, EOIR**

**James Comey**  
**Deputy Attorney General, U.S. Department of Justice**





**U.S. Department of Justice**

Executive Office for Immigration Review

*Office of the Chief Immigration Judge*

Chief Immigration Judge

5107 Leesburg Pike, Suite 2500  
Falls Church, Virginia 22041

May 10, 2004

Christine DeConcini, Director  
Public Education & Advocacy  
415 Michigan Avenue, N.E.  
Suite 150  
Washington, DC 20017

Dear Ms. DeConcini:

This is in response to your recent letter stating your objections to the use of videoconferencing(VTC) in immigration court removal proceedings.

VTC hearings are held in immigration courts throughout the United States pursuant to Congressional mandate found at 8 U.S.C. 1229a(b)(2)(A)(iii), section 240(b)(2)(A)(iii) of the Immigration and Nationality Act. In enacting this provision, Congress made no distinction between an in person hearing and a hearing conducted by VTC. We interpret this law to permit the use of VTC in any immigration proceeding. The case cited in your letter as the only instance of a court examining the use of VTC in immigration proceedings, Rusu v. INS, 296 F. 3d 316 (4<sup>th</sup> Cir. 2002), denied the Petition for Review and upheld the use of VTC in petitioner's asylum hearing.

Immigration courts have been conducting VTC hearings for nearly 10 years. During this time, the technology of the equipment has improved greatly and we now have equipment in over one-half of our courts. Overall, we view the use of VTC as an overwhelming success and we are seeking expansion of the program as funding permits. We continue to train our judges in the effective courtroom use of VTC.

We believe the due process concerns relating to the use of VTC which you raise in your letter are the types of issues, whether related to VTC or not, that are best raised on appeal.

Sincerely,

Michael J. Creppy  
Chief Immigration Judge

**COPY**  
85



U.S. Department of Justice

Executive Office for Immigration Review

*Office of the Chief Immigration Judge*

---

5107 Leesburg Pike, Suite 2500

February 10, 2005

Nadine Wettstein  
Director, Legal Action Center  
American Immigration Law Foundation  
918 F Street, 6<sup>th</sup> Floor  
Washington, D.C. 20004

Dear Ms Wettstein:

The Chief Immigration Judge has asked me to respond to your letter of January 4, 2005, to Sandra Roberts, Court Administrator at the Immigration Court in Detroit, Michigan. In your letter you raise five concerns with the way video conferencing is used in that court.

I have discussed your concerns with Ms. Roberts and the judges on the court. Let me address each of your concerns individually:

- ▶ **Client confidentiality.** Both judges explained that they always clear the courtroom if an attorney asks to speak with his or her client in private. There have been occasions, however, where an attorney will simply ask to speak with his or her client "off the record." If no request is made for a confidential discussion, the judges do not clear the courtroom. Allowing an attorney time to confer briefly with a respondent should be distinguished from providing time for an attorney to conduct a detailed client interview. While the judges will make accommodations for issues that come up during hearings, attorneys should make arrangements to complete regular interviews with their clients by telephone or in person before the hearing.
- ▶ **Attorney access.** After receiving your letter, Ms. Roberts contacted Robin Baker, Chief of the Deportation and Removal unit of the Department of Homeland Security in Detroit. Mr. Baker said it was contrary to DHS policy for a county detention facility to bar an attorney from attending a video conference hearing. He promised to contact officials at the Monroe and Calhoun sites to make certain that access is permitted. I have asked Ms. Roberts to compile and post a list of contact numbers for these facilities so that attorneys can learn the procedures to follow to gain access.
- ▶ **Closure of immigration court hearings.** Your letter refers to reports of immigration court hearings being closed to the public. Judge Hacker and Judge Newberry both stated that it is their policy to keep Immigration Court hearings open, unless a specific request is made by one of the parties for closure. In such

instances, as permitted by the regulation, the immigration judge would consider closure. See 8 C.F.R. § 1003.27. Frankly, neither judge was aware of any incident that seemed to fit your description.

- ▶ **Evidence.** The judges report that they are able to display and view documents using the video units and that hard copies can easily be faxed between the court and the detention facility. Neither judge was aware of any case that was continued for several months simply to address a problem of exchanging physical evidence.
- ▶ **Interpreters.** Our general experience is that telephonic interpreters work well with video conference hearings. Occasionally, however, a connection is bad or other difficulties interfere with clear reception and transmission. If a judge is encountering a problem with one telephonic interpreter, the judge is authorized to contact another. I have emphasized this point with the Detroit judges.

I hope these answers address the specific points you raise. As you can probably tell from my response, we do not see any reason to stop conducting hearings using video conferencing. We believe the technology works well, and that the hearings provided are fair to all parties. However, I encourage you to tell members of the American Immigration Lawyers Association chapter in Michigan to contact the Detroit Immigration Court directly if they have other concerns about video conferencing. Our experience is that these concerns can often be best addressed at the local level.

Yours truly,



Michael F. Rahill  
Assistant Chief Immigration Judge



# AMERICAN IMMIGRATION LAW FOUNDATION

Sandra Roberts  
Court Administrator  
Executive Office for Immigration Review  
Brewery Park II  
1155 Brewery Park, Blvd, Suite 450  
Detroit, MI 48207

January 4, 2005

Dear Ms. Roberts:

I am writing to draw your attention to some serious problems we have heard with the implementation of video conferencing technology in the Michigan Immigration Court.

Reports from immigration attorneys in Michigan indicate that the current use of video conferencing technology is compromising the rights of immigration detainees to a fair hearing. The five major areas of concern are:

- **Client confidentiality.** Attorneys are unable to consult confidentially with their clients. Because the attorneys and immigration judge are in Detroit, and the immigration detainee is at a remote location, anyone in the courtroom in Detroit can hear any communication between the attorney and client. Attorneys can, and do, request a recess in order to consult with their clients; however, reports indicate that the courtroom is not cleared and that the conversations are in no way confidential. Often the only solution is for the attorney to request a continuance, which unnecessarily extends the detainee's period of detention. A recent EOIR Fact Sheet noted that video conferencing procedures "allow for granting legal representatives pre-hearing conference time and brief recesses during the hearing so that they may confer with their clients." U.S. Dep't of Justice, Exec. Off. for Immigration Review, EOIR's Video Conferencing Initiative 2 (Sept. 21, 2004). However, the manner in which the Michigan Immigration Court is interpreting this requirement falls far short of legal and constitutional requirements.
- **Attorney access:** Lawyers are unable to attend video hearings with their clients on site at the detention center. Reports indicate that this is based on the objection of a county jail warden who does not want to be inconvenienced. It is unconscionable for EOIR to permit this interference with the attorney/client relationship. This practice illustrates precisely the danger the Fourth Circuit Court of Appeals cautioned against in Rusu v. U.S. Immigration & Naturalization Serv., 296 F.3d 316 (4th Cir. 2002), and exacerbates the confidentiality concerns outlined above.
- **Closed Immigration Court hearings.** We have received reports that Immigration Judges in Michigan are closing hearings to the public, an act which raises First Amendment

concerns. See Detroit Free Press v. Ashcroft, 303 F.3d 681 (6th Cir. 2002) (holding that the First Amendment prohibits a blanket closure of “special interest deportation hearings”).

- **Evidence problems.** Immigration Judges in a remote location from the detainee and attorneys can not adequately view evidence. We have had reports of a situation where an individual spent several months longer than necessary in detention because the Immigration Judge could not see the evidence and had to schedule another hearing solely to inspect the physical documents. Evidence problems also inhibit the Immigration Judge’s ability to create an accurate record of the hearing and present a barrier to a hearing that complies with the Fifth Amendment’s Due Process requirements.
- **Interpretation difficulties.** The use of video conferencing compromises the effectiveness of interpretation. Reports indicate that the interpreter is in Detroit with the judge and the attorneys, and the detainee has difficulty hearing and understanding the proceedings. Miscommunication between detainee and interpreter frustrates the court’s ability to understand the case and create an accurate record of the hearing. Poor interpretation unacceptably inhibits the detainee’s “meaningful participation” in the hearing and his ability to place his claim before the judge. See Matter of Tomas, 19 I. & N. Dec. 464 (BIA 1987).

AILF is concerned that video conferencing is preventing immigration detainees from obtaining a fair hearing in the Michigan Immigration Court. We ask that you investigate the issues detailed above, and promptly act to correct these problems. The Court should cease its mandatory use of video conferencing and allow detainees the option to have an in-person hearing. In the interim, effective immediately, we request that the Court modify its procedures so that: (1) detainees have confidential access to counsel outside of the presence of the Court; (2) counsel be allowed physical access to their client and the public be allowed access to the hearing; (3) all remote locations have appropriate technology to receive and transmit various types of evidence; and (4) detainees have access to interpreters at their location to facilitate clearer communication.

We look forward to your prompt attention to these urgent concerns.

Yours truly,



Nadine Wettstein  
Director, Legal Action Center  
American Immigration Law Foundation

cc: Honorable Michael Creppy, Chief Immigration Judge  
Honorable Michael F. Rahill, Assistant Chief Immigration Judge  
Mary Beth Keller, General Counsel, EOIR

## Rahill, Michael (EOIR)

---

**From:** Roldan, Martin (EOIR)  
**Sent:** Wednesday, January 12, 2005 2:20 PM  
**To:** Rahill, Michael (EOIR); Manna, Karen (EOIR); Hacker, Elizabeth (EOIR); Newberry, Robert (EOIR); Roberts, Sandra (EOIR)  
**Subject:** RE: Telephonic interpreters for master calendars

Judge Rahill,

Yes, please use LSA as the primary and BGS as the secondary, at least while we try to work with BGS to see what they can do about this problem. Investigating the problem may require actually using the BGS services, so I ask for the court's understanding and patience in advance. Thank you. Martin

-----Original Message-----

**From:** Rahill, Michael (EOIR)  
**Sent:** Wednesday, January 12, 2005 1:45 PM  
**To:** Manna, Karen (EOIR); Roldan, Martin (EOIR); Hacker, Elizabeth (EOIR); Newberry, Robert (EOIR); Roberts, Sandra (EOIR)  
**Subject:** Telephonic interpreters for master calendars

Martin / Karen,

AILA has complained about the quality of telephonic interpretation during Detroit cases heard by video conferencing. I discussed the complaint with the court administrator and the two judges today. They agreed that there is a problem.

Here is my understanding. When we use Boune telephonic service, the sound is frequently very low (the interpreter can barely be heard and the parties in court need to shout to be heard by the interpreter). Additionally, when a Boune interpreter has been on the line for 3-5 minutes we frequently experience an echo in the line. The combination of the low volume and the echo makes the interpretation problematic. We do not experience either of these sound problems when we use the other telephonic service.

The judges and the court administrator have complained to Boune. We have been told that they do not experience the problem when they try to replicate it.

May I instruct the judges to use the other service if they experience a problem on the Boune line?

Thank you.

--Michael

cc: Judges Hacker and Newberry; Sandra Roberts

**Rahill, Michael (EOIR)**

---

**From:** Roberts, Sandra (EOIR)  
**Sent:** Wednesday, January 12, 2005 1:39 PM  
**To:** Rahill, Michael (EOIR)  
**Subject:** Attorney Access

Judge Rahill:

I just spoke to Robin Baker, Chief of Deportation and Detention in Detroit. I explained to him we received a complaint from AILA regarding attorney access for hearings. He said he was not aware of an incident this past Summer. However, he said its not the policy of ICE not to allow attorneys at the facilities for a hearing. He said he will contact Monroe and Calhoun Detention sites to let them know attorneys will be allowed access for hearings.

Sandra

**Rahill, Michael (EOIR)**

---

**From:** Roberts, Sandra (EOIR)  
**Sent:** Wednesday, January 12, 2005 10:07 AM  
**To:** Rahill, Michael (EOIR)  
**Subject:** AILA Letter

Judge Rahill:

Per our conversation, I am listing comments on the following points:

**Client Confidentiality** - Judges (including everyone in the courtroom) are clearing the court room, when an attorney request to talk to his client in private. If the attorney is asking to talk to his client off the record, then everyone stays in the courtroom.

**Attorney Access** - An attorney showed up for a hearing at Calhoun and gave the officer a hard time. Calhoun wants to be contacted in advance to make sure they can accommodate the attorney. Monroe facility allows attorney to just present their bar card to gain access, they are not required to call ahead.

**Closed Immigration Court Hearings** - (b) (6) case was closed. (b) (6) case was closed for part of the hearing due to attorney request. The Detroit Immigration Court does not close the hearings.

**Evidence Problems** - The judges have a document camera in the courtroom where they can display the documents on the televideo. If the alien has something he wants the IJ to see, the judge will request the officer to fax it to the court.

**Interpreter Difficulties** - We have problems using the Bowne Telephonic Service. Sometimes we have long waits, echoing from the connection, and difficulty hearing the interpreter. I have contacted Raymond Perron (LSU) about the problem. I have instructed staff that if we have a bad connection, hang up and call again. If we still have a problem with the connection after two calls, they are to call the other telephonic service.

Sandra



**Detention Facility Address: Calhoun County Correctional Center**  
185 East Michigan Ave  
Battle Creek, Michigan 49014

**Attorneys** are encouraged to contact the facility **before coming**, for either visiting or attending court. They can fax a visiting info to 269-969-6850, which will be passed along to visiting and the shift supervisor. Fax the **SIGNED** copy of the G-28 along with the visiting information.

**Attorney visiting** is Monday thru Friday 9:am to 5:pm.  
Saturday, Sundays and Holidays - 9:am to 1:pm. Bring a valid bar card, ID and G-28.

Attorneys should call the facility if special arrangements need to be made outside the set times.

## **PUBLIC INFO**

The public may contact the facility for information at 269-969-6348.

Visiting is by the first letter of the last name, 7:am through 2:pm.  
Detainees are entitled to three 20-minute visits on their visiting day.

Visiting days, **FIRST** letter of the **LAST** name

A – E **MONDAY**  
F – J **TUESDAY**  
K – O **WEDNESDAY**  
P – T **THURSDAY**  
U – Z **FRIDAY**

Visiting is **ONLY** Monday through Friday including holidays.

**Detention Facility Address: Monroe County Correctional Center**  
7000 E. Dunbar  
Monroe, Michigan 48161

**ATTORNEYS:** Must contact the facility **BEFORE COMING**, for either visiting or attending court. You can fax visiting information to: **734-240-8020**, which will be passed along to visiting and the shift supervisor. Fax the **SIGNED** copy of the G-28 along with the visiting information.

**ATTORNEY VISITS PROCEDURE:**

1. The attorney must provide a Michigan Bar card and a picture operators license or other picture form of identification.
2. All attorney visits shall be logged by perimeter security or reception officer on duty.
3. The inmate may refuse to see the attorney.

# **Legal Assistance Foundation of Metropolitan Chicago**

111 W. Jackson Blvd Suite 300  
Chicago, IL 60604

**and**

## **Chicago Appleseed Fund for Justice**

750 N. Lake Shore Drive 4<sup>th</sup> Floor  
Chicago, IL 60611

August 2, 2005

The Honorable Michael F. Rahill  
Assistant Chief Immigration Judge  
Office of the Chief Immigration Judge  
5107 Leesburg Pike, Ste. 2500  
Falls Church, VA 22041

**Re: Videoconferencing in Removal Hearings**

Dear Assistant Chief Immigration Judge Rahill:

Enclosed is a copy of the report that we are releasing today: *Videoconferencing in Removal Hearings: A Case Study of the Chicago Immigration Court*. The report provides data that our observers gathered from 110 master calendar hearings they observed over the course of the spring, summer, and fall of 2004. Our observers witnessed problems related to access to counsel, the presentation of evidence, language interpretation, and technical quality. In short, observers found one or more problems in 44.5% of the observed hearings. We found, as a general matter, that immigrants in videoconference hearings had little chance to speak or ask questions, were unable to communicate easily with their attorneys (if they were represented), and, if they didn't understand English, had interpretation only of a rough summary of what had happened at the hearing.

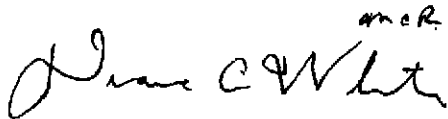
After compiling and analyzing our data, we consulted with a multi-disciplinary advisory board in order to formulate a series of recommendations for improving videoconference hearings. So that we would not have to "reinvent the wheel," we also conducted research into how other agencies and courts conduct videoconferencing, and we looked to these models to inform our recommendations. We hope that these recommendations will be a good place to begin a dialogue on how to improve the administration of videoconferencing, which we found in Chicago to be fundamentally flawed.

Because the stakes in removal cases are so high, our first recommendation is for a moratorium on videoconferencing until the system can be fixed. We believe that no immigrants in the United States should be permanently separated from family, or ordered deported to a country where they may be killed or tortured, because they were unable to communicate effectively with the judge or their attorney, present evidence, or understand what was happening in their cases. Until those risks are eliminated, we think a moratorium is the most prudent course. Our other recommendations range from suggestions for technical improvements, to recommendations for boundaries on the use of videoconferencing – requiring in-person proceedings for the types of cases, like merits hearings or hearings involving child respondents, where too much is at stake to risk videoconferencing.

We want to thank you again for cooperating with us so far in producing this report, and we hope that we can continue to work together. We would like to meet with you to explain our findings in greater detail, and to discuss our recommendations. Please let us know whether you would be willing to meet with us, and, if so, when you would like to do so. Thank you for reviewing our study, and considering these important issues.

Please contact either of us to arrange for a time to meet.

Very truly yours,

<sup>an c R</sup>  


Diana C. White  
Deputy Director  
Legal Assistance Foundation of  
Metropolitan Chicago  
Phone: 312-347-8359  
E-mail: [dwhite@lafchicago.org](mailto:dwhite@lafchicago.org)



Malcolm C. Rich  
Executive Director  
Chicago Appleseed Fund For Justice  
Phone: 312-988-6552  
[malcolmrigh@chicagoappleseed.org](mailto:malcolmrigh@chicagoappleseed.org)

encl.

cc: Hon. Michael J. Creppy

# Legal Assistance Foundation of Metropolitan Chicago

111 W. Jackson Blvd Suite 300  
Chicago, IL 60604

and

## Chicago Appleseed Fund for Justice

750 N. Lake Shore Drive 4<sup>th</sup> Floor  
Chicago, IL 60611

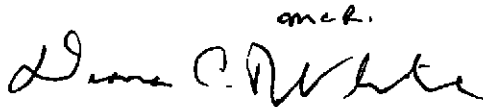
August 12, 2005

Kevin D. Rooney  
Director  
Executive Office for Immigration Review  
5107 Leesburg Pike Suite 2600  
Falls Church, VA 22041

Dear Mr. Rooney:

Enclosed please find a copy of a report that we released to the public on August 2, 2005: *Videoconferencing in Removal Hearings: A Case Study of the Chicago Immigration Court*. On August 2<sup>nd</sup> we sent a copy of the report and the enclosed letter to the Honorable Michael F. Rahill with a copy to the Hon. Michael J. Creppy. We have asked to meet with each of them so that we can discuss our findings. Please contact either of us if you have questions or wish to arrange for a time to meet.

Very truly yours,

<sup>mc.r.</sup>  


Diana C. White  
Deputy Director  
Legal Assistance Foundation of  
Metropolitan Chicago  
Phone: 312-347-8359  
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**Videoconferencing in Removal Hearings:**  
*A Case Study of the Chicago Immigration Court*



**Videoconferencing in Removal Proceedings:**  
*A Case Study of the Chicago Immigration Court*

**August 2, 2005**

The Legal Assistance Foundation  
of Metropolitan Chicago  
111 West Jackson Blvd., Suite 300  
Chicago, Illinois 60604

Chicago Appleseed Fund for Justice  
750 North Lake Shore Drive  
Fourth Floor  
Chicago, Illinois 60611

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## ORGANIZATIONS

**The Legal Assistance Foundation of Metropolitan Chicago (LAF)** is the largest free legal services provider for civil matters in the Chicago metropolitan area. The Legal Services Center for Immigrants, a special project of LAF, provides legal representation for immigrants in removal proceedings. The Center also represents certain asylum-seekers, immigrant victims of domestic abuse and trafficking, and people applying for permanent residency or citizenship.

Authors: Julie Dona, Geoffrey Heeren, Lisa Palumbo, Diana White

**The Chicago Appleseed Fund for Justice** is a social impact research and advocacy organization focusing on social justice and government effectiveness issues. We seek to achieve fundamental, systemic reform by addressing policies, practices, and structures that thwart social justice and that prevent individuals from achieving their full potential. Chicago Appleseed utilizes a combination of legal and social science research, law practice, and grassroots advocacy to accomplish our goals of developing reform-minded recommendations and working for their implementation. We are the Chicago affiliate of the Appleseed Foundation.

Authors: Amanda J. Grant, Mollie G. Hertel, Malcolm C. Rich

We also wish to thank Camille Gerwin, Marissa Pines, and Rodney Tonkovic for their assistance with this project.

## ACKNOWLEDGMENTS

This project involved the work of many people. We thank the students who monitored removal proceedings, the private attorneys who agreed to be interviewed, and Christopher Timberlake, who took the photographs included in the report. We are also grateful for the cooperation of the Executive Office for Immigration Review and the Chicago Immigration Court.

This report would not have been possible without the feedback of our Advisory Board members. The conclusions and recommendations in this report, however, are ours only and do not represent the views of the members of the Advisory Committee. Responsibility for any errors is also ours alone.

Finally, we are sincerely grateful to Tona Wilson for her design of the cover page of this report.

## ADVISORY BOARD

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Chicago Council of Lawyers

## EXECUTIVE SUMMARY

In 2002, the Executive Office for Immigration Review (EOIR) moved televisions into one of the Chicago immigration courtrooms and began conducting hearings for detained immigrants in removal proceedings by videoconferencing. In Chicago's videoconference hearings, the judges are located in the downtown court, and the detainees appear from a small detention facility in a Chicago suburb.

EOIR believes that videoconferencing enhances efficiency but has not to date undertaken a study of its efficacy or fairness. Since the consequences of removal from the United States are so severe for immigrants and their families, we believed that these videoconference hearings deserved further examination. During the summer and fall of 2004, we observed 110 videoconference hearings and recorded our findings. The hearings we observed were "Master Calendar" hearings, where the Immigration Judge determines whether the removal proceeding was properly commenced, examines the charges against the immigrant, schedules future hearings, and, in some cases, orders the immigrant's removal.

### **Findings**

We found that videoconferencing is a poor substitute for in-person hearings. Among other problems, we observed deficiencies related to access to counsel, presentation of evidence, and interpretation. Latino immigrants appeared to fare especially poorly in videoconference hearings. Compounding these errors, the immigrants whom we observed had little chance to speak or ask questions, were unable to communicate easily with their attorneys (if they were represented), and typically were

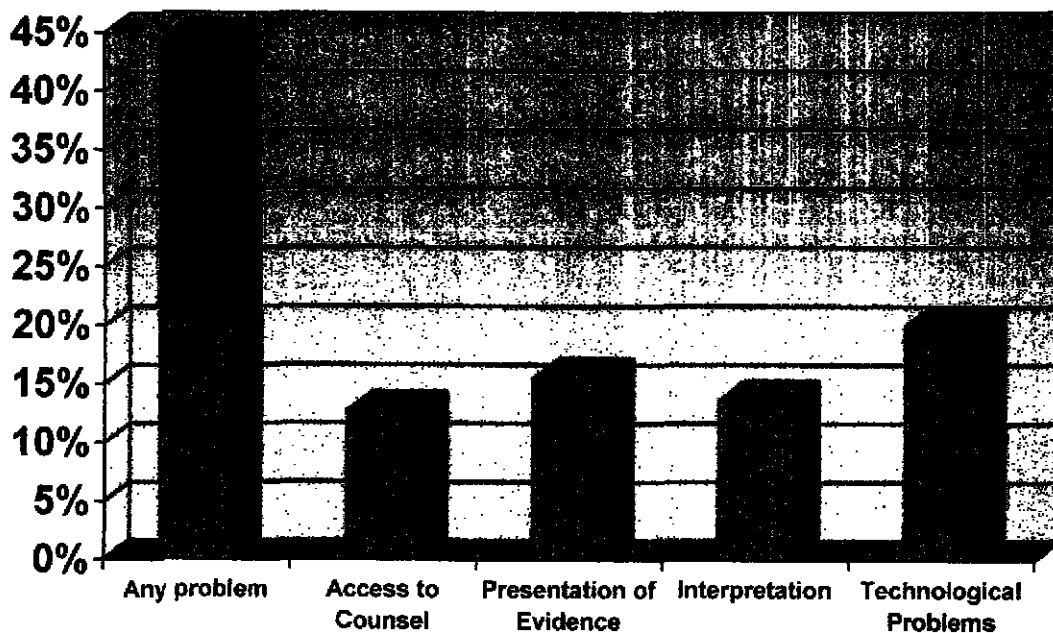
informed of what had happened only at the conclusion of the hearing. There was little interpretation given for the benefit of non-English speakers.

We were impeded from conducting our study by a general lack of transparency in the removal process for detained immigrants. There was no public access to the remote courtroom, and Immigration and Customs Enforcement (ICE) refused to allow us to interview immigrants who had gone through videoconference hearings. There is virtually no regulation or written policy, moreover, governing videoconferencing in the immigration court.

In summary, our study found the following:

- Videoconferencing in the Chicago Immigration Court is marked by the frequent occurrence of problems. In the aggregate, nearly 45% of the observed cases had one or more problems. Observers noted technical problems in one in five hearings, problems related to access to counsel in one in six hearings, problems related to the introduction of evidence in one in six hearings, and problems related to interpretation in three in ten hearings involving non-English speakers.
- A substantial number (29%) of hearings that we observed resulted in the immigrant being ordered removed or agreeing to removal, a fact that is striking given that, at the time of our study, videoconferencing was not used in Chicago for final hearings on the merits.

### Frequency of Problems in Master Calendar Videoconference Hearings



*See table 4.1 for the number counts for each problem.*

#### **The Impact of Representation**

- The effect of videoconferencing was more severe on detained immigrants who were unrepresented than on those with attorneys. A disproportionate share of unrepresented persons (44%) were ordered removed compared to represented persons (17.7%).

#### **The Impact of Language and Ethnicity**

- 12% of all observed immigrants had interpretation problems, either because they lacked an interpreter when they appeared to need one, or because their interpreter misinterpreted or failed to interpret statements.

- Nearly 30% of those who had an interpreter appeared to misunderstand what was happening during the hearing, either due to misinterpretation or lack of adequate interpretation.
- Other problems were generally more prevalent for non-English speakers. 70% of non-English speakers experienced at least one problem related to videoconferencing during their hearing, and almost 50% received removal orders (as opposed to 21% for English-speakers).
- The likelihood of removal increased for Latinos who did not speak English. 76% of non-English-speaking Latinos were removed, as opposed to 46% of English-speaking Latinos.

#### **Recommendation for a Moratorium on Videoconferencing**

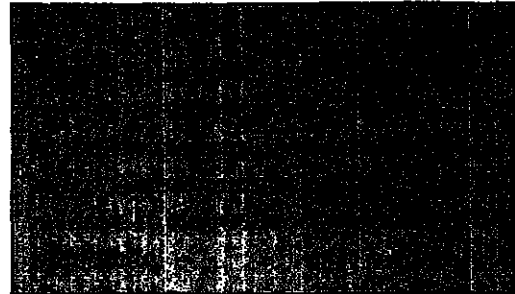
Given the serious problems that we observed, LAF and Chicago Appleseed suggest that EOIR impose a moratorium on videoconferencing in removal cases until it can be improved. In general, videoconference hearings should be better regulated, immigrants should be able to opt out of videoconferencing when their substantive rights are at issue, judges and attorneys should be better trained in conducting and participating in videoconference hearings, and communication and technological problems should be addressed. In light of how much is at stake in removal cases, significant changes need to be made before videoconferencing can be an acceptable substitute for in-person hearings.

## INTRODUCTION



Chicago Immigration Court Videoconferencing Courtroom,  
located at 55 East Monroe Street in downtown Chicago.

Videoconferencing is increasingly being used to conduct hearings in immigration court. This phenomenon is driven in no small part by the growing population of immigrants held in detention in the United States, often in locations remote from the immigration courts.<sup>1</sup> Immigration reforms enacted in 1996 mandated the detention of many immigrants placed in “removal” (formerly deportation or exclusion) proceedings, and the current enforcement priorities of the Department of Homeland Security (DHS) have increased the number of detained immigrants.<sup>2</sup> Immigrants are held in special private or government-administered detention facilities, in state or county prisons, and sometimes in local jails.<sup>3</sup> Confronted with a shortage of Immigration Judges and the logistical problem of transporting detained immigrants to court, the Executive Office for Immigration Review (EOIR), the agency of the Department of Justice responsible for carrying out removal proceedings, sees videoconference hearings as a solution.



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<sup>1</sup> In fiscal year 2003, 231,500 immigrants were detained in the United States by the Department of Homeland Security. The average daily detention population was 21,133. UNITED STATES DEPARTMENT OF HOMELAND SECURITY, CUSTOMS AND IMMIGRATION SERVICES, YEARBOOK OF IMMIGRATION STATISTICS 148 (2003). Between 1994 and 2003, the number of detainees increased at an annual rate of almost 12%, resulting in a total increase of over 171%. OFFICE OF THE INSPECTOR GENERAL, AUDIT OF THE DEPARTMENT OF JUSTICE, OFFICE OF THE FEDERAL DETENTION TRUSTEE, AUDIT REPORT NO. 05-04 (December 2004), available at <http://www.usdoj.gov/oig/reports/OBD/a0504>.

<sup>2</sup> See 8 U.S.C. 1226(c) (2005) (mandating detention of all aliens in removal proceedings who have been convicted of various broad categories of crimes). In fiscal year 2003, 1,046,422 aliens were apprehended by DHS, the majority (931,557) by Border Patrol. Yearbook, *supra*, note 1, at 146. That same year, 1,505,073 aliens were either formally removed, granted voluntary departure, or withdrew applications for admission. This represented an increase of 24% from 2002. *Id.* at 149.

<sup>3</sup> See MARK DOW, AMERICAN GULAG: INSIDE U.S. IMMIGRATION PRISONS 9 (2004). Sixty percent of all detainees in 2003 were held in local prisons and jails and in private contract facilities. *Id.*



Nationwide, forty-six immigration courts currently use videoconferencing.<sup>4</sup> EOIR is pleased with its new technology and anticipates that the use of videoconferencing in immigration courts will continue to grow.<sup>5</sup> To date, however, EOIR has not conducted a formal study of the effectiveness of videoconferencing, nor does it maintain statistics concerning videoconferencing outcomes relative to non-videoconferencing outcomes.<sup>6</sup> Training materials provided by EOIR to immigration judges do not address the issue of when, if ever, it might be inappropriate to hold a hearing through videoconferencing.<sup>7</sup> We are unaware of any other organization that has undertaken a study of videoconferencing in immigration court. Given this backdrop, we decided to undertake a case study of videoconferencing in the Chicago Immigration Court. Although videoconferencing is used in the Chicago Court for some non-detained cases, we examined detained cases only. In light of our limited geographic reach, our goal was not to present an exhaustive survey of videoconferencing, but to assess its effectiveness in Chicago and initiate a broader dialogue concerning its use nationwide.

Over the course of the summer and fall of 2004, trained law students and other volunteers observed 110 videoconferencing Master Calendar hearings, recording their

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<sup>4</sup> Videoconferencing is currently used in the following immigration courts: Arlington, VA; Atlanta, GA; Baltimore, MD; Batavia, NY; Bloomington, MN; Boston, MA; Bradenton, FL; Buffalo, NY; Chicago, IL; Dallas, TX; Denver, CO; Detroit, MI; Elizabeth, NJ; Eloy, AZ; El Paso, TX; Guaynabo, Puerto Rico; Harlingen, TX; Hartford, CT; Honolulu, HI; Houston, TX; Imperial, CA; Krome, FL; Lancaster, CA; Las Vegas, NV; Los Angeles, CA; Memphis, TN; Miami, FL; New Orleans, LA; New York, NY (plus Varick Street, NY; Jamaica, NY; Fishkill, NY; Ulster, NY); Newark, NJ; Oakdale, LA; Orlando, FL; Philadelphia, PA; Phoenix, AZ; San Antonio, TX; San Diego, CA; San Pedro, CA; Seattle, WA; Tucson, AZ; York, PA; and EOIR Headquarters Court in Falls Church, VA. Letter of Assistant Chief Immigration Judge Michael F. Rahill, Appendix B at page 1.

<sup>5</sup> Rahill letter, Appendix B at page 4.

<sup>6</sup> *Id.*

observations with respect to categories including language interpretation, technical quality, access to counsel, and presentation of evidence. Although we attempted to observe hearings at both ends – in the immigration court and at the remote site where the detained immigrants are being held – the office of Immigration and Customs Enforcement (ICE) strongly “recommended” to us that non-attorneys not attempt to view hearings at the remote site, since they might be “turned away due to a lack of space.”<sup>8</sup>

To supplement our data, we interviewed immigration practitioners about their experience with videoconference hearings. We asked EOIR for permission to interview Immigration Judges. EOIR declined our request but did respond to a set of written questions we submitted concerning videoconferencing. We also attempted to interview detained immigrants but with little success. Because immigrants have no right to appointed counsel, many proceed through their removal hearing unrepresented. For this reason, we believed it was important to speak to immigrants directly about their experiences with this new system. It was difficult to contact detainees because they cannot receive incoming phone calls, and they can only place outgoing calls collect.<sup>9</sup> In early February 2005, we sent letters to individual detainees at the Kenosha County Detention Center (most of whom had asked to meet with us), advising them that we

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<sup>7</sup> See EOIR IMMIGRATION JUDGE BENCHBOOK, Ch. 2 (2001) at Appendix C; EOIR, *Interim Operating Policies and Procedures Memorandum No. 04-06: Hearings Conducted Through Telephone and Video Conference* (August 18, 2004) at Appendix D.

<sup>8</sup> Appendix E, Letter of October 6, 2004 from Deborah Achim, ICE Field Office Director for Detention and Removal, to Geoffrey Heeren. ICE is responsible for the detention and removal of non-citizens. Since the inception of videoconference proceedings in Chicago, ICE’s holding facility in Broadview, Illinois, has been designated as the “remote” facility for videoconference hearings.

<sup>9</sup> Detention facilities within the jurisdiction of the Chicago Immigration Court also have a phone system for detainees to place free calls to providers of free legal services and consulates, called the “Pro Bono Platform.” This platform has been functioning inconsistently since its installation, and much of the staff at certain facilities remains unaware, as of the writing of this study, of its existence.

would visit them if they wished. But a corporal at the facility called to inform us that we should cancel our visit because ICE would not allow it.<sup>10</sup>

These interviews would have provided an important supplement to our data.

ICE's refusal to allow us access to detained immigrants effectively denied immigrants the opportunity to speak about an issue that profoundly affects their lives and futures – the manner in which their removal hearings are conducted.

This muting of immigrants is sadly consonant with our findings, which indicate that videoconferencing may interfere with the ability of immigrants to present their cases in court and also creates a lack of transparency of the process. In particular, we found considerable evidence that videoconferencing was marred by technical problems, exacerbated interpretation difficulties, interfered with access to counsel, and impaired the presentation of evidence.

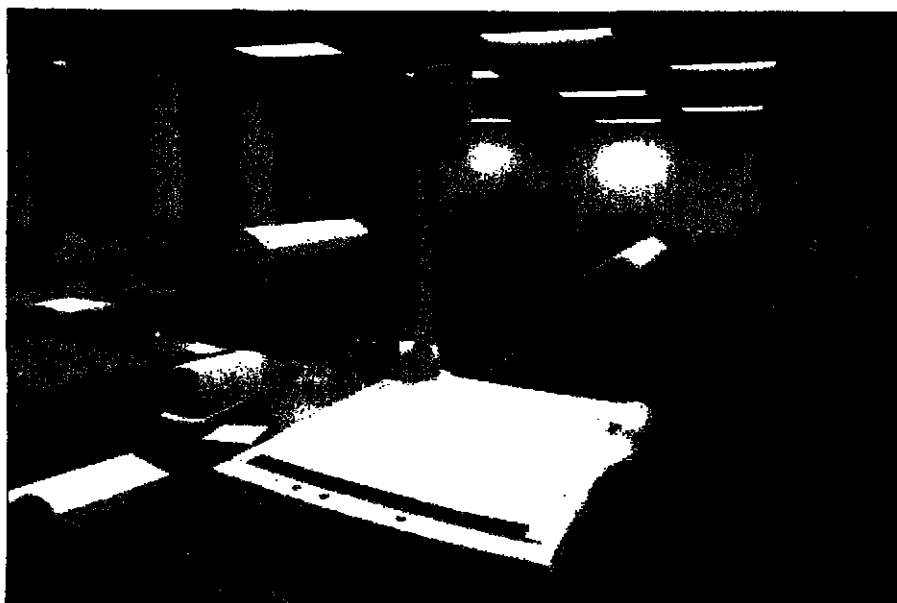


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<sup>10</sup> See Appendix F, Letter of February 8, 2005 from Geoffrey Heeren to Deborah Achim.

## PART ONE

### **An Overview of Court Videoconferencing**



Downtown Chicago Videoconferencing Courtroom has a document viewer (front), tape recorder (left), photocopier (far left), table for counsel (center) and two television screens.

EOIR first tested videoconferencing in 1995 as part of a pilot program in three cities: Baltimore, Maryland; Dallas, Texas; and Oakdale, Louisiana.<sup>11</sup> At that time, videoconferencing was by no means new to courts. It had been used in certain types of criminal proceedings since at least 1972,<sup>12</sup> and many state courts have recently expanded their use of videoconferencing. Most states currently confine videoconferencing to initial appearances and arraignments,<sup>13</sup> which are the only circumstances under which videoconferencing is explicitly permitted under the Federal Rules of Criminal Procedure.<sup>14</sup> Courts have generally prohibited the use of videoconferencing at trial, given the constitutional right to confront witnesses enjoyed by criminal defendants.<sup>15</sup>

The United States Supreme Court has declined to extend many of the constitutional protections of criminal defendants to immigrants facing removal, which it

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<sup>11</sup> See Rahill letter, Appendix B at page 1.

<sup>12</sup> Michael D. Roth, *Comment, Laissez-Faire Videoconferencing: Remote Witness Testimony and Adversarial Truth*, 48 UCLA L. Rev. 185, 192 (2000).

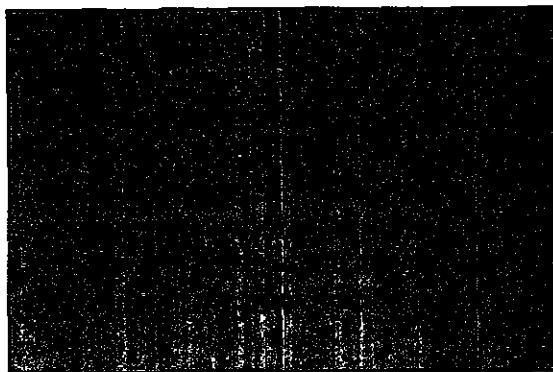
<sup>13</sup> For example, the Missouri state courts use videoconferencing for initial appearances, the waiver of preliminary hearings, arraignment on an information or indictment where a plea of not guilty is entered, any pretrial or post-trial proceeding that does not permit the cross-examination of witnesses, and sentencing after a plea of guilty. Waivers from the defendant are required in Missouri only for arraignments involving guilty pleas and for sentencing after convictions. Florida allows videoconferencing to be used in arraignments, and does not require a waiver. North Dakota requires that the defendant object if she or he does not want videoconferencing to be used in the initial appearance or arraignment.

<sup>14</sup> Federal Rule of Criminal Procedure 43 provides that the defendant must be "present at the arraignment, at the time of the plea, at every stage of the trial including the impaneling of the jury and the return of the verdict, and at the imposition of sentence, except as otherwise provided by this rule." Some of the federal Circuit Courts of Appeal have taken "presence" to mean physical presence for purposes of Rule 43. See *United States v. Torres-Palma*, 290 F.3d 1244, 1248 (10th Cir. 2002); *United States v. Lawrence*, 248 F.3d 300, 303-04 (4th Cir. 2001); *United States v. Navarro*, 169 F.3d 228, 235-39 (5th Cir. 1999); *Valenzuela-Gonzalez v. United States Dist. Court for Dist. of Ariz.*, 915 F.2d 1276, 1280 (9th Cir. 1990). However, Federal Rule of Criminal Procedure 5 allows a defendant to appear via remote hearing for his or her initial appearance if the defendant consents. Rule 10 allows the arraignment to be conducted via videoconferencing, with the defendant's consent.

<sup>15</sup> See *Maryland v. Craig*, 497 U.S. 836, 850 (1990).

does not consider to be “punishment.”<sup>16</sup> As a result, EOIR has always taken the position that videoconferencing may be used for a hearing of any type.<sup>17</sup>

In 1996, Congress amended the Immigration and Naturalization Act (INA) to authorize removal proceedings to take place through videoconferencing.<sup>18</sup> EOIR,



in turn, issued regulations that allow videoconferencing at the unfettered discretion of the Immigration Judge.<sup>19</sup> Under the EOIR regulations, judges can use videoconferencing for preliminary hearings, called “Master Calendars”, for “Individual Calendars” (hearings on the merits); or not at all. Even in the case of hearings involving children, EOIR takes the position that there should be a presumption in favor of videoconferencing.<sup>20</sup> While the regulations require the consent of an immigrant for a merits hearing to be held by telephone, no consent is required for a videoconferencing hearing.<sup>21</sup> Some individual

<sup>16</sup> See *INS v. Lopez-Mendoza*, 468 U.S. 1032, 1038 (1984).

<sup>17</sup> See Rahill letter, Appendix B, page 1.

<sup>18</sup> 8 U.S.C. § 1229a(b)(2)(A) (2005) (“The proceeding may take place . . . through video conference”).

<sup>19</sup> 8 C.F.R. § 1003.25(c) (2005) (“An Immigration Judge may conduct hearings through video conference to the same extent as he or she may conduct hearings in person”).

<sup>20</sup> EOIR, *Interim Operating Policies and Procedures Memorandum 04-07: Guidelines for Immigration Court Cases Involving Unaccompanied Alien Children* (Sept. 16, 2004), 9 *Bender's Immigration Law Bulletin* 1321, 1325 (2004) (“when handling cases involving unaccompanied alien child respondents, if under ordinary circumstances the hearing would be conducted by video conference, the immigration judges should determine if particular facts are present in the case to warrant an exception from the usual practice”). This policy is contrary to standards issued by the American Bar Association. See AMERICAN BAR ASSOCIATION, COMMISSION ON IMMIGRATION, STANDARDS FOR THE CUSTODY, PLACEMENT AND CARE; LEGAL REPRESENTATION; AND ADJUDICATION OF UNACCOMPANIED ALIEN CHILDREN IN THE UNITED STATES 63 (2004) (“The Child’s right to be present at any proceeding requires all proceedings, including both master calendar and merits hearings, to be conducted live and not via videoconference”).

<sup>21</sup> 8 C.F.R. § 1003.25(c).

courts appear to have made informal decisions to use videoconferencing for certain types of cases but not for others. In Chicago, the court declined to use videoconferencing for merits hearings up until June 2005, when the Chicago Immigration Court seemed to abruptly shift its policy and began to use videoconferencing for all hearings, including merits hearings. Until June, detainees were driven to the Chicago Court for merits hearings.

EOIR touts the increased efficiency achieved through the use of videoconferencing.<sup>22</sup> To date, there has been no study evaluating the advantages and disadvantages of videoconferencing in immigration court. The one federal court to consider a challenge to the use of videoconferencing in an immigration (asylum) hearing found that the technology had the potential to skew a judge's credibility determination.<sup>23</sup>

Much of the literature on videoconferencing concerns its use in criminal court.<sup>24</sup> Commentators have focused particularly on the risk that videoconferencing may skew a court's perception of defendants or other witnesses through its failure to convey subtle nonverbal cues, its interference with ordinary eye contact, and the possibility that camera

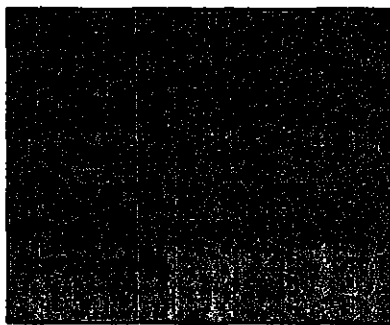
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<sup>22</sup> See Rahill letter, Appendix B at page 4.

<sup>23</sup> *Rusu v. INS*, 296 F.3d 316, 322 (4<sup>th</sup> Cir. 2002) ("video conferencing may render it difficult for a factfinder in adjudicative proceedings to make credibility determinations and to gauge demeanor"). The court also noted the diminished effectiveness of the asylum applicant's attorney in videoconferencing cases. *Id.* at 323. However, the court ultimately denied the applicant's due process claim, finding that he could not show actual prejudice from the use of videoconferencing because the changed political climate in his native Romania defeated his claim that he would suffer persecution there.

<sup>24</sup> See, e.g., Anne Bowen Poulin, *Criminal Justice and Videoconferencing Technology: The Remote Defendant*, 78 Tul. L. Rev. 1089 (2004); Roth, *supra* note 12; Diane M. Hartmus, *Videotrials*, 23 Ohio N.U. L. Rev. 1 (1996); Jeffrey M. Silbert, Una Hutton Newman & Laurel Kalser, *Telecommunications in the Courtroom: The Use of Closed Circuit Television for Conducting Misdemeanor Arraignments in Dade County, Florida*, 38 U. Miami L. Rev. 657 (1984); Gordan Bermant & M. Daniel Jacobovitch, *Fish Out of Water: A Brief Overview of Social and Psychological Concerns about Videotaped Trials*, 26 Hastings L.J. 999 (1975).

angles or screen size will distort perceptions of a witness's affect.<sup>25</sup> Criminal defendants, who lack make-up, coaching, and winning wardrobes, are unlike the photogenic persons we are accustomed to seeing on television, and this disconnect with one's expectations has the potential to impact decision-makers' perceptions negatively.<sup>26</sup> A defendant



appearing from a remote facility (often inside a prison) may not exhibit the demeanor one expects in a courtroom.<sup>27</sup> Studies, moreover, confirm that people evaluate those with whom they work face-to-face more favorably than those with whom they work over a video

connection.<sup>28</sup> Studies indicate that fact-finders empathize more with live witnesses,<sup>29</sup> and that decision makers are less likely to be sensitive to the impact of negative decisions on physically remote persons.<sup>30</sup> Finally, commentators have pointed to the possibility that videoconferencing may make it more difficult for criminal defendants to understand what is happening in court, adding yet another level of marginalization for people who are

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<sup>25</sup> Poulin, *supra* note 24, at 1108-10.

<sup>26</sup> *Id.* at 1112-13, 1127-28.

<sup>27</sup> *Id.* at 1125.

<sup>28</sup> Gene D. Fowler & Marilyn E. Wackerbarth, *Audio Teleconferencing Versus Face-to-face Conferencing: A Synthesis of the Literature*, 44 W. J. Speech Comm. 236, 245 (1980); John Storck & Lee Sproull, *Through a Glass Darkly: What Do People Learn in Videoconferences?*, 22 Hum. Comm. Res. 197, 201 (1995).

<sup>29</sup> Gail S. Goodman, et al., *Face-to-Face Confrontation: Effects of Closed-Circuit Technology on Children's Eyewitness Testimony and Jurors' Decisions*, 22 L. & Hum. Behav. 165, 195 (1998); Graham Davies, *The Impact of Television on the Presentation and Reception of Children's Testimony*, 22 Int'l J.L. & Psychiatry 241, 248 (1999)

<sup>30</sup> Stanley Milgram, *Some Conditions of Obedience and Disobedience to Authority*, 18 Hum. Rel. 57, 63-65 (1965).



already disproportionately undereducated and indigent members of racial minorities.<sup>31</sup>

EOIR does not acknowledge any of these issues in its materials concerning videoconferencing.<sup>32</sup>

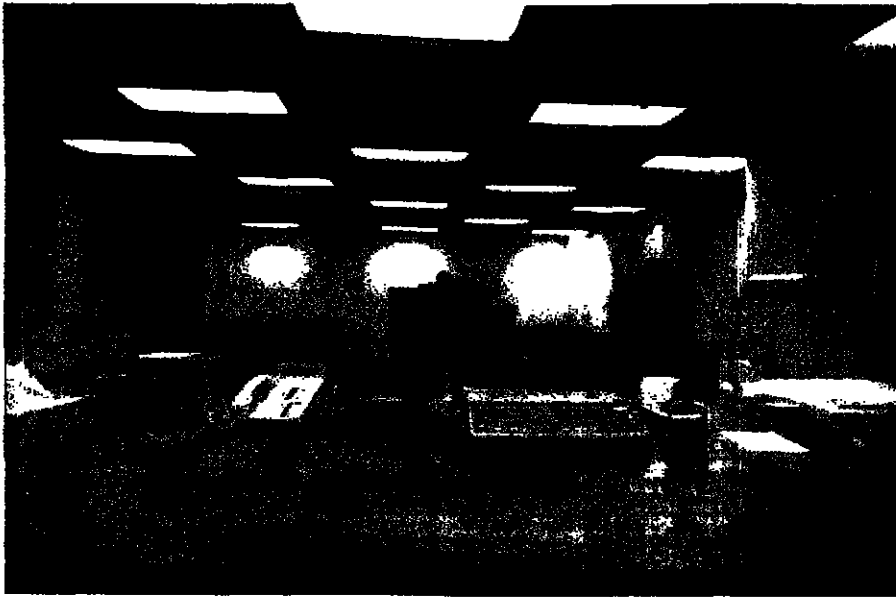
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<sup>31</sup> Poulin, *supra* note 24, at 1134.

<sup>32</sup> *Supra* notes 7 and 20.

**PART TWO**

**The Chicago Immigration Court**



**Downtown Chicago Videoconference Courtroom:  
View from the Immigration Judge's desk.**

## Removal Proceedings in Chicago

In order to understand the impact of videoconferencing, readers must have a rudimentary understanding of the Chicago Immigration Court, and the laws and procedures that govern it. There are seven judges in the Chicago Immigration Court, which has jurisdiction over cases arising in Illinois, Wisconsin, and Indiana. The immigration judges hear both detained and non-detained cases.<sup>33</sup> The detained cases are placed on an expedited docket and are typically resolved in a matter of months, as opposed to the non-detained cases, which may take years. In Chicago, the detained cases comprise the majority of the cases that are heard through videoconferencing.<sup>34</sup>

Immigrants in detention within the jurisdiction of the Chicago court are principally held in five facilities located in Illinois and Wisconsin.<sup>35</sup> Many of them have committed crimes, but often the crimes were committed in the distant past, and were punished with suspended sentences, probation, or mere supervision. Immigrants may have been arrested when they were going through customs after leaving the country for a vacation, when they tried to become citizens, or when they applied for some other immigration benefit. Some of the people in detention have committed no crime at all, such as those who arrive at a port of entry in the United States and ask for asylum.

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<sup>33</sup> In February 2005, the Chicago Immigration Court placed all detained cases on the docket of a single judge, Immigration Judge George Katsivalis.

<sup>34</sup> Immigration Judges in Chicago handle two other types of videoconference hearings. Institutional Hearings for aliens serving a sentence of incarceration in the Illinois Department of Corrections are held at the State of Illinois Building (the Thompson Center) with the State's own videoconferencing equipment. Videoconference hearings are also used for cases arising in Kansas City, MO, and Omaha, NE.

<sup>35</sup> These facilities are the Dodge County Detention Center in Juneau, WI; the Kenosha County Detention Center in Kenosha, WI; the McHenry County Jail in Woodstock, IL; the Ozaukee County Jail in Port Washington, WI; and the Tri-County Detention Center in Ullin, IL. It takes approximately five to six hours to drive to the Tri-County Detention Center from Chicago.

Immigration law is arcane, often depending on counter-intuitive distinctions.<sup>36</sup>

Persons in removal proceedings, for instance, may be either “inadmissible” or “deportable.”<sup>37</sup> “Inadmissible aliens” are persons attempting to enter the United States for the first time or persons who have resided in the United States permanently but have left the country temporarily and seek readmission. “Deportable aliens,” on the other hand, are persons physically present in the United States who have been found in an unlawful status, have applied for an immigration benefit and been denied, or have lawful status here but have been charged with having violated the immigration laws in some way. The grounds of inadmissibility and deportability are similar, but not identical. In either case, DHS can detain both inadmissible and deportable persons pending a decision on their removal. All removal hearings can be held by videoconferencing, regardless of the seriousness of the alleged immigration law violation.

In general, persons may be removed for entering without inspection, lacking proper immigration documentation, or overstaying a visa; for crimes that they have committed; for being indigent if they are at risk of becoming a “public charge”; health-related grounds, or for terrorism or other security concerns.<sup>38</sup>

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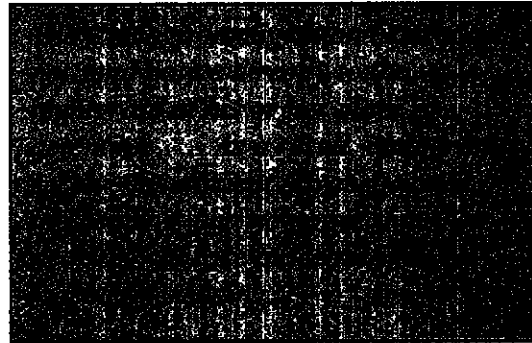
<sup>36</sup> Of this trait, Judge Kaufman (who presided over the notorious Rosenberg trial) once remarked: “We have had occasion to note the striking resemblance between some of the laws we are called upon to interpret and King Minos’s labyrinth in ancient Crete. The Tax Laws and the Immigration and Nationality Acts are examples we have cited of Congress’s ingenuity in passing statutes certain to accelerate the aging process of judges. In this instance, Congress, pursuant to its virtually unfettered power to exclude or deport natives of other countries, and apparently confident of the aphorism that human skill, properly applied, can resolve any enigma that human inventiveness can create, has enacted a baffling skein of provisions for the I.N.S. and courts to disentangle.” *Lok v. INS.*, 548 F.2d 37, 38 (2d Cir. 1977).

<sup>37</sup> Compare 8 U.S.C. § 1182 (general classes of aliens ineligible to receive visas and ineligible for admission; waivers of inadmissibility) with 8 U.S.C. § 1227 (general classes of deportable aliens).

<sup>38</sup> See 8 U.S.C. §§ 1182, 1227.

Where immigrants are entitled to a hearing before an immigration judge, removal proceedings are commenced by the service of a charging document, called a “Notice to Appear” (NTA).<sup>39</sup> Following service with this document, the immigrant is summoned to appear at a preliminary hearing, called a “Master Calendar” hearing. In spite of the complexity of immigration law, there is no right to counsel paid for by the government in immigration proceedings, and many immigrants are unrepresented. After one or more Master Calendar hearings, an immigrant may (if eligible for some relief) be scheduled for an “Individual Calendar,” or merits hearing, which is a final evidentiary hearing.

Detained immigrants within the jurisdiction of the Chicago court often do not receive advance written notice of their first Master Calendar hearing. The Chicago Immigration Court does not send notice



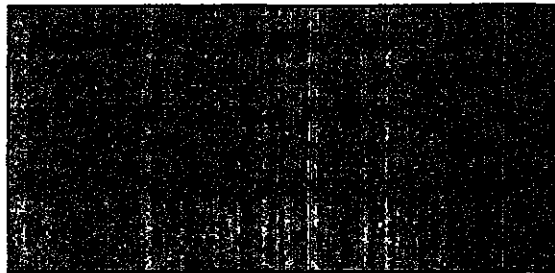
directly to the immigrant at his or her place of detention, but to the Chicago ICE office, which ICE lists as the immigrant’s address for all detained NTAs filed with the Immigration Court. ICE asserts that it provides this notice to detained immigrants on the morning of their first court appearance, when they are awakened as early as 3:00 a.m. to be transported to the remote videoconferencing hearing room in Broadview, a Chicago suburb.<sup>40</sup> As a result, immigrants receive insufficient advance notice of the hearing, and no notice that their hearing will take place through videoconferencing.

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<sup>39</sup> 8 U.S.C. § 1229 (initiation of removal proceedings).

<sup>40</sup> It may seem odd for ICE to transport detainees hundreds of miles only to stop a few miles outside Chicago. It is our understanding that ICE prefers not to bring detainees these last few miles because traffic can be congested during rush hour, when detainees are transported to and from downtown Chicago.

At the Master Calendar hearing, the judge is required to advise the immigrant of his or her right to representation (at no expense to the government), the right to a continuance to obtain counsel or prepare a defense, and the availability of free legal services. The judge ideally uses the hearing to learn the basic facts of the case, whether the NTA was properly served, and what applications for relief may be filed. The immigrant will typically plead to the charges in the NTA. If the immigrant admits and concedes the charges, (s)he may indicate which applications for relief the (s)he intends to file with the Court.<sup>41</sup> If there are contested issues of law, the court may set a briefing schedule and schedule another Master Calendar hearing to address these issues, or the judge may decide the issue then and there. The judge often issues a ruling as to whether the immigrant is subject to removal as charged at the Master Calendar hearing. If the immigrant agrees to removal, the court may consider motions for voluntary departure or withdrawal of an application for admission.<sup>42</sup>



Although EOIR materials describe Master Calendar hearings as a kind of preliminary hearing, Immigration Judges often make decisions at Master Calendars that have sweeping import. First, though it is technically not part of the Master Calendar hearing, judges often hold a bond hearing immediately before or after a videoconference

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<sup>41</sup> An immigrant may file various applications for relief from removal, which, if granted, will allow him/her to maintain or be granted lawful status to remain in the United States. *See, e.g.*, 8 U.S.C. § 1229b (providing for the “cancellation of removal” of lawful permanent residents convicted of certain crimes); 8 U.S.C. § 1158 (providing for asylum status to be granted to immigrants who have a well-founded fear of persecution). In many cases, an immigrant is eligible for relief from removal even where the Immigration Judge has found her inadmissible or deportable as charged on the NTA.

<sup>42</sup> *See* EXECUTIVE OFFICE OF IMMIGRATION REVIEW, IMMIGRATION JUDGE BENCHMARK Ch. IV.III, V.II.B (2001).

Master Calendar hearing. Bond hearings are of great importance to an immigrant. Release on bond can mean the difference between having one's freedom and being able to prepare a defense, and trying to stave off removal from detention, spending months, even years in a jail cell, at a significant distance from family and counsel. Second, judges often make rulings at Master Calendar hearings that dispose of a case, including rulings on complex legal issues regarding inadmissibility or deportability, or findings that an immigrant is ineligible for any relief before the Court. Moreover, it is not uncommon for Immigration Judges to make factual findings at Master Calendar hearings, even though there is no authority for treating Master Calendar hearings as evidentiary hearings. Immigration Judges can – and do – enter final orders of removal at Master Calendar hearings.

#### **Videoconference Hearings in the Chicago Immigration Court**

The Chicago videoconference court does not look like other courtrooms. Located on the nineteenth floor of an office tower, the courtroom looks nothing like the stark and formal chambers of the nearby Dirksen Building (federal court) or the Daley Center (state court). The judge's "bench" is really just a table. The attorney for the government (the "trial attorney") and the attorney for the immigrant sit facing each other at tables adjacent to the bench, within reach of the television. The Chicago videoconference court has a copy machine, printer, and ample office supplies. A fax machine did not exist in the Chicago courtroom or at the remote site during the time we observed hearings.

A Spanish-speaking interpreter sometimes sits at the immigrant attorney's table, translating exactly what the judge tells him or her to translate and nothing more. The interpreter often serves as a de facto clerk of the Immigration Court, passing files to the

judge, printing and delivering notices or other documents to counsel, and organizing the court call for the Master Calendar hearings. When an immigrant does not speak English or Spanish, the judge typically uses a telephonic translation service. During the time that we observed hearings, the judge called the interpreter through a speaker-phone at the Chicago court. The detainee heard the interpreter at the remote site through the same microphone that picked up the speech of the judge and the attorneys; the detainee did not, in other words, have any direct telephone connection to the interpreter.<sup>42</sup> The judge did not advise the detainee that he was using a telephone interpreter, and the judge did not tell the interpreter that the detainee was appearing by videoconferencing. On rare occasions, interpreters who spoke languages other than Spanish were physically present for Master Calendar hearings. When in-person interpreters were used, they appeared at the Chicago court, and not at the remote site.

A television with a 27-inch screen is set up in front of the tables, and cameras project an image of the immigrant onto the television. During our observation period, spectators could watch their detained family member on another television, situated in front of the gate separating the attorneys and judge from the rest of the courtroom.<sup>43</sup> The judge controls the television cameras with a remote control and typically focuses on the

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<sup>42</sup> The Chicago Immigration Court has recently begun using telephonic interpreters for Spanish-speaking immigrants too. The Court now uses, when it is functioning, a technology that feeds the interpreter's voice directly through the television.

<sup>43</sup> This television does not exist in the new videoconferencing courtroom, and family members can no longer see their relative at the hearing.



immigrant's upper body.<sup>44</sup> There is a device for projecting documents onto the television screen, so that the immigrant can view them.

At Broadview, the remote site, immigrants sit in a row of chairs in a narrow hallway while they wait for their hearings. An ICE guard escorts them one-by-one in and out of a small room with an open door, a 27-inch television, a small table and two chairs – one for the guard, and one for the immigrant. Although attorneys may, in theory, appear at Broadview to represent their clients, few choose to do so, since appearing at Broadview means sacrificing access to the court, the trial attorney, and files, and losing the ability to gauge the dynamics of the courtroom.<sup>45</sup> The guard sits next to the immigrant, regulates the equipment, and performs clerical duties like giving application forms to immigrants and checking the general Broadview fax machine for documents sent by the Court. From his chair, the immigrant can watch the judge, the attorneys, and the interpreter (if there is one) in Chicago.

The judge and attorneys often carry on lengthy, untranslated conversations off the record. Court proceedings are not transcribed by a stenographer but taped from a recorder controlled by the judge. The judge usually commences the hearing by asking the immigrant his or her name to assure that the equipment is functioning properly. After that initial exchange, the judge and the attorneys typically ignore the immigrant until the

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<sup>44</sup> According to the EOIR, its videoconferencing technology has the capability to display frames within a frame, so that the court and the detainee can see how each appears to the other. We did not see the Chicago court use this function.

<sup>45</sup> It is so unusual for attorneys to appear at Broadview that when one attorney from the Legal Assistance Foundation of Metropolitan Chicago did so, he was at first told by the ICE guard that he was not permitted to sit with his client in front of the videoconferencing monitor.

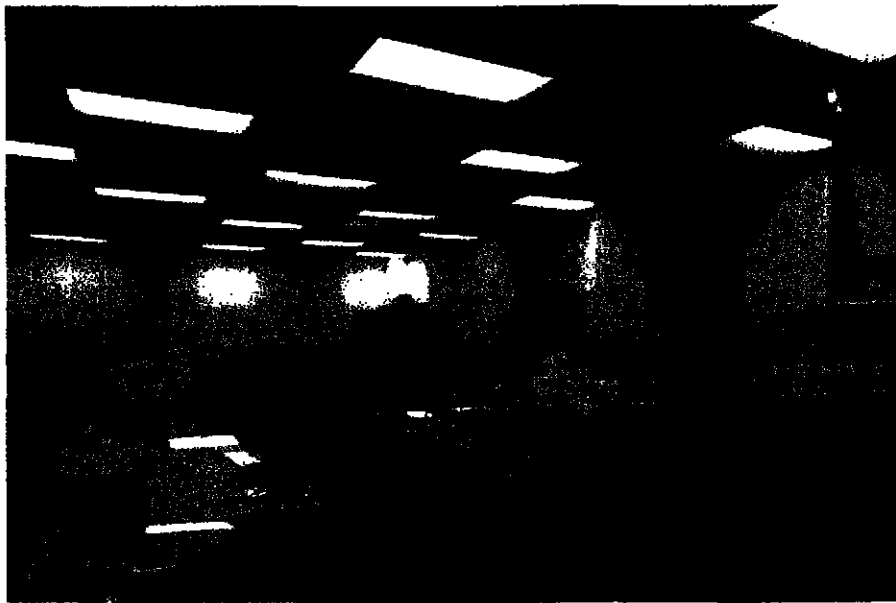
conclusion of the hearing, when the judge will order the interpreter to translate the judge's rough summary of what has been ordered at the hearing.<sup>46</sup>

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<sup>46</sup> For another description of a typical videoconferencing hearing, see Peggy Gleason, *Realty TV for Immigrants: Representing Clients in Video Conference Hearings*, 5 Bender's Immigration Bulletin No. 17 (2000).

**PART THREE**

**Methodology**



Downtown Chicago Videoconferencing Courtroom:  
Clerk's desk (left) and Immigration Judge's desk (center),  
with speaker phone and additional supplies.

## Observed Hearings

Staff at the Legal Services Center for Immigrants at LAF trained approximately fifteen law students and volunteers on basic immigration law, the nature of Master Calendar hearings, and observation and data recording techniques. Center staff held a one- to two-hour training session for observers. Once trained, each observer attended several Master Calendar hearings conducted by videoconferencing in the “Ceremonial Court Room” at the Chicago Immigration Court. In total, observers witnessed 110 hearings (involving 112 immigrants) over the course of the summer and fall of 2004.<sup>47</sup> Each hearing lasted between five and forty-five minutes, and observers usually watched several hearings at a single sitting. Observers viewed Master Calendar hearings before five different judges.<sup>48</sup> In order to minimize any “observer effect” – that is, changes in behavior when people are aware they are being observed – we did not inform the court that the hearings were being monitored.

We would have preferred to compare these results with observed results from a control group of in-person detained Master Calendar hearings. Unfortunately, there was no control group available during this study.<sup>49</sup> Even with the absence of a control group,

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<sup>47</sup> Some immigrants’ cases were consolidated into a single hearing and some immigrants were observed in multiple hearings, though the observation of the same immigrant occurred randomly.

<sup>48</sup> These five judges were the only judges that conducted detained Master Calendar hearings by videoconferencing during the summer and autumn of 2004. One judge declined to use videoconferencing for reasons of which we are unaware, since we were barred by EOIR from interviewing judges.

<sup>49</sup> During the time that we conducted our court observations, very few detained Master Calendar hearings were performed without videoconferencing. The few in-person hearings that took place were adjudicated by the one judge who did not use videoconferencing for any hearings. We considered conducting observations on non-videoconference detained Master Calendar hearings in the spring of 2005, when there was a brief window of time during which detained hearings were being done in-person, but these hearings were again before only one judge, who did not conduct any hearings by videoconferencing. It would have been impossible when comparing videoconferencing outcomes to non-videoconferencing outcomes to determine which differences were attributable to videoconferencing and which to a judge’s particular habits and style. We also considered using in-person, non-detained Master Calendar hearings as a control group,

we expected to collect useful information in two main areas: (a) the types and prevalence of videoconferencing-related problems during hearings, and (b) the hearing outcomes. We expected this information to allow us to assess the potential seriousness of any problems related specifically to videoconferencing proceedings.

Observers were given questionnaires to complete for each hearing.<sup>50</sup> They recorded basic facts (the immigrant's name, country of citizenship, the name of his or her lawyer, the alleged basis for removal, etc.). The monitoring sheet also asked observers to note issues relating to the following categories: interpretation, technical quality, access to counsel, and testimony and evidence. In each of these categories, observers were asked to specify what problems, if any, had occurred. For example, with respect to technical issues, there were checkboxes next to subcategories such as "equipment malfunction," "image freeze," and "transmission delays." Observers were asked to comment on any problems that they reported. The monitoring sheet also included questions about whether observers had noted any other issues related to hearing procedures, the judge's use of videoconferencing, and the outcome of the hearing.<sup>51</sup>

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but the substantial differences between cases of detained immigrants and cases of immigrants who are not detained made comparisons between these two groups inappropriate.

<sup>50</sup> See Hearing Monitoring Sheet, at Appendix G.

<sup>51</sup> When recording hearing outcomes, some observers did not differentiate between decisions of removal (deportation) and voluntary departure, nor did they differentiate between continuances for more Master Calendar hearings or continuances for merits hearings. Consequently, we aggregated case outcomes of removal and voluntary departure into one outcome category; we also aggregated continuances to Master Calendar and merits hearings into another category.

The results from these monitoring sheets were analyzed using SPSS statistical software. Chi-square tests were used to compare outcomes of different groups, and differences were considered statistically significant if they had a *p*-value of .05 or less.<sup>52</sup>

### **Interviews with Attorneys**

Observers recorded the names of the attorneys representing immigrants, and of these, we randomly selected seventeen to contact for interviews. Volunteers contacted these attorneys and explained that we were conducting a study identifying the strengths and weaknesses of videoconferencing in detained Master Calendar hearings. Fourteen attorneys consented to give interviews, each of which lasted between 15 and 40 minutes. Ten of these attorneys worked at private firms, and four worked at nonprofit legal organizations. All attorneys interviewed had represented immigrants in two or more videoconference hearings.

We used a semi-structured interview technique: that is, interviewers asked all of the listed questions and encouraged attorneys to elaborate on responses during the interview.<sup>53</sup> Interviewers asked attorneys for their general impressions about the use of videoconferencing in immigration court. Interviewers then asked about the occurrence and severity of technical, interpretation, access to counsel, and evidentiary/testimonial complications. After approximately half of these interviews were completed, we revised the interview schedule to include specific questions about the potential strengths of

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<sup>52</sup> *Statistical significance* means that the differences observed between two categories are sufficiently substantial and consistent so that it is highly unlikely that the observed differences are random. For example, there is a statistically significant difference in the likelihood of removal between represented detainees and unrepresented detainees at the .05 level. This means that there is at least a 95% probability that the different rates in removal that we observed in our study reflect a real difference in rates of removal for unrepresented detainees compared to represented detainees in general.

<sup>53</sup> See Appendix H for the interview schedules.

videoconferencing, particularly about whether videoconferencing increased the effectiveness, efficiency, or security of the hearing process. Attorneys indicated whether they preferred videoconferencing or in-person hearings and gave recommendations for the improvement of videoconferencing.

### **Efforts to Interview Detained Immigrants**

We were not permitted to observe videoconference hearings at the Broadview detention center to see how they worked from the immigrants' perspective. We tried to interview immigrants about their experiences using videoconferencing, but we encountered several obstacles in contacting detained immigrants. First, we faxed letters to immigrants whose hearings we had observed, inviting them to contact us for an interview.<sup>54</sup> Although we sent letters to approximately 20 immigrants, we received only two calls in response. A private attorney visited the Kenosha County Detention Center in Kenosha, Wisconsin and conducted two interviews for this project. When we attempted to conduct additional in-person interviews at the Kenosha facility, ICE denied us access to the detained immigrants. ICE later notified us that under no circumstances would we be permitted to speak with immigrants whom we were not representing or considering representing.<sup>55</sup> We then mailed approximately 14 questionnaires to immigrants randomly selected from a recent Master Calendar docket list but received almost no responses. Again, in a majority of cases, we were unable to ascertain whether questionnaires reached the immigrants, and if they did, whether immigrants were uninterested in participating or merely unable to communicate with us.

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<sup>54</sup> These faxed letters explicitly stated that interviews were for research purposes only.

<sup>55</sup> In-person meeting with Deborah Achim, Field Director of ICE, Chicago on March 18, 2005.

In total, we conducted two interviews by telephone and two in person at a detention facility, and we received two partially completed questionnaires. We considered these data when analyzing other qualitative data to see if there were major discrepancies between these immigrants' experiences with videoconference hearings and the experiences the attorneys described. We saw none; however, the limited amount of data we were able to gather prevented us from incorporating the perspectives of immigrants into this study, as we had hoped to do.

#### **Questionnaire from the Executive Office for Immigration Review**

We made a written request to the Executive Office for Immigration Review to interview Chicago Immigration Judges about their experiences with videoconferencing. EOIR denied our request but agreed to respond to written questions.<sup>56</sup>

#### **Questionnaire from the Department of Homeland Security**

We made a written request to the Department of Homeland Security, Office of the Chief Counsel, to answer a series of questions about the experience of trial attorneys with videoconferencing. DHS did not respond to our request.

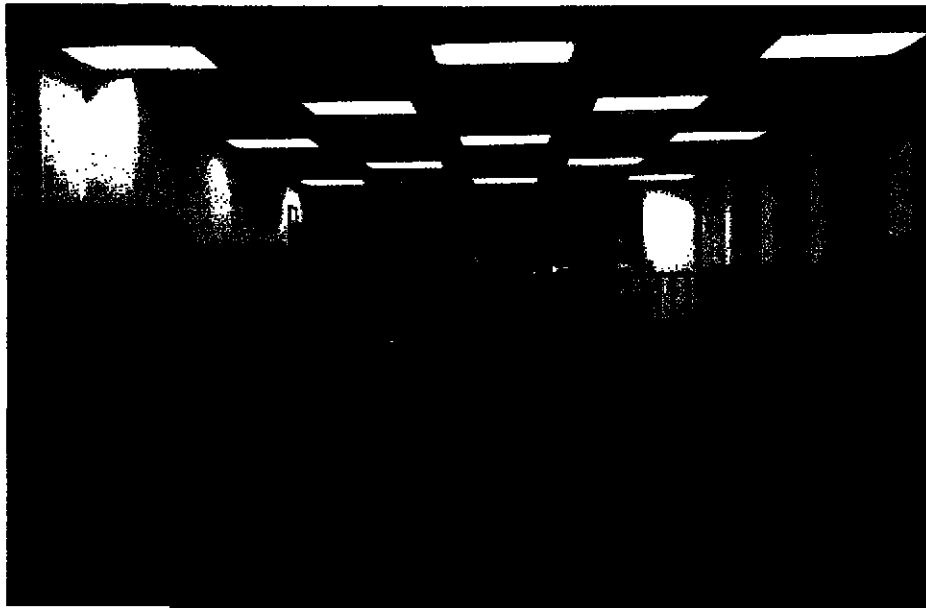
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<sup>56</sup> See Appendix B.



## PART FOUR

### Analysis



Downtown Chicago Videoconference Courtroom:  
Seating area for the public, which includes a separate television for  
viewing individuals at the remote courtroom. (EOIR's current courtroom,  
now located elsewhere, has no television for public view of the remote site.)

Observers witnessed problems caused or exacerbated by videoconferencing technology in nearly half of the observed hearings in the Chicago Court.

**Table 4.1: Problems Experienced by Immigrants During Videoconference Hearings**

<b>Access to Counsel</b>	14	12.7%
<b>Evidentiary/Testimonial</b>	17	15.5%
<b>Interpretation</b>	15	13.6%
<b>Equipment/Technological</b>	22	20%
<b><i>Total Hearings with 1 or more Problems*</i></b>	<b>49</b>	<b>44.5%</b>

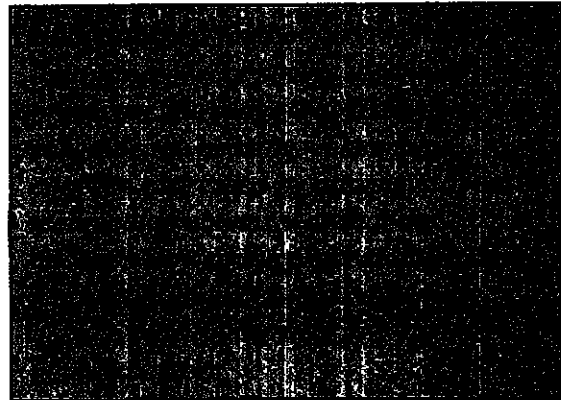
*\* Because many immigrants experienced more than one type of problem during their hearings, the "total hearings with 1 or more problems" count is less than the combined row counts.*

It is important, as an initial matter, to note that substantial issues were often adjudicated in these hearings. In fact, almost 30% of the hearings we observed ended in the immigrant receiving an order of removal. We discuss our detailed findings in the following pages.

## Technical Problems in the Courtroom

Equipment problems in the courtroom are common: of the hearings we observed, one in five had at least one equipment problem, usually short-term equipment malfunctions or poor sound quality (poor sound quality affected at least one in ten hearings).<sup>57</sup> Image freezes or transmission delays were relatively rare, although one observer reported that an entire day's worth of hearings had to be postponed because the visual images kept freezing until the system finally crashed.

There did not appear to be any strong relationship between the occurrence of technical problems and the outcome of the hearings – that is, detained immigrants who experienced equipment difficulties were not more likely to be ordered



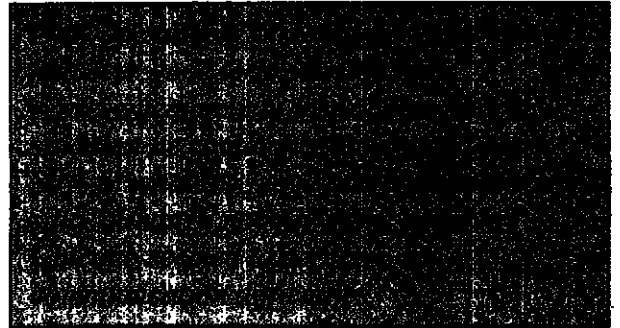
removed than those who did not. In fact, both attorneys and observers indicated that, if severe technical problems arose, the judge was likely to reschedule the hearing. The major concern expressed by attorneys about technical problems was that these mishaps slowed the process down and led to continuances that could have been avoided if the hearings had been held in person.

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<sup>57</sup> One or more technical equipment failure occurred in 22, or 20%, of the observed hearings.

### **Technical Problems at the Detention Facility**

Given ICE's refusal to allow us to interview detained immigrants or observe Master Calendar hearings at Broadview, it was much more difficult to assess the adequacy of the Broadview equipment. Only one attorney interviewed said that he had ever gone to Broadview and represented a client there. This attorney said that he could only understand about 80% of what the judge and trial attorney said, although nobody in the court in Chicago seemed to perceive any communication difficulties. Observers in the courtroom did not see judges making clear efforts to ensure that the immigrant could adequately hear what was happening in court. Often the judge seemed to assume that asking the immigrant his or her name and getting an audible response was a sufficient test of the sound equipment.



### **Access to Counsel**

We found that videoconferencing creates a major barrier to a detained immigrant's access to counsel. In theory, there are two potential types of access to counsel problems: (a) not being able to obtain counsel at all, and (b) having trouble making contact with an attorney who has agreed to represent the immigrant. Videoconferencing did not appear to have an adverse impact on the first type of access problem: almost all unrepresented immigrants received a list of free legal services providers and were given additional time to find an attorney if they requested it. However, videoconferencing did undermine the ability of immigrants to confer with their

representatives. The observers witnessed problems in about one in six hearings with represented immigrants.<sup>58</sup>

The attorneys we interviewed explained advocate-client communication in the old system to show how videoconference hearings have made communication more difficult. Because removal cases for this region (Illinois, Indiana, and Wisconsin) are heard in Chicago, immigrants routinely seek assistance from Chicago-based attorneys. ICE detains immigrants in distant facilities, however, so it is rare for Chicago lawyers to consult with their clients in person before the hearing. Under the pre-videoconferencing system, Chicago attorneys could meet with their clients in ICE visitation rooms at the courthouse immediately before the hearing began. Because ICE now brings detained immigrants to a locked facility in suburban Broadview, rather than to court in downtown Chicago, attorneys are unable to speak privately with their clients before the actual hearing. One attorney explained, "No [detainee] is kept near an attorney. My client is being held in Kenosha [Wisconsin, about 1.5 hours from Chicago], but some people are held 3 to 4 hours away. Representation is becoming more and more difficult."

Thus, the first impediment to sufficient and proper representation, once counsel is obtained, is that videoconferencing makes it more difficult for an attorney to consult with the client before the hearing.

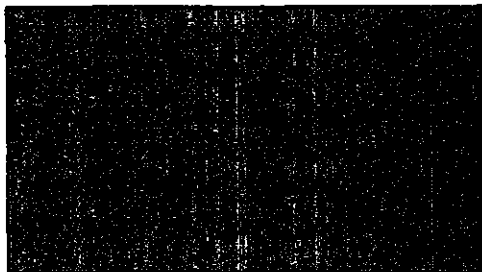
The second common complaint is that videoconferencing makes any private consultation during the hearing impossible. Only one attorney reported being able to speak to the immigrant by seeking time to consult and asking the judge to clear the court. The vast majority of lawyers believed that private conference was impossible. Observers

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<sup>58</sup> Access to counsel problems occurred in 14, or 12.7%, of the observed hearings.

regularly witnessed attorneys and clients becoming frustrated because they had no privacy. In one observed hearing, an attorney asked to speak to the immigrant in private.

In this case, the trial attorney left the courtroom, although other court officials did not. The detention officer at Broadview did not leave the room either. Observers never saw a judge outright deny a lawyer's request to speak with the client privately.



In most cases, these impediments to attorney-client communication seemed to slow the hearing process. One attorney explained that he would never ask a question or do anything else in court that he and his client had not discussed beforehand. Since the lawyer and his client could not speak privately during the hearing, the lawyer would ask for a continuance if any unexpected issues arose, thus slowing the overall pace of that immigrant's case. In most cases, attorneys would ask for a continuance or for a merits hearing. In a small number of cases, observers saw the outcome of the immigrant's case actually changing in the course of a videoconferencing hearing, as in the following example:

The immigrant decided during the hearing to just accept the charges and return to his country. At that, the attorney requested to be relieved, and the immigrant granted his wish. I wonder whether things would have gone differently if the two had a chance to speak in private.

### **Interpretation Problems**

Language interpretation is a serious problem in the Chicago court, and videoconferencing exacerbates it. Observers witnessed interpretation problems in 14% of

all hearings and in almost 30% of hearings in which interpreters were used.<sup>59</sup> Because the typical observer was not fluent in the native language of the observed immigrant, Table 4.2 includes only the miscommunications that were apparent to non-speakers of the immigrant's language. For example, one observer saw the following incident occur:

The interpreter asked [the] immigrant if the woman in Chicago on screen was his lawyer. He said yes, and the interpreter translated his answer as "no." Fortunately, the immigrant realized and fixed the error.

In situations like these, someone in court perceived and drew attention to the miscommunication. It is probable that there were other interpretation failures that went unnoticed by both courtroom participants and the observer; consequently, the true rate of interpretation problems may be substantially higher than 30%.

The vulnerability of interpreter-dependent immigrants is highlighted by two striking statistics: first, interpreter-dependent immigrants were much more likely to experience other videoconferencing-related problems during their hearings, and second, interpreter-dependant immigrants experienced a much higher rate of removal orders during Master Calendar hearings.

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<sup>59</sup> In the 33 hearings in which interpreters were used, 9 were noticeably affected by miscommunication between the interpreter and the immigrant.

**Table 4.2: Use of Interpreter and Frequency of Problems<sup>60</sup>**

<b>Hearings with no interpreter (% of row total)</b>	26 (33.8%)	51 (66.2%)	77 (100%)
<b>Hearings with interpreter (% of row total)</b>	23 (69.7%)	10 (30.3%)	33 (100%)
<b>Total (% of row total)</b>	49 (44.5%)	61 (55.5%)	110 (100%)

Immigrants who used interpreters were statistically more likely to have difficulties with videoconferencing. As shown above, 70% experienced problems, while only 33% of immigrants without interpreters had any trouble. The higher frequency of problems was largely due to a higher rate of interpretation difficulties, but interpreter-dependent immigrants also tended to experience more technical problems, access to counsel issues, and testimonial and evidentiary problems than immigrants who did not use interpreters. Immigrants who depended on interpreters had a statistically higher rate of experiencing evidentiary-testimonial complications, such as not having access to charging documents.

An immigrant who relied on an interpreter had a statistically higher chance of removal as well. Almost one-half of those using interpreters received removal orders during their videoconference hearing, as opposed to 23% for English-speaking immigrants.<sup>61</sup> This is a difficult trend to unravel – we did not have enough data to make

<sup>60</sup> Cited problems included technical failures, access to counsel, the presentation of evidence, and interpretation.

<sup>61</sup> 18 (or 23.4%) out of 77 English-speaking immigrants received removal orders, while 16 (or 48.5%) of 33 non-English speakers received removal orders.



a full assessment of the relationship between interpretation problems and removal orders. The trend is complicated by our finding that almost all of the deported immigrants were Latino in origin; thus, Latino immigrants who needed Spanish-English interpreters fared much worse than Latinos who did not.

There are a multitude of potential explanations for this phenomenon, and we cannot definitively identify the strongest one.

However, one common observation may provide some insight into the relationship between removal and language. Observers consistently reported that most of what was said at the hearing was not translated for immigrants, even when immigrants did not have legal representation. It must be assumed that many immigrants who depended on interpreters had no idea of what was happening in their cases. One observer described the phenomenon this way:

The majority of the hearing was conducted without the inclusion of the interpreter and therefore the immigrant. The immigrant was addressed at the beginning of the hearing and after the judge presented an official oral decision.

We saw that judges, trial attorneys, and even defense attorneys routinely ignored immigrants during Master Calendar hearings. This finding is consistent with the literature concerning videoconferencing, which indicates that remote litigants are less likely to participate in the proceedings than persons who are physically present in court.<sup>62</sup> This inattention may be detrimental to all detained immigrants, but it is particularly problematic for unrepresented detainees and non-English speakers who have no way of knowing what the trial attorney and judge are discussing.

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<sup>62</sup> Poulin, *supra* note 24, at 1141.

The interpreter was located in the courtroom or translated by phone (phone translation is the rule in the case of languages other than Spanish). In the few hearings we observed with non-Spanish interpreters, we saw serious problems. One observer reported that four Mandarin-speaking immigrants had a group hearing, and that it was "chaotic." On five occasions, observers reported that the court seemed reluctant to use an interpreter, even when it appeared that the immigrant could not understand everything that was said in the courtroom. One observer described the case of an Arabic-speaking immigrant: "The immigrant spoke English, but imperfectly. He told long, somewhat jumbled stories. His lawyer requested an interpreter and the judge deemed it unnecessary." In other cases, observers made comments like the following: "There was no interpreter and I got no sense that the immigrants understood what was going on."

A few attorneys discussed their frustration with the interpretation procedures. Some attorneys complained about the distance between the interpreter and the immigrant. Two attorneys mentioned that interpretation over the phone was often difficult or "messy," and others suggested having the interpreter at Broadview. However, as one attorney pointed out, most attorneys have limited foreign language abilities, and they are often not able to evaluate the effectiveness of any interpretation. We suggest that the immigrants themselves, and possibly the interpreters, would be the best sources for more information about how videoconferencing affects courtroom interpretation.

### **The Presentation of Evidence and Testimony**

Problems concerning the presentation of evidence and testimony were relatively common in our observed hearings – about one in six immigrants experienced some type

of problem.<sup>63</sup> Some of these stemmed from poor use of technology. On several occasions, when the document projector was broken, the judge just held documents up to the camera. Observers reported that immigrants squinted to see documents, but could not tell whether the immigrant could actually read the text. Likewise, immigrants had difficulties presenting paperwork to the judge: in one case, “the immigrant tried to show [the] judge documents, such as [a] newspaper article of him being tortured in Ghana and [a] letter requesting him in Hong Kong, but the Judge could not see.”

Not having documents in court was the evidentiary problem most commonly noted by observers. Several attorneys likewise mentioned the inability to share important legal documents between the court in Chicago and the client at Broadview. If the immigrant needed an application or form, for example, the court could not simply hand it to him. One attorney explained:

An efficient system of communication between Broadview and the court would improve things. Often times not everything will reach the detainee. We’ll say, ‘I’ll fax you later.’ The detainee will get 10 out of 15 pages and they are usually not complete. Some way to make all this simultaneous would help.

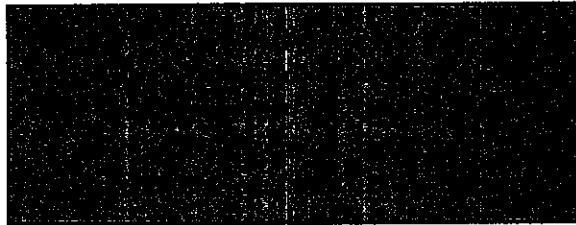
Echoing a concern found in the literature on videoconferencing, the attorneys we interviewed worried that videoconferencing undermined the judge’s ability to assess the immigrant’s credibility. One attorney pointed out that split-second delays in the video transmission made the image “choppier” in a subtle way and made the immigrant appear less truthful. Others commented that emotions were less clearly communicated over videoconferencing. One attorney said, “Recently my client was nervous and his testimony came across as unreliable.” Other attorneys expressed the sense that judges

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<sup>63</sup> In seventeen, or 15.5%, of 110 hearings, immigrants experienced one or more evidentiary/testimonial problems.

were likely to feel more emotionally distant from and apathetic to an immigrant on a television screen.<sup>64</sup>

This sense was seconded by at least one of our observers, who was alarmed by the degree of indifference displayed by judges and attorneys in videoconference hearings:



[The immigrant] was sobbing. She looked like she was a teenager. No one even noticed how stressed out she was. Everyone was stapling exhibits and passing papers, and then it was over. . . . No one explained why [the case] was being continued. Her usual attorney wasn't there. It seems like her condition might have had more of an impact had she been in the courtroom, but no one even noticed her.

### **The Role of Representation**

Over half of the immigrants observed were represented,<sup>65</sup> and we saw that whether an immigrant had an attorney or not had a statistically significant effect on the outcome of the hearing. Only 18% of represented immigrants received orders of removal, as opposed to 44% of those without representation.<sup>66</sup> Attorneys tended to perceive the plight of unrepresented immigrants in videoconference hearings as especially precarious. One lawyer explained, "Masters are mostly for attorneys, but if there is any interaction [between the court and the immigrant], the videoconferencing

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<sup>64</sup> For a discussion of the role of emotion in judging, see Martha C. Nussbaum, *Emotion in the Language of Judging*, 70 St. John's L. Rev. 23, 27-28 (1996) (construing ADAM SMITH, *THE THEORY OF MORAL SENTIMENTS* 21 (1976)).

<sup>65</sup> The immigrants were represented in about 58% of the hearings that we observed; in 42% of the hearings, the immigrants did not have attorneys.

<sup>66</sup> This difference is statistically significant at the .005 level

causes big problems.”<sup>67</sup> Unrepresented immigrants were more likely to be affected by the problems identified in our observation form. Immigrants often appeared to be ignored in court, even when they were representing themselves. Unrepresented immigrants must be able to understand the judge and the trial attorney and to speak in court, and this ability was undermined by equipment inadequacies. Further discussion with immigrants themselves would be helpful in assessing the different experiences of represented and unrepresented immigrants.

### **Issues of Ethnicity**

Latino immigrants had a much higher probability of being ordered removed than non-Latinos during videoconference Master Calendar hearings. About 57% of Latinos received removal orders, whereas almost no non-Latino immigrants were ordered removed.<sup>68</sup> There was no difference in rate of removal between Mexican immigrants and immigrants from other Latin American countries. The likelihood of removal increased if the immigrant depended on an interpreter for communication in court.<sup>69</sup>

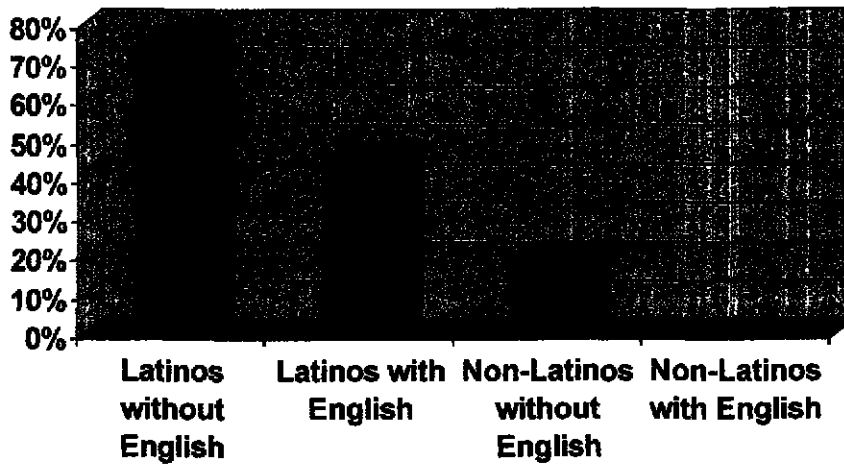
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<sup>67</sup> We did not find that videoconferencing problems were either more or less frequent among unrepresented immigrants, as compared to represented immigrants – both groups experienced a 44% occurrence of videoconferencing-related problems.

<sup>68</sup> 32 of 34 immigrants who were ordered removed were identified as Latino. Of the two other immigrants, one was Ukrainian, and the other’s nationality was not recorded (and thus could have been either Latino or non-Latino).

<sup>69</sup> In fact, about 76% of Latinos who did not speak English were ordered removed, considerably higher than the 46% of Latinos who spoke English. About 39% of Latinos used interpreters compared of 15% of non-Latinos and 29% of immigrants of unknown origin.

**Graph 4.1: Rate of Removal among detained Immigrants, by Ethnicity and Language**

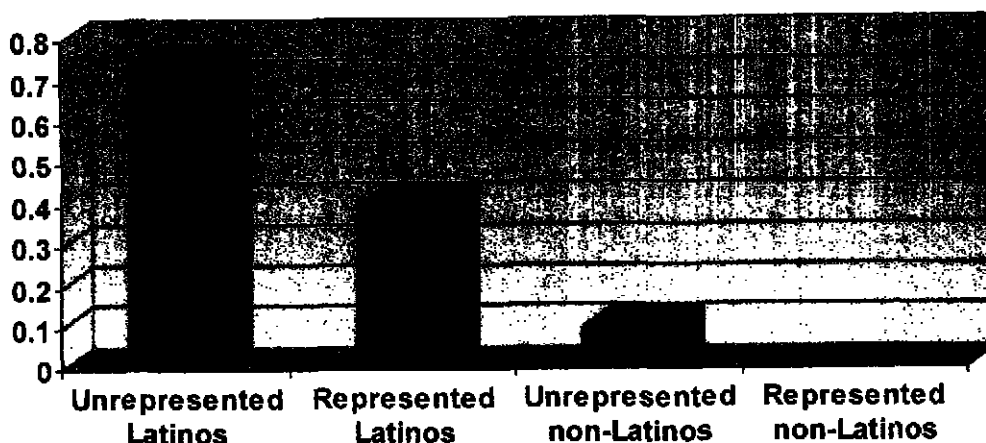


Some of the removals undoubtedly arose because immigrants agreed to their removal or voluntary departure.<sup>70</sup> However, many of those who received removal orders had representation and were less likely to be seeking removal.<sup>71</sup>

<sup>70</sup> An immigrant can choose not to contest the charges of inadmissibility or deportability and seek voluntary departure, agreeing to pay the expense of returning to the home country by delivering a plane ticket to ICE. An immigrant must show that (s)he merits such relief. An immigrant can also choose not to defend against charges that, if proven, will result in an order of removal.

<sup>71</sup> 74.1% of unrepresented Latinos received removal orders, while 40% of represented Latinos received them. Only one of ten unrepresented non-Latinos received a removal order.

**Graph 4.2: Rate of Removal among Detained Immigrants, by Ethnicity and Representation**



The phenomenon is troubling and, ultimately, perplexing. While Latino immigrants tended to experience interpretation problems (perhaps owing to weaker English skills) and evidentiary/testimonial problems more frequently,<sup>72</sup> these factors do not fully explain their much higher rates of removal. The proximity of Mexico and ease with which Mexican immigrants can re-enter the United States may explain why many Mexican immigrants are willing to concede removal, but many of the Latino immigrants ordered removed in our study were from more distant Latin American countries (such as Guatemala, the Dominican Republic, and Peru.) Further research is necessary to understand the disturbing interplay of race and ethnicity, language, and removal in the Chicago Court.

<sup>72</sup> Latinos made up the vast majority of those with evidentiary/testimonial problems – comprising 13 out of the 17 that had problems; 9 of those were non English-speaking.

**PART FIVE**  
**Recommendations**



Downtown Chicago Videoconference Courtroom showing the public viewing television (no longer available), in addition to a third television which was simply stored in the courtroom.



After compiling our data, we shared it with a multi-disciplinary advisory board, and in consultation with the board, we developed a series of recommendations for the future use of videoconferencing in immigration court.

**1. Imposing a general moratorium on videoconferencing**

Our findings suggest that videoconferencing in the Chicago Immigration Court undermines the fairness of the judicial process. The use of videoconferencing is marked by persistent problems with equipment, presentation of evidence, access to counsel, interpretation, and assessment of credibility. Videoconferencing is widely disliked by immigrants' attorneys. Although we were largely unable to interview detained immigrants, relevant studies suggest that videoconferencing has the potential to undermine the perception of immigrants that they are receiving fair process. If EOIR is to continue to use videoconferencing, it must seriously reform current practices. This process will take time; and while EOIR studies the issue, and undertakes comprehensive rulemaking, it is unfair to immigrants currently in removal proceedings to subject them to a defective system.

***Recommendation:*** If videoconferencing is to remain, EOIR must improve and regulate it better. In the meantime, EOIR should impose a moratorium on the use of videoconferencing in removal hearings to prevent immigrants from being unjustly removed because of current deficiencies.

**2. Providing regulatory guidance and comprehensive training for the implementation of videoconferencing**

Current EOIR regulations provide no real guidance for the use of videoconferencing and no standards as to when it should not be used. EOIR training materials focus on issues of sound quality and jurisdiction (in many cases an immigrant is

held in one jurisdiction and the court is in another), ignoring most of the issues discussed in our study. Judges receive no training specific to videoconferencing. Currently videoconferencing is used inconsistently throughout the country: some courts use videoconferencing for Master Calendar and merits hearings, others just use videoconferencing for Masters Calendar hearings, and some courts do not use videoconferencing at all. Given how much is at stake, EOIR should provide more guidance to Immigration Judges. Such guidance will not only enhance the efficiency and fairness of videoconferencing, but will make its use more consistent.

***Recommendation:*** EOIR should issue comprehensive regulations concerning videoconferencing. (Some of the recommendations that follow this one focus on areas where rulemaking is especially needed.) The judges, court personnel, and attorneys who participate in videoconferencing should be trained in these standards. EOIR should train its judges and clerks; ICE should train the trial attorneys; and bar associations should train immigrant defenders.

**3. Allowing immigrants to opt out of videoconferencing in cases where their substantive rights are at stake**

Literature concerning videoconferencing in other contexts suggests its power to distort credibility judgments and negatively impact “remote” litigants. This aspect of videoconferencing is especially problematic in the immigration context. Immigrants are often indigent, non-English speakers, of minority ethnicities or races. Many of them have just arrived in the United States and have no knowledge of our court system. In some cases, they have recently escaped persecution and torture. Unaccompanied immigrant minors are especially vulnerable. In general, detained clients face much greater obstacles in locating counsel, preparing, and presenting their cases than non-detained clients, who

are not subject to videoconferencing. The literature that criticizes videoconferencing for marginalizing already disempowered groups seems especially apposite in this context.

Credibility, moreover, is often central to an immigrant's case and for this reason alone, courts should refrain from using videoconferencing at any hearing where an Immigration Judge reaches a decision on the merits. Lastly, our finding of disproportionate removal of non-English speaking and Latino immigrants in Master Calendar hearings is troubling and merits a study conducted in accordance with scientific principles. In a context where credibility is central and communication is at a premium, and where the subjects are often non-English speaking minorities, it seems imprudent to introduce new technologies that appear to undermine the fairness of the court process.

***Recommendations:***

- EOIR should issue regulations barring the use of videoconferencing in merits hearings, except by written consent of the immigrant. In cases where an immigrant agrees to have a merits hearing proceed via videoconferencing, the court should require that the immigrant be told by the court of his/her right to an in-person hearing and sign a written waiver explaining his/her right to an in-person hearing.
- EOIR should issue regulations allowing immigrants to have in-person Master Calendar hearings for good cause. For a definition of "good cause," EOIR should look to the one adopted by the Social Security Administration for the purpose of opting out of Social Security videoconference hearings.<sup>73</sup>

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<sup>73</sup> See 20 C.F.R. § 404.936(e) (2005). The Social Security Administration regulations state that the desire for an in-person hearing is in and of itself good cause for holding an in-person hearing. See also 38 C.F.R. § 20.700(e) (2005) (Applicants for benefits from the Veteran's Administration are permitted to appeal either in-person or by videoconferencing, according to their preference).

- EOIR should issue regulations barring the use of videoconferencing in bond hearings, except by written consent of the immigrant. Although videoconferencing may increase the speed with which bond is decided (and a speedy decision will often be of great benefit to immigrants), some bond hearings will require assessing the credibility of the immigrant. In such cases, immigrants may prefer to be physically present before the judge, and they should not be forced to accept videoconferencing.
- Finally, EOIR should bar the use of videoconferencing in the case of children, represented or not, a class of immigrants who are especially likely to be adversely affected by videoconferencing.

#### **4. Improving interpretation**

Interpretation failures were endemic to videoconference hearings. Technological issues undoubtedly played a role (for instance, telephone interpreters may have been difficult for immigrants to understand), but the real problem was the culture of the hearings themselves. Many of the judges did not attach enough importance to interpretation within the court process and did not require (or allow) the interpreter to interpret much of what was said. When there was interpretation, it was uniformly consecutive rather than simultaneous (interpretation that occurs as a speaker speaks). These interpretation problems are probably not limited to videoconferencing cases, but they may be exacerbated by videoconferencing, because videoconferencing increases the propensity of an interpreter to serve the needs of the physically immediate judge (for whom interpretation is an after-thought), rather than the remote immigrant. Moreover, before videoconferencing, the lack of full in-court interpretation could be mitigated

somewhat by attorneys who brought their own interpreters to sit beside the immigrant—a palliative measure that is impossible in videoconference hearings.

In addition, with videoconferencing, telephonic interpretation is “double remote,” since the interpreter is in one place, the judge and attorneys in another, and the immigrant in yet another location. The interpreter cannot see anyone, and the immigrant may not even know where the interpreter’s voice is coming from. It is possible that the interpreter is also unaware that the immigrant is not in the same place as the other parties. A recent study on remote interpreting with video input reveals that, even under extremely good technical conditions, interpreters who are not in the same location as the speakers experience more fatigue and stress, which adversely affects the quality of their work.<sup>74</sup>

**Recommendation:** In videoconference hearings, interpreters should be physically located at the remote facility (Broadview) whenever possible, and should be trained in simultaneous interpretation. Simultaneous interpretation will be necessary for immigrants to understand fully what is happening in Immigration Court, since so much of what transpires takes the form of off-the-record conversations between the judge and attorneys, where pausing for consecutive interpretation would be inconvenient. In general, interpreters must strive to interpret everything and be independent of the judge.

Where it is impossible to have interpreters physically present at Broadview, EOIR should invest in a two-line telephonic interpretation system such as the one used in the Federal District Court in Las Cruces, New Mexico. In the federal court in Las Cruces, New Mexico, language interpreters use an interpretation system where the interpreter

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<sup>74</sup> Barbara Moser-Mercer, *Remote interpreting: Assessment of human factors and performance parameters*, Joint Project International Telecommunication Union (ITU)-Ecole de Traduction et d'Interpretation, Université de Genève (ETI), Communicate, at <http://www.aiic.net>, Summer 2003.

listens to the judge and non-English speaking litigant on separate lines through a headset, and interprets what is said on one line into the other line, where it is heard through a speakerphone by the judge or a headset by the litigant. In contrast to the traditional, “consecutive” telephonic interpretation used by the Chicago immigration court, the Las Cruces system allows for simultaneous interpretation.

**5. Enabling immigrants and their representative to confer**

With its capacity to impede detained immigrants from effectively presenting their case, videoconferencing makes the need for counsel acute. Detained immigrants who are held in remote facilities already are severely restricted from communicating with their attorneys. Videoconferencing creates a Hobson’s choice for immigrants’ attorneys: they can either appear at the remote site, where they will be able to confer more freely with their clients but have reduced access to the court; or they can appear in court, where they will have greater access to the judge, trial attorney, and the file, but less access to their client. Making it easier for attorneys to confer with their client from court will help to mitigate this problem.

**Recommendation:** The court should establish private booths at court and at remote sites so that attorneys can have confidential discussions with their clients before, during, or after hearings.<sup>75</sup> EOIR should make clear that judges must permit a recess of a hearing, when requested, to give attorneys and their clients the opportunity to confer in private.

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<sup>75</sup> The Georgia Supreme Court, for example, mandates that in criminal proceedings where videoconferencing is used, the defendant and defense counsel shall be provided with a private means of communication. Ga. S. Ct. R. 9.2(b) (2005).

## 6. **Improving technology**

Many of the technical problems we found, such as image freezes, transmission delays, and poor sound quality, could be resolved with better technology. Larger video screens would make it easier for the parties to see each other and for immigrant detainees to feel more involved in their removal hearings. In addition, some of the interpretation problems that we observed could be ameliorated with better interpretation technology.

Improved technology might also alleviate some of the evidentiary problems we observed. In particular, we saw cases in which immigrants had not received documents or had difficulties seeing documents on the television screen. Attorneys also reported that the current fax system is riddled with problems – if, for example, they faxed ten pages to Broadview, only seven would actually arrive. Additionally, no fax machine is located in the courtroom at the remote site. The ability to present and review documents is an essential component of immigrants' due process rights, and a better facsimile system could go far towards protecting these rights.

**Recommendation:** EOIR should invest in larger video screens and install high-quality fax machines in both the courtroom and at the remote site. EOIR should seek out the most sophisticated technology, especially for interpretation systems, which are essential for many immigrants. In order to find the best possible technologies, EOIR should look to other courts for models.

## 7. **Providing a better remote facility**

Many of the problems related to the transfer of documents that we observed could be resolved if EOIR maintained better control over the remote site, including having a trained clerk stationed there. At present, ICE guards, who are untrained in court procedure and are not employees of EOIR, essentially serve as clerks at the remote site.

In other administrative hearings, such as videoconference hearings held by the Social Security Administration, an administrative officer is stationed at the remote site.

Immigrants may understand the nature of a videoconferencing hearing better where court personnel are available at the remote site, and EOIR will have better control over problems arising during the proceedings.

Additionally, ICE relies on lack of space at Broadview as grounds for excluding the public from the remote site (contrary to applicable regulations), although it claims to have plans to "reconfigure" Broadview at some indefinite time in the future. Public access is a critical safeguard in our judicial system and helps preserve the integrity of our courts. EOIR should take immediate steps to ensure that public access exists.

***Recommendation:*** Where the remote site is an ICE detention center, EOIR should create greater independence between itself and ICE by stationing court personnel at the remote site. EOIR should take whatever steps necessary to ensure immediate public access to Broadview, and ICE should permit immigrants to speak to the general public about their experiences with videoconferencing.

#### **8. Provide adequate notice**

Notice of a removal hearing must reach the immigrant in advance of the scheduled hearing, and should provide more information about the videoconferencing hearing process itself. As a model, EOIR should look to notice of videoconference hearings provided by the Social Security Administration in administrative disability determination proceedings.<sup>76</sup> When the Social Security Administration proposes to hold a videoconferencing hearing, it sends a notice explaining to the applicant how the

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<sup>76</sup> See Social Security Administration Temporary Instruction, Video Teleconferencing Procedures (Sept. 2, 2003), Attachment 3, Sample Notice.



videoconferencing hearing will be conducted, and advising the applicant of the right to request an in-person hearing. Accompanying the notice is a form the applicant can fill out to request an in-person hearing.

*Recommendation:* EOIR should draft a separate notice for videoconferencing cases in the languages most commonly spoken by immigrants, explaining the nature of videoconference hearings and the basic videoconferencing procedure, including the right of an immigrant to request an in-person hearing for good cause.

## CONCLUSION

Mandatory detention and aggressive enforcement of the immigration laws have placed strains on immigration courts, creating a pressure to resolve cases more quickly and efficiently. Against this pressure must be balanced the due process rights of immigrants, who are both important contributors to our national economy and culture, and a vulnerable minority. As more than one court has observed, “virtual reality is rarely a substitute for actual presence and . . . even in an age of advancing technology, watching an event on the screen remains less than the complete equivalent of actually attending it.”<sup>77</sup> Given this truth, special care must be taken to assure that remote immigrants are afforded the same process and treated with the same respect as if they were in court. This is so particularly in the case of detained immigrants, who have greater barriers to accessing counsel and are often housed far from family.

We found much evidence to suggest that the right balance has not been achieved. Remote immigrants often experience problems with technology, presentation of evidence, access to their attorney, or language interpretation. They are more likely to experience these problems if they do not speak English, and they are more likely to be ordered removed at their hearing if they are Latinos, especially if they are non-English speaking Latinos. At the same time, we found little evidence to support the claim that videoconferencing enhances efficiency. Given the real danger that immigrants are being hurt by videoconferencing, we propose that EOIR declare a moratorium on videoconference removal hearings, at least until hearings are improved and appropriately regulated.

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<sup>77</sup> *Rusu v. INS*, 296 F.3d 316, 322 (4<sup>th</sup> Cir. 2002) (quoting *United States v. Lawrence*, 248 F.3d 300, 304 (4<sup>th</sup> Cir. 2001)).

## GLOSSARY

**Aggravated Felony:** A statutory term encompassing a broad array of criminal offenses. If a non-citizen is deemed an "aggravated felon," he or she will be ineligible for almost all forms of relief from removal, will be removed from the United States, and will face a permanent bar to ever returning.

**Alien:** Any non-citizen, regardless of immigration status. The study refers generally to non-citizens as "immigrants," but within immigration law, "immigrant" is actually a category of aliens.

**Asylum:** Asylum is granted to non-citizens in the United States who demonstrate a well-founded fear of persecution in their native country on account of their race, religion, nationality, membership in a particular social group, or political opinion. A person granted asylum in the United States is called an "asylee," and can apply for lawful permanent residency one year after being granted asylee status.

**Crime Involving Moral Turpitude (CMT):** A category of crimes that can form the basis for removing an alien. Immigration law does not define this term, however, administrative decisions have interpreted a crime of moral turpitude to be any "conduct which is inherently base, vile, or depraved, and contrary to the accepted rules of morality."

**The Department of Homeland Security (DHS):** The agency in charge of the enforcement of the immigration laws, including removal (deportation) from the United States.

**Deportation Grounds:** The provisions in the Immigration and Nationality Act that the Government uses to charge an alien already present in the United States with removal. Deportation grounds can range from being in the country without proper documentation to past convictions for certain criminal offenses. Aliens seeking admission to the United States are subject to different rules. See *Inadmissibility Grounds* below.

**EOIR (the Executive Office for Immigration Review):** An agency under the jurisdiction of the Department of Justice that is charged with administering removal proceedings. This agency includes the immigration judges and the Board of Immigration Appeals, and is housed in Falls Church, Virginia. EOIR is not part of DHS.

**ICE (Immigration and Customs Enforcement):** A sub-agency of DHS that is responsible for apprehending, charging, and detaining removable aliens, and removing those aliens ordered removed.

**Immigration and Nationality Act (INA):** The Immigration and Nationality Act, 8 U.S.C. § 1101, *et seq.*, is the statute that sets forth the immigration and nationality (citizenship) laws of the United States.

**Inadmissibility Grounds:** The provisions in the Immigration and Nationality Act that the Government uses to charge an alien seeking admission to the United States. Grounds of inadmissibility can range from health-related grounds to past convictions for certain criminal offenses. Aliens already present in the United States are subject to different rules. See *Deportation Grounds* above.

**Individual Calendar Hearing:** Also known as a merits hearing, an individual calendar hearing is a final hearing before an immigration judge to determine whether an alien in removal proceedings should be ordered removed. The hearing is a kind of trial, in which the parties may make opening and closing statements, present witnesses, and submit evidence. The immigration judge makes both legal and factual findings in a merits hearing. Unlike most trials in state and federal court, the rules of evidence are relaxed in merits hearings, and the immigration judge may sometimes question witnesses.

**Lawful Permanent Resident (LPR):** A lawful permanent resident is an alien who is entitled to live and work in the United States and to travel outside the United States, but who can be subject to removal proceedings if convicted of certain criminal offenses.

**Master Calendar Hearing:** A master calendar hearing is a hearing that occurs prior to the merits hearing, in which the immigration judge makes findings with respect to issues such as whether the charging document was properly served, whether the alien is removable as charged, and what applications for relief may be filed. At the master calendar hearing, the alien will typically plead to the charges and state which applications for relief (s)he intends to file.

**Notice to Appear (NTA):** The notice to appear is the charging document served upon an alien that initiates removal proceedings and that gives the alien notice of the legal and factual bases for removal.

**Removal:** The process by which a person is deported from or found inadmissible to the United States for violations of the immigration laws, including criminal offenses.

**Undocumented Alien:** An individual who has no lawful status in the United States. The individual may have originally entered lawfully but overstayed a visa, or may have originally entered without any documents and "without inspection," i.e., by evading the normal port of entry or border checkpoint where documents are checked by an immigration agent.

# Appendix

## A

**Table 1: Countries of Origin of Immigrants**

<b>Bahamas</b>	<b>1</b>
<b>Bosnia</b>	<b>1</b>
<b>China</b>	<b>7</b>
<b>Cuba</b>	<b>2</b>
<b>Dominican Republic</b>	<b>1</b>
<b>El Salvador</b>	<b>1</b>
<b>Georgia</b>	<b>1</b>
<b>Germany</b>	<b>1</b>
<b>Ghana</b>	<b>1</b>
<b>Guatemala</b>	<b>2</b>
<b>Honduras</b>	<b>3</b>
<b>Indonesia</b>	<b>1</b>
<b>Iraq</b>	<b>1</b>
<b>Jamaica</b>	<b>1</b>
<b>Jordan</b>	<b>2</b>
<b>Laos</b>	<b>1</b>
<b>Mexico</b>	<b>40</b>
<b>Nicaragua</b>	<b>1</b>
<b>Pakistan</b>	<b>3</b>
<b>Peru</b>	<b>1</b>
<b>Turkey</b>	<b>2</b>
<b>Ukraine</b>	<b>1</b>
<b>Yugoslavia/Serbia</b>	<b>1</b>
<b>Unclear</b>	<b>20</b>
<b>Unclear: Africa</b>	<b>2</b>
<b>Unclear: Asian</b>	<b>1</b>
<b>Unclear: Eastern Europe</b>	<b>2</b>
<b>Unclear: Latin American</b>	<b>11</b>
<b>Total</b>	<b>112</b>

**Table 2: Outcome of Hearing, by Region of Origin (Number Count)**

	<i>Mexico Hearing</i> <i>Scheduled</i>	<i>Voluntary</i> <i>Departure</i>			
Mexico	16	23	0	1	40
Latin America*	5	9	0	0	14
East Asia	9	0	0	0	9
South Asia	3	0	0	0	3
Africa	3	0	0	0	3
Middle East	2	0	0	0	2
Eastern Europe/ Central Asia	8	1	0	0	9
Unknown/Other	28	1	1	0	30
<b>Total</b>	<b>68</b>	<b>34</b>	<b>1</b>	<b>1</b>	<b>110</b>

\* Latin America includes all of Central America, South America, and the Caribbean. Because of the high number of Mexican immigrants, Mexico is excluded from this category and listed separately.

**Table 3: Outcome of Hearing, by Region of Origin (Percentage)**

	<i>Mexico Hearing</i> <i>Scheduled</i>	<i>Voluntary</i> <i>Departure</i>			
Mexico	40%	57.5%	0	2.5%	100%
Latin America*	35.7%	64.2%	0	0	100%
East Asia	100%	0	0	0	100%
South Asia	100%	0	0	0	100%
Africa	100%	0	0	0	100%
Middle East	100%	0	0	0	100%
Eastern Europe/ Central Asia	88.9%	11.1%	0	0	100%
Unknown/Other	93.3%	3.3%	3.3%	0	100%
<b>Total</b>	<b>61.8%</b>	<b>30.9%</b>	<b>0.9%</b>	<b>0.9%</b>	<b>110</b>

\* Latin America includes all of Central America, South America, and the Caribbean. Because of the high number of Mexican immigrants, Mexico is excluded from this category and listed separately.

# Appendix B





**U.S. Department of Justice**

Executive Office for Immigration Review

*Office of the Chief Immigration Judge*

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5107 Leesburg Pike, Suite 2500  
Falls Church, Virginia 22041

March 3, 2005

Geoffrey Heeren  
Legal Assistance Foundation of Metropolitan Chicago  
111 West Jackson Boulevard, Suite 300  
Chicago, IL 60604-3502

Dear Mr. Heeren:

Thank you for your letter of January 28, 2005, enclosing a list of questions about the Immigration Court's use of video teleconferencing equipment throughout the country. Enclosed are answers to the questions you posed.

I hope this information is useful in your survey.

Yours truly,

Michael F. Rahill  
Assistant Chief Immigration Judge

Enclosure

# Video Tele-conferencing (VTC) in Immigration Court Hearings

Questions presented by the Legal Assistance Foundation of Metropolitan Chicago

**1. How long have courts used VTC for any purpose?**

*The Immigration Court began using video tele-conferencing (VTC) for hearings in 1995. VTC was piloted in three locations that conducted detained hearings: 1) from the Immigration Court in Baltimore, MD, to the Wicomico County, MD, jail; 2) from the Immigration Court in Dallas, TX, to the Bureau of Prisons facility in Big Springs, TX; and 3) from the Immigration Court in Oakdale, LA, to the Immigration and Naturalization Service Processing Center in Oakdale, LA.*

**2. In what capacity was VTC initially used (e.g. master calendar hearings, merits hearings, as part of a pilot program in limited geographic regions, for detained cases, for cases in areas under-served by immigration judges, etc.)?**

*Although VTC was initially used primarily for master calendar hearings at these three detained settings, immigration judges were permitted and encouraged to use the equipment for merits hearings whenever appropriate.*

**3. Which immigration courts currently use VTC?**

*Arlington, VA; Atlanta, GA; Baltimore, MD; Batavia, NY; Bloomington, MN; Boston, MA; Bradenton, FL; Buffalo, NY; Chicago, IL; Dallas, TX; Denver, CO; Detroit, MI; Elizabeth, NJ; Eloy, AZ; El Paso, TX; Guaynabo, Puerto Rico; Harlingen, TX; Hartford, CT; Honolulu, HI; Houston, TX; Imperial, CA; Krome, FL; Lancaster, CA; Las Vegas, NV; Los Angeles, CA; Memphis, TN; Miami, FL; New Orleans, LA; New York, NY (plus Varick Street, NY; Jamaica, NY; Fishkill, NY; Ulster, NY); Newark, NJ; Oakdale, LA; Orlando, FL; Philadelphia, PA; Phoenix, AZ; San Antonio, TX; San Diego, CA; San Pedro, CA; Seattle, WA; Tucson, AZ; York, PA; and EOIR Headquarters Court in Falls Church, VA.*

**4. In what capacity is VTC used in those courts?**

**a. Do some courts use VTC only for master calendar hearings, or for particular kinds of cases?**

*Section 240(b)(2)(A) of the Immigration and Nationality Act and 8 C.F.R. § 1003.25(c) authorize the use of VTC equipment for immigration court hearings. As the regulation states, an immigration judge "may conduct hearings through video conference to the same extent as he or she may conduct hearings in person." Therefore, immigration court policy does not distinguish between in-person and VTC hearings. They are functionally equivalent. Immigration judges, however, have discretion on a case-by-case basis to determine if special circumstances might warrant an in-person hearing. Within those parameters,*

*judges make determinations about their cases. Additionally, in some courts, VTC equipment is used primarily to handle a particular docket: respondents detained at a remote location; Institutional Hearing Program (prison) cases; a non-detained court in a remote location; etc.. Even then, however, circumstances might warrant that the court would also use VTC equipment for other hearings, such as covering a detail in another city.*

- b. Which courts are set up with the immigration judge and counsel in court, and the alien elsewhere, and which courts are set up with the immigration judge alone and all other parties elsewhere?**

*There are no set configurations for VTC hearings. Frequently, but not always, when the immigration judge is conducting detained hearings, most of the parties will be at the judge's location. When a non-detained hearing is conducted via VTC equipment, parties might be at either location. Likewise, for detained hearings, the immigration judge does not require counsel or witnesses to appear at either location. Rather, within parameters set by the detention center or prison, the parties to the hearing are free to determine where they will appear.*

- 5. Can you describe the actual technology that is used for VTC? For example, how many cameras are used, and where are they located (focused on judge, attorney, detainee, documents, etc.)?**

*Several different brands of VTC equipment are used, but the equipment is similar. Each location has a video monitor and a camera. Typically the immigration judge controls the camera settings on either end, using a remote control device. The units permit picture-in-picture displays, so both sides can see each other and can also see how they appear to the other party. As the hearing progresses, the immigration judge will adjust the camera to focus on the appropriate person or document. Courts with VTC equipment also have fax machines to permit documents to be exchanged during the hearing. Additionally, there are supplies of forms (appeal, change of address, etc.) at the remote site.*

- 6. Are EOIR personnel ever located at the out-of-court site (not with the judge) to monitor or facilitate that portion of the hearing?**

*In most instances, personnel from the Executive Office for Immigration Review (EOIR) are not located at the remote site. Frequently, however, prison personnel or detention center personnel will assist with equipment set-up, form distribution, etc. Each VTC remote site has a contact person who will intervene if technical problems develop.*

7. **What, if any, training materials or other memoranda are provided to immigration judges concerning the use of VTC? Could we have copies of these materials? (Note that we already have the bench book that is posted on your website.)**

*Judges are provided copies of the technical material (user guide, etc.) issued by the equipment manufacturer. They are trained in its operation by EOIR personnel, usually the court administrator or designated VTC coordinator in their court. Additionally, as with other training, they observe colleagues conducting VTC proceedings before they conduct such proceedings themselves. The Office of the Chief Immigration Judge has included VTC hearings as a topic during training programs for new and experienced judges. It has also issued Interim Operating Policies and Procedures Memorandum No. 04-06, "Hearings Conducted Through Telephone and Video Conference" (copy attached).*

8. **What, if any, formal training is conducted by EOIR for immigration judges concerning the use of VTC?**

*Please see the answer to Question 7.*

9. **Is there any EOIR standard concerning what amount of technical assistance is to be made available to immigration judges using VTC?**

*It is the responsibility of the EOIR court administrator (or designee) to be available at all times when VTC hearings are conducted. If technical problems arise, it is the court administrator or the designee – not the immigration judge – who is responsible for finding a solution. Frequently they will obtain assistance from the VTC support staffs in EOIR and the Department of Homeland Security (DHS).*

10. **What, if any, procedure is in place for immigration judges to express concerns regarding specific problems with the use of VTC?**

*As with problems during any hearing, the court administrator is the first line of response for technical concerns about VTC equipment. Working with the EOIR and DHS support staffs, the court administrators are usually able to resolve the problem. Similarly, if there are other non-technical problems (scheduling, detainee access, etc.) the court administrator can usually resolve those problems with the VTC coordinator at the remote site. Additionally, immigration judges are always free to contact the Office of the Chief Immigration Judge to discuss concerns.*

11. **Are immigration judges allowed, at their discretion, to opt out of the use of VTC?**

*Please see the answer to Question 4a. VTC hearings are one of the ways that immigration courts handle their dockets, and they are now a routine part of court practice. If a judge wishes to hold an in-person hearing in a situation where the docket typically is covered via VTC technology, the decision must be based on the particular facts of the case.*

12. **Does EOIR maintain statistics concerning the use of VTC, such as, but not limited to, the number of cases disposed of through VTC and the outcome? If so, would you be willing to share those statistics.**

*No. As noted in response to Question 4a, immigration court policy does not distinguish between in-person and VTC hearings. They are functionally equivalent. Therefore, there is no distinction for statistical purposes.*

13. **Has EOIR ever undertaken any study of the effectiveness of VTC? If so, could we view the study, or at least an abstract?**

*No formal study has been conducted. However, our experience with VTC equipment has been decidedly positive.*

14. **Does EOIR have access to statistics concerning the demographic breakdown of respondents/applicants in removal proceedings? If so, could we view those statistics?**

*There are no statistics maintained on the "demographic breakdown" of respondents and applicants in removal proceedings conducted by VTC technology. However, for statistical information generally, we recommend you consult EOIR's Statistical Year Book, available on the Internet at <http://www.usdoj.gov/eoir>.*

15. **What, if anything, can EOIR say about what it anticipates will be the role of VTC in immigration proceedings in the future? Will VTC be used increasingly or decreasingly, and in the same or different capacities?**

*We anticipate the use VTC equipment in immigration courts will grow. Our goal is for all courts to have the capability of conducting VTC hearings, not only to handle their own dockets, but also to be available to respond to emergencies in other courts. VTC technology enables the system to respond more quickly and effectively to many of the logistical problems posed by conducting removal proceedings nationwide. As technology improves and costs drop, the immigration courts – like other court systems throughout the nation – will use technology to further its mission.*

# Appendix C

## CHAPTER TWO

### TELEPHONIC HEARINGS / TELEVIDEO HEARINGS

#### I. OVERVIEW

##### A. GENERALLY

1. Traditionally, telephonic hearings are conducted at the Immigration Court having administrative control (Administrative Control Office) by the presiding Immigration Judge by telephone to a detail city where the INS and the alien are present. As a general rule, these are master calendar and custody/bond hearings. Contested full evidentiary hearings on the merits may be conducted telephonically only with the consent of the alien. The alien is advised of her rights and pleadings of the alien are taken on the record by a tape recorder at the Administrative Control Office. In some instances, the case may be heard and completed on the merits. In other instances, the case is scheduled for an individual hearing on a date when the Immigration Judge visits the detail city.
2. Recently, the Institutional Hearing Program (IHP) has utilized telephonic hearings more extensively in state correctional institutions. Telephonic hearings in the IHP provide several benefits, including limiting the necessity of prisoner movement, thereby enhancing security, and improving the ability of counsel to represent detained aliens. State corrections officers act as a part of the Court by distributing forms, moving aliens and in general taking direction from the Judge during the proceedings.

3. TeleVideo hearings are conducted in much the same way except that the Judge can see what is happening in the hearing room instead of relying what she hears over a speaker telephone. TeleVideo hearings are being successfully conducted on a regular basis in state correctional facilities in Florida and Texas, and expansion of the program is planned. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) specifically authorizes TeleVideo hearings. INA § 240(b)(2)(A)(iii), as added by IIRIRA.

## B. ADVANTAGES

Telephonic hearings are an effective and efficient way for the Court to do business. They are cost effective as they require no travel or per diem expenditures. They enable Judges to resolve many minor or uncontested cases. Further, they help to more effectively utilize the Court's time when visiting a detail city. All cases convened by the Immigration Judge at a detail city are individual cases on the merits where a dispute exists among the parties. TeleVideo hearings can, in the Judge's discretion, eliminate the need for in-person hearings. This results in a more efficient use of a Judge's calendar time.

## C. CONTROL OF PROCEEDINGS BY THE IMMIGRATION JUDGE

1. It is essential that the Immigration Judge maintain full control of the proceedings telephonically and via TeleVideo. For example, an alien that is unrepresented may be subject to prompting by others should the Judge have failed to state at the outset how the proceedings will be conducted.
  - a. It is recommended that the Judge announce prior to the calling of the first case for the day what she expects of the parties on the other end. The Judge sets the tone for the proceedings on the other end. All parties on the other end must be instructed to speak loudly and clearly. A test should be done with the tape recorder both in the courtroom and on the other end to make certain that the parties are being properly recorded to avoid transcriptions that have a number of "indiscernible" notations on them.
  - b. Tests of recording equipment and sound should also be conducted with TeleVideo equipment as well to make certain that an audible and accurate transcription of the proceedings is being created.
2. In the event that an order is issued or a case reset as a part of the telephonic proceeding, care must be taken to have the respondent present



for the purpose of receiving a verbal advisal of rights, including failure to appear for a subsequent hearing, failure to depart in compliance with a grant of voluntary departure, and that failure to appear for deportation. The person with the alien at the other end will have to furnish the written advisals after the Judge has given the oral advisals. Written advisals under IIRIRA are given in the English language and no other.

#### D. AUTHORITY

Section 240(b) of the Act, as added by IIRIRA makes specific statutory provisions for both telephonic hearings and video conference hearings. Under IIRIRA an alien does not have the right to an in-person hearing where video conferencing equipment is used.

##### 1. Background: Exclusion, Deportation and Rescission.

- a. Prior regulations at 8 C.F.R. § 3.25(c) (1995) provided that: "An Immigration Judge may conduct hearings via video electronic media or by telephonic media in any proceeding under 8 U.S.C. §§ 1226, 1252, or 1256, except that contested full evidentiary hearings on the merits may be conducted by telephonic media only with the consent of the alien."
- b. Following sections 240(b)(2)(A) and (B) of the Act as added by IIRIRA, the regulations now distinguish between video electronic media hearings and telephonic hearings, and do not require consent to the video electronic media hearings. Therefore, for removal proceedings, video electronic media hearings are within the discretion of the Immigration Judge. The current regulation at 8 C.F.R. § 3.25(c) (2000) provides that:

An Immigration Judge may conduct hearings through video conference to the same extent as he or she may conduct hearings in person. An Immigration Judge may also conduct a hearing through a telephone conference, but an evidentiary hearing on the merits may only be conducted through a telephone conference with the consent of the alien involved after the alien has been advised of the right to proceed in person or, where available, through a video conference, except that credible fear determinations may be reviewed by the Immigration Judge through a telephone conference without the consent of the alien.

- c. It is also important to be aware that the United States Court of Appeals for the Ninth Circuit determined in 1989 that section 242(b) of the Act required that deportation hearings be conducted with the hearing participants in the physical presence of the Immigration Judge, and that "telephonic hearings by an Immigration Judge, absent consent of the parties, simply are not authorized by statute." Purba v. INS, 884 F.2d 516, 518 (9th Cir. 1989). This view has thus been incorporated into the statute at section 240(a)(2)(B) of the Act for purposes of removal proceedings.

## 2. Custody/Bond

- a. Regulations at 8 C.F.R. § 3.19 (2000) permits an Immigration Judge in his or her discretion, to conduct custody/bond determination by telephone.
- b. It is the policy of the Office of the Chief Immigration Judge (OCIJ) to conduct all master calendar hearings in detail cities telephonically. The reasons for this are set forth in paragraph B above. Bond hearings require immediate attention and therefore are always conducted telephonically to detail cities unless the Immigration Judge is present at the detail city when a request for a custody/bond hearing is made.

## E. CREDIBILITY AND DUE PROCESS CONCERNS

1. The demeanor of witnesses in telephonic hearings, despite the inability to observe the appearance of the witness, can still be judged by other factors, such as the inherent plausibility of the testimony, the tenor of the witness's voice, inconsistencies and contradictions in testimony and specificity of testimony. See, e.g., Babcock v. Unemployment Division, 696 P.2d 19, 21 (1985).
2. Although the subject of an administrative hearing has the right to give oral testimony, actual physical presence is not required. See Goldberg v. Kelly, 397 U.S. 254, 268-69 (1970); Kansas City v. McCoy, 525 S.W.2d 336 (Mo. 1975).

## II. TELEPHONIC HEARING CHECKLIST

#### A. PRE-HEARING (Master/Individual)

1. Proceedings may not commence until the charging document has been received by the Immigration Court having administrative control over the city or site where the hearing is to be held. See 8 C.F.R. § 3.14(a) (2000) The exception to this rule is the conducting of a bond/custody hearing which may be held before the Immigration Court receives the charging document. Note that the respondent must have been served with the charging document for all hearings except for bond/custody proceedings.
2. Prior to the telephonic hearing date the Immigration Judge should encourage parties to conduct a pre-trial conference to reach stipulations and narrow issues for consideration by the Court. This will shorten the length of the hearing.
3. Require all parties to exchange documentary evidence and other documentation.
4. Ad-hoc telephonic conferences can be useful to ensure that all parties are ready to proceed as scheduled at a detail city. This mechanism is a useful tool when a case is on a call-up calendar and before the Immigration Judge to determine if applications have been timely filed and/or a Form I-130 or Form I-751 has been properly adjudicated by INS.

#### B. PRIOR TO COMMENCEMENT OF HEARING

1. Ensure that the parties and the interpreter (if one is present) are all positioned so that you can hear them clearly through the speaker and they can hear you. This will also afford an opportunity to check the clarity of the connection.
2. Many connections will be made by means of a telecommunications satellite. This means that the speaker's voice must travel to the satellite for retransmission to the receiving phone. This entire procedure takes only about three seconds but it is important that you instruct the parties to pause three seconds before speaking, thus ensuring that the entire statement is recorded. Instruct the parties to identify themselves before speaking.

### III. HEARING PROCEDURE

#### A. GENERALLY

1. Start the recorder and make the usual opening statement for the record, reciting the name and "A" number of the case, the date of hearing, your name, the names of the representatives and the name and language of the interpreter. It is also appropriate to state for the record that the hearing is being held telephonically, giving your location and the location of the parties.
2. Proceed as though conducting an in-person hearing. See Chapters Three (Bond/Custody Hearings), Four (Exclusion Hearings), Five (Deportation Hearings), and Seven (Removal Proceedings). Inform the alien of his or her right to be able to hear all of the proceedings.
3. It would then be appropriate to have the parties state any stipulations for the record.
4. Mark the exhibits. The first exhibit for the record is almost always the charging document. Mark it in evidence, stating for the record that you have done so.
5. Schedule a date for the individual hearing (next available date when you or another detail judge will be sitting in the detail city) and give notice of date, time, and location of the hearing to the parties. In certain prison settings security concerns of the institution may frown upon this practice, however, in many prison settings, hearings require adjournment because the prison custodian has failed to deliver a hearing notice. If the Immigration Judge gives out the hearing notice, then lack of notice to the alien ceases to be an issue. Unless untimely notice of a hearing is waived by the alien, the statutory time frames for notice depending on the type of proceeding must be observed, and the hearing continued if necessary.
6. In instances where an individual telephonic hearing has been held:
  - a. Once the record is fully developed as to all issues and after the parties have rested, render your decision.
  - b. Use the appropriate form to memorialize your decision. If you use a Form EOIR-6 or 7, you must dictate a complete oral decision unless the alien accepts your decision and waives appeal. If appropriate, enter a written form order, clearly stating the reasons for your decision. Give the alien the appeal date, have the party on the other end serve the alien with the appeal form as well as the fee

waiver form and serve copies of your order on the parties by mail.

- c. It is recommended that you staple a yellow "Rush--Detained at Government Expense" card on the front of the ROP. Certain unscrupulous attorneys and representatives have been known to file appeals checking the "non-detained" box on the appeal form attempting to secure release of an alien in custody. When the ROP is properly noted as a detained case, an appeal if filed timely is placed on a fast track at the BIA.
- d. Once the decision is entered, ascertain which party, if any, wishes to reserve appeal. If appeal is reserved, the forms should be given to the respondent or counsel and have the record reflect that this has been done. Then, close the hearing. It is recommended that in all settings that the Judge furnish appeal forms directly to the alien and explain the process to the alien. The BIA is now strictly imposing filing deadlines and appeals are routinely dismissed if they are not timely filed. Attorneys many times are the worst violators of following filing deadlines.

#### IV. POST HEARING ACTIONS

##### A. SERVICE OF DECISION

1. If you have entered a summary written decision on Form EOIR-6 or 7, or other form at your location, ensure that copies of the decision are mailed to the parties immediately, and that the appeal date is clearly noted on the lower left hand corner of the order. If appeal is waived, circle on the order that appeal has been waived by both parties. This has great significance as when appeal is waived, the order becomes administratively final. See Matter of Shih, 20 I&N Dec. 697 (1993); see also Matter of J-J-, 21 I&N Dec. 976 (BIA 1997).
2. If you have rendered an oral decision, you should prepare a memorandum of the decision and serve it on both parties. The ANSIR system has separate memorandum of decision forms for Exclusion, Deportation, and Removal.

##### B. MISCELLANEOUS

The normal clerical procedures should be completed, including the posting of the

hearing calendar, assembly of the exhibits, putting all tapes in the tape envelope, and instructing the clerk on the disposition of closed files. In the case the use of a contract interpreter, (you most likely will not have a Court interpreter present) the burden is on you to get the file to the correct place.

## V. BOND/CUSTODY TELEPHONIC/TELEVIDEO HEARING PROCEDURE

### A. GENERALLY

1. Application to review bond determinations must be made to one of the following Courts in this order: (1) Where the alien is detained; (2) to the Immigration Court having jurisdiction over the place of detention; (3) the Immigration Court having administrative control over the case; or (4) to the Office of the Chief Immigration Judge for designation of an appropriate Immigration Court. 8 C.F.R. § 3.19(c) (2000).
2. The hearing need not be recorded. See Matter of Chirinos, 16 I&N Dec. 276 (BIA 1977). Generally the bond/custody hearing is not recorded unless the hearing is complicated, testimony is taken, and the Judge feels it appropriate to record. If the hearing is recorded, follow the procedure outlined in section III of this chapter.
3. Advise the alien of the nature and purpose of the proceedings and her legal rights, including service of List of Free Legal Services Providers. Verify that the alien has requested a bond/custody redetermination hearing and instruct the parties on how you wish them to proceed. It is suggested that the Judge advise the alien that the request for a redetermination of the bond/custody can result in an increase as well as a decrease in the bond amount.
4. Specifically, you should determine what the alien is seeking -- the reduction of bond and/or changes in conditions, and the reasons why reduction and/or change is appropriate. You should also determine the position of the INS and why the INS has taken that position.
5. Avoid the tendency toward a formal hearing unless you feel it critical to the decision. Bond hearings should be brief. The Transitional Period Custody Rules (TPCR) expired on October 9, 1998. As of this writing, Congress has made no provision to extend these rules. Generally, INS must pick up an alien after the conclusion of the hearing and hold the alien without bond until removal. Certain exceptions exist, however, they apply to aliens that cannot be readily removed from the United States. After

October 9, 1998, the INA as amended by IIRIRA imposes the duty of detention on the INS in almost all circumstances.

6. As an option, you may wish to use a Custody Redetermination Questionnaire that you have designed based on the factors and cases presented in this chapter.
7. Render your decision and record your order on Form EOIR-1, advising parties of appeal rights.
8. Follow regular post-trial procedures and serve the order on parties by mail.

B. APPEAL RIGHTS

1. If an appeal is taken, it is required that you make a written memorandum of your oral decision for review by the Board of Immigration Appeals.
2. No fee is required for a bond appeal.

# Appendix D





**U.S. Department of Justice**

Executive Office for Immigration Review

*Office of the Chief Immigration Judge*

Chief Immigration Judge

5107 Leesburg Pike, Suite 2500  
Falls Church, Virginia 22041

August 18, 2004

**MEMORANDUM**

**TO:** All Assistant Chief Immigration Judges  
All Immigration Judges  
All Court Administrators  
All Support Staff

**FROM:** The Office of the Chief Immigration Judge

**SUBJECT:** Interim Operating Policies and Procedures Memorandum No. 04-06:  
Hearings Conducted through Telephone and Video Conference

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## I. INTRODUCTION

This OPPM supersedes OPPM No. 04-04, Hearings Conducted Through Telephone Conference and Video Conference, and sets forth new interim uniform procedures for conducting and handling Telephone and Video Conference hearings. These procedures are interim in nature, and will continue to be revised and reformulated to reflect any changes that may be necessary.

## II. CREATING A CLEAR RECORD OF THE LOCATION OF THE HEARING

The regulation at 8 C.F.R. § 1003.14 provides that “[j]urisdiction vests, and proceedings before an Immigration Judge commence, when a charging document is filed with the Immigration Court by the Service [now Department of Homeland Security (DHS)].” When a charging document is filed with an Administrative Control Immigration Court pursuant to 8 C.F.R. § 1003.11, the proceedings may actually take place in a location other than where the charging document is filed. Thus, it is important to record the actual location of the hearing.

An immigration judge who conducts a hearing either telephonically or through video conference must create a clear record of where the hearing is taking place. At the beginning of each session of the hearing, the immigration judge must identify himself or herself for the record. The immigration judge must note that he or she is sitting via telephone or video conference and identify the specific hearing location where he or she is conducting the hearing (i.e., **the location where the case is docketed for hearing**). All hearing locations are published in the Office of the Chief immigration judge’s Administrative Control List. This list is made available to the public pursuant to 8 C.F.R. § 1003.11, and is available on the Executive Office for Immigration Review’s (EOIR) Intranet and Internet.

In addition, the immigration judge should note the location of the respondent, the respondent’s counsel or representative, if any, and counsel for the DHS, in order to create a clear and complete record. For example, at the beginning of a hearing conducted through video conference by an immigration judge in Chicago who is conducting a hearing in our Kansas City, Missouri, hearing location, the immigration judge should state: “This is Immigration Judge John Doe of the Chicago Immigration Court sitting, via video conference, at the hearing location in Kansas City, Missouri. The respondent, the respondent’s attorney, and the attorney for the DHS are all present in Kansas City, Missouri.” In this example the immigration judge identified Kansas City, Missouri, as the hearing location because the case was docketed for a hearing in Kansas City, Missouri. The immigration judge’s participation in the hearing through video conference did not change the hearing location.

The immigration judge must follow the steps outlined above each time he or she commences a session of a hearing through video or telephone conference. In addition, the circuit law that is to be applied to proceedings conducted via telephone or video conference is the law governing the hearing location (i.e., **the location where the case is docketed for hearing**). In the example set forth above, the law applied would be that governing Kansas City, Missouri, the United States Court of Appeals for the Eighth Circuit.

III. ORDERS AND DECISIONS ISSUED IN HEARINGS THROUGH TELEPHONE OR VIDEO CONFERENCE

Any order or decision by an immigration judge in a hearing conducted through video or telephone conference where the case was docketed for a hearing location (as opposed to an administrative control court/base city court) must include the hearing location (not the administrative control court/base city court) in the caption. The order or decision must include a statement that the hearing was conducted through video or telephone conference and a statement that sets forth the administrative control court and address for purposes of correspondence and post-hearing motions.

In an effort to promote uniformity in procedures, the following examples are provided. It should be noted that the ANSIR **minute order form** will be modified to create this standard form. In the interim, the court should create a Word Perfect version of each of the minute orders (Attachment A and B) until IRM can program them into ANSIR and subsequently CASE.

1. Attachment A is an example of an ANSIR **Minute Order** issued by an immigration judge who conducted a video conference hearing for a case docketed at an administrative control court/base city court. In this example, a New York immigration judge conducted a hearing through video conference for a case docketed in Detroit, Michigan. Note that a minute order from the Detroit Immigration Court is used and at the bottom of this order there is a notation that the matter was handled through video or telephone conference.
2. Attachment B is an example of an ANSIR **Minute Order** issued by an immigration judge who conducted a video conference hearing for a case docketed at a "hearing location" (a site other than an administrative control court/base city court). In this example, a Chicago immigration judge conducted a hearing through video conference for a case docketed in Kansas City, Missouri. Note that the "hearing location" is listed in the heading and that the address for the administrative control court and a notation that the matter was handled through video or telephone conference are listed at the bottom of the order.
3. Attachment C is an example of a **Written Decision/Order/Other Memoranda** issued by an immigration judge who conducted or is conducting a video conference hearing for a case docketed at a "hearing location" (a site other than an administrative control court/base city court). In this example, a Chicago immigration judge rendered a written decision for a case docketed in Kansas City, Missouri. Note that the "hearing location" is listed in the heading, and a sentence has been inserted in the body of the decision indicating that the matter was heard by video conference followed by a footnote that sets forth the specific hearing location and the address of the administrative control for this hearing location.

4. Attachment D is an example of the appropriate **heading and caption for the Oral Decision of the Immigration Judge** where the hearing was conducted by video conference. Note that in rendering the oral decision the immigration judge must inform the transcriber to place the hearing location (the place where the case was docketed for hearing) in the heading. The immigration judge will also instruct the transcriber to state in the body of the decision that the matter was heard by video conference at the hearing location (i.e., the location where the case was docketed for hearing) followed by a footnote. The footnote should state that "all correspondence and documents pertaining to the case must be filed with the administrative control court" at the listed address. However, if this hearing was conducted by video conference for a case docketed at an administrative control court/base city court, it would not be necessary to include the above mentioned footnote.

#### IV. CONCLUSION

This memorandum has been issued in an effort to promote efficiency of operations and uniformity of procedures in handling or conducting immigration hearings through video or telephone conference.



Michael J. Creppy  
Chief Immigration Judge

Attachments

**ATTACHMENT A**

**IMMIGRATION COURT**  
**1155 BREWERY PARK BLVD., STE 450**  
**DETROIT, MI 48207**

In the Matter of: (Name)

File No: A XX-XXX-XXX

Respondent

IN REMOVAL PROCEEDINGS

**ORDER OF THE IMMIGRATION JUDGE**

This is a summary of the oral decision entered on May 28, 2004. This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

- The respondent was ordered removed from the United States to \_\_\_\_\_ or in the alternative to \_\_\_\_\_.
- Respondent's application for voluntary departure was denied and respondent was ordered removed to \_\_\_\_\_ alternative to \_\_\_\_\_.
- Respondent's application for voluntary departure was granted until \_\_\_\_\_ upon posting a bond in the amount of \$ \_\_\_\_\_ with an alternate order of removal to \_\_\_\_\_.
- Respondent's application for asylum was ( ) granted ( ) denied ( ) withdrawn.
- Respondent's application for withholding of removal was ( ) granted ( ) denied ( ) withdrawn.
- Respondent's application for cancellation of removal under section 240A(a) was ( ) granted ( ) denied ( ) withdrawn.
- Respondent's application for cancellation of removal was ( ) granted under section 240A(b)(1) ( ) granted under section 240A(b)(2) ( ) denied ( ) withdrawn. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
- Respondent's application for a waiver under section \_\_\_\_\_ of the INA was ( ) granted ( ) denied, ( ) withdrawn or ( ) other.
- Respondent's application for adjustment of status under section \_\_\_\_\_ of the INA was ( ) granted ( ) denied ( ) withdrawn. If granted, it was ordered that respondent be issued all appropriate documents necessary to give effect to this order.
- Respondent's status was rescinded under section 246.
- Respondent is admitted to the United States as a \_\_\_\_\_ until \_\_\_\_\_.
- As a condition of admission, respondent is to post a \$ \_\_\_\_\_ bond.
- Respondent knowingly filed a frivolous asylum application after proper notice.
- Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision
- Proceedings were terminated.
- Other \_\_\_\_\_

Date:

Hearing Conducted by: Telephone Conference/Video Conference

Appeal: Waived/Reserved

Appeal Due By: \_\_\_\_\_

\_\_\_\_\_  
(Name)

Immigration Judge

**ATTACHMENT B**

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
HEARING LOCATION: KANSAS CITY, MISSOURI

In the Matter of: (Name)

File: A XX-XXX-XXX

Respondent

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of oral decision entered on \_\_\_\_\_ . This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

- The respondent was ordered removed from the United States to \_\_\_\_\_.
- Respondent's application for voluntary departure was denied and respondent was ordered removed to \_\_\_\_\_ alternative to \_\_\_\_\_.
- Respondent's application for voluntary departure was granted until \_\_\_\_\_ upon posting a bond in the amount of \_\_\_\_\_ with an alternative order of removal to \_\_\_\_\_.
- Respondent's application for asylum was ( ) granted ( ) denied ( ) withdrawn.
- Respondent's application for withholding of removal was ( ) granted ( ) denied ( ) withdrawn.
- Respondent's application for withholding/deferral of removal under Article 3 of the Torture Convention was ( ) granted ( ) denied ( ) withdrawn.
- Respondent's application for cancellation of removal under Section 240A(a) was ( ) granted ( ) denied ( ) withdrawn.
- Respondent's application for cancellation of removal under Section 240A(b) was ( ) granted ( ) denied ( ) withdrawn. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
- Respondent's application for a waiver under Section \_\_\_\_\_ of the INA was ( ) granted ( ) denied ( ) withdrawn ( ) other.
- Respondent's application for adjustment of status under Section 212c of the INA was ( ) granted ( ) denied ( ) withdrawn. If granted, it was ordered that respondent be issued all appropriate documents necessary to give effect to this order.
- Respondent's status was rescinded under Section 246.
- Respondent is admitted to the United States as a \_\_\_\_\_ until \_\_\_\_\_.
- As a condition of admission, respondent is to post a \$ \_\_\_\_\_ bond.
- Respondent knowingly filed a frivolous asylum application after proper notice.
- Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the immigration judge's oral decision.
- Proceedings were terminated, without prejudice.
- Proceedings were administratively closed.
- Other: \_\_\_\_\_

Date:

Administrative Control Court: Immigration Court, 55 East Monroe, Suite 1900, Chicago, IL 60603

Hearing conducted by: \_\_\_\_\_ Telephone Conference/Video Conference

Appeal: WAIVED/RESERVED (A/I/B)

APPEAL DUE BY: \_\_\_\_\_

\_\_\_\_\_  
(Name)

Immigration Judge



**ATTACHMENT C**

**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
HEARING LOCATION: KANSAS CITY MISSOURI<sup>1</sup>**

**DECISION OF THE IMMIGRATION JUDGE**

The hearing in this matter was conducted in Kansas City, Missouri, through video conference pursuant to INA § 240(b)(2)(A)(iii).

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<sup>1</sup> Pursuant to 8 C.F.R. § 1003.11, all correspondence and documents pertaining to this case must be filed with the administrative control court: Immigration Court, 55 East Monroe, Room 1900, Chicago, Illinois 60603.

**ATTACHMENT D**



# Appendix E



**U.S. Immigration  
and Customs  
Enforcement**

October 6, 2004

Geoffrey Heeren  
Legal Services Center for Immigrants  
111 West Jackson Blvd.  
Chicago, Illinois 60604

Re: Public Access to Broadview

Dear Mr. Heeren:

I received your letter dated September 27, 2004 regarding access to the Broadview Staging Area in Broadview, Illinois. At no time has my office indicated that these hearings cannot be viewed by the public. Those hearings can be viewed from 55 West Monroe at the Executive Office of Immigration Review.

We have made accommodations for attorneys to be with their clients, at the Broadview Staging Area during hearings, if they wish to do so. Your office has indicated that they believe this accommodation should be made for all members of the general public. This presents a problem, as the Broadview video teleconferencing area can only accommodate a limited number of people. It is recommended that members of the general public view the hearings from the 55 East Monroe courtroom, rather than the Broadview location, in order to avoid being turned away due to lack of space.

It is my position that we have not interfered with the general public's ability to view the hearings, and we are not in violation of 8 C.F.R.

Sincerely,

A handwritten signature in cursive script that reads "Deborah Achim".

Deborah Achim

# Appendix

## F

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LEGAL ASSISTANCE FOUNDATION  
OF METROPOLITAN CHICAGO

111 West Jackson Boulevard  
Suite 300  
Chicago, Illinois 60604-3502  
312.341.1070 Phone  
312.341.1041 Fax  
312.431.1206 TDD  
www.lafchicago.org

Direct Number: (312) 347-8398

February 8, 2005

Deborah Achim  
Field Office Director for Detention and Removal Operations  
U.S. Immigration and Customs Enforcement  
U.S. Department of Homeland Security  
10 W. Jackson Blvd.  
Chicago, IL 60604

**Re: Interviews with Detainees Concerning Video-teleconferencing**

Dear Ms. Achim:

I am writing to you concerning your decision of February 3, 2005 to deny my office access to speak with detainees concerning issues of public concern and private legal representation. Because neither you nor Officer Glen Triveline have returned my phone calls, I am unable to determine the precise contours of your decision. It is my hope that you have not issued a blanket denial of our access to detainees concerning these matters, or, perhaps, that this issue has arisen through a simple misunderstanding. In the absence of a telephone dialogue, however, I can only write you this letter, explaining my understanding of the matter, and formally requesting a response.

In the days preceding February 4, 2005, a representative of my office, Julie Dona, faxed letters to fourteen detainees at the Kenosha County Detention Center. Of these fourteen, five were persons who had previously contacted our office seeking legal representation, whose cases we had declined. These letters stated simply that on February 4, 2005, Ms. Dona and Ms. Jessica Price of our office would be present at the Kenosha County Detention Center, to speak with detainees concerning their experience with the use of video-teleconferencing (VTC) in the Chicago Immigration Court. The five letters stated explicitly that the detainees need not meet with Ms. Dona, if they did not wish to do so, but that she might request to see them, and if they wished, they could meet with her.

The other nine letters were sent to potential clients who had requested to speak with our office concerning a variety of issues, including the conditions of detention, and VTC. In addition, I myself faxed letters to a current client of mine, and a person whose case I was considering for representation, confirming that both of them had orally agreed to speak with Ms. Dona concerning VTC, and other issues.

On February 3, 2005, Ms. Dona received a telephone call from Kurt Mikutis at the Kenosha County Detention Center, relaying a message he had received conveying your order that we be prohibited from speaking with detainees the next day. According to Corporal Mikutis, your explanation was that you had previously denied my written request to speak with detainees concerning VTC.

*Equal Access to Justice*



I have never made any request to you, orally, or in writing, to speak with detainees concerning VTC. I have made a number of requests to you concerning other matters. I sent a letter to you on September 27, 2004, confirming your statement, during our meeting of September 9, 2004, that our office could not view the portion of VTC hearings held at Broadview. I sent another letter to you on November 22, 2004, concerning your decision that my office cannot distribute information to detainees concerning obtaining legal representation from our office (to which you still have not responded). I have made a written request to the Executive Office of Immigration Review (EOIR) that we be allowed to speak with immigration judges concerning VTC, a request that EOIR has denied. But never have I asked you or anybody else to speak with detainees.

The reason I have not asked for permission to speak with detainees is that I do not believe such a request is required. Prior to attempting to arrange these meetings with detainees, I reviewed the DHS Detention Standards and called Kenosha to inquire as to their visitation policy. I found no reference to nor was I told of any requirement that attorneys and their assistants obtain advance approval for visits. However, if given our circumstances, you are now requiring that we seek permission for our visits, we will gladly comply. We understand that Kenosha may have certain operational constraints, and we would be happy to work with you or the staff of Kenosha to ensure that our visits are not unduly burdensome upon them. Indeed, I can assure you that although we sent faxes to a significant number of persons, had Ms. Dona and Ms. Price been allowed to visit Kenosha, they would have comported themselves in a very professional manner, and would not have insisted on meeting with persons beyond the capacity of Kenosha to accommodate.

Although we have no wish to interfere with the functioning of Kenosha, persons in detention do have a right to visitors. We recognize that you may reasonably regulate the time and manner of these visits. You cannot, however, regulate the subject matter, which is protected by the First Amendment. The issues that we were prepared to discuss with these clients, moreover, were not limited to VTC, and were at least partially encompassed by the attorney-client relationship.

I ask that you please contact me at your earliest convenience, so that I can better understand your position, and so that my office can determine what next steps may be necessary to allow us to speak with detainees.

Sincerely,



Geoffrey Heeren  
Senior Attorney

cc: Karen Lundgren  
Deputy Chief Counsel  
U.S. Immigration and Customs Enforcement

# Appendix G

Interviewer's name:  
Date and location of interview:

**Interview Questions for Attorneys**

Attorney's name: \_\_\_\_\_  
Legal Firm: \_\_\_\_\_  
Case of his/hers that we monitored (detainee name, A#): \_\_\_\_\_

- 1) About how many detained clients have you represented in the last six months? \_\_\_\_\_
- 2) Of those, with how many did you use VTC? \_\_\_\_\_
- 3) What are your general impressions of the use of VTC in the courtroom? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 4) Now I'll ask you about specific aspects of VTC hearings.
  - a. Have you experienced any technical problems during any hearings? \_\_\_\_\_
    - i. What kinds of problems did you encounter? \_\_\_\_\_  
\_\_\_\_\_
    - ii. How many times? \_\_\_\_\_
  - b. Have you experienced any interpretation problems? \_\_\_\_\_
    - i. What kinds of problems did you encounter? \_\_\_\_\_  
\_\_\_\_\_
    - ii. If so, how many times? \_\_\_\_\_
  - c. Have you seen any access to counsel problems? \_\_\_\_\_
    - i. What kinds of problems did you encounter? \_\_\_\_\_  
\_\_\_\_\_
    - ii. If so, how many times? \_\_\_\_\_
  - d. Have you experienced any testimonial/evidentiary problems? \_\_\_\_\_
    - i. What kinds of problems did you encounter? \_\_\_\_\_  
\_\_\_\_\_
    - ii. If so, how many times? \_\_\_\_\_

Interviewer's name:

Date and location of interview:

e. Have you witnessed other due process issues? \_\_\_\_\_

i. What kinds of problems did you encounter? \_\_\_\_\_  
\_\_\_\_\_

ii. If so, how many times? \_\_\_\_\_

5) In your opinion, what are the strengths of VTC?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6) Have you ever asked not to use VTC? (If so, what was the result of this request?)

\_\_\_\_\_

7) Will you use VTC for masters and merits or only for masters?

\_\_\_\_\_

8) Ultimately, do you think that the VTC should remain or that we should go back to the old system? Why? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

9) Would you make any alterations to VTC? (What kinds of alterations?) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

10) What, if any, are the most effective practices you have developed in doing VTC hearings? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

11) Particular hearing that I watched (questions about that one)

a. How did you think the hearing went? \_\_\_\_\_  
\_\_\_\_\_

b. Did you think there were any problems in using VTC for this case? \_\_\_\_\_  
\_\_\_\_\_

c. (Maybe I will ask questions about what I saw.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Appendix H

# VTC Hearing Monitoring Sheet

Name of Monitor: \_\_\_\_\_ E-mail: \_\_\_\_\_  
Date \_\_\_\_\_ Immigration Judge \_\_\_\_\_  
Where did you observe? (Check one) 55 E. Monroe \_\_\_\_\_ Broadview \_\_\_\_\_  
Case # ("A #") \_\_\_\_\_ Name of Immigrant \_\_\_\_\_  
Immigrant's country of citizenship \_\_\_\_\_  
Respondent Represented? Y/N: \_\_\_\_\_  
If Yes: Attorney name: \_\_\_\_\_ Where was lawyer for hearing? (Chicago) (Broadview)  
If No: Pro se? Y/N: \_\_\_\_\_ Does respondent want/need a lawyer? Y/N: \_\_\_\_\_  
Reason immigrant is in deportation proceedings \_\_\_\_\_

Outcome of hearing (continued, ordered removed, applied for relief and scheduled for merits hearing) If continued, why and for how long? \_\_\_\_\_

## Problems (Check all that apply. Space for explanation, is provided below each category.)

### INTERPRETATION PROBLEMS:

Interpreter used? \_\_\_\_\_ Language: \_\_\_\_\_ Location Interpreter: (Chi) (Brdvw) (Phone)

Interpretation problems, Y/N: Yes \_\_\_\_\_ No \_\_\_\_\_

- Immigrant has difficulty understanding interpreter, or the reverse \_\_\_\_\_
- Interpreter signals for immigrant to stop talking but immigrant does not see the signal and continues talking \_\_\_\_\_
- (when at Broadview) Interpreter does not appear on immigrant's television screen \_\_\_\_\_
- Other \_\_\_\_\_
- Describe or elaborate on any answers checked above. \_\_\_\_\_

### TECHNICAL PROBLEMS:

Technical issues, Y/N: Yes \_\_\_\_\_ No \_\_\_\_\_

- Equipment (television or video camera) malfunction \_\_\_\_\_
- Image freeze on television screen \_\_\_\_\_
- Transmission delays \_\_\_\_\_
- Poor sound quality \_\_\_\_\_
- Other \_\_\_\_\_
- Describe or elaborate on any answers checked above. \_\_\_\_\_

### ACCESS TO COUNSEL PROBLEMS:

Immigrant's access to counsel impeded, Y/N: Yes \_\_\_\_\_ No \_\_\_\_\_

- Immigrant failed to receive legal services list \_\_\_\_\_
- VTC process impeded immigrant from finding an attorney and now, immigrant is denied more time to find one \_\_\_\_\_

- Attorney unable to examine document(s) submitted against the client \_\_\_\_\_
  - Attorney cannot review evidence with immigrant and needs to \_\_\_\_\_
  - Attorney unable to cross-examine adverse witnesses \_\_\_\_\_
  - Attorney unable to communicate with the client in confidence \_\_\_\_\_
  - Other \_\_\_\_\_
  - Describe or elaborate on any answers checked above. \_\_\_\_\_
- 
- 
- 

**TESTIMONIAL/EVIDENTIARY PROBLEMS:**

- Testimonial and/or evidentiary problems, Y/N: Yes \_\_\_\_\_ No \_\_\_\_\_
- Judge cannot see (on television screen) immigrant's face while he speaks \_\_\_\_\_
  - Immigrant does not have charging documents in court \_\_\_\_\_
  - (monitoring at Brdvw) Immigrant can't see court or attorney on television screen \_\_\_\_\_
  - Immigrant unable to review document(s) submitted against him \_\_\_\_\_
  - Other \_\_\_\_\_
  - Describe or elaborate on any answers checked above. \_\_\_\_\_
- 
- 
- 

**GENERAL DUE PROCESS CONCERNS:**

- General due process concerns, Y/N: Yes \_\_\_\_\_ No \_\_\_\_\_
- Was there a general conclusion that the immigrant's case was prejudiced, or that the immigrant was disadvantaged, because of the VTC system? Y/N: \_\_\_\_\_ If so, why? \_\_\_\_\_
- 
- 
- 

**JUDGE'S USE OF VTC:**

- Did the judge ask the respondent if the respondent could see the courtroom and its occupants clearly? \_\_\_\_\_
  - Did the judge ask the respondent if the respondent could hear the judge sufficiently? \_\_\_\_\_
  - Did the judge ask the respondent if the respondent could hear the interpreter sufficiently? \_\_\_\_\_
  - Did the judge ask the attorneys if they would do the final merits hearing by VTC? \_\_\_\_\_  
If yes, did the attorney agree to VTC merits? Y/N: \_\_\_\_\_
  - Did the judge seem able/willing to change his/her hearings to accommodate for VTC issues? \_\_\_\_\_  
Explain: \_\_\_\_\_
- 
- 
- 

Considering the VTC problems with the case, would it be worthwhile to schedule an interview with the client? \_\_\_\_\_ ... the attorney? \_\_\_\_\_



U. S. Department of Justice

Executive Office for Immigration Review

Office of the Chief Immigration Judge

Chief Immigration Judge

5107 Leesburg Pike, Suite 2500

Falls Church, Virginia 22041

August 31, 2005

Mr. Malcolm C. Rich  
Executive Director  
Chicago Appleseed Fund for Justice  
750 North Lake Shore Drive  
Fourth Floor  
Chicago, IL 60611

RE: Videoconferencing in Removal Proceedings

Dear Mr. Rich:

The Office of the Chief Immigration Judge (OCIJ) has reviewed your report entitled *Videoconferencing in Removal Proceedings: A Case Study of the Chicago Immigration Court*. OCIJ appreciates your organization's concern for individuals in removal proceedings. The Executive Office for Immigration Review (EOIR) is committed to providing full and fair hearings for all individuals in immigration proceedings. In over ten years of conducting and monitoring video conference hearings, OCIJ has found those hearings to be as fair and effective as in-person hearings. Respondents who appear at hearings held via video conference are afforded ample opportunity to present their cases. Moreover, although EOIR has been conducting hearings via video conference for years and circuit courts regularly address whether a respondent's hearing comported with due process in petitions for review, no court has ever found that a hearing conducted via video conference deprived a respondent of a full and fair opportunity to present his case. Thus, OCIJ feels compelled to respond to several findings in your study.

As an initial matter, it must be noted that the methodology employed was not ideal. The study employed approximately fifteen law students and volunteers to observe 110 hearings at the Chicago Immigration Court. The students and volunteers observed only master calendar hearings involving detained aliens which were conducted via video conference. The report concludes that there are deficiencies in hearings held via video conference compared to in-person hearings, yet the volunteers observed no in-person hearings. Further, several of the report's findings were based in part on the interviews of fourteen attorneys. The attorneys were cited as not being in favor of video conference hearings. OCIJ has received correspondence from attorneys who applaud the use of video conferencing. In one letter, an attorney states that he "was totally against the idea of video hearings until [he] had the opportunity to appear via video conference before" one of the Immigration Judges located in Falls Church, Virginia. The attorney exclaimed that "[a]ll of [his] clients, even those who lost their cases, left [the] court with a sense they were



treated honorably and fairly.” We acknowledge that some attorneys may prefer in-person hearings to video conference hearings, but your study should have reflected the fact that many attorneys support video conferencing.

The report suggests that hearing outcomes may have been affected by the use of video conferencing. For example, the report notes that 30% of the observed hearings ended with the respondent receiving an order of removal at the master calendar hearing. The report fails to take into account, however, the fact that detained respondents often have criminal convictions rendering them ineligible for any relief from removal. In addition, detained respondents may lack the equities necessary for a favorable exercise of discretion and often wish to concede removability and accept final orders of removal rather than remain in detention. The volunteers who provided the observations used in your report did not observe non-detained hearings in an attempt to discern these differences.

Our statistics show that Immigration Courts co-located with the Department of Homeland Security (DHS) detention facilities and courts which handle Institutional Hearing Program<sup>1</sup> cases involving criminal aliens receive fewer applications for relief than other Immigration Courts. See FY 2004 Statistical Year Book at NI. Moreover, our statistics show that it is not unusual for detained cases to be completed during master calendar hearings. In Fiscal Year 2004, 75% of all detained completions involved the detained respondent receiving an order of removal at a master calendar hearing. During that same period, 76% of detained completions involved no application for relief. Thus, any suggestion that detained aliens are issued or accept final orders of removal because their hearings were held via video conference is tenuous given the report’s failure to consider the unique posture of detained aliens and failure to compare the results of hearings conducted via video conference with those held in-person.

The report itself identifies four problems with the hearings that were observed. We would like to address each of these findings in turn. First, the report finds that there were equipment or technical problems in 22 out of the 110 observed hearings. The report acknowledges, however, that these problems were usually short-term equipment malfunctions or poor sound quality. OCLJ has ensured that technical assistance is available to Immigration Judges who conduct hearings via video conference. It is the responsibility of the court administrator or his or her designee to be available at all times when an Immigration Judge conducts a video conference hearing. Court administrators or their designees are usually able to resolve any technical problems with video conference equipment. If technical problems persist, court administrators and designees can obtain assistance from video conference support staff in EOIR and DHS. In addition, each video conference remote site has a contact person who will intervene if technical problems develop.

---

<sup>1</sup> The Institutional Hearing Program (IHP) is a cooperative effort between EOIR, DHS, and various Federal, State, and municipal corrections agencies. The goal of the IHP is to complete proceedings for incarcerated criminal aliens serving federal or state sentences prior to their release from prison or jail.

Although OCIJ has ensured that Immigration Judges and court staff are provided with technical support for operating video conference equipment, there are instances in which the video conference equipment malfunctions and the hearing must be delayed or rescheduled. Currently, several different brands of video conference equipment are installed in the Immigration Courts. Although the equipment is similar and all Immigration Courts equipped with such equipment have a video monitor and camera that permit picture-in-picture displays, some of the Courts are equipped with newer technology. OCIJ has been and will continue to seek out the most advanced technology for all the Immigration Courts which hold hearings via video conference. In the meantime, however, OCIJ is confident that occasional technical problems with video conference equipment in no way impede a respondent's ability to present his case. In fact, your report notes that "[t]here did not appear to be any strong relationship between the occurrence of technical problems and the outcome of the hearing." See *Videoconferencing in Removal Proceedings* at 37. Further, an Immigration Judge simply will not go forward with a hearing if the video conference equipment is hampering the presentation of the case. Your report confirms this fact. See *id.* (stating that if significant technical problems arose, the Immigration Judge was likely to reschedule the hearing). Accordingly, we are confident that the use of video conference hearings in no way diminishes the adjudicative quality of hearings and that any technical issues that arise during such hearings are promptly addressed.

Second, the report concludes that video conferencing created access to counsel problems in 14 of the 110 observed hearings. Specifically, the report concludes that video conferencing undermined the ability of immigrants to confer with their representatives. The report states that this problem occurs largely because "it is rare for Chicago lawyers to consult with their clients in person before the hearing" because detained aliens are kept in facilities outside of Chicago. See *Videoconferencing in Removal Proceedings* at 39. Attorneys should not expect to use hearing time to confer with a client for the first time. Rather, attorneys should make arrangements to complete regular interviews with their client by telephone or in person *before* a master calendar hearing. In fact, attorneys are expected to plead to the allegations contained in the charging document and to indicate what forms of relief, if any, will be sought during a master calendar hearing. Thus, OCIJ does not agree with the report's conclusion that video conferencing creates access to counsel problems. Rather, the report suggests that attorneys who fail to confer with their clients before appearing on their behalf in court are at a disadvantage. This is true for all representation, not just the representation of aliens in removal proceedings.

Allowing an attorney time to briefly confer with a respondent, however, must be distinguished from providing time for an attorney to conduct a detailed client interview. Immigration Judges should make accommodations for attorneys to briefly consult with clients regarding issues that arise during video conference hearings. In this regard, the report states that video conferencing "makes any private consultation during the hearing impossible" See *Videoconferencing in Removal Proceedings* at 37. The report concedes, however, that "[o]bservers never saw a judge outright deny a lawyer's request to speak with the client privately." See *id.* at 40. We have ensured that the Immigration Judges in Chicago and elsewhere make reasonable accommodations for attorneys to confer with their clients regarding issues that

arise during hearings conducted via video conference. In fact, the Immigration Judges in Chicago report that they are willing to make accommodations for such conferences, including clearing the courtroom, if appropriate. Thus, respondents who appear before Immigration Judges via video conference can confer with their attorneys. However, attorneys should not expect to use hearing time to interview or speak with a client for the first time or to confer with a client for a lengthy period of time.

Third, the report found interpretation problems in 15 of the 110 observed hearings. The observers reported only miscommunications that were perceived as English speakers who did not understand the respondent's native language. OCIJ uses telephonic interpreters in many hearings, including those conducted via video conference. The telephonic interpreter vendors used must provide, per contract, qualified, tested, and trained interpreters who have one year of interpreting in a judicial environment or are certified federally, by the state, the National Association of Judiciary Interpreters and Translators (NAJIT), or the Judiciary Interpreters and Translators Certification Examination (JITCE). Our experience with telephonic interpreters has been positive for both video conference hearings and in-person hearings. Occasionally, however, a connection is bad or other difficulties interfere with clear reception and transmission. If an Immigration Judge is encountering such a problem, he or she is authorized to contact another interpreter. The Chicago Immigration Judges have been reminded of this point. In any event, this office has made certain that the interpreters used at hearings, whether telephonic or in-person, are competent and qualified. Immigration Judges adequately address any difficulties which may interfere with clear interpretation.

In addition to noting miscommunications, the report claims that interpreter-dependant respondents experienced a "much higher rate of removal orders during Master Calendar hearings." See *Videoconferencing in Removal Proceedings* at 41. The report also states that "almost all of the deported immigrants were Latino in origin [and] Latino immigrants who needed Spanish-English interpreters fared much worse than Latinos who did not." See *id.* at 43. This office does not believe that any conclusions can be drawn from these observations. As noted above, detained cases are unique in that many detained respondents have criminal convictions rendering them ineligible for any relief or lack the necessary equities for a favorable exercise of discretion. Longer periods of residence and more community ties could explain why more non-English speakers received orders of removal than did individuals who proceeded in English. Further, Mexico and Central American countries are consistently among the predominant nationalities in Immigration Court proceedings. In fiscal year 2004, 55% of all completed proceedings in the Chicago Immigration Court involved nationals of Mexico. Nationals of Honduras, El Salvador, and Guatemala accounted for another 13% of all completed proceedings in the Chicago Immigration Court. In addition, Spanish language cases represented 66% of all the cases completed in the Chicago Immigration Court in fiscal year 2004. The perception that nationals of Mexico and Central American countries, or individuals who relied on a Spanish speaking interpreter, fared worse than others could be explained away by an examination of the actual numbers of these nationals and speakers in proceedings.

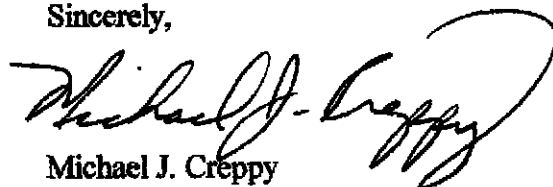
Fourth, the report found problems with the presentation of evidence and testimony in 17 out of the 110 observed hearing. Specifically, the report states that on several occasions the document projector was broken and that when the Immigration Judge held documents up to the camera the respondents were seen squinting. The report also notes one occasion in which the respondent tried to show documents to the Immigration Judge, but the Judge could not see the documents. Two of the three Chicago courtrooms which have video conferencing equipment have a document projector for displaying documents. The court confirms that the document projectors are in good working order and that there is no problem viewing and displaying documents during hearings held via video conference. In addition, the Immigration Judges can send and receive documents by facsimile during video conference hearings. The Chicago courtroom that handles detained video conference hearings has a dedicated facsimile machine in the courtroom and the other courtrooms have access to a nearby facsimile machine. Finally, the Immigration Judges always ensure that respondents have an opportunity to respond to documents submitted in their case and to present evidence whether the hearing is held via video conference or in person.

In the section discussing evidence and testimony, the report claims that Immigration Judges were likely to feel more emotionally distant from and apathetic to a respondent appearing via video conference. This allegation is widely speculative and no evidence has been offered to support the claim. Immigration Judges are well aware of the importance of their decisions on the lives of the individuals appearing before them. The fact that an Immigration Judge is hearing a case via video conference in no way undermines the Judge's duty to provide a fair hearing. Immigration Judges are charged with being respectful of each and every respondent and deciding each case fairly, thoughtfully, and promptly. Thus, OCIJ does not believe, nor does the report show, that Immigration Judges are apathetic to respondents who appear before them via video conference.

Finally, the report recommends that OCIJ impose a general moratorium on the use of video conferencing in order to improve and regulate it. OCIJ declines this suggestion. Congress expressly permits an Immigration Judge to conduct removal proceedings through the use of video conference. See Immigration and Nationality Act section 240(b)(2)(A); see also 8 C.F.R. § 1003.25(c). As noted above, Immigration Judges have conducted hearings by video conference for more than ten years and no court has ever concluded that such hearings violate due process.

Thank you for taking the time to consider this response.

Sincerely,



Michael J. Creppy  
Chief Immigration Judge



**U. S. Department of Justice**

Executive Office for Immigration Review

*Office of the Chief Immigration Judge*

Chief Immigration Judge

5107 Leesburg Pike, Suite 2500

Falls Church, Virginia 22041

August 31, 2005

Mr. Sheldon H. Roodman  
Executive Director  
The Legal Assistance Foundation  
of Metropolitan Chicago  
111 West Jackson Blvd., Suite 300  
Chicago, IL 60604

RE: Videoconferencing in Removal Proceedings

Dear Mr. Roodman:

The Office of the Chief Immigration Judge (OCIJ) has reviewed your report entitled *Videoconferencing in Removal Proceedings: A Case Study of the Chicago Immigration Court*. OCIJ appreciates your organization's concern for individuals in removal proceedings. The Executive Office for Immigration Review (EOIR) is committed to providing full and fair hearings for all individuals in immigration proceedings. In over ten years of conducting and monitoring video conference hearings, OCIJ has found those hearings to be as fair and effective as in-person hearings. Respondents who appear at hearings held via video conference are afforded ample opportunity to present their cases. Moreover, although EOIR has been conducting hearings via video conference for years and circuit courts regularly address whether a respondent's hearing comported with due process in petitions for review, no court has ever found that a hearing conducted via video conference deprived a respondent of a full and fair opportunity to present his case. Thus, OCIJ feels compelled to respond to several findings in your study.

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arise during hearings conducted via video conference. In fact, the Immigration Judges in Chicago report that they are willing to make accommodations for such conferences, including clearing the courtroom, if appropriate. Thus, respondents who appear before Immigration Judges via video conference can confer with their attorneys. However, attorneys should not expect to use hearing time to interview or speak with a client for the first time or to confer with a client for a lengthy period of time.

Third, the report found interpretation problems in 15 of the 110 observed hearings. The observers reported only miscommunications that were perceived as English speakers who did not understand the respondent's native language. OCIJ uses telephonic interpreters in many hearings, including those conducted via video conference. The telephonic interpreter vendors used must provide, per contract, qualified, tested, and trained interpreters who have one year of interpreting in a judicial environment or are certified federally, by the state, the National Association of Judiciary Interpreters and Translators (NAJIT), or the Judiciary Interpreters and Translators Certification Examination (JITCE). Our experience with telephonic interpreters has been positive for both video conference hearings and in-person hearings. Occasionally, however, a connection is bad or other difficulties interfere with clear reception and transmission. If an Immigration Judge is encountering such a problem, he or she is authorized to contact another interpreter. The Chicago Immigration Judges have been reminded of this point. In any event, this office has made certain that the interpreters used at hearings, whether telephonic or in-person, are competent and qualified. Immigration Judges adequately address any difficulties which may interfere with clear interpretation.

In addition to noting *miscommunications*, the report claims that interpreter-dependant respondents experienced a "much higher rate of removal orders during Master Calendar hearings." See *Videoconferencing in Removal Proceedings* at 41. The report also states that "almost all of the deported immigrants were Latino in origin [and] Latino immigrants who needed Spanish-English interpreters fared much worse than Latinos who did not." See *id.* at 43. This office does not believe that any conclusions can be drawn from these observations. As noted above, detained cases are unique in that many detained respondents have criminal convictions rendering them ineligible for any relief or lack the necessary equities for a favorable exercise of discretion. Longer periods of residence and more community ties could explain why more non-English speakers received orders of removal than did individuals who proceeded in English. Further, Mexico and Central American countries are consistently among the predominant nationalities in Immigration Court proceedings. In fiscal year 2004, 55% of all completed proceedings in the Chicago Immigration Court involved nationals of Mexico. Nationals of Honduras, El Salvador, and Guatemala accounted for another 13% of all completed proceedings in the Chicago Immigration Court. In addition, Spanish language cases represented 66% of all the cases completed in the Chicago Immigration Court in fiscal year 2004. The perception that nationals of Mexico and Central American countries, or individuals who relied on a Spanish speaking interpreter, fared worse than others could be explained away by an examination of the actual numbers of these nationals and speakers in proceedings.



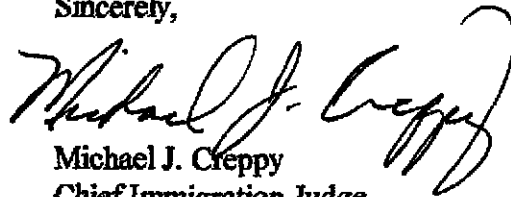
Fourth, the report found problems with the presentation of evidence and testimony in 17 out of the 110 observed hearing. Specifically, the report states that on several occasions the document projector was broken and that when the Immigration Judge held documents up to the camera the respondents were seen squinting. The report also notes one occasion in which the respondent tried to show documents to the Immigration Judge, but the Judge could not see the documents. Two of the three Chicago courtrooms which have video conferencing equipment have a document projector for displaying documents. The court confirms that the document projectors are in good working order and that there is no problem viewing and displaying documents during hearings held via video conference. In addition, the Immigration Judges can send and receive documents by facsimile during video conference hearings. The Chicago courtroom that handles detained video conference hearings has a dedicated facsimile machine in the courtroom and the other courtrooms have access to a nearby facsimile machine. Finally, the Immigration Judges always ensure that respondents have an opportunity to respond to documents submitted in their case and to present evidence whether the hearing is held via video conference or in person.

In the section discussing evidence and testimony, the report claims that Immigration Judges were likely to feel more emotionally distant from and apathetic to a respondent appearing via video conference. This allegation is widely speculative and no evidence has been offered to support the claim. Immigration Judges are well aware of the importance of their decisions on the lives of the individuals appearing before them. The fact that an Immigration Judge is hearing a case via video conference in no way undermines the Judge's duty to provide a fair hearing. Immigration Judges are charged with being respectful of each and every respondent and deciding each case fairly, thoughtfully, and promptly. Thus, OCIJ does not believe, nor does the report show, that Immigration Judges are apathetic to respondents who appear before them via video conference.

Finally, the report recommends that OCIJ impose a general moratorium on the use of video conferencing in order to improve and regulate it. OCIJ declines this suggestion. Congress expressly permits an Immigration Judge to conduct removal proceedings through the use of video conference. *See Immigration and Nationality Act section 240(b)(2)(A); see also 8 C.F.R. § 1003.25(c).* As noted above, Immigration Judges have conducted hearings by video conference for more than ten years and no court has ever concluded that such hearings violate due process.

Thank you for taking the time to consider this response.

Sincerely,

  
Michael J. Creppy  
Chief Immigration Judge



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November 1, 2005

Hon. Michael J. Creppy  
Chief Immigration Judge  
Executive Office for Immigration Review  
5107 Leesburg Pike, Suite 2500  
Falls Church, VA 22041

Dear Judge Creppy:

On behalf of the Legal Assistance Foundation of Metropolitan Chicago and the Chicago Appleseed Fund for Justice, we write in reply to your August 31, 2005 letter about our report, *Videoconferencing in Removal Proceedings: A Case Study of the Chicago Immigration Court*. Although we are encouraged by OCIJ's serious consideration of the report, we are concerned that there are key aspects of the study you do not address. We write to express our continued interest in meeting with you to open further dialogue on these matters.

Overall, it seems to us, your response focuses on how videoconferencing is working for the immigration judges – rather than how it is working for the detained immigrants at Broadview. Yet that is the distinctive problem with videoconferencing, at least as it is used in Chicago: the immigration judge, the trial attorney, and the immigrant's attorney (if any) are all at the downtown location; the interpreter is most often listening to the proceedings by speakerphone at a second location, and the detainee and the ICE guard are at a third location, 20 miles from Chicago. We believe further examination of the system from the immigrant's perspective is in order.

Second, throughout your response, you refer to statistics or other data that your office has collected, but none of that information seems to be publicly available. It is difficult to evaluate the validity of your statistics concerning the removal of immigrants, or the strength of your claim that attorneys prefer videoconferencing, when we do not have access to the data you rely on. We would like to have developed a fuller picture in the Chicago area ourselves, and attempted to do so, but, as the report notes, we were not permitted to observe the hearings at Broadview or interview detained immigrants who had

experienced them. Your office also prevents us from talking to the immigration judges themselves to find out how they think videoconferencing is working here.

Your letter states that attorneys like videoconference hearings, yet you refer to one letter, fail to state whether that attorney was involved in a master calendar or individual hearing, fail to say who was in Falls Church and who was at the remote site, and provide no indication that anyone has sought to gather information from attorneys about their experiences with videoconference hearings except on an anecdotal basis. It is our view that videoconferencing is being embraced without any public assessment of its pro's and con's. We moved the ball forward as far as we could, observing 110 hearings and interviewing 17 randomly selected attorneys. We would have done more if we had been allowed to. We support a careful study on the use of videoconference technology in removal proceedings, where the results are made public.

With these two general points in mind, we make the following more specific comments:

### **Methodology**

Your letter criticizes the lack of a control group in our study. We were entirely candid about this shortcoming, explaining that the Chicago Immigration Court schedules no in-person hearings for detained immigrants. A control group consisting of immigrants appearing in person who were not detained would have been unsound for the very reason you point out elsewhere in your letter: detained immigrants are in a different position, legally and logistically, from non-detained immigrants.

You think our study "should have reflected the fact that many attorneys support video conferencing." That is not a methodological flaw. We selected a number of attorneys at random, asked them what they thought of videoconferenced hearings based on their personal experience, and reported the views they expressed. The mere fact that an attorney had a problem with some aspect of videoconferencing does not cast doubt on the credibility of his or her particular observations. As for the attorneys who have expressed a contrary opinion to OCIJ, you do not say how many of them there are, whether any attorneys have taken a different view, or what type of videoconferenced hearings they were involved in. We agree in principle that attorneys who have represented detained immigrants in videoconferenced hearings are a good source of information about what works and what doesn't work, and we would welcome a rigorous effort to collect their views. In cases where detained immigrants are unrepresented, talking to those immigrants directly would also be instructive. As we noted above, our efforts to do that were blocked.

We request again, through this letter, to interview unrepresented detained immigrants without the need for ICE or EOIR to consent to such an interview.

### **The lack of regulations and policies for immigrants who seek an in-person hearing**

We are particularly worried about the lack of regulations for videoconference hearings, given that the Chicago Immigration Court is now routinely denying motions to hold merits hearings in person based on the "one-size-fits-all" logic that videoconferencing has been accepted in various courts. Regardless of whether videoconferencing is appropriate as a general matter, there are many particular cases where immigrants have a compelling need for an in-person hearing, like an immigrant who is cognitively impaired, or one who suffers from Post-traumatic Stress Disorder. Moreover, as you know from the report, our view is that videoconferencing is even more problematical for individual "merits" hearings than it is for routine master calendar hearings (i.e., master calendar hearings where a merits decision will *not* be made) because a merits decision so profoundly affects immigrants and their families.

### **Equipment problems**

Our report highlighted problems with videoconferencing equipment and limitations of the technology in use in Chicago. You respond only to the former point, noting that an immigration judge can always obtain technical assistance from EOIR and DHS support staff and – if that doesn't resolve the problem – reschedule the hearing. In our experience, equipment problems at the remote site are not always apparent to the immigration judge, and the remote site lacks staff to deal with them. Moreover, continuances are not the ideal solution for detainees. They have already been bused long distances to attend their hearings, they will have to be bused back to their detention facilities to wait for a new hearing date, and then they will have to be bused back to Broadview when that hearing date arrives. We are concerned about detained immigrants who simply give up and accept a removal order because they see no end to the process.

On the second point, whether the judges in Chicago are using the best equipment available, you say that some courts do have "newer technology" but do not describe what that technology is, how it solves problems that the older technology did not, where it is being used, and what plans OCIJ has to provide it here. Please provide that information.

## **Access to counsel**

It is certainly true that, under the old system, attorneys had an easier time meeting and conferring with their detained clients while they were in the waiting area of the downtown Chicago courtrooms. Conferring with clients in distant detention centers is very difficult, expensive, and time-consuming. Reaching clients by phone is problematic as well: it's hard to schedule the call, make sure that the phones are working, and pay for the call. And there are always more detainees wanting to make calls than there is phone availability. ICE does nothing to make it easier. But that is a separate set of problems, on which many advocates are working.

Our report never suggested that videoconferenced hearings should be restructured to permit attorneys to do basic client interviewing and preparation in the course of the hearing. Rather, our point was that, during the hearing itself, events can occur that even well-prepared counsel could not have predicted. Such events often require a confidential attorney-client conversation, and the videoconferenced hearings should be structured to permit those conversations to occur. It is no answer to say that the attorney should be at the remote site, with the client: the attorney should not be required to distance himself or herself from the judge and opposing counsel, or give up the opportunity to examine documents offered in evidence, to maintain the ability to consult with the client. Moreover, even when an immigration judge clears the courtroom to give the attorney time to speak with the client (as we reported judges sometimes do), there is no assurance of confidentiality between an immigrant and her counsel. At Broadview, ICE officers sit with the client throughout the proceedings. It is essential that the client be able to go into a separate room, close the door, and have a private telephone conversation with the attorney, out of the hearing of the ICE officer. As a result, we ask that such practice be followed.

## **Latino respondents**

As you know, our report did not suggest a reason for a disproportionately high number of removals of Latino immigrants we observed. We noted that there could be a variety of reasons that would explain such a statistic, and stated that further study would be worthwhile. Your letter implies that more Latinos receive removal orders because Latinos represent a large percentage (66%) of immigrants in removal proceedings in Chicago. Our data, however, showed that Latinos were receiving removal orders at a disproportionate rate (i.e., almost 100% of the time, not 66% of the time). We continue to believe that further study of such a stark disparity is warranted, as you yourself suggested on page 4 of your letter.

### **Documentary evidence**

In the area of evidence, your letter once again looks at the problem from the immigration judge's, not the immigrant's, perspective. The document projector may work well for the people in the downtown courtroom, but there is no indication that the immigrant can see the image of a projected document well enough to know what it says. You mention the "dedicated facsimile machine" in the Chicago courtroom, but there is no comparable dedicated machine at Broadview. Using ICE's facsimile machine at Broadview, with no understanding of where that machine is located in the building, or how often it is tied up with documents sent to or from ICE, or how quickly and reliably an immigrant can obtain a document faxed there, is risky. We believe that a separate courtroom facsimile machine is essential at the remote site, and we request that one be installed.

### **Emotional distance of Immigration Judges**

You dismiss as unsupported the portion of our report that discusses the impression of the attorneys we interviewed that immigration judges feel more emotional distance towards immigrants who appear via videoconferencing than they do towards immigrants who appear in-person. We suggest you review the independent literature cited on pages 20-22 of our report before dismissing these concerns.

In addition, we remind you that we asked to speak directly with immigration judges in Chicago to see what they thought of videoconferenced hearings, and OCIJ declined our request. Permitting interviews with the judges themselves would have added clarity to this issue.

### Issues not addressed by your letter

Your letter fails to address a number of recommendations in the report, including (1) OCIJ's position on the use of videoconferenced hearings for bond requests, and for cases involving the removal of children; (2) OCIJ's willingness (or not) to provide in-person interpreters for videoconferenced hearings, given the extensive literature suggesting that remote interpretation (and especially "double-remote" interpretation) is inferior to in-person interpretation; (3) The need to have EOIR personnel on-site at the remote facility, rather than relying entirely on ICE personnel; (4) The need to provide notice of videoconferenced hearings to the detainees directly (not to the detainees "in care of" the downtown ICE office), with some explanation of how the hearing will be conducted.

In conclusion, we hope that this letter clarifies issues that you addressed in your response. We request that, with this additional information, you reexamine the policy recommendations detailed at the end of our report. We would like to meet with you to discuss our continued concerns about the use of videoconferencing in removal hearings. To set up such a meeting, please contact Geoff Heeren at (312) 347-8398, or at gheeren@lafchicago.org.

Sincerely,



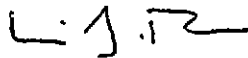
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March 16, 2006

Hon. Michael J. Creppy  
Hon. Michael C. McGoings  
Executive Office for Immigration Review  
5107 Leesburg Pike, Suite 2500  
Falls Church, VA 22041

Dear Chief Judge Creppy and Assistant Chief Judge McGoings:

Thank you for meeting with us this week concerning our report on videoconferencing in the Chicago Immigration Court. It was a pleasure meeting you, and we hope that you found our discussion as fruitful as we did. We were encouraged by your willingness to investigate some of the issues we discussed, including: the adequacy of the remote Broadview courtroom; the difference between videoconferencing where the respondent is with his attorney versus videoconferencing where the two are separated; and the possibility of instituting simultaneous interpretation in cases involving videoconferencing.

We look forward to continuing to work with you to remedy some of the problems we identified in our report. You invited us to submit comments on your Interim Operating Policies and Procedures Memorandum No. 04-06: *Hearings Conducted through Telephone and Video Conference*. We hope to provide you with our comments by April 14, 2006. Please let us know if comments submitted by that date will arrive in time for you to consider them, and circulate them to the immigration judges, before the Interim OPPM is finalized.

We are pleased that you appreciate the sensitivity of implementing a new technology where so much is at stake. Thank you for taking our concerns seriously.

Sincerely,

Geoffrey Heeren  
Senior Attorney

**FILE**  
8-1-1



# GEORGETOWN IMMIGRATION LAW JOURNAL

## **Effective Processing or Assembly-Line Justice? The use of Teleconferencing in Asylum Removal Hearings**

*Frank M. Walsh and Edward M. Walsh*



# EFFECTIVE PROCESSING OR ASSEMBLY-LINE JUSTICE? THE USE OF TELECONFERENCING IN ASYLUM REMOVAL HEARINGS

FRANK M. WALSH\* AND EDWARD M. WALSH\*\*

## ABSTRACT

*This article, based on statistics compiled by the Executive Office for Immigration Review ("EOIR") exclusively for this article, the author's experience at the Department of Defense, and the author's trial experience in multiple asylum hearings, examines the use of video conferencing ("VTC") in asylum removal hearings as codified in 28 U.S.C. § 1229a. While VTC has been lauded as the panacea for backlogged immigration dockets, no previous researcher has used statistics to analyze the effect of VTC on asylum removal hearings. Based on the decisions in over 500,000 cases, this article argues that VTC roughly doubles to a statistically significant degree the likelihood that an applicant will be denied asylum. In addition to calling into question the effectiveness of VTC, the statistical effect of VTC also implicates an asylum applicant's Due Process rights. This article rejects the use of VTC at asylum hearings and argues for a more selective use of VTC that would better protect the integrity of United States Immigration Courts.*

## I. INTRODUCTION

The integration of new information technologies to allow for greater video teleconferencing ("VTC") in modern courtrooms has been championed as a way to expand access to justice<sup>1</sup> and efficiently process potentially costly cases.<sup>2</sup> Since the Federal Judicial Conference, the policymaking body of the federal courts, authorized the use of VTC in prisoner civil rights pretrial

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\* Georgetown University Law Center, Juris Doctor, May 2007; Yale University, B.A., May 2004. I would like to thank Professor Andrew Schoenholtz for all his inspiration and guidance on this article. His footprint on this article is deep.

\*\* Yale University, B.A., May 2007. The authors dedicate this article to our father, Edward Whaley Walsh, 1954-2006, for teaching us the necessity of moral clarity, the value of seeking justice, and the importance of doing what is right. We will never forget his lessons or the example he set. © 2008, Frank M. Walsh and Edward M. Walsh

1 See Cormac T. Connor, Note, *Human Rights Violations in the Information Age*, 16 GEO IMMIGR. L.J. 207, 214 (2002) (discussing the difficulties aliens in remote detention centers have in reaching an attorney).

2 *Operations of the Immigration and Naturalization Service: Hearing Before H. Jud. Comm.* (1994) 1994 WL 545250 (F.D.C.H.) (testimony of Dora Meissner, Commissioner of Immigration and Naturalization Service).

proceedings,<sup>3</sup> VTC is considered "one of the hottest little niches for court-houses right now."<sup>4</sup> Especially in the field of immigration law, courts are turning to VTC as a way to efficiently carry out removal hearings for aliens in detention.<sup>5</sup> Proponents of VTC believe that the future of the effective administration of America's courts lies with this new "telejustice system."<sup>6</sup> Nonetheless, there are serious unanswered questions as to the practice's policy and legal implications.<sup>7</sup>

This article confronts some of these questions in the narrow context of removal hearings in immigration court when an alien claims relief as a refugee.<sup>8</sup> Under the Illegal Immigration Reform and Immigrant Responsibility Act ("IIRIRA"), an alien's deportability hearing can be held via VTC.<sup>9</sup> The fundamental issue, then, is whether a hearing conducted entirely via VTC is an example of "fair and efficient"<sup>10</sup> processing or a "McDonaldization" of the asylum determination where assembly line justice values the quantity of verdicts at the expense of their quality.<sup>11</sup>

The Executive Office for Immigration Review ("EOIR") adamantly supports the use of VTC in removal hearings. In its fact sheet discussing VTC, EOIR argued that VTC does not affect the decision making process in any way:

Congress made no distinction between an in-person hearing and a hearing conducted by [VTC], including no requirement for consent of

3. Molly Treadway Johnson & Elizabeth C. Wiggins, *Videoconferencing in Criminal Proceedings. Legal and Empirical Issues and Directions for Research*, 28 LAW & POL'Y 211, 213 (2006).

4. Anne Chen, *Court Summons IT*, PC WEEK, June 14, 1999, at 87; see also Mark Leibowitz, *Videoconferencing Minimizes Costs*, AMERICAN CITY & COUNTY, Dec. 1998, at 10.

5. See Eugenio Mullo, Note, *The Expansion of Video Conferencing Technology in Immigration Proceedings and Its Impact on Venue Provisions, Interpretation Rights, and the Mexican Immigrant Community*, 9 J. GENDER RACE & JUST. 689, 692-93 (2006) (arguing that the "increased use of technology to the courts is inevitable").

6. Leibowitz, *supra* note 4, at 10 (internal quotations omitted).

7. See Johnson & Wiggins, *supra* note 3, at 212 ("Despite the gravity of the rights involved and the strong opinions on both sides of the debate over the use of videoconferencing, little empirical information is available about the extent of its use in criminal cases or the effects of videoconferencing on the behavior of participants and thus, potentially, on defendants' rights.").

8. See 8 U.S.C. § 1101(a)(42)(A) (2006) (defining a "refugee" as "any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion").

9. 8 U.S.C. § 1229a(b)(2)(A)(iii) (2006).

10. See U.S. Dep't of Justice, Executive Office for Immigration Review, Office of the Chief Immigration Judge, *Headquarters Immigration Court (HQIC) Fact Sheet*, <http://www.usdoj.gov/eoir/sibpages/HQICFactSheet.pdf> (last visited Mar. 27, 2007) (hereinafter *HQIC Fact Sheet*).

11. Cf. Mark Umbreit, *Avoiding the Marginalization and 'McDonaldization' of Victim-Offender Mediation*, in RESTORATIVE JUVENILE JUSTICE: REPAIRING THE HARM OF YOUTH CRIME 213 (George Bazemore & Lode Walgrave eds., Criminal Justice Press 1999) (discussing how efficiency interests have undermined the value of mediation efforts); David Shichor, *Three Strikes as a Public Policy: The Convergence of the New Penology and the McDonaldization of Punishment*, 43 CRIME AND DELINQUENCY 470-93 (1997) (discussing how efficiency interests have undermined the rehabilitation efforts).

the participants to conduct a [VTC] hearing. [VTC] does not change the adjudicative quality or decisional outcomes. Hearings conducted by [VTC] are fair and fully protect the participants' right to procedural due process. There is a means of transmitting and receiving additional evidence between all locations and all participants.<sup>12</sup>

Two assertions lie at the core of EOIR's justification of VTC: (1) "[VTC] does not change the adjudicative quality or decisional outcomes," and (2) "[hearings conducted by [VTC] are fair and fully protect the participants' right to procedural due process." The first assertion is a matter of policy: VTC does not affect an Immigration Judge's decision making process. The second assertion is a matter of law: VTC adequately complies with the Due Process Clauses in the Fifth and Fourteenth Amendments.

This article argues that the both of the assertions in the EOIR memorandum are false: (1) as a matter of policy, the use of VTC does not result in "fair and efficient immigration hearings"<sup>13</sup> because VTC alters the way that a judge perceives an asylum applicant's testimony and influences the outcome of a hearing, and (2) as a matter of law, VTC does not have a coherent rationale and it tests the limits of the Due Process Clause.<sup>14</sup> Part II of this article describes the evolution of VTC since the passage of § 1229a in 1996 to the present. Part III discusses inconsistencies in U.S. law's treatment of in-person factual determinations. Part IV analyzes the policy dimension of VTC by focusing on the psychological effects of VTC and on new asylum statistics compiled by the Department of Justice for this article. Part V analyzes the legal dimension of VTC use by focusing on whether VTC satisfies an asylum applicant's rights under the Due Process Clause. Part VI concludes by recommending that VTC use be limited to Master Calendar hearings.

## II. ALIEN DETENTION, IIRIRA'S SECTION 1229A, AND VTC IN THE IMMIGRATION CONTEXT

The story of VTC in immigration courts begins with the widespread and growing use of detention for removable aliens. The modern form of alien detention has its roots in 1996's IIRIRA, the same statute that made VTC permissible in deportation hearings. The IIRIRA created an "interrelated statutory structure designed to streamline the removal process and expedi-

12. See U.S. Dep't of Justice, Executive Office for Immigration Review, Office of the Chief Immigration Judge, *Headquarters Immigration Court (HQIC) Fact Sheet* (July 21, 2004), <http://www.usdoj.gov/eoir/press/04/HQICFactSheet.pdf> [hereinafter *HQIC Fact Sheet II*].

13. See *HQIC Fact Sheet I*, *supra* note 10 at 1.

14. See J. Antonin Scalia, Statement on Amendments to Rule 26(b) of the Federal Rules of Criminal Procedure, Apr. 29, 2002 at 2 (stressing the importance of "compelling] accusers to make their accusations in the defendant's presence—which is not equivalent to making them in a room that contains a television set beaming electrons that portray the defendant's image").

tiously remove criminal aliens from this country."<sup>15</sup> Efforts to streamline the system were based on using VTC in hearings,<sup>16</sup> while § 1231 mandates the detention of aliens who are found to be unlawfully within the United States.<sup>17</sup> As a result of the mandatory detention policy, the Bureau of Immigration and Customs Enforcement ("BICE") currently detains over 200,000 non-citizens annually and plans to expand its detention capacity by 40,000 over the next three years.<sup>18</sup>

Two factors exacerbated the need to use VTC in processing detained aliens. First, IIRIRA shortened the removal period from 180 to ninety days,<sup>19</sup> requiring a faster processing system. Second, detained aliens were generally held in remote detention centers hours away from the immigration courts.<sup>20</sup> Dealing with these remotely detained aliens was a daunting endeavor because it was both costly<sup>21</sup> and involved security challenges due to the flight risk of the individual.<sup>22</sup> By increasingly detaining aliens in remote facilities but simultaneously shortening the time allocated to process them, IIRIRA stressed the logistical resources of immigration courts: the courts were asked to handle more cases, and process aliens held in more remote places, and to do all of this faster than before.

Congress' solution to the increasing backlog of detained aliens was to turn to VTC. The IIRIRA listed VTC and in-person observation as equally acceptable manners of hearing testimony.<sup>23</sup> The equal status given to VTC and in-person observation was based on the lack of preference given between § 1221a(b)(2)(A)(i), authorizing in-person hearings, and § 1221a(b)(2)(A)(iii), authorizing VTC hearings. Both methods are provided in an exhaustive list of acceptable means with no hierarchy in testimonial value.

As described by EOIR, "VTC provides real-time transmission of audio

15. Myrna Pages, Note, *Indefinite Detention, Tipping the Scale Toward the Liberty Interest of Freedom After Zadvydas v. Davis*, 66 ALB. L. REV. 1213, 1217 (2003); see also S. REP. NO. 104-250, at 10 (1996); Connor, *supra* note 1, at 214.

16. 8 U.S.C. § 1229a(b)(2)(A)(iii) (2006).

17. See 8 U.S.C. § 1231(a)(2) (2006) ("During the removal period, the Attorney General shall detain the alien. Under no circumstance during the removal period shall the Attorney General release an alien who has been found inadmissible. . .").

18. See MARK DOW, AMERICAN GULAG: INSIDE U.S. IMMIGRATION PRISONS 9 (2004); Donald Kerwin, *Looking for Asylum, Suffering in Detention*, 28 HUM. RTS.: J. SEC. INDIVIDUAL RTS. & RESPONSIBILITIES 3, 4 (2001) (describing the difficulties aliens face in detention).

19. 8 U.S.C. 1231(a)(1)(A) (2006) ("Except as otherwise provided in this section, when an alien is ordered removed, the Attorney General shall remove the alien from the United States within a period of 90 days (in this section referred to as the 'removal period').")

20. See Dow, *supra* note 18, at 174-75; Joren Lyons, *Mandatory Detention During Removal Proceedings: Challenging the Applicability of Demore v. Kim to Vietnamese and Laotian Detainees*, 12 ASIAN L.J. 231, 233 (2005) (stating how detainees can sometimes "spend more time in civil immigration custody than they serve for their criminal offense, often while housed in remote federal detention facilities").

21. See Chen, *supra* note 4, at 87 (describing the "the traditionally long and arduous process of transporting prisoners from the jailhouse to the courthouse for arraignment or trial").

22. See *United States v. Baker*, 45 F.3d 837, 847 (4th Cir. 1995) (discussing the dangers of transporting aliens); Johnson & Wiggins, *supra* note 3, at 212.

23. See 8 U.S.C. § 1229a(b)(2)(A)(i), (iii) (2006).

and video between two or more locations and permits individuals to see, hear, and speak with each other as though they are at the same location."<sup>24</sup> Often, VTC is used to connect an alien in detention with a judge in his chambers, and the counsel for the alien and DHS in a third location.<sup>25</sup> With advances in high-definition technology and increasing data transfer capabilities, proponents of VTC claim that they can "functionally duplicate" an in-court testimony via VTC.<sup>26</sup> A reasonably priced VTC system,<sup>27</sup> allows for courtrooms to speed up proceedings anywhere from 25 to 50 percent.<sup>28</sup> Jurisdictions from West Virginia<sup>29</sup> to Florida<sup>30</sup> have turned to VTC as a cheap and fast way to conduct procedural hearings and minor claims. As one judge stated, VTC "allows us to turn our driving time into working time."<sup>31</sup> Additionally, proponents of VTC in immigration court argue that the system is healthier for EOIR employees<sup>32</sup> and encourages pro bono representation of aliens.<sup>33</sup>

EOIR has fully embraced the use of VTC in America's immigration courts,<sup>34</sup> and the office hopes to increase the system's usage.<sup>35</sup> VTC systems are currently installed at EOIR headquarters in Arlington, Virginia, at forty (of fifty-three) Immigration Courts, and at seventy-seven other sites where immigration hearings are conducted, including detention centers and correctional facilities where immigration hearings are conducted.<sup>36</sup>

24. *HQIC Fact Sheet 1*, *supra* note 10; see also Chen, *supra* note 4, at 87.

25. See Aaron Haas, *Videconferencing in Immigration Proceedings*, 5 *PIERCE L. REV.* 59, 59 (2006).

26. Interview with the Honorable Frederic Lederer, Chancellor Professor of Law and Director of the Center for Legal and Court Technology in Washington, D.C. (Mar. 28, 2007).

27. National Center for State Courts, *Videconferencing*, Briefing Papers, [http://www.ncsconline.org/WC/Publications/KIS\\_VidConBriefPub.pdf](http://www.ncsconline.org/WC/Publications/KIS_VidConBriefPub.pdf), (last visited Mar. 28, 2007) (stating that a monitor and camera unit cost approximately \$40,000 and that price is rapidly falling).

28. See Craig Savoye & Seth Stern, *Lawyers Can Now Call Witnesses by Remote Control*, *CHRISTIAN SCIENCE MONITOR*, Dec. 12, 2001 at 1 (quoting Professor Frederic Lederer as saying that "in a normal trial, an inordinate amount of time is spent literally walking around the courtroom, showing a piece of evidence to opposing counsel, showing it to a witness, taking it over to the jurors, and sometimes having them pass it from one to another"); Leibowitz, *supra* note 4, at 10 (discussing the variety of ways VTC saves money).

29. Margaret Boitano, *Wired in West Virginia Jails (of All Places)*, *FORTUNE*, Dec. 18, 2000, at 68 (describing how West Virginia built a \$25 million network linking its courthouses and jails to avoid "skyrocketing" transportation costs).

30. See Chen, *supra* note 4, at 87.

31. See *id.*

32. See Mollo, *supra* note 5, at 692 (discussing allegations that aliens carry Tuberculosis and Hepatitis B).

33. U.S. Dep't of Justice, Executive Office for Immigration Review, *Strategic Plan Fiscal Years 2005-2010* (Sept. 2004) <http://www.usdoj.gov/eoir/statspub/FinalTEREOIRStrategicPlan2005-2010September%202004.pdf> [hereinafter *EOIR Strategic Plan*].

34. See *HQIC Fact Sheet 1*, *supra* note 10.

35. See EOIR Strategic Plan, *supra* note 33, at 15.

36. See Mollo, *supra* note 5, at 691.

III. VTC AMERICAN DOMESTIC LAW IS INTERNALLY INCONSISTENT AS TO WHETHER IN-PERSON DETERMINATIONS AFFECT THE ADJUDICATIVE PROCESS

Before analyzing the policy and legal continua of VTC, it is important to recognize that the use of VTC challenges fundamental American jurisprudence on the importance of face-to-face observation of testimony. One of the basic underpinnings of American jurisprudence is that observers of testimony while in the presence of a defendant are in the best position to determine its validity.<sup>37</sup> IIRIRA, however, rejects this position, and "makes no distinction between an in-person hearing and a hearing conducted by [VTC]."<sup>38</sup>

There is no defendant and this author knows it. These are civil deportation/removal proceedings to determine status.

A. Deference to Face-to-Face Observers in the Case Law

Because the "opportunity to judge the demeanor of a witness face-to-face is accorded great value in our tradition,"<sup>39</sup> and American trial courts are given deference in weighing the credibility of a witness, judges can detect nuanced, nonverbal indicators that are not part of the written record.<sup>40</sup> As the Supreme Court explained in *United States v. Raddatz*, the face-to-face interaction between a trier of fact and the witness yields special insight into the testimony:

The principle that deference must be paid to the findings of the official who hears the testimony is reflected in a wide variety of areas of the law. Under Rule 52 of the Federal Rules of Civil Procedure, a trial court's factual findings may be reversed only when "clearly erroneous," a standard that reflects the common understanding that [because of the face] to face with living witnesses the original trier of the facts holds a position of advantage from which appellate judges are excluded. In doubtful cases the exercise of his power of observation often proves the most accurate method of ascertaining the truth.<sup>41</sup>

- But, immigration law - until the Raddatz case?

These do not apply in immigr. proceedings

Other courts have echoed the unique vantage point of those who heard testimony in person, arguing that the trier of fact "sees and hears the witnesses at first hand and comes to appreciate the nuances of the litigation."<sup>42</sup>

Because all they have is a transcript. But with VTC, the IS has much, much more than a transcript.

While the preceding cases described the trial judge's superior perspective vis-à-vis an appellate court that was reviewing a court transcript, the same

→ With VTC, the judge does see and hear. That's the point.

37. See Connor, *supra* note 1, at 216.

38. HQIC Fact Sheet II, *supra* note 12.

39. Thornton v. Snyder, 428 F.3d 690, 698 (7th Cir. 2005).

40. See United States v. Oregon Medical Society, 343 U.S. 326, 339 (1952).

41. 447 U.S. 667, 697, n 3 (1980) (citations omitted).

42. Cumpiano v. Banco Santander P.R., 902 F.2d 148, 152 (1st Cir. 1990); see also Amlong & Amlong, P.A. v. Denny's, Inc., 457 F.3d 1180, 1199 (11th Cir. 2006) ("Indeed, the raw transcript of the hearing could not have captured the nuances of the testimony or the demeanor of the witnesses in a way that would have fairly allowed the district court to make a reliable determination that the magistrate judge was wrong in finding facts and choosing to believe the witnesses.")

Why?

principles that demand deference to face-to-face encounters apply in the VTC context.<sup>43</sup> While an appellate judge receives a verbatim account of the words spoken at trial, the trial court is granted deference because a transcript fails to convey nonverbal cues and a sense of the applicant's demeanor. As described in Part IV(a), *infra*, VTC fundamentally alters the way a judge perceives an asylum applicant's testimony because (1) VTC fails to capture the nuanced nonverbal elements of testimony, and (2) VTC makes an applicant seem less trustworthy. VTC thus conveys less information to the trial judge in the same way court transcripts convey less information to the appellate judges; in both cases, only parts of the testimony reach the decision-maker. Precedent suggests that replacing traditional face-to-face hearings with a system that loses some of the testimony's richness is not proper; nevertheless, this is exactly the replacement that IIRIRA demands.

#### B. Deference to the Face-to-Face Observer in REAL ID

The greatest internal inconsistency regarding VTC is statutory in nature. In 2005, Congress increased the discretion given to Immigration Judges with the passage of the REAL ID Act of 2005 ("REAL ID").<sup>44</sup> REAL ID, in addition to clarifying that there was "[n]o presumption of credibility" in asylum hearings,<sup>45</sup> gave the Immigration Judge almost unreviewable power in deciding whether an applicant's testimony was credible.<sup>46</sup> With REAL ID, Congress seemed to echo the traditional jurisprudential idea that an in-court observer was best situated to make credibility determinations about testimony.

The legislative history of REAL ID shows that an Immigration Judge's ability to rely on the intangible aspects of an applicant's testimony was exactly why Congress granted such wide latitude to the Judge:

An immigration judge alone is in a position to observe an alien's tone and demeanor, to explore inconsistencies in testimony, and to apply workable and consistent standards in the evaluation of testimonial

43. *Thornton v. Snyder*, 428 F.3d 690, 698 (7th Cir. 2005) ("The importance of presenting live testimony in court cannot be forgotten").

44. See Pub.L. No. 109-13 (2005).

45. 8 U.S.C. 1158(b)(1)(B)(iii) (2006). Additionally, REAL ID increased an Immigration Judge's ability to rely on evidence outside the testimony given in the hearing. "In determining whether the applicant has met the applicant's burden, the trier of fact may weigh the credible testimony along with other evidence of record." 8 U.S.C. 1158(b)(1)(B)(ii).

46. See 8 U.S.C. § 1252(b)(4)(D) (2006) ("No court shall reverse a determination made by a trier of fact with respect to the availability of corroborating evidence . . . unless the court finds . . . that a reasonable trier of fact is compelled to conclude that such corroborating evidence is unavailable."); see also Aubra Fletcher, *The REAL ID Act: Furthering Gender Bias in U.S. Asylum Law*, 21 BERKELEY J. GENDER L. & JUST. 111, 126 (2006) ("Finally, the 'trier of fact' language in this section may lead the BIA and federal courts to defer to IJ findings in this regard.")



evidence. He is, by virtue of his acquired skill, uniquely qualified to decide whether an alien's testimony has about it the ring of truth.<sup>47</sup>

All aspects of the witness's demeanor-including the expression of his countenance, how he sits or stands, whether he is inordinately nervous, his coloration during critical examination, the modulation or pace of his speech and other nonverbal communication-may convince the observing trial judge that the witness is testifying truthfully or falsely.<sup>48</sup>

The House Conference Report on REAL ID justified the increase in discretion, and the potential loss of judicial uniformity,<sup>49</sup> by stressing the Immigration Judge's unique ability to perceive nuanced nonverbal communication.<sup>50</sup> For REAL ID, there was no question that a judge's presence in-court made all the difference when it came to assessing an applicant's credibility and veracity.

and this is possible via VTC.

The two statutes, separated by eleven years, are internally inconsistent as to the Immigration Judge's relative importance to the asylum system as a whole. IIRIRA argues that personal contact with an applicant is superfluous, even though VTC fails to convey a number of nonverbal cues. REAL ID, on the other hand, argues that personal contact with the applicant is so important that the statute all but precludes review by the Bureau of Immigration Appeals ("BIA"). Simply put, face-to-face contact is either important or not, and these statutes fail to articulate which it is.

wrong.

No such thing

#### IV. VTC'S AS A MATTER OF POLICY: VTC SUBSTANTIVELY AFFECTS ASYLUM HEARING DETERMINATIONS BECAUSE VTC FORCES JUDGES TO MAKE DECISIONS ON LIMITED INFORMATION

The core of EOIR's argument that VTC is a good policy is the assertion that "[VTC] does not change the adjudicative quality or decisional outcomes."<sup>51</sup> This article will refute both aspects of this statement by (1) explaining how VTC changes the "adjudicative quality" of the Immigration Judge's decision by fundamentally altering the perception of the testimony, and (2) showing that VTC constitutes a statistically significant factor in the "decisional outcome" of an asylum case.

WRONG. There are degrees of acceptability it's not one or the other.

Almost no decisions are actually predicated on demeanor.

##### A. The Adjudicative Quality of VTC Hearings

The use of VTC in removal hearings affects the manner in which an

47. H.R. Rep. No. 109-72, at 167-68 (2005) (Conf. Rep.) (quoting *Sarvia-Quintanilla v. INS*, 767 F.2d 1387, 1395 (9th Cir. 1985)).  
48. *Id.* (quoting *Mendoza Manimban v. Ashcroft*, 329 F.3d 655, 662 (9th Cir. 2003)).  
49. See *Fletcher*, *supra* note 46, at 126 (discussing the danger of inconsistent verdicts when Immigration Judges are accorded greater discretion).  
50. H.R. Rep. No. 109-72, at 167-68.  
51. *HQIC Fact Sheet II*, *supra* note 12.

Immigration Judge hears an applicant's testimony; even with the most sophisticated high-definition television systems, the applicant is still perceived via a two-dimensional screen. Despite assurances that current VTC "functionally duplicates" a live appearance,<sup>52</sup> the reality is that live and VTC testimony are different. The issue, then, is whether the inherent differences between the types of testimony affect the manner in which the judge perceives the testimony and, consequently, whether the judge's adjudication is affected by the type of testimony.

While the United States, Australia, and Canada all currently use VTC to process refugee claims,<sup>53</sup> only Canada has commissioned a formal evaluation of VTC. In 2004, Ottawa asked Ronald Ellis to assess the effects of VTC on Canada's Immigration and Refugee Board's asylum hearings.<sup>54</sup> The Ellis Report recommended further studies into the use of VTC,<sup>55</sup> and acting on that recommendation the Canadian government contacted Mark Federman to analyze the psychological effect of VTC on an Immigration Judge's perception of testimony.<sup>56</sup> Federman, in his seminal work on the effect of VTC in immigration hearings, concluded that VTC inherently results in a loss of nonverbal cues and a more strained communication relationship between the speaker and the observer.<sup>57</sup> This article will analyze these findings and will

52. Interview with the Honorable Frederic Lederer, *supra* note 26 (maintaining that modern technology allows for VTC testimony that is functionally the same as live testimony).

53. Mark Federman, *On the Media Effects of Immigration and Refugee Board Hearings via Videoconferencing*, 19 J. REFUGEE STUD. 433, 434 (2006).

54. Ronald Ellis, Ellis Report to the Immigration and Refugee Board Audit and Evaluation Committee, (Oct. 21, 2004), available at [http://www.irb-cisr.gc.ca/en/about/transparency/reviews/video/index\\_c.htm#conclusion](http://www.irb-cisr.gc.ca/en/about/transparency/reviews/video/index_c.htm#conclusion) (hereinafter "Ellis Report"). Ellis' specific mandate was to "review the Board's use of videoconferencing in refugee hearings for the purpose of assessing the impact the technology may have on the fairness of the hearings and whether the practice maintains an appropriate balance between fairness and efficiency." *Id.*

55. *See id.* The Ellis Report concluded that:

My main conclusion is that the RPD should not make a final decision about the appropriateness of the use of videoconferencing in refugee hearings without further and more sophisticated trials and investigation

The important concerns addressed by the scientists about the efficacy and appropriateness of video-mediated communication in refugee matters cannot be appropriately ignored. Neither would it be right to ignore the inherent reservations evidenced in the survey responses as to the possible negative impact on the ability of refugee claimants to perform in videoconferenced hearings at levels of comfort that allow them to communicate effectively and to display demeanour that reflects their true selves

But it is too early to say that these are problems that could not be solved with some felicitous adjustments in the protocol, procedures and technical facilities, at least perhaps for a significant proportion of cases . . . My recommendation is that the Board commit to a significant 'testing period' during which the videoconferencing would be delivered in the most acceptable way possible and the relative fairness and effectiveness of videoconferenced hearings as compared to traditional hearings would be carefully and systematically evaluated through an independent and scholarly empirical study.

*Id.* The Ellis Report then gave a detailed list of modifications to the VTC process that would better improve the system.

56. *See Federman, supra* note 53, at 435

57. *See id.* at 438-44

then conclude by arguing that these effects result in skewed perception of an asylum applicant.

1. *VTC Fails to Capture the Vital Nonverbal Components of Oral Communication*

The first problem Federman identified with VTC was that the technology could not sufficiently convey a number of the nuanced nonverbal cues that are inherent in oral communication.<sup>58</sup> Simply put, nonverbal elements constitute an integral component of normal oral conversation.<sup>59</sup> Albert Mehrabain, a psychologist at UCLA, concluded that the meaning of an oral communication is a function of three factors: words, tone of voice, and body language.<sup>60</sup> Words account for seven percent of meaning, tone of voice for thirty-eight percent, and body language for fifty-five percent.<sup>61</sup> Mehrabian summarized this composition in what he called the 7-38-55 percent rule.<sup>62</sup> The problem with VTC is that it fails to adequately capture subtle changes in tone of voice and it often misrepresents body language, skewing ninety-three percent of the testimony's meaning.

This is outrageously  
bad science

The expressions, gaze, posture, and gestures that provide important insight into an asylum applicant's credibility or level of understanding are skewed when viewed via VTC.<sup>63</sup> Video transmission may exaggerate or flatten an applicant's affect and audio transmission may cut off the low and high frequencies of the applicant's voice;<sup>64</sup> both of these anomalies impair the fact finder's ability to assess the veracity of the applicant's story. Additionally, multiple studies have found that VTC communication is not as rich as face-to-face communications and diminishes the ability to generate positive feelings among participants.<sup>65</sup>

— not invisible

The issue of eye contact illustrates on the inherent difficulties in attempting to convey nonverbal communications via VTC. Eye contact is consistently ranked as the most important element of nonverbal communication because, in American culture, a failure to make eye contact triggers feelings

58. See *id.* at 436-38, 442-45.

59. See Haas, *supra* note 25, at 68-70.

60. ALBERT MEHRABIAN, *NONVERBAL COMMUNICATION* 178 (1972).

61. *Id.* at 79.

62. See *id.*

63. See Johnson & Wiggins, *supra* note 3, at 215-16.

64. See *id.* at 216.

65. See Haas, *supra* note 25, at 74; S.G. Straus, et al, *The Effects of Videoconference, Telephone, and Face-to-Face Media on Interviewer and Applicant Judgments in Employment Interviews*, 27 J. OF MGMT. 363, 372 (2001) ("Interviewers reported that it was much easier to regulate the conversation and achieve mutual understanding in [face-to-face] versus [VTC] interviews . . ."); John Stock & Lee Sproull, *Through a Glass Darkly: Why Do People Learn in Videoconference*, 22 HCM. COMM. RES. 197, 202-05 (1995). In the Stock and Sproull study, participants were organized into pairs and tasked with a map orienteering exercise. The amount of verbal dialogue needed to complete the exercise for the participants using VTC was far greater than the amount of dialogue needed for those participants speaking face-to-face. *Id.* at 202-05.

of distrust in an observer.<sup>66</sup> In a VTC hearing, it is physically impossible to look at both the camera and the visual depiction of the judge on a monitor near the applicant. In order for the judge to perceive that the applicant is maintaining eye contact, the applicant must speak into the camera (a non-intuitive skill that applicants may not have). By speaking into the camera, the applicant is unable to see the judge's reactions to his or her testimony. The necessity of having an applicant speak to an inanimate object inherently affects the testimony: a person speaking to a live individual will deliver the same testimony differently when speaking to a brick wall. The judge, however, only sees the version of an applicant's testimony that was delivered into an inanimate object.<sup>67</sup>

A judge's image  
is not a brick wall

## 2. VTC Undermines the Applicant's Ability to Build an Emotional Connection with the Judge

The object is  
not "inanimate,"  
it is animated.

For an asylum seeker, the ability to emotionally connect with the judge is of paramount importance. The applicant's story involves the flight from persecution and its facts are those that would usually evoke an emotional response. Judicial compassion and sympathy are factors in judicial discretion,<sup>68</sup> and an applicant's story is the applicant's primary tool in evoking the judge's empathy.<sup>69</sup> VTC undermines the applicant's ability to make that emotional connection because the observer feels an artificial distance from the applicant.<sup>70</sup> This distance is often described as the "dehumanizing"<sup>71</sup> effect of VTC: the applicant appears to be more of a character on a television set than an actual person telling his or her story of persecution and escape.

The problem with a perceived distance between the judge and applicant is that the applicant will seem less trustworthy and less credible.<sup>72</sup> The cognitive dissonance between hearing a story that should be emotionally evocative and not feeling that reaction because the applicant is perceived as distant leads to a subconscious skepticism in the Immigration Judge's mind.<sup>73</sup> Consciously imperceptible small delays on VTC, which last between

66. See Connor, *supra* note 1, at 217.

67. Cf. Robert Feldman & Richard B. Chesley, *Who is Lying, Who is Not: An Attributional Analysis of the Effects of Nonverbal Behavior on Judgments of Defendant Believability*, 2 BEHAVIORAL SCIENCES AND THE LAW 109, 110 (1984) (the mere presence of a camera in the room could make the applicant more nervous).

68. See Connor, *supra* note 1, at 218-19.

69. See Haas, *supra* note 25, at 75 ("The ability to connect with the judge and win his empathy is often crucial to immigrants who must rely on their personal story to win their case.")

70. *Id.*; Michael J. Mallen, et al., *Online Versus Face-to-Face Conversations: An Examination of Relational and Discourse Variables*, 40 PSYCHOTHERAPY: THEORY, RES., PRAC., TRAINING 155, 158-60 (2003).

71. Johnson & Wiggins, *supra* note 3, at 215.

72. See Ederyn Williams, *Medium or Message: Communications Medium as a Determinant of Interpersonal Evaluation*, 38 SOCIOMETRY 119, 125 (1975) (This "media equation" means that viewers will respond to screen images as if they are real; that is, viewers will attribute the attributes of the image onto real life.)

73. See Haas, *supra* note 25, at 75.

200 and 400 milliseconds, are unconsciously perceptible by the human brain and adversely affects the listener's perception of the speaker.<sup>74</sup> This lack of trust also contributes to a skewed perception of the testimony.

3. *Immigration Judges Will Equate the Skewed Testimony Delivered via VTC with Reality, Fundamentally Altering the Adjudicative Process*

This article has thus far discussed several cognitive externalities that could influence the way an Immigration Judge perceives the testimony of an asylum applicant. The proponents of VTC argue that these effects can be controlled because most Immigration Judges are sophisticated enough to recognize that they are viewing a VTC image and will consciously note the limitations of the system.<sup>75</sup> The real danger of the latent cognitive externalities, however, is subconscious in nature. An Immigration Judge will, without making a conscious decision, attribute the factors he sees on the VTC display to the applicant.<sup>76</sup>

Recent studies have shown that interaction between the viewer and the image that viewer is observing is so intense that a viewer cannot cognitively differentiate between the screen images and reality—humans tend to equate media images and reality.<sup>77</sup> This "media equation" means that viewers will respond to screen images as if they are real and will attribute the attributes of the image onto real life. Two Stanford professors, Byron Reeves and Clifford Nass, discuss the implications of the media equation:

[Most people think] that the confusion of mediated life and real life is rare and inconsequential, and it can be corrected with age, education, or thought. We have collected a great deal of evidence that shows this conclusion is not true. Equating mediated and real life is neither rare nor unreasonable. It is very common, it is easy to foster, it does not depend on fancy media equipment, and thinking will not make it go away. The media equation—media equal real life—applies to everyone, it applies often, and it is highly consequential.<sup>78</sup>

In the immigration context, this means that, even though an Immigration Judge consciously separates the artificial VTC image from the real applicant, the Judge will attribute the characteristics of the VTC image to the applicant. If the image on the screen appears untrustworthy or unemotional, then the Judge will unconsciously think of the applicant as untrustworthy or unemotional.

74 See Federman, *supra* note 53, at 438.

75 Interview with the Honorable Frederic Lederer, *supra* note 26.

76 See Haas, *supra* note 25, at 67.

77 See *id.*

78 BYRON REEVES & CLIFFORD NASS, *THE MEDIA EQUATION* (1996).

→ This does not refute, but merely restates, the proponent view.

i.e., according to this, IJs are not sophisticated enough

B. *The Use of VTC Doubles the Likelihood that an Asylum Applicant Will Be Denied Asylum*

The EOIR Office of Planning, Analysis, and Technology recently prepared a statistical report on the use of VTC in asylum hearings at the request of the author for this article. The report, entitled "Statistical Request OPA 07-116" [hereinafter "EOIR Report"], is attached as Appendix A and gives grant/denial statistics for all asylum cases differentiated between hearings conducted via VTC, telephone, and in-person. This EOIR Report is the first DOJ statistical request processed on the use of VTC in the asylum context.

The grant rate for asylum applicants whose cases were heard in-person is roughly double the grant rate for the applicants whose cases were heard via VTC.<sup>79</sup>

TABLE 1. GRANT RATES FOR VTC AND IN-PERSON HEARINGS IN FY2005 AND FY2006

	FY 2005	FY 2006
VTC Hearings	23.27%	21.86%
In-Person Hearings	38.20%	44.87%

The differences in these grant rates are statistically significant, with less than a two percent chance that the differences are a random occurrence.<sup>80</sup> Simply put, the stark difference in grant rates between VTC and in-person hearings refutes EOIR's contention that the use of VTC "does not change . . . the decisional outcomes."<sup>81</sup> In reality, the use of VTC actually makes asylum half as likely for those who are forced to use the system.

The effects of VTC are still significant even if we control for the higher incidence of unrepresented aliens who rely on VTC.<sup>82</sup> Since represented asylum applicants are "four to six times more likely to win their asylum cases" than unrepresented applicants,<sup>83</sup> proponents of VTC might claim that the higher incidence of unrepresented aliens in VTC hearings might consti-

79. See EOIR Report, Appendix A. The grant rates are calculated by dividing the number of grants by the sum of the cases that were granted and denied. Cases reported as withdrawn, abandoned, or "other" are not included in the grant/denial rate calculation. For a detailed description of the statistics the EOIR Office of Planning, Analysis, and Technology uses, see Executive Office for Immigration Review, Office of Planning, Analysis, & Technology, FY 2006 Statistical Year Book, Feb. 2007, at D1-D2, available at <http://www.usdoj.gov/eoir/statspub/fy06syb.pdf>.

80. For a detailed discussion of how statistically robust the differences in grant rates are, see Appendix B.

81. *HQIC Fact Sheet II*, supra note 12.

82. See Appendix B.

83. Devon A. Corneal, *On the Way to Grandmother's House, Is U.S. Immigration Policy More Dangerous than the Big Bad Wolf for Unaccompanied Juvenile Aliens?*, 109 PENN ST. L. REV. 609, 649 (2004) (quoting Women's Commission for Refugee Women and Children, *Prison Guard or Parent?: INS Treatment of Unaccompanied Refugee Children*, May 2002, at 6).

tute a lurking variable that could explain the difference in grant rates.<sup>84</sup> This contention can be easily refuted because, even if only represented clients are considered, there is still a clear difference in the grant rates:

TABLE 2. GRANT RATES FOR REPRESENTED ALIENS IN VTC AND IN-PERSON HEARINGS

	FY 2005	FY 2006
<b>VTC Hearings</b>	23.27%	29.15%
<b>In-Person Hearings</b>	38.20%	46.25%

The differences in grant rates, accounting for the unrepresented status of aliens, are also statistically significant.<sup>85</sup> Thus, even when comparing only those applicants who have the benefit of an attorney, the use of VTC materially affects the likelihood of an asylum grant.

VTC affects the asylum hearing process. Even the most sophisticated VTC systems affect a listener's perception of an asylum applicant's testimony by undermining the Immigration Judge's ability to assess credibility.<sup>86</sup> VTC also has a statistically significant effect on asylum grant rates; asylum applicants are only half as likely to win an asylum grant if their hearing uses VTC.<sup>87</sup> The onus is now on EOIR to decide whether, as a matter of policy, VTC's efficiency gains outweigh the system's inherent distortions to the justice system and holistic effect on grant rates.

V. VTC AS A MATTER OF LAW: VTC DOES NOT "FULLY PROTECT THE PARTICIPANTS' RIGHT TO PROCEDURAL DUE PROCESS" BECAUSE IIRIRA AND REAL ID ESTABLISH A SYSTEM WHERE FLAWED CREDIBILITY DECISIONS ARE VIRTUALLY UNREVIEWABLE

EOIR's second premise in justifying the use of VTC is that "[h]earings conducted by [VTC] are fair and fully protect the participants' right to procedural due process."<sup>88</sup> This assertion is suspect because the IIRIRA and REAL ID work together to drastically increase the likelihood that a bona fide refugee could be denied asylum status. The consequences of a system that facilitates erroneous adjudications of asylum status are two-fold: it (1)

84. Aliens in VTC hearings are three- to four-times as likely to be unrepresented than applicants in in-person hearings. In FY 2005, 17 percent of VTC asylum applicants were unrepresented while only 6 percent of in-person applicants were unrepresented. In FY 2006, 25 percent of VTC applicants were unrepresented while only 6 percent of in-person applicants did not have counsel. See Appendix A.

85. For a detailed discussion of the unrepresented/represented statistics, please see Appendix C.

86. See *supra* notes 51-78 and accompanying discussion.

87. See *supra* notes 79-83 and accompanying discussion.

88. *HQIC Fact Sheet II*, *supra* note 12.

violates the United States' treaty obligation of *non-refoulement* under the Refugee Protocol of 1967, thereby violating international law,<sup>89</sup> and (2) violates domestic law by violating the Due Process Clause.<sup>90</sup>

A. *IRIRA and REAL ID Particularly Prejudice an Asylum Applicant because Applicants are Especially Dependent on Their Testimony to Establish Refugee Status*

Immigration Courts place great importance on the testimony of asylum applicants. By definition, a refugee is someone who has fled his or her country when that country is unwilling or unable to protect the refugee from persecution.<sup>91</sup> While fleeing from persecutors and a complicit government, refugees seldom have time to compile the type of documentary evidence American courts often demand in domestic trials.<sup>92</sup> As the United Nations Refugee Handbook states, "a person fleeing from persecution will have arrived with the barest necessities and very frequently even without personal documents."<sup>93</sup> With little or no documentation to corroborate their story of persecution, asylum applicants must rely on the strength of their testimony to establish a *prima facie* case of eligibility under 8 U.S.C. § 1101(a)(42)(A). Indeed, an applicant's testimony is so important that a judge can grant asylum status based exclusively on that testimony.<sup>94</sup>

Given that an asylum applicant disproportionately relies on his or her testimony, any procedure that undermines the richness or effectiveness of testimony would disproportionately prejudice asylum seekers. This is exactly what VTC does: as described above, VTC fundamentally alters the way judges perceive an applicant's testimony.<sup>95</sup> By endorsing VTC, § 122 forces Immigration Judges to make credibility determinations based on only a fraction of the information conveyed by the applicant's oral communication.<sup>96</sup> Not only does VTC limit any potential positive effects of an ap;

89. See Protocol Relating to the Status of Refugees, Jan. 31, 1967, 19 U.S.T. 6223; Convention Relating to the Status of Refugees, art. 33(1), July 28, 1951, available at <http://www.ohchr.org/eng/law/refugees.htm>.

90. See U.S. CONST. amend V; U.S. CONST. amend XIV, § 1.

91. See 8 U.S.C. § 1101(a)(42)(A) (2006).

92. See *Abankwah v. INS*, 185 F.3d 18, 26 (2d Cir. 1999) (stressing that "[A] genuine refugee does not flee her native country armed with affidavits, expert witnesses, and extensive documentation.")

93. OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR), HANDBOOK ON PROCEDURES AND CRITERIA FOR DETERMINING REFUGEE STATUS 196 (rev. ed. 1992).

94. See *Bolanos-Hernandez v. INS*, 767 F.2d 1277, 1285 (9th Cir. 1984); see also 8 U.S.C. § 1158(b)(1)(B)(iii) (2006); *Sangha v. INS*, 103 F.3d 1482, 1487 (9th Cir. 1997) ("Because asylum cases are inherently difficult to prove, an applicant may establish his case through his own testimony alone."). While an applicant's testimony is sufficient to meet the evidentiary burden, REAL ID set off a circuit split between the Ninth Circuit and the rest of the country by holding that an immigration judge may require corroborating documentation if the judge believes the documents are reasonably required. See 8 U.S.C. 1158(b)(1)(B)(ii).

95. See *supra* notes 51-78 and accompanying discussion.

96. See *supra* notes 58-64 and accompanying discussion.



cant's testimony by failing to convey corroborative nonverbal cues and discouraging any emotional connection, VTC actually prejudices the applicant by making the applicant seem less trustworthy than he or she would appear in person.<sup>97</sup> Put another way, the asylum applicant can often rely on a single tool to build his case for asylum, and the IIRIRA dulls even that.

Compounding the asylum applicant's plight is the fact that adverse credibility rulings by the trial judge that are based on VTC testimony are all but unreviewable by the BIA after the passage of REAL ID.<sup>98</sup> Even if the BIA believes that the record supports an applicant's credibility, the BIA cannot overturn an Immigration Judge's adverse credibility ruling unless the Immigration Judge's decision was wholly unreasonable.<sup>99</sup> For the asylum seeker, this means that there is little or no appellate recourse to correct problems associated with testimony delivered via VTC. Working in conjunction, the IIRIRA forces judges to make credibility determinations on flawed evidence and REAL ID makes those determinations binding.

*B. VTC Implicates International Law because the United States Has an Independent Treaty Obligation Not to Refoul Bona Fide Refugees*

As a signatory of the 1967 Refugee Protocol ("Protocol"), the United States has assumed the duty of *non-refoulement* of those who meet the definition in Art. 1 of the 1951 Refugee Convention ("Convention").<sup>100</sup> This duty, at its most basic level, means that the United States cannot return a refugee to the country of his persecution or torture.<sup>101</sup> The danger of IIRIRA and REAL ID in the context of the Refugee Convention is that those statutes increase the chances that the American courts will misapply the Article 1 definition of a "refugee" because of the cognitive externalities inherent in VTC. While any system of individualized adjudication assumes the risk of possibly denying a bona fide applicant the appropriate relief, the use of VTC raises the inherent structural risk of a false negative to the level of a near certainty.

The Refugee Convention's duty of *non-refoulement* applies to American courts until their asylum seekers are determined ineligible for relief.<sup>102</sup> When using VTC, Immigration Courts may very well adjudicate the issue not on the

97. See *supra* notes 75-78 and accompanying discussion.

98. See 8 U.S.C. § 1252(b)(4)(D) (2006).

99. See *id.* ("No court shall reverse a determination made by a trier of fact with respect to the availability of corroborating evidence . . . unless the court finds . . . that a reasonable trier of fact is compelled to conclude that such corroborating evidence is unavailable.").

100. See Protocol Relating to the Status of Refugees, Jan. 31, 1967, 19 U.S.T. 6223; Convention Relating to the Status of Refugees, art. 33(1), July 28, 1951 ("No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.").

101. Convention Relating to the Status of Refugees, art. 33(1).

102. *Id.*

actual merits of the case but rather on the cognitive externalities inherent in VTC; an asylum applicant would thus never get the substantive merits hearing to which he is entitled. Continued use of VTC risks violation of the *non-refoulement* obligation under Art. 33(1) of the Refugee Convention and thus not only frustrates the pragmatic goals of reliable asylum adjudications but also violates America's humanitarian promises internationally.

### C. VTC Implicates Domestic Law Because it Violates Due Process

#### 1. *The Mathews v. Eldridge Test*

The use of VTC also implicates the Due Process Clauses of the Fifth and Fourteenth Amendments. The Due Process Clause applies to all "persons" within the territorial jurisdiction of the Constitution.<sup>103</sup> The Supreme Court has also described the Clause as fundamentally requiring an "opportunity to be heard at a meaningful time and in a meaningful manner."<sup>104</sup> The United States Code reflects this standard in § 1229a(b)(4)(B): the applicant must be allowed "reasonable opportunity to . . . present evidence on the alien's behalf."<sup>105</sup> In *Mathews v. Eldridge*, the Supreme Court announced a three-part balancing test for adjudicating allegations that a particular procedure—like VTC—does not satisfy the procedural protections of the Due Process Clause.<sup>106</sup> The *Eldridge* test requires a court to weigh three factors in determining whether an individual's Due Process rights have been violated: (1) the applicant's interest that is being deprived, (2) the government's interest in depriving the individual, and (3) the likelihood of an erroneous deprivation and the probable value of other alternative procedural safeguards.<sup>107</sup>

The first *Eldridge* factor, the applicant's interest, is satisfied for an asylum seeker. The Supreme Court has recognized that the right "to stay and live and work in this land of freedom" is a "weighty" interest.<sup>108</sup> Bona fide refugees also have another interest in not being returned home: in their native countries, the refugees have a well-founded fear of persecution and have

103. *Yick Wo v. Hopkins*, 118 U.S. 356, 368-71 (1886); see also *Reno v. Flores*, 507 U.S. 292, 306 (1993) ("The Fifth Amendment entitles aliens to due process of law in deportation proceedings.")

104. *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (quoting *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965)) (internal quotations omitted).

105. 8 U.S.C. § 1229a(b)(4)(B) (2006).

106. *Mathews*, 424 U.S. at 335.

107. See *id.*; see also *Landon v. Plasencia*, 459 U.S. 21, 34 (1982) (stating that the *Eldridge* test is mandatory when evaluating procedural Due Process).

108. *Landon v. Plasencia*, 459 U.S. 21, 33-34 (1982) ("[An alien's] interest here is, without question, a weighty one. [The alien] stands to lose the right 'to stay and live and work in this land of freedom.' Further, [the alien] may lose the right to rejoin her immediate family, a right that ranks high among the interests of the individual"; see also *Moore v. City of East Cleveland*, 431 U.S. 494, 499, 503-04 (1977) (plurality opinion) (holding family unification is a weighty interest); *Stanley v. Illinois*, 405 U.S. 645, 651 (1972) (same).

already been persecuted. The level of abuse that rises to the level of persecution is a serious matter and adds to the weight of the asylum applicant's interest in the litigation.<sup>109</sup>

On the other hand, the Court has also found the government's countervailing interest in regulating immigration to be an important interest<sup>110</sup> and has interpreted Congress's power over entry to be nearly plenary: "Whatever the procedure authorized by Congress is, it is due process as far as an alien denied entry is concerned."<sup>111</sup> The power to regulate immigration, however, does not mean the power to engage in a needlessly prejudiced hearing procedure; indeed, the Court has acknowledge that Congress "is subject to important constitutional limitations."<sup>112</sup> The government may also argue that its interest in VTC is the desire for a cheaper, more efficient immigration system. While financial and administrative savings are appropriately considered factors in weighing the government's interests,<sup>113</sup> mere financial interests do not outweigh serious personal stakes like life, liberty, or a child's interest in receiving an education.<sup>114</sup> Thus, the government has weighty but not dispositive interests in using VTC.

The final *Eldridge* factor is a two-part inquiry into (1) the likelihood of an erroneous deprivation, and (2) an analysis of available alternatives to the challenged regulatory scheme.<sup>115</sup> First, as described above in Part IV.A., the likelihood of erroneously depriving asylum relief drastically increases when adjudications are based on unreviewable determinations and skewed testimony. Either IIRIRA or REAL ID would have increased the chances of an erroneous deprivation; taken together, however, their synergy eviscerates any chance for meaningful review. Second, simple and straightforward alternatives to VTC exist that satisfy the cost/practicality concerns in *Mathews*; the most obvious is a return to the pre-IIRIRA process of allowing an in-person

109. See *Prela v. Ashcroft*, 394 F.3d 515, 518 (7th Cir. 2005) ("Although these events may qualify as harassment or even intimidation [the petitioner was detained, interrogated, harassed, and beaten], they are not so extreme that they rise to the level of persecution."); *Ghaly v. INS*, 58 F.3d 1425, 1431 (9th Cir. 1995) ("Persecution is an extreme concept that does not include every sort of treatment our society regards as offensive.")

110. See *Harisiades v. Shaughnessy*, 342 U.S. 580, 591 (1952) ("We think that . . . it would be rash and irresponsible to reinterpret our fundamental law to deny or qualify the Government's power of deportation.")

111. U.S. *ex rel.* *Knauff v. Shaughnessy*, 338 U.S. 537, 544 (1950); see also *Fong Yue Ting v. United States*, 149 U.S. 698, 707 (1893) ("The right of a nation to expel or deport foreigners, who have not been naturalized or taken any steps towards becoming citizens of the country, rests upon the same grounds, and is as absolute and unqualified as the right to prohibit and prevent their entrance into the country."); *Nishamura Ekiu v. United States*, 142 U.S. 651, (1892) (sanctioning Congressional power to inspect).

112. *Zadvydas v. Davis*, 533 U.S. 678, 695 (2001); see also *Chae Chang Ping v. US*, 130 U.S. 581, 604, (1889) (noting that Congressional power over immigration is limited "by the Constitution itself and considerations of public policy and justice which control, more or less, the conduct of all civilized nations").

113. See *Connor*, *supra* note 1, at 223.

114. *Pivler v. Doe*, 457 U.S. 202, 228 (1982) (finding the state's interest in saving money outweighed by children's interest in obtaining an education)

115. See *Connor*, *supra* note 1, at 221.

hearing for all aliens. Alternatively, as described immediately below, Department of Homeland Security (DHS) could strike a middle ground between efficiency and in-person hearings by limiting the use of VTC to master calendar hearings. Either way, there are viable alternatives to the unnecessarily risky process of using VTC to conduct substantive hearings.

## 2. *Multiple Courts of Appeal have Found VTC Constitutes a Due Process Violation*

While no case has applied the *Eldridge* test to § 1221a and VTC,<sup>116</sup> a number of courts have questioned the process' effectiveness.<sup>117</sup> The Courts of Appeals have chipped away at VTC's foundation by asserting that VTC testimony is fundamentally different from in-person testimony, and that applicants might not be "present" in the legal sense when appearing via VTC.<sup>118</sup>

First, the courts have questioned the validity of EOIR's reliance on the fact that "Congress made no distinction between an in-person hearing and a hearing conducted by VTC."<sup>119</sup> The Fourth Circuit acknowledged the reality that testimony observed via VTC fails to convey the emotion and power of an in-person observation: "Virtual reality is rarely a substitute for actual presence and . . . even in an age of advancing technology, watching an event on the screen remains less than the complete equivalent of actually attending it."<sup>120</sup> The Seventh Circuit has echoed this sentiment:

Video conferencing . . . is not the same as actual presence, and it is to be expected that the ability to observe demeanor, central to the fact-finding process, may be lessened in a particular case by video conferencing. This may be particularly detrimental where it is a party to the case who is participating by video conferencing, since personal impression may be a crucial factor in persuasion.<sup>121</sup>

The courts' reluctance to accept Congress' implication of ambivalence between using VTC and in-person hearings bodes well for a reevaluation of the system. If courts adhered to the legal fiction that VTC and in-person hearings were functionally equivalent<sup>122</sup> then any legal challenge to the

116. See Haas, *supra* note 25, at 79-80.

117. See, e.g., *Thornton v. Snyder*, 428 F.3d 690, 692 (7th Cir. 2005).

118. *Id.*

119. *HQIC Fact Sheet 1*, *supra* note 10.

120. *Rusu v. INS*, 296 F.3d 316, 322 (4th Cir. 2002) (quoting *United States v. Lawrence*, 248 F.3d 300, 304 (4th Cir. 2001)).

121. *Thornton*, 428 F.3d at 697. The *Thornton* court went on to say, "The importance of presenting live testimony in court cannot be forgotten. The very ceremony of trial and the presence of the factfinder may exert a powerful force for truth-telling. The opportunity to judge the demeanor of a witness face-to-face is accorded great value in our tradition." *Id.* at 698.

122. Interview with the Honorable Frederic Lederer, *supra* note 26. Lederer believes that he can create a VTC system that is functionally equivalent to in-person hearings. *Id.*

system on Due Process grounds would likely fail. VTC and in-person hearings are different; the next question for the courts is whether the processes are so different that they violate Due Process.

The second major area where the Courts of Appeal have questioned VTC is on the issue of "presence." Since removal hearings are not criminal hearings, neither the Sixth Amendment's Confrontation Clause<sup>123</sup> nor Federal Rule of Criminal Procedure 43<sup>124</sup> apply.<sup>125</sup> However, the issue of whether an asylum applicant is present at the hearing is much like that for one charged with a crime: is the applicant "present"?<sup>126</sup> According to the Fourth, Fifth, Ninth, and Tenth Circuits, "presence" means "physical presence."<sup>127</sup> Both the Tenth Circuit and the Fourth Circuit relied upon Black's Law Dictionary to find that a defendant's actual presence was not satisfied by a projection of the defendant on a television screen.<sup>128</sup> Just as appearing via VTC does not constitute presence in a criminal court, appearing via VTC in immigration court should not constitute presence either. Therefore, if an alien is not legally present at the hearing there is a heightened likelihood that the hearing will result in an erroneous decision.

#### VI. POLICY RECOMMENDATION THAT PROPERLY PRIORITIZES JUSTICE AND EFFICIENCY: LIMIT VTC TO MASTER CALENDAR HEARINGS

Despite the number of problems addressed in this analysis, the use of VTC still holds enormous potential for increasing efficiency of America's asylum system. By selectively using VTC in situations where nuanced, nonverbal cues are not critical to the hearing's purpose, there are ways EOIR could capitalize on VTC's strengths while minimizing the technology's weakness. With this selective-use paradigm in mind, the best use of VTC would be at the mandatory master calendar hearings that all asylum seekers must attend. The master calendar hearing, akin to an arraignment in the criminal context, is a procedural hurdle that often takes less than twenty minutes. The purpose of the master calendar hearing is to establish the grounds for relief and to schedule a subsequent removal hearing; both of these tasks are straightforward and do not require the judge to engage in ambiguous credibility determinations. Thus this article recommends two statutory changes: (1)

123. U.S. CONST. amend. VI.

124. Fed. R. Crim. P. 43.

125. *Bridges v. Wixon*, 326 U.S. 135 (1945).

126. See *Haas*, *supra* note 25, at 81-82 ("While not directly applicable to administrative hearings like immigration, [the fact that other cases required physical presence] strengthens the view that the due process presence requirement demands actual presence.")

127. See *United States v. Torres-Pahena*, 290 F.3d 1244, 1245 (10th Cir. 2002) (finding "presence" under Rule 43 means "physical presence"); *Lawrence*, 248 F.3d at 304 (same); *United States v. Navarro*, 169 F.3d 228, 235 (5th Cir. 1999) (same); *Valenzuela-Gonzalez v. United States Dist. Ct. for Dist. of Az.*, 915 F.2d 1276, 1280 (9th Cir. 1990) (finding that Rule 10 and Rule 43 combined require that a defendant be physically present at arraignment). The arraignment procedure in the criminal context is equivalent to the master calendar hearing in the immigration context.

128. See *Torres-Pahena*, 290 F.3d at 1245; *Lawrence*, 248 F.3d at 303.

§1229a(b)(2)(A)(iii) should be deleted so that hearings can be heard in person, in absentia with consent of the parties, or via telephone conference with the consent of the alien.<sup>129</sup> and (2) a paragraph (C) should be added to § 1229a(b)(2) that allows for master calendar hearings to be heard via VTC.

This limitation on use of VTC echoes the use of the technology in other parts of the American judicial system. In the non-immigration context, VTC has a very limited application: it is used in civil litigation, preliminary procedural hearings in criminal cases, and in parole hearings.<sup>130</sup> The Supreme Court acknowledged this distinction between minor hearings and substantive trials in its April 2002 rejection of an amendment to Federal Rule of Criminal Procedure 26 that would allow for VTC in substantive hearings.<sup>131</sup> This rejection is especially telling because the Court approved two amendments that allowed for VTC to be used in procedural initial appearances and arraignments.<sup>132</sup> For the Supreme Court, substantive hearings demand more than the fractured testimony produced by VTC.<sup>133</sup> EOIR should follow the Court's example.

EOIR's fundamental goal in the use of VTC was "[t]o provide fair and efficient immigration hearings through video-teleconferencing (VTC) at established hearing locations throughout the United States."<sup>134</sup> As described in this article, the use of VTC in removal hearings fails to achieve this goal. VTC fails as both a matter of policy and as a matter of law; it fundamentally alters the Immigration Judge's decision-making process and infringes on the alien's Constitutional right to Due Process. EOIR's goal is conjunctive: the Office hopes to provide "fair *and* efficient" hearings. By using VTC in removal hearings, EOIR has advanced its efficiency goal; However the fairness of proceedings has suffered. By limiting VTC appearances to Master Calendar hearings, EOIR can advance both of its stated goals and ensure that efficiency stands alongside justice in the American Immigration Court system.

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129 See 8 U.S.C. § 1229a(b)(2)(iii) (2006).

130. See *Lawrence*, 248 F.3d at 301 (finding sentencing via VTC violated Federal Rule of Criminal Procedure 43's requirement that criminal defendant be present at sentencing); Johnson & Wiggins, *supra* note 3, at 212-14; Boitano, *supra* note 29, at 68; see also Chen, *supra* note 4, at 87; cf. National Center for State Courts, *Videoconferencing, Briefing Papers*, [http://www.ncsconline.org/WC/Publications/KIS\\_VidConBriefPub.pdf](http://www.ncsconline.org/WC/Publications/KIS_VidConBriefPub.pdf), (last visited Mar. 28, 2007) (describing the first use of VTC in American courts in a 1972 bail hearing).

131. See Johnson & Wiggins, *supra* note 3, at 213. The actual amendment has three requirements: (1) the requesting party established "exceptional circumstances" for its use, (2) "appropriate safeguards" were used, and (3) the witness was unavailable within the meaning of Federal Rules of Evidence 804(a)(4)-(5). *Id.* Justice Scahs based his statement on the preposition that there was no "individualized determination" of whether VTC was warranted in the case. *Id.*; see also Haas, *supra* note 25, at 84 (discussing the need for closed-circuit witness testimony in child abuse cases because of the emotional and psychological impact on abused children if the children testified in front of their abusers).

132 See Johnson & Wiggins, *supra* note 3, at 213.

133 See *id.*

134. See *HQIC Fact Sheet 1*, *supra* note 10.

## APPENDIX A. STATISTICAL REQUEST OPA 07-116

U.S. Department of Justice  
 Executive Office for Immigration Review  
 Office of Planning, Analysis and Technology  
 Statistical Request OPA 07-116  
 FY 2005 Asylum Decisions  
 By Initial Hearing Type

	Grants *	Denial	Withdrawn	Abandoned	Other
Video Conference	104 (3)	343 (77)	145	45	330
Telephonic	128 (0)	177 (20)	83	21	185
In Person	11,526 (56)	18,650 (1,836)	13,192	3,583	12,130

FY 2006 Asylum Decisions  
 By Initial Hearing Type

	Grants	Denial	Withdrawn	Abandoned	Other
Video Conference	80 (1)	286 (94)	193	44	621
Telephonic	156 (3)	150 (19)	77	21	159
In Person	13,120 (87)	16,123 (1,529)	10,082	3,858	13,081

Total Immigration Judge Decisions  
 By Initial Hearing Type

	FY 2005	FY 2006
Video Conference	5,692	7,413
Telephonic	1,533	1,574
In Person	257,522	264,724

\* Numbers in parenthesis are subsets indicating the number of unrepresented aliens.

## APPENDIX B. STATISTICAL SIGNIFICANCE OF THE DIFFERENCE IN GRANT RATES

The disparity in grant rates between VTC and in-person hearings is statistically significant because the difference in grant rates in 2005 and 2006 had z-scores of  $-7.4$  and  $-10.54$ , respectively.<sup>135</sup> The difference in means is modeled in a binomial distribution, which mirrors a normal distribution. It is generally acknowledged that z-scores above 2 are significant; the disparity in the grant rates is thus highly statistically significant. The formula for a two-proportion z-test with unequal variances is:

<sup>135</sup> The negative value of the z-score does not affect the analysis; the absolute value of the z-score is all that matters in a binomial distribution.

$$z = \frac{(\hat{p}_1 - \hat{p}_2) - (P_1 - P_2)}{\sqrt{\frac{\hat{p}_1(1 - \hat{p}_1)}{n_1} + \frac{\hat{p}_2(1 - \hat{p}_2)}{n_2}}}$$

The calculations for both FY2005 and FY2006 are as follows.

#### **FY 2005**

$n_1$  = number of VTC cases = 447  
 $n_2$  = total number of cases = 30,928  
 $P_1$ [capped] = grant rate for VTC cases = .2327  
 $P_2$ [capped] = general asylum grant rate = .3820  
 $n_0$ [the null hypothesis]  $\rightarrow P_1 = P_2$

Running this calculation for the asylum data given in OPA 07-116 generates the following:

$$Z = \frac{(.2327 - .3820) - 0}{\text{Square Root of } (((.2327 * (1 - .2327))/447) + ((.3820 * (1 - .3820))/30928))} = -7.4$$

#### **FY 2006**

$n_1$  = number of VTC cases = 366  
 $n_2$  = total number of cases = 29,915  
 $P_1$ [capped] = grant rate for VTC cases = .2186  
 $P_2$ [capped] = general asylum grant rate = .4487  
 $n_0$ [the null hypothesis]  $\rightarrow P_1 = P_2$

The calculation:

$$Z = \frac{(.2186 - .4487) - 0}{\text{Square Root of } (((.2186 * (1 - .2186))/366) + ((.4487 * (1 - .4487))/29915))} = -10.54$$

Once this z-score has been obtained, the next step in determining the significance of a binomial distribution is to find the place of the z-score on a binomial distribution. The binomial distribution resembles a normal distribution, depicted in the following graph<sup>136</sup>:

136. ROBERT J. MARZANO, ET AL., CLASSROOM INSTRUCTION THAT WORKS: RESEARCH-BASED STRATEGIES FOR INCREASING STUDENT ACHIEVEMENT, Binomial Distribution, Association for Supervision and Curriculum Development, available at <http://www.ascd.org/portal/site/ascd/template.chapter/menuitem.b71d101a2f7c208cdeb3ffdb62108a0c/?chapterMgmtId=a343a2948eaa1f00VgnVCM100003d01a8c0RCRD>.



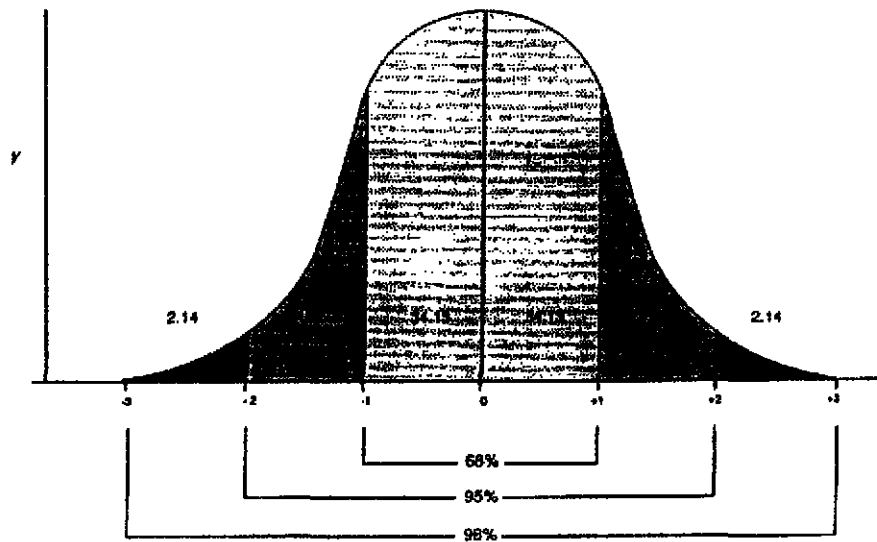


Figure 1.

The x-axis on this graph represents standard deviations from the mean; for binomial distributions this is equivalent to the z-score. A z-score of three, for example would encompass 98 percent of random samples and indicate only a 2 percent chance that the deviation from the mean was random. Z-score of  $-7.4$  and  $-10.56$ , the value of the difference in grant rates between VTC and in-person determinations in FY 2005 and FY 2006 respectively, are exponentially more significant. The null hypotheses that VTC and in-person interviews have comparable grant rates are rejected.

#### APPENDIX C. ACCOUNTING FOR A LACK OF REPRESENTATION

The difference in grant rates is statistically significant even when the higher number of unrepresented asylum applicants using VTC. The calculation for new z-scores is identical to the calculation in Appendix B except that the unrepresented cases have been removed from the total:

$$z = \frac{(\hat{p}_1 - \hat{p}_2) - (P_1 - P_2)}{\sqrt{\frac{\hat{p}_1(1 - \hat{p}_1)}{n_1} + \frac{\hat{p}_2(1 - \hat{p}_2)}{n_2}}}$$

FY 2005

Where:

$n_1$  = number of VTC cases = 367

$n_2$  = total number of cases = 28,936

$P_1$ [capped] = grant rate for VTC cases = .2327

$P_2$ [capped] = general asylum grant rate = .3820

$n_0$  [the null hypothesis]  $\rightarrow P_1 = P_2$

Running this calculation for the asylum data given in OPA 07-116 within parenthesis generates the following:

$$Z = \frac{(.2752 - .4070) \cong 0}{\text{Square Root of } (((.2752 * (1 - .2752))/367) + ((.4070 * (1 - .4070))/28936))} = - 5.8$$

**FY 2006**

Where:

$n_1$  = number of VTC cases = 271

$n_2$  = total number of cases = 28,182

$P_1$ [capped] = grant rate for VTC cases = .2915

$P_2$ [capped] = general asylum grant rate = .4625

$n_0$  [the null hypothesis]  $\rightarrow P_1 = P_2$

The z-test for FY 2006:

$$Z = \frac{(.2915 - .4625) - 0}{\text{Square Root } (((.2915 * (1 - .2915))/271) + ((.4625 * (1 - .4625))/28182))} = - 6.159$$

The absolute value of these z-scores is still far above the z-score of 3 that accounts for 98% of random solutions. The null hypotheses that VTC and in-person interviews have comparable grant rates, accounting for the higher number of unrepresented aliens using VTC, are rejected.

Tom Fong

VTC problems  
attributed @ the  
BIA

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From: Thomas Y.K. Fong  
Asst. Chief Immigration Judge

Subject: Problem DAR Recordings due to VTC  
disconnect problems

Comments: ISON dedicated versus Web based  
hook-ups.

Falls Church, Virginia 22041

File: (b) (6) - Los Angeles, CA

Date: *June* FEB 16 2012

In re: (b) (6)


IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Elsa I. Martinez, Esquire

The respondent has appealed the Immigration Judge's decision rendered on October 27, 2011. The transcriber has noted that, "During the 10/27/11 hearing and decision . . . the IJ voice cuts in and out. This has caused many indiscernibles throughout . . ." A review of the record of proceeding confirms this assertion - particularly in the 3 page oral decision which contains 21 such notations. As we consider the Immigration Judge's decision, in its entirety, necessary for our review of this matter, we will return the record to the Immigration Court for further action. Upon receipt of the record, the Immigration Court shall take such steps as are necessary and appropriate to enable preparation of a complete transcript of the proceedings including a new hearing, if necessary.

ORDER: The record is returned to the Immigration Court for further action as appropriate and certification to the Board by the Immigration Judge thereafter.



FOR THE BOARD

Falls Church, Virginia 22041

File: (b) (6) - Los Angeles, CA

Date: <sup>Hines</sup> FEB 07 2012

In re: (b) (6)

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Pro se

The respondent has appealed the Immigration Judge's decision rendered on November 14, 2011. The transcriber has stated, "... [T]he interpreter translates simultaneously on channel 3, and all other channels cut out when she speaks. This causes numerous indiscernibles throughout the ... oral decision." A review of the record of proceeding confirms that there are approximately 43 such notations in the 6-page decision. As we consider the Immigration Judge's decision, in its entirety, necessary for our review of this matter, we will return the record to the Immigration Court for further action. Upon receipt of the record, the Immigration Court shall take such steps as are necessary and appropriate to enable preparation of a complete transcript of the proceedings including a new hearing, if necessary.

ORDER: The record is returned to the Immigration Court for further action as appropriate and certification to the Board by the Immigration Judge thereafter.

  
\_\_\_\_\_  
FOR THE BOARD

WALSH

U.S. Department of Justice  
Executive Office for Immigration Review

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

File: (b) (6) - Los Angeles, CA

*WALSH*  
Date:

In re: (b) (6)

*AKS*

FEB 23 2012

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Pro se

The respondent has appealed the Immigration Judge's decision rendered on December 16, 2011. The transcriber has stated, "[D]uring the oral decision, the interpreter translates simultaneously on channel 3. But when the interpreter speaks, it causes the other channels to cut out. This causes numerous indiscernibles . . . ." A review of the record of proceeding confirms these notations throughout the oral decision. As we consider the Immigration Judge's decision, in its entirety, necessary for our review of this matter, we will return the record to the Immigration Court for further action. Upon receipt of the record, the Immigration Court shall take such steps as are necessary and appropriate to enable preparation of a complete transcript of the proceedings including a new hearing, if necessary.

ORDER: The record is returned to the Immigration Court for further action as appropriate and certification to the Board by the Immigration Judge thereafter.



FOR THE BOARD

**TRANSCRIPT and TAPE REVIEW**

*News  
+  
Attys.  
LOS*

Today's Date: 12/28/11

Respondent's Name: (b) (6)

Alien # (b) (6)

Base City: LOS

Number of Tapes Received: DAR Only

Request: Review

Response: Upon review, throughout the hearings, the DAR continuously cut in and out. When the interpreter spoke via televideo on channel 3, all the other channels cut out if others were speaking at the same time. The caused numerous indiscernibles throughout the transcript.

*DDD*

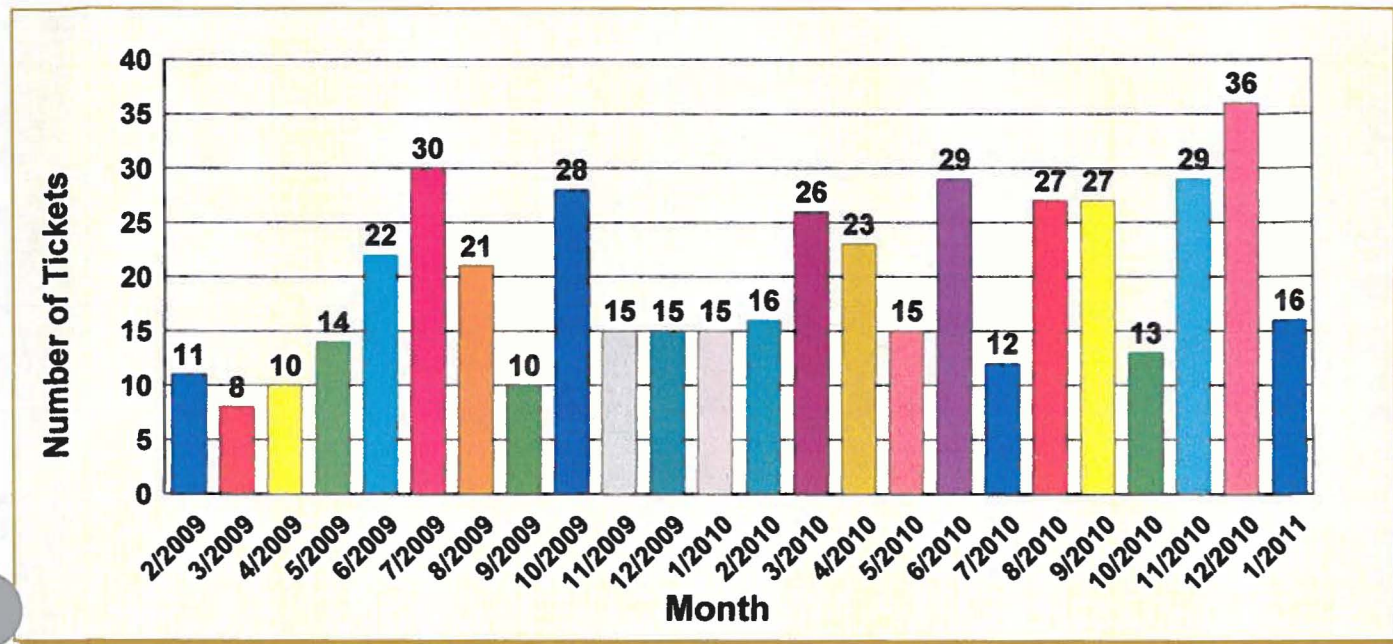
Prepared by:

*Ashley West*

Ashley West  
Transcriber  
Board of Immigration Appeals, Clerk's Office

ROP  
TAPE BAG

**Monthly Volume of VTC Trouble Tickets Opened  
in the 2-Year Period Ending January 2011**



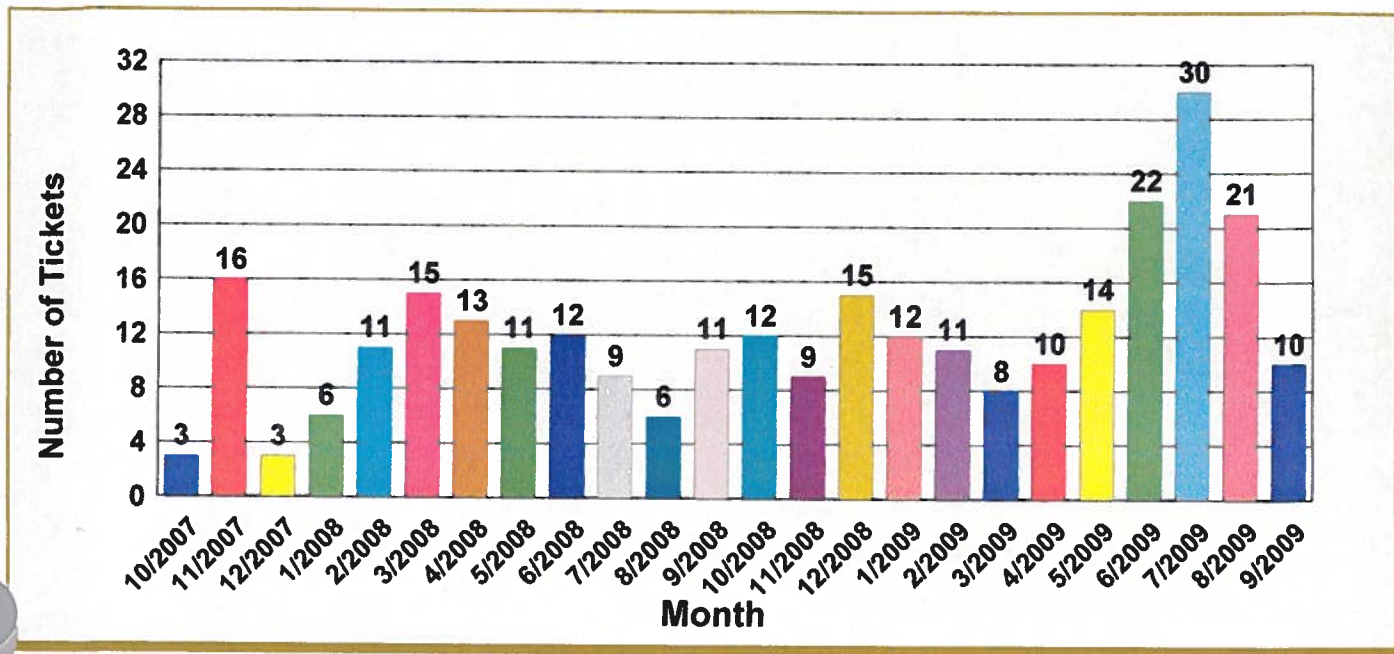


9/2009

VTC

290

### Monthly Volume of VTC Trouble Tickets Opened in the 2-Year Period Ending September 2009



Call ID	status	Date & Time Opened	Customer ID	Site	Category	Type	
<b>September 2009</b>							<b>10</b>
00269749	Closed	09/02/09 10:17:37	ButlerS	OCIJ	Hardware	VTC	
00269820	Pending	09/02/09 17:21:57	HillJ	SLC	Hardware	VTC	
00269970	Pending	09/04/09 16:38:48	KellyE	OCIJ	Hardware	VTC	
00270357	Closed	09/11/09 06:42:04	NewsomeR	LVG	Hardware	VTC	
00270740	Open	09/16/09 11:57:43	McGoingsM	OCIJ	Hardware	VTC	
00270838	Open	09/17/09 12:08:39	LongC	ATL	Hardware	VTC	
00271424	Closed	09/24/09 08:03:08	BrowninD	ELZ	Hardware	VTC	
00271436	Open	09/24/09 09:14:48	RobinsonA	HIC	Hardware	VTC	
00271723	Open	09/29/09 09:30:26	RoderJ	CLE	Hardware	VTC	
00271906	Open	09/30/09 14:46:38	YoungT	HOD	Hardware	VTC	

Call ID	status	Date & Time Opened	Customer ID	Site	Category	Type	
<b>August 2009</b>							<b>21</b>
00267816	Closed	08/05/09 10:29:07	SierraM	TUC	Hardware	VTC	
00267858	Closed	08/05/09 16:41:35	HicksM	SNA	Hardware	VTC	
00267999	Closed	08/09/09 12:52:07	GarzaC	HLG	Hardware	VTC	
00268000	Closed	08/09/09 13:33:41	BrownRo	IRM	Hardware	VTC	
00268029	Open	08/10/09 09:43:01	BarrowT	YOR	Hardware	VTC	
00268144	Closed	08/11/09 10:42:13	GarzaC	HLG	Hardware	VTC	
00268167	Closed	08/11/09 14:23:25	CicolinP	BOS	Hardware	VTC	
00268277	Closed	08/12/09 12:16:22	MillerG	OCIJ	Hardware	VTC	
00268322	Closed	08/12/09 18:47:49	PadillVi	ELO	Hardware	VTC	
00268478	Closed	08/17/09 07:45:14	RusselM2	ORL	Hardware	VTC	
00268487	Closed	08/17/09 08:35:44	HalpinR	BOS	Hardware	VTC	
00268497	Closed	08/17/09 09:45:04	HerreraJ	HOD	Hardware	VTC	
00268706	Pending	08/18/09 17:40:09	RoderJ	CLE	Hardware	VTC	
00268809	Closed	08/19/09 18:15:39	RakerR	KAN	Hardware	VTC	
00268832	Pending	08/20/09 09:07:34	RobertsS	DET	Hardware	VTC	
00268874	Closed	08/20/09 13:02:50	BrownRo	IRM	Hardware	VTC	
00268928	Closed	08/21/09 11:33:00	GarcesJ	HLG	Hardware	VTC	
00269341	Pending	08/27/09 11:01:24	LongC	ATL	Hardware	VTC	
00269422	Closed	08/28/09 09:47:35	DHS-Bustam	DHS	Hardware	VTC	
00269581	Closed	08/31/09 16:53:20	StrandM	OMA	Hardware	VTC	
00269587	Pending	08/31/09 18:33:33	MartinR	POO	Hardware	VTC	

Call ID	status	Date & Time Opened	Customer ID	Site	Category/Type
July 2009					30
00265683	Closed	07/01/09 15:16:05	MurphyT	IRM	Hardware VTC
00265784	Closed	07/06/09 09:30:28	JonesB	HOU	Hardware VTC
00265796	Closed	07/06/09 10:15:19	CanfieldE	HOU	Hardware VTC
00265818	Closed	07/06/09 13:26:49	BurgusE	DET	Hardware VTC
00265894	Closed	07/07/09 09:55:37	RobertsS	DET	Hardware VTC
00265933	Closed	07/07/09 12:46:31	McIntyrD	HLG	Hardware VTC
00265967	Closed	07/07/09 17:58:17	BrownRo	IRM	Hardware VTC
00266181	Closed	07/10/09 17:34:46	ShermanD	HOU	Hardware VTC
00266272	Closed	07/13/09 14:13:08	ShermanD	HOU	Hardware VTC
00266283	Closed	07/13/09 16:50:14	HalpinR	BOS	Hardware VTC
00266389	Closed	07/14/09 16:03:03	BucsaS	IRM	Hardware VTC
00266417	Closed	07/15/09 05:52:32	BrownRo	IRM	Hardware VTC
00266418	Closed	07/15/09 05:54:53	BrownRo	IRM	Hardware VTC
00266478	Closed	07/15/09 13:07:56	BlandinA	PHI	Hardware VTC
00266481	Closed	07/15/09 13:15:50	BooneS	OCIJ	Hardware VTC
00266560	Closed	07/16/09 11:01:07	RomigS	OCIJ	Hardware VTC
00266707	Closed	07/20/09 07:23:44	ClagettJ	BAL	Hardware VTC
00266734	Closed	07/20/09 10:07:44	AllenD	DAL	Hardware VTC
00266763	Closed	07/20/09 13:32:35	PikulaA	NGS	Hardware VTC
00266822	Closed	07/21/09 08:23:24	BooneS	OCIJ	Hardware VTC
00266848	Closed	07/21/09 10:30:09	ShermanD	HOU	Hardware VTC
00266927	Closed	07/22/09 09:39:25	CanfieldE	HOU	Hardware VTC
00266928	Closed	07/22/09 09:43:48	SheleyS	HAR	Hardware VTC
00266966	Closed	07/22/09 14:05:33	McDanieS	SFR	Hardware VTC
00267080	Closed	07/23/09 18:28:21	ShermanD	HOU	Hardware VTC
00267115	Closed	07/24/09 10:30:22	BethuneR	ATL	Hardware VTC
00267211	Closed	07/27/09 13:22:15	BucsaS	IRM	Hardware VTC
00267371	Closed	07/29/09 09:05:07	HalpinR	BOS	Hardware VTC
00267388	Closed	07/29/09 10:44:13	RoderJ	CLE	Hardware VTC
00267532	Closed	07/30/09 16:46:42	LojoD	SAJ	Hardware VTC

Call ID	status	Date & Time Opened	Customer ID	Site	Category/Type
<b>June 2009</b>					
00263679	Closed	06/01/09 09:14:16	SheleyS	HAR	Hardware VTC
00263731	Closed	06/01/09 13:07:42	QuinnD	HLG	Hardware VTC
00263876	Closed	06/02/09 16:12:07	TuringanC	LOS	Hardware VTC
00263892	Closed	06/02/09 18:09:35	RakerR	KAN	Hardware VTC
00263993	Closed	06/04/09 09:37:28	BrownRo	IRM	Hardware VTC
00264038	Closed	06/04/09 13:16:22	QuinnD	HLG	Hardware VTC
00264246	Closed	06/09/09 08:43:10	RoderJ	CLE	Hardware VTC
00264334	Closed	06/10/09 07:20:34	MartinR	POO	Hardware VTC
00264419	Closed	06/10/09 17:25:53	SimmonsR	ORL	Hardware VTC
00264468	Closed	06/11/09 12:21:39	MillerG	OCIJ	Hardware VTC
00264511	Closed	06/11/09 16:07:09	RusselburgM	ORL	Hardware VTC
00264627	Closed	06/15/09 10:07:54	BrownRo	IRM	Hardware VTC
00264633	Closed	06/15/09 10:35:47	BrownRo	IRM	Hardware VTC
00264685	Closed	06/15/09 15:06:01	BakerB	DAL	Hardware VTC
00264794	Closed	06/16/09 16:19:16	GarzaC	HLG	Hardware VTC
00264885	Closed	06/17/09 14:27:52	TomeA	YOR	Hardware VTC
00265042	Closed	06/19/09 16:54:49	AtkinsoH	OMA	Hardware VTC
00265194	Closed	06/23/09 10:57:18	AtkinsoH	OMA	Hardware VTC
00265211	Closed	06/23/09 12:38:15	CanfieldE	HOU	Hardware VTC
00265263	Closed	06/24/09 09:05:03	BrownRo	IRM	Hardware VTC
00265326	Closed	06/24/09 16:19:54	EpsteinC	CHI	Hardware VTC
00265353	Closed	06/25/09 09:46:46	BarrowT	YOR	Hardware VTC

Call ID	status	Date & Time Opened	Customer ID	Site	Category	Type
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May 2009

14

00261921	Closed	05/04/09 09:58:55	BucsaS	IRM	Hardware	VTC
00261976	Closed	05/04/09 15:16:21	GarzaC	HLG	Hardware	VTC
00262372	Closed	05/11/09 10:11:02	BrownRo	IRM	Hardware	VTC
00262409	Closed	05/11/09 13:38:51	LongC	ATL	Hardware	VTC
00262648	Closed	05/13/09 16:54:34	SimmonsR	ORL	Hardware	VTC
00262753	Closed	05/14/09 15:33:05	FrigeljM	OPAT	Hardware	VTC
00262852	Closed	05/18/09 09:26:40	CicolinP	BOS	Hardware	VTC
00262867	Closed	05/18/09 10:39:21	BrownRo	IRM	Hardware	VTC
00262869	Closed	05/18/09 10:40:39	BrownRo	IRM	Hardware	VTC
00262873	Closed	05/18/09 10:56:01	BrownRo	IRM	Hardware	VTC
00263204	Closed	05/21/09 17:53:10	QuinnD	HLG	Hardware	VTC
00263270	Closed	05/26/09 08:37:39	KuikenC	WAS	Hardware	VTC
00263441	Closed	05/27/09 12:12:11	TuringanC	LOS	Hardware	VTC
00263548	Closed	05/28/09 12:17:11	BretonL	SNA	Hardware	VTC

April 2009

10

00259850	Closed	04/01/09 17:13:29	DavisC	ADM	Hardware	VTC
00259949	Closed	04/02/09 17:01:13	FrigeljM	OPAT	Hardware	VTC
00260120	Closed	04/06/09 15:13:52	QuinnD	HLG	Hardware	VTC
00260185	Closed	04/07/09 10:50:12	QuinnD	HLG	Hardware	VTC
00260669	Closed	04/14/09 11:43:18	RodriguJ	KRO	Hardware	VTC
00261012	Closed	04/20/09 11:35:33	LlerenaM	NYC	Hardware	VTC
00261236	Closed	04/22/09 14:06:39	AllenD	DAL	Hardware	VTC
00261692	Closed	04/29/09 13:12:10	HalpinR	BOS	Hardware	VTC
00261744	Closed	04/30/09 09:39:55	BethuneR	ATL	Hardware	VTC
00261800	Closed	04/30/09 14:00:05	EdwardsRE	CHL	Hardware	VTC

<i>Call ID</i>	<i>status</i>	<i>Date &amp; Time Opened</i>	<i>Customer ID</i>	<i>Site</i>	<i>Category/Type</i>		
<b>March 2009</b>							<b>8</b>
00257590	Closed	03/04/09 08:26:27	DavisP	KAN	Hardware	VTC	
00257656	Closed	03/04/09 13:20:46	McGrathB	IRM	Hardware	VTC	
00257911	Closed	03/09/09 09:33:42	KuikenC	WAS	Hardware	VTC	
00257915	Closed	03/09/09 09:57:26	RodriguJ	KRO	Hardware	VTC	
00258278	Closed	03/12/09 11:23:05	McLaughC	NEW	Hardware	VTC	
00258961	Closed	03/19/09 14:18:06	EgozcueJ	WAS	Hardware	VTC	
00258985	Closed	03/20/09 08:52:56	MartinB	HOU	Hardware	VTC	
00259340	Closed	03/25/09 11:44:30	TomeA	YOR	Hardware	VTC	

<b>February 2009</b>							<b>11</b>
00255683	Closed	02/04/09 12:57:25	MartinR	POO	Hardware	VTC	
00255799	Closed	02/05/09 11:19:45	DavisJ	MEM	Hardware	VTC	
00255935	Closed	02/09/09 09:24:51	RoderJ	CLE	Hardware	VTC	
00255969	Closed	02/09/09 12:13:28	ChavezA	LOS	Hardware	VTC	
00256398	Closed	02/17/09 08:58:32	MartinB	HOU	Hardware	VTC	
00256715	Closed	02/19/09 15:13:00	DillonA	BAT	Hardware	VTC	
00256832	Closed	02/23/09 09:01:30	RoderJ	CLE	Hardware	VTC	
00256833	Closed	02/23/09 09:04:25	EdwardsRE	CHL	Hardware	VTC	
00256932	Closed	02/23/09 18:30:32	GarzaC	HLG	Hardware	VTC	
00257095	Closed	02/25/09 09:39:06	PadillVi	ELO	Hardware	VTC	
00257197	Closed	02/26/09 11:33:10	EdwardsRE	CHL	Hardware	VTC	

<u>Call ID</u>	<u>status</u>	<u>Date &amp; Time Opened</u>	<u>Customer ID</u>	<u>Site</u>	<u>Category/Type</u>	
<b>January 2009</b>						<b>12</b>
00253447	Closed	01/02/09 09:56:22	HerreraJ	HOD	Hardware VTC	
00253481	Closed	01/05/09 06:08:42	AtkinsoH	OMA	Hardware VTC	
00253794	Closed	01/07/09 09:06:42	SheleyS	HAR	Hardware VTC	
00253883	Closed	01/08/09 07:31:11	DeanL	SNA	Hardware VTC	
00254533	Closed	01/16/09 07:55:37	McGrathB	IRM	Hardware VTC	
00254905	Closed	01/23/09 11:57:16	MoutinhD	OCIJ	Hardware VTC	
00255051	Closed	01/27/09 08:45:04	RoderJ	CLE	Hardware VTC	
00255174	Closed	01/28/09 09:56:29	GarciaAn	CLE	Hardware VTC	
00255183	Closed	01/28/09 10:57:51	EpsteinC	CHI	Hardware VTC	
00255356	Closed	01/30/09 09:24:49	MartinB	HOU	Hardware VTC	
00255358	Closed	01/30/09 09:25:07	YerksM	HOU	Hardware VTC	
00255388	Closed	01/30/09 13:55:21	CanfieldE	HOU	Hardware VTC	

<u>Call ID</u>	<u>status</u>	<u>Date &amp; Time Opened</u>	<u>Customer ID</u>	<u>Site</u>	<u>Category/Type</u>	
<b>December 2008</b>						<b>15</b>
00251576	Closed	12/03/08 11:55:28	ButlerS	OCIJ	Hardware VTC	
00251711	Closed	12/04/08 14:36:53	GarzaC	HLG	Hardware VTC	
00251731	Closed	12/04/08 18:33:48	GarzaC	HLG	Hardware VTC	
00251953	Closed	12/08/08 16:50:51	ButlerS	OCIJ	Hardware VTC	
00252219	Closed	12/11/08 09:22:15	MartinB	HOU	Hardware VTC	
00252327	Closed	12/12/08 10:25:37	RodriguD	NEW	Hardware VTC	
00252456	Closed	12/15/08 14:02:17	LongC	ATL	Hardware VTC	
00252552	Closed	12/16/08 11:24:33	BonitaT3	ULS	Hardware VTC	
00252626	Closed	12/16/08 17:15:52	LongC	ATL	Hardware VTC	
00252640	Closed	12/16/08 18:36:40	QuinnD	HLG	Hardware VTC	
00252644	Closed	12/17/08 08:57:38	YerksM	HOU	Hardware VTC	
00252741	Closed	12/18/08 10:51:54	YerksM	HOU	Hardware VTC	
00252798	Closed	12/18/08 17:35:12	ButlerS	OCIJ	Hardware VTC	
00252978	Closed	12/23/08 08:30:33	GarciaAn	CLE	Hardware VTC	
00253130	Closed	12/29/08 08:02:08	RoderJ	CLE	Hardware VTC	

<u>Call ID</u>	<u>status</u>	<u>Date &amp; Time Opened</u>	<u>Customer ID</u>	<u>Site</u>	<u>Category/Type</u>	
<b>November 2008</b>						<b>9</b>
00250004	Closed	11/04/08 09:17:03	AtkinsoH	OMA	Hardware VTC	
00250075	Closed	11/04/08 15:20:15	BurgusE	DET	Hardware VTC	
00250136	Closed	11/05/08 12:17:28	BarrowT	YOR	Hardware VTC	
00250259	Closed	11/06/08 15:07:32	LongC	ATL	Hardware VTC	
00250401	Closed	11/10/08 18:26:45	PadillVi	ELO	Hardware VTC	
00251025	Closed	11/21/08 09:38:15	ToncheO	DAL	Hardware VTC	
00251114	Closed	11/24/08 12:58:39	ButlerS	OCIJ	Hardware VTC	
00251141	Closed	11/24/08 14:29:36	LongC	ATL	Hardware VTC	
00251238	Closed	11/25/08 17:06:10	PattersL2	FLO	Hardware VTC	

<u>Call ID</u>	<u>status</u>	<u>Date &amp; Time Opened</u>	<u>Customer ID</u>	<u>Site</u>	<u>Category/Type</u>	
<b>October 2008</b>						<b>12</b>
00247468	Closed	10/01/08 17:26:26	NewsomeR	LVG	Hardware VTC	
00247717	Closed	10/06/08 12:25:49	RalstonJ	CSC	Hardware VTC	
00247938	Closed	10/07/08 16:17:54	RoderJ	CLE	Hardware VTC	
00248483	Closed	10/14/08 10:15:44	GarzaC	HLG	Hardware VTC	
00248484	Closed	10/14/08 10:17:56	Bennett-Moo	OAK	Hardware VTC	
00248519	Closed	10/14/08 12:10:40	MartineP	CHI	Hardware VTC	
00248777	Closed	10/16/08 15:19:36	MartineD	WIC	Hardware VTC	
00249039	Closed	10/21/08 10:34:01	LongC	ATL	Hardware VTC	
00249128	Closed	10/22/08 09:50:02	BrownRo	IRM	Hardware VTC	
00249161	Closed	10/22/08 12:35:59	BrownRo	IRM	Hardware VTC	
00249505	Closed	10/27/08 17:25:47	ClagettJ	BAL	Hardware VTC	
00249851	Closed	10/31/08 12:40:40	MoutinhD	OCIJ	Hardware VTC	



<u>Call ID</u>	<u>status</u>	<u>Date &amp; Time Opened</u>	<u>Customer ID</u>	<u>Site</u>	<u>Category/Type</u>	
<b>September 2008</b>						<b>11</b>
00245412	Closed	09/03/08 14:12:10	HallV	HAR	Hardware VTC	
00245545	Closed	09/04/08 15:54:27	EdwardsRE	CHL	Hardware VTC	
00245688	Closed	09/08/08 10:06:24	PorterM	OCIJ	Hardware VTC	
00245811	Closed	09/09/08 08:17:42	RoderJ	CLE	Hardware VTC	
00245940	Closed	09/10/08 08:54:50	HallV	HAR	Hardware VTC	
00245958	Closed	09/10/08 09:56:28	LongC	ATL	Hardware VTC	
00246234	Closed	09/15/08 10:44:48	MartineD	WIC	Hardware VTC	
00246400	Closed	09/17/08 09:35:13	GarciaAn	CLE	Hardware VTC	
00246486	Closed	09/18/08 10:25:12	MoutinhD	OCIJ	Hardware VTC	
00246984	Closed	09/25/08 09:59:57	MartinB	HOU	Hardware VTC	
00247243	Closed	09/29/08 17:01:11	EgozcueJ	WAS	Hardware VTC	

<b>August 2008</b>						<b>6</b>
00243478	Closed	08/06/08 18:48:36	StradleG	ETM	Hardware VTC	
00243509	Closed	08/07/08 10:37:31	EgozcueJ	WAS	Hardware VTC	
00244294	Closed	08/19/08 08:59:34	FrigeljM	OPAT	Hardware VTC	
00244685	Closed	08/25/08 10:50:59	RobinsoA	HIC	Hardware VTC	
00244841	Closed	08/26/08 09:23:40	MartineD	WIC	Hardware VTC	
00245008	Closed	08/27/08 13:59:43	LongC	ATL	Hardware VTC	

<b>July 2008</b>						<b>9</b>
00241667	Closed	07/17/08 09:21:21	VerrillP	HAR	Hardware VTC	
00241684	Closed	07/17/08 10:08:05	ShermanD	HOU	Hardware VTC	
00241778	Closed	07/18/08 09:57:41	LeftwichA	NGS	Hardware VTC	
00241884	Closed	07/21/08 08:42:56	EgozcueJ	WAS	Hardware VTC	
00242334	Closed	07/24/08 08:35:22	MartinB	HOU	Hardware VTC	
00242348	Closed	07/24/08 10:03:34	BethuneR	ATL	Hardware VTC	
00242384	Closed	07/24/08 13:11:34	ShupeB	YOR	Hardware VTC	
00242420	Closed	07/24/08 16:06:21	BucsaS	IRM	Hardware VTC	
00242517	Closed	07/28/08 07:50:01	EdwardsRE	CHL	Hardware VTC	

Call ID	status	Date & Time Opened	Customer ID	Site	Category/Type	
<b>June 2008</b>						<b>12</b>
00238622	Closed	06/10/08 11:43:58	BrownRo	IRM	Hardware VTC	
00238691	Closed	06/10/08 19:48:56	BrownRo	IRM	Hardware VTC	
00239128	Closed	06/16/08 14:44:56	EgozcueJ	WAS	Hardware VTC	
00239151	Closed	06/16/08 16:22:12	BethuneR	ATL	Hardware VTC	
00239192	Closed	06/17/08 09:00:59	BethuneR	ATL	Hardware VTC	
00239331	Closed	06/18/08 08:41:03	AllenD	DAL	Hardware VTC	
00239343	Closed	06/18/08 09:55:41	GarzaC	HLG	Hardware VTC	
00239456	Closed	06/19/08 08:24:22	LlerenaM	NYC	Hardware VTC	
00239468	Closed	06/19/08 08:56:12	BethuneR	ATL	Hardware VTC	
00239543	Closed	06/19/08 13:50:25	BethuneR	ATL	Hardware VTC	
00239928	Closed	06/24/08 10:44:37	VerrillIP	HAR	Hardware VTC	
00240158	Closed	06/26/08 08:59:48	CrossleM	ATL	Hardware VTC	

Call ID	status	Date & Time Opened	Customer ID	Site	Category/Type	
<b>May 2008</b>						<b>11</b>
00235406	Closed	05/02/08 07:46:27	BarrowT	YOR	Hardware VTC	
00235520	Closed	05/05/08 12:00:04	NimickL	OGC	Hardware VTC	
00235879	Closed	05/08/08 13:35:47	BrownRo	IRM	Hardware VTC	
00236647	Closed	05/19/08 09:41:28	BucsaS	IRM	Hardware VTC	
00236737	Closed	05/19/08 17:31:42	PoliteT	BOS	Hardware VTC	
00236749	Closed	05/19/08 18:18:55	PoliteT	BOS	Hardware VTC	
00236751	Closed	05/19/08 18:41:53	KirkB	POO	Hardware VTC	
00237044	Closed	05/22/08 11:58:10	TateE	HOU	Hardware VTC	
00237085	Closed	05/22/08 16:20:08	EgozcueJ	WAS	Hardware VTC	
00237224	Closed	05/27/08 12:33:28	BethuneR	ATL	Hardware VTC	
00237270	Closed	05/27/08 18:31:31	McLaughS	FLO	Hardware VTC	

Call ID	status	Date & Time Opened	Customer ID	Site	Category	Type	
<b>April 2008</b>							<b>13</b>
00232609	Closed	04/02/08 11:52:04	RodriguJ	KRO	Hardware	VTC	
00233124	Closed	04/08/08 11:33:41	RoderJ	CLE	Hardware	VTC	
00233162	Closed	04/08/08 13:03:38	EgozcueJ	WAS	Hardware	VTC	
00233217	Closed	04/08/08 17:32:53	BarrowT	YOR	Hardware	VTC	
00233337	Closed	04/09/08 16:31:03	CaldwelR	OGC	Hardware	VTC	
00233341	Closed	04/09/08 16:45:39	ReedM	CHI	Hardware	VTC	
00233494	Closed	04/10/08 18:03:08	BucsaS	IRM	Hardware	VTC	
00234080	Closed	04/17/08 09:28:19	RobertsS	DET	Hardware	VTC	
00234493	Closed	04/22/08 10:49:35	Bennett-Moo	OAK	Hardware	VTC	
00234625	Closed	04/23/08 10:22:40	LongC	ATL	Hardware	VTC	
00234739	Closed	04/24/08 08:45:24	BrownRo	IRM	Hardware	VTC	
00235032	Closed	04/28/08 16:37:08	TomeA	YOR	Hardware	VTC	
00235249	Closed	04/30/08 14:25:47	BarrowT	YOR	Hardware	VTC	

Call ID	status	Date & Time Opened	Customer ID	Site	Category	Type	
<b>March 2008</b>							<b>15</b>
00229727	Closed	03/03/08 10:06:13	GarzaC	HLG	Hardware	VTC	
00230344	Closed	03/07/08 12:05:08	ManagoL	LOS	Hardware	VTC	
00230365	Closed	03/07/08 14:19:42	CurtisD	ELO	Hardware	VTC	
00230972	Closed	03/13/08 15:15:53	MoffittM	WAS	Hardware	VTC	
00231307	Closed	03/18/08 14:11:32	GoyetteN	LAN	Hardware	VTC	
00231342	Closed	03/18/08 18:09:24	EgozcueJ	WAS	Hardware	VTC	
00231464	Closed	03/19/08 18:35:12	BaezaT	ELP	Hardware	VTC	
00231465	Closed	03/19/08 18:50:15	RusselM2	ORL	Hardware	VTC	
00231560	Closed	03/20/08 14:51:22	LongC	ATL	Hardware	VTC	
00231684	Closed	03/24/08 07:30:13	BucsaS	IRM	Hardware	VTC	
00231737	Closed	03/24/08 11:06:55	BrownRo	IRM	Hardware	VTC	
00231854	Closed	03/25/08 10:31:41	LongC	ATL	Hardware	VTC	
00231949	Closed	03/26/08 09:20:20	SmithG	OCIJ	Hardware	VTC	
00232082	Closed	03/27/08 10:49:42	BrownRo	IRM	Hardware	VTC	
00232342	Closed	03/31/08 13:28:24	HeddonU	SFR	Hardware	VTC	

<u>Call ID</u>	<u>status</u>	<u>Date &amp; Time Opened</u>	<u>Customer ID</u>	<u>Site</u>	<u>Category/Type</u>	
<b>February 2008</b>						<b>11</b>
00226931	Closed	02/04/08 13:12:54	GarzaC	HLG	Hardware VTC	
00227622	Closed	02/08/08 11:56:28	PerkinsS	LOS	Hardware VTC	
00227832	Closed	02/11/08 15:48:40	LeftwichA	NGS	Hardware VTC	
00227947	Closed	02/12/08 12:05:24	BrownRo	IRM	Hardware VTC	
00228190	Closed	02/13/08 18:35:50	HerreraJ	HOD	Hardware VTC	
00228644	Closed	02/20/08 09:32:36	SimmonsR	ORL	Hardware VTC	
00228783	Closed	02/21/08 09:39:25	ShermanD	HOU	Hardware VTC	
00228786	Closed	02/21/08 09:46:45	EnglishY	ELZ	Hardware VTC	
00229004	Closed	02/25/08 10:09:59	LlerenaM	NYC	Hardware VTC	
00229126	Closed	02/26/08 10:02:01	VerrillP	HAR	Hardware VTC	
00229461	Closed	02/28/08 11:16:36	BrownRo	IRM	Hardware VTC	

<b>January 2008</b>						<b>6</b>
00223770	Closed	01/02/08 12:47:38	GoyetteN	LAN	Hardware VTC	
00224737	Closed	01/11/08 12:59:01	PerkinsS	LOS	Hardware VTC	
00225038	Closed	01/15/08 14:33:57	RoderJ	CLE	Hardware VTC	
00226161	Closed	01/28/08 12:20:28	GarzaC	HLG	Hardware VTC	
00226232	Closed	01/28/08 17:34:09	AllenD	DAL	Hardware VTC	
00226570	Closed	01/30/08 17:29:41	MurphyT	IRM	Hardware VTC	

<b>December 2007</b>						<b>3</b>
00222007	Closed	12/06/07 14:06:39	MoffittM	WAS	Hardware VTC	
00222614	Closed	12/13/07 10:21:15	ReedM	CHI	Hardware VTC	
00223458	Closed	12/27/07 09:02:55	RoderJ	CLE	Hardware VTC	

Call ID	status	Date & Time Opened	Customer ID	Site	Category/Type	
<b>November 2007</b>						<b>16</b>
00218633	Closed	11/01/07 09:27:21	BucsaS	IRM	Hardware VTC	
00218873	Closed	11/02/07 16:39:24	EdwardsRE	CHL	Hardware VTC	
00219339	Closed	11/07/07 16:27:35	ReedM	CHI	Hardware VTC	
00219808	Closed	11/13/07 17:43:21	ButlerS	OCIJ	Hardware VTC	
00220110	Closed	11/15/07 15:05:38	BarrowT	YOR	Hardware VTC	
00220181	Closed	11/16/07 08:36:43	RoderJ	CLE	Hardware VTC	
00220196	Closed	11/16/07 09:41:40	EgozcueJ	WAS	Hardware VTC	
00220227	Closed	11/16/07 11:43:35	MillerG	OCIJ	Hardware VTC	
00220228	Closed	11/16/07 11:44:11	SmithG	OCIJ	Hardware VTC	
00220237	Closed	11/16/07 12:23:24	DHS-Rahma	DHS	Hardware VTC	
00220270	Closed	11/16/07 14:58:00	ButlerV	OCIJ	Hardware VTC	
00220488	Closed	11/20/07 13:11:33	BarreroD	SPD	Hardware VTC	
00220496	Closed	11/20/07 13:40:30	AllenD	DAL	Hardware VTC	
00220699	Closed	11/26/07 10:09:24	ToncheO	DAL	Hardware VTC	
00220846	Closed	11/27/07 08:55:57	SimmonsR	ORL	Hardware VTC	
00221108	Closed	11/28/07 13:46:21	HillJ	SLC	Hardware VTC	

<b>October 2007</b>						<b>3</b>
00215573	Closed	10/03/07 14:12:11	Ponceded	SPM	Hardware VTC	
00215579	Closed	10/03/07 14:30:10	EdwardsRE	CHL	Hardware VTC	
00216263	Closed	10/11/07 07:42:11	KellyE	OCIJ	Hardware VTC	

# Conducting MultiSite Calls

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**See: passion**




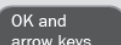



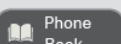
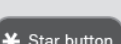


**See: performance**

# Suggested Recommendations

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- Have your remote control and your video system in front of you.
- Download and print the Remote Control Quick Reference Guide from the Resource Center at [www.videochampion.com](http://www.videochampion.com).



# Remote Control Quick Reference Guide

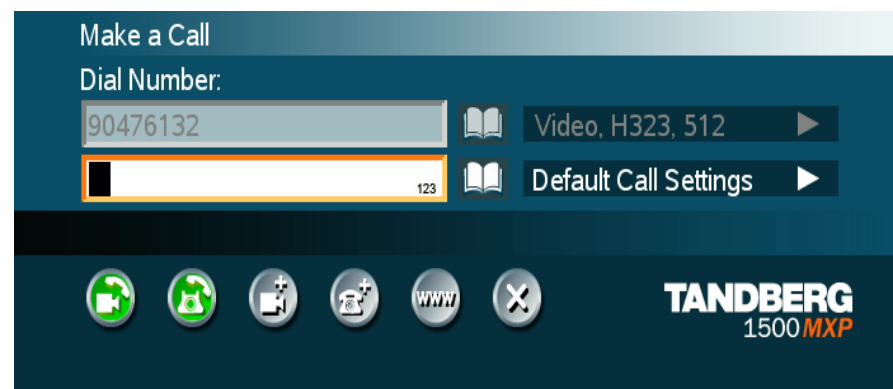
<p><b>Mic off</b> turns your microphone on and off.</p> 	<p><b>Video Sources</b> selection. Choose between Main Cam, PC, Doc Cam, DVD and AUX. Press again to deselect.</p>	<p><b>Presentation</b></p> <p>Switch to PC (default).* Press again to switch back to main camera.</p> <p><b>Press and hold</b></p> <p>Open the Presentation menu to select other sources.</p>
<p><b>Volume + and -</b> adjusts the system volume.</p> 		<p><b>Zoom</b></p> <p>Press <b>Zoom +</b> or <b>-</b> to zoom the camera in and out.</p>
<p>Press <b>OK</b> to open the menu. Use <b>Arrow keys</b> to navigate. When the menu is closed, use <b>Arrow keys</b> to move the camera.*</p> 		<p><b>Selfview</b></p> <p>Press <b>Selfview</b> to see your outgoing image. Press again to turn <b>Selfview</b> off.</p>
<p>Press <b>Cancel</b> to close the main menu or go one step back in submenus. Press and hold to close all menus.</p> 	<p><b>End Call</b></p> <p>Press <b>End Call</b> to end an ongoing call. Outside a call, press this key to go to standby.</p>	
<p>Change layout on the screen. Press again to change to other layouts.</p> 	<p><b>Number keys</b></p> <p>Use the <b>Number keys</b> to dial. When in a call, select Camera Presets with the number keys.</p> <p><b>Press and hold</b></p> <p>Press and hold a number to store a preset.</p>	
<p>Press <b>Call</b> to place a call.</p> 	<p><b># Pound key and A/a key</b></p> <p>Use the <b>Pound key</b> to enter touch tone (DTMF) mode when in a call. Press <b>OK</b> when done. <b>A/a</b>: When entering text, change between upper case and lower case letters. Press and hold to go between character and numeric modes.</p>	
<p>Use <b>Phone Book</b> to call stored contacts.</p> 	<p><b>Far End</b></p> <p>Press to gain access to the far end controls.</p>	
<p>Send snapshot (only in a call). Press <b>OK</b> when done.</p> 	<p><b>Help</b></p> <p>Press to display the on-line Help.</p>	
<p>Use this key in combination with the <b>Number keys</b> to access camera (position) presets.</p> 	<p>* Not available on all video systems <span style="float: right;">D14100, 10.07</span></p>	
<p>Use this key to display the <b>Services</b> menu.</p> 		

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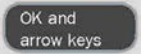

# MultiSite Calls

- If your system has MultiSite capabilities, you can bring together participants in different locations in the same call.
- When you are in a call, the call button  in the on screen menu will have changed status from "Call" to "Add Another Call".
- Choose "Add Another Call" to dial another participant.
- You can also add more sites/participants by using the directory.
  - Simply press the directory button  and choose the site you wish to connect to.



# Conference Services

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- In a MultiSite call, you have the ability to transmit the image of yourself in full screen to all other participants in the conference. This is called “requesting the floor”.
  - This is particularly useful when there are many sites in the conference and it is important for others to focus on you as the speaker.
- To request the floor:
  - Open the main menu by pressing the OK/menu button  on the remote control.
  - Choose conference services and press OK.
  - Select “Request Floor” and press OK. An indicator at the top-right hand edge of the screen indicates you have the floor .
  - Select the same choice again to release the floor. The icon will disappear from the screen.

# Conference Layout

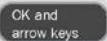
- When in a MultiSite call, you have the choice between the following screen layouts: Auto Split, 4 Site CP, 5+1 CP and Voice Switched.
  - The automatic screen layout shows the optimal screen layout based on the number of sites participating in the conference.
  - The 4 Screen Split shows the last 4 sites that spoke in the conference.
  - The 5+1 split shows the participant who is speaking in the conference in the large window and the other 5 participants are shown in the smaller ones.
  - The Voice Switched mode shows the participant who is speaking on the whole screen.



# Ending a MultiSite Call


- To end a MultiSite call, pres the red disconnect button  on the remote control or select End Call in the menu.
- A list of sites connected to the call will be shown on the screen. To end the call you have two options:

- **End a single call**

- Select the call you'd like to end by highlighting the contact in question and pressing the OK button  .

OR

- **End all calls**

- To disconnect all participants, simply choose ALL or press the red disconnect button  twice.



# Additional Resources

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- Additional online video sessions can be found at [www.videochampion.com](http://www.videochampion.com).
- To enroll in one of our classes, a complete list of TANDBERG University courses can be found at [www.tandberg.learn.com](http://www.tandberg.learn.com).

# Thank you

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[www.tandberg.com](http://www.tandberg.com)

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# How to Adjust & Use the Camera

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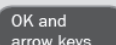

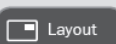

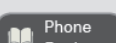
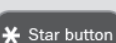


# Suggested Recommendations

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# Remote Control Quick Reference Guide


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<p><b>Volume + and -</b> adjusts the system volume.</p> 		<p><b>Zoom</b></p> <p>Press <b>Zoom +</b> or <b>-</b> to zoom the camera in and out.</p>
<p>Press <b>OK</b> to open the menu. Use <b>Arrow keys</b> to navigate. When the menu is closed, use <b>Arrow keys</b> to move the camera.*</p> 		<p><b>Selfview</b></p> <p>Press <b>Selfview</b> to see your outgoing image. Press again to turn <b>Selfview</b> off.</p>
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<p>Press <b>Call</b> to place a call.</p> 	<p><b>Press and hold</b></p> <p>Press and hold a number to store a preset.</p>	
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<p>Send snapshot (only in a call). Press <b>OK</b> when done.</p> 	<p><b>Far End</b></p> <p>Press to gain access to the far end controls.</p>	
<p>Use this key in combination with the <b>Number keys</b> to access camera (position) presets.</p> 	<p><b>Help</b></p> <p>Press to display the on-line Help.</p>	
<p>Use this key to display the <b>Services</b> menu.</p> 	<p>* Not available on all video systems <span style="float: right;">D14100, 10.07</span></p>	

**TANDBERG** Quick Reference Guide TRC 4

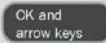
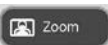
# Adjusting the Camera

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## ■ Using the Remote Control

- When the menu is hidden, the camera can be adjusted using the arrows.
- If the menu is visible, press the Cancel button  and then adjust the camera with the arrows.

## ■ Using the Menu

- Select menu , tab over to Camera Control, and then select Near End Camera Control.
- Use the arrows to move the camera horizontally and vertically.
- The Zoom button  on the remote control can be used to pan in and out on people and objects.

# Far End Camera Control

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- Using FECC, you can control the camera on the system you are calling.
  - Choose the Camera Control icon in the menu



- Choose the Far End Control icon



- A header on the screen tells you can steer the Far End camera. You will also have access to the camera presets and video sources at the other side.

# How to Save Camera Positions

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- You can save preset camera positions to focus on specific people or objects in a meeting. There are two ways to do this:
  - **Using the Remote Control**
    - Use the arrows to move the camera to the desired position.
    - Press and hold down one of the number buttons for one second (e.g. 2). You will receive a message on the screen that the main camera and audio have been saved to position P2 i.e. button number 2.
  - **Using the Main Menu**
    - Use the arrows to move the camera to the desired position.
    - Choose “Camera Control” from the menu and then “Save New Preset”.
    - Enter a preset number from 0-14 and press OK.
    - Write in the preset name. This will make it easier to identify the presets if you have more than one.
    - Remember to save!

# How to Find a Camera Preset

---

## ■ Using the Remote Control

- When you're in a call, press the number button on the remote control to access your saved presets. Keep in mind, this only works when you are in a call.

## ■ Using the Main Menu

- Choose “Camera Control” and then “Show Preset”.
- Choose the desired preset by using the arrows on the remote control and selecting OK.

# Additional Resources

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# Thank you

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[www.tandberg.com](http://www.tandberg.com)

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**See: performance**

# How To Setup & End a Video Call

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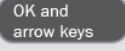
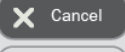
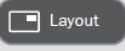

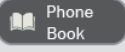
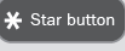




# Suggested Recommendations

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<p><b>Mic off</b> turns your microphone on and off.</p> 	<p><b>Video Sources</b> selection. Choose between Main Cam, PC, Doc Cam, DVD and AUX. Press again to deselect.</p>	<p><b>Presentation</b></p> <p>Switch to PC (default).* Press again to switch back to main camera.</p> <p><b>Press and hold</b></p> <p>Open the Presentation menu to select other sources.</p>
<p><b>Volume + and -</b> adjusts the system volume.</p> 		<p><b>Zoom</b></p> <p>Press <b>Zoom +</b> or <b>-</b> to zoom the camera in and out.</p>
<p>Press <b>OK</b> to open the menu. Use <b>Arrow keys</b> to navigate. When the menu is closed, use <b>Arrow keys</b> to move the camera.*</p> 		<p><b>Selfview</b></p> <p>Press <b>Selfview</b> to see your outgoing image. Press again to turn <b>Selfview</b> off.</p>
<p>Press <b>Cancel</b> to close the main menu or go one step back in submenus. Press and hold to close all menus.</p> 		<p><b>End Call</b></p> <p>Press <b>End Call</b> to end an ongoing call. Outside a call, press this key to go to standby.</p>
<p>Change layout on the screen. Press again to change to other layouts.</p> 		<p><b>Number keys</b></p> <p>Use the <b>Number keys</b> to dial. When in a call, select Camera Presets with the number keys.</p> <p><b>Press and hold</b></p> <p>Press and hold a number to store a preset.</p>
<p>Press <b>Call</b> to place a call.</p> 		<p><b># Pound key and A/a key</b></p> <p>Use the <b>Pound key</b> to enter touch tone (DTMF) mode when in a call. Press <b>OK</b> when done. <b>A/a</b>: When entering text, change between upper case and lower case letters. Press and hold to go between character and numeric modes.</p>
<p>Use <b>Phone Book</b> to call stored contacts.</p> 		<p><b>Far End</b></p> <p>Press to gain access to the far end controls.</p>
<p>Send snapshot (only in a call). Press <b>OK</b> when done.</p> 		<p><b>Help</b></p> <p>Press to display the on-line Help.</p>
<p>Use this key in combination with the <b>Number keys</b> to access camera (position) presets.</p> 		
<p>Use this key to display the <b>Services</b> menu.</p> 		



\* Not available on all video systems

D14100, 10.07

**TANDBERG** Quick Reference Guide TRC 4

# How To Setup a Video Call






- The numeric keypad on the remote control works in a similar way as one on a mobile phone:
- Choose the Call button in the menu or press the green Call button  on the remote and enter the number in the space provided.
- Or, simply start dialling a number and press the green Call button  to connect.

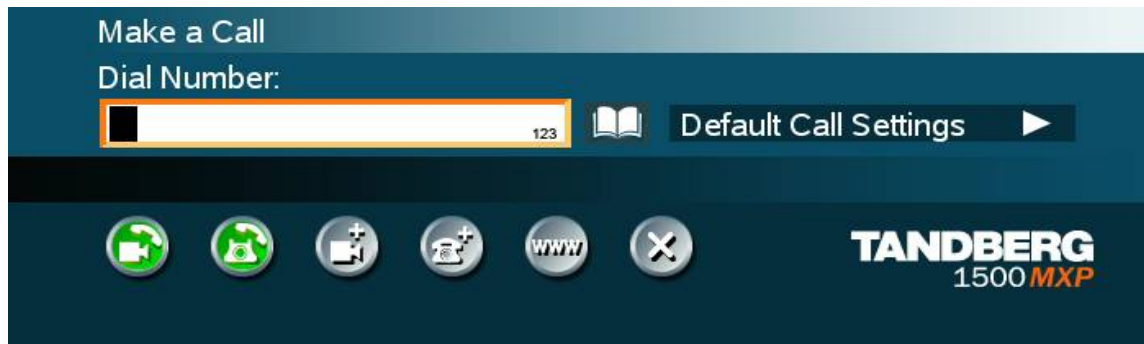
To change the call settings



# How To Setup a Video Call

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- When entering numbers, you can do it by:
  - Typing a number manually into the space provided.
  - Choose a contact from the directory by using the directory button  on the remote control.
  - Select the directory icon  on the menu.
- Start the video call by highlighting “connect” from the call menu or by pressing the green call button  on the remote control.
- You can determine the bandwidth of the call by using the call menu where it says “default call settings”.



# Call Status









- A very useful screen for simple diagnostics is the call status screen.
- To enter this screen, press the menu button **OK and arrow keys** once, followed by the up arrow on the remote control.

Microphone OFF at other side.

Calls 1/1: H.323	Transmit	Receive
System Name: 90476132		
Call rate (kbps)	512 kbps	512 kbps
Video protocol	H.264	H.264
Audio protocol	G.722	G.722
Data protocol	None	None
Video format	CIF	CIF
Video rate (kbps)	443.0	196.0
Audio rate (kbps)	64.0	64.0
Data rate (kbps)	0.0	0.0
IPLR/Packet loss (%) / Jitter	Off/0.0/--	Off/0.0/0
Encryption status	AES	AES
Encryption check code	80596191EC929D50	

Call Status

**TANDBERG**  
1500 MXP

**TANDBERG**

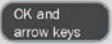


See: **performance**

# How To Answer an Incoming Call



- Answering an incoming call is very similar to answering a call on a mobile phone.
- You will get an on screen menu asking you to “Accept” or “Reject” the call, or you have the option to place the system in “Do Not Disturb” mode.






- To answer the call, press either the OK button  or the green call button  on the remote control.
- To reject the call, press the Red button  or select “Reject”.
- If you do not want to allow incoming calls, choose “Do Not Disturb”. The system will then automatically reject all incoming calls.
- **NOTE:** If the system is set to auto answer, it will automatically accept incoming calls as long as you are not in another call.

# How To End a Video Call

---



- Push the Red Disconnect button  on the remote control or select End Call from the menu.
- When the dialogue box for ending the call appears on the screen
  - Push the red disconnect button  on the remote control one more time, or...
  - Push OK to confirm you wish to end the call.
  - Press Cancel  if you wish to continue the call.

# Additional Resources

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- Additional online video sessions can be found at [www.videochampion.com](http://www.videochampion.com).
- To enroll in one of our classes, a complete list of TANDBERG University courses can be found at [www.tandberg.learn.com](http://www.tandberg.learn.com).



# Thank you

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**See: productivity**

**See: passion**

**See: performance**

# How to Use the Directory

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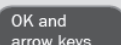



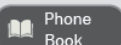
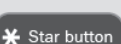


**See: performance**

# Suggested Recommendations

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- Have your remote control and your video system in front of you.
- Download and print the Remote Control Quick Reference Guide [www.videochampion.com](http://www.videochampion.com).

# Remote Control Quick Reference Guide


<p><b>Mic off</b> turns your microphone on and off.</p> 	<p><b>Video Sources</b> selection. Choose between Main Cam, PC, Doc Cam, DVD and AUX. Press again to deselect.</p>	<p><b>Presentation</b></p> <p>Switch to PC (default).* Press again to switch back to main camera.</p> <p><b>Press and hold</b></p> <p>Open the Presentation menu to select other sources.</p>
<p><b>Volume + and -</b> adjusts the system volume.</p> 		<p><b>Zoom</b></p> <p>Press <b>Zoom +</b> or <b>-</b> to zoom the camera in and out.</p>
<p>Press <b>OK</b> to open the menu. Use <b>Arrow keys</b> to navigate. When the menu is closed, use <b>Arrow keys</b> to move the camera.*</p> 		<p><b>Selfview</b></p> <p>Press <b>Selfview</b> to see your outgoing image. Press again to turn <b>Selfview</b> off.</p>
<p>Press <b>Cancel</b> to close the main menu or go one step back in submenus. Press and hold to close all menus.</p> 	<p><b>End Call</b></p> <p>Press <b>End Call</b> to end an ongoing call. Outside a call, press this key to go to standby.</p>	
<p>Change layout on the screen. Press again to change to other layouts.</p> 	<p><b>Number keys</b></p> <p>Use the <b>Number keys</b> to dial. When in a call, select Camera Presets with the number keys.</p>	
<p>Press <b>Call</b> to place a call.</p> 	<p><b>Press and hold</b></p> <p>Press and hold a number to store a preset.</p>	
<p>Use <b>Phone Book</b> to call stored contacts.</p> 	<p><b># Pound key and A/a key</b></p> <p>Use the <b>Pound key</b> to enter touch tone (DTMF) mode when in a call. Press <b>OK</b> when done. <b>A/a</b>: When entering text, change between upper case and lower case letters. Press and hold to go between character and numeric modes.</p>	
<p>Send snapshot (only in a call). Press <b>OK</b> when done.</p> 	<p><b>Far End</b></p> <p>Press to gain access to the far end controls.</p>	
<p>Use this key in combination with the <b>Number keys</b> to access camera (position) presets.</p> 	<p><b>Help</b></p> <p>Press to display the on-line Help.</p>	
<p>Use this key to display the <b>Services</b> menu.</p> 		

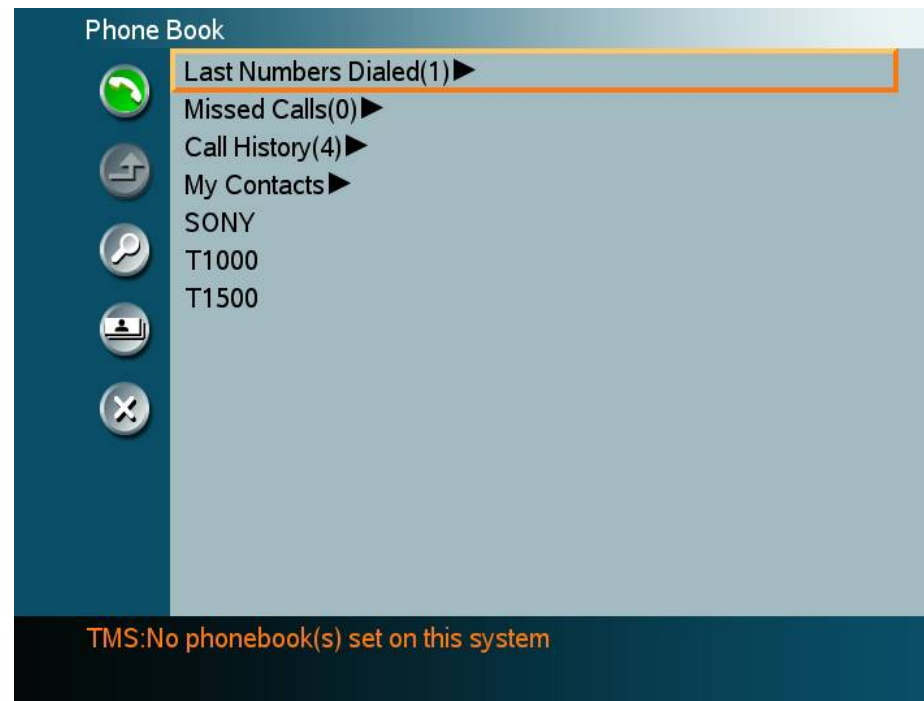
\* Not available on all video systems

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**TANDBERG** Quick Reference Guide TRC 4

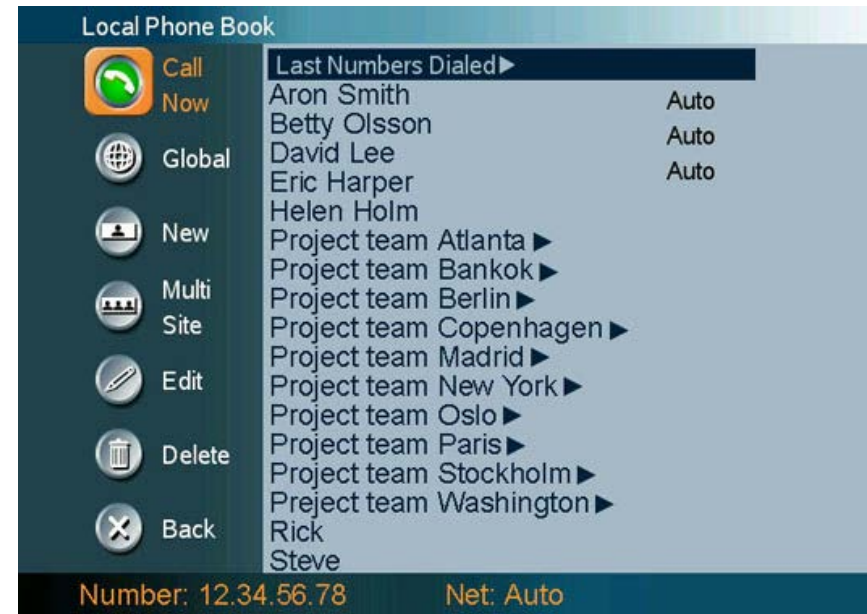
# Using the Directory

- Access the directory by pressing the Phone Book icon  on the remote control.
- To find the desired contact, use the up and down arrows.
- Or, type the first letter of the person's name to search as you would on a mobile phone.
- To use the icons on the left hand side of the menu, use the left arrow key and then the up and down arrows to highlight the icon you wish to select.




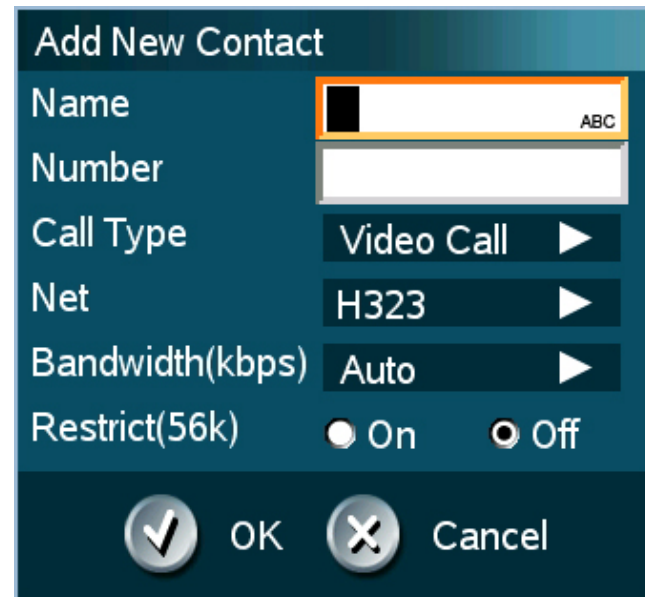
# Making a Call Using the Directory

- Press the Directory button  on the remote control or in the menu.
- Choose a contact by using the arrows or by typing the first letter of the person's name.
- Press OK to choose the contact's name. Before the call is connected, you will have access to the dial menu so you can edit the call settings.
- Press the green Call button  on the remote control to dial the number.



# How to Add a New Contact to the Directory

- Select My Contacts from the directory menu.
- Scroll to the left of the screen and select New.
- When the New Contact icon  is chosen, a new dialogue box will appear for you to enter the details of the new contact (name, number) – remember to save!



**Add New Contact**

Name

Number


Call Type Video Call ▶

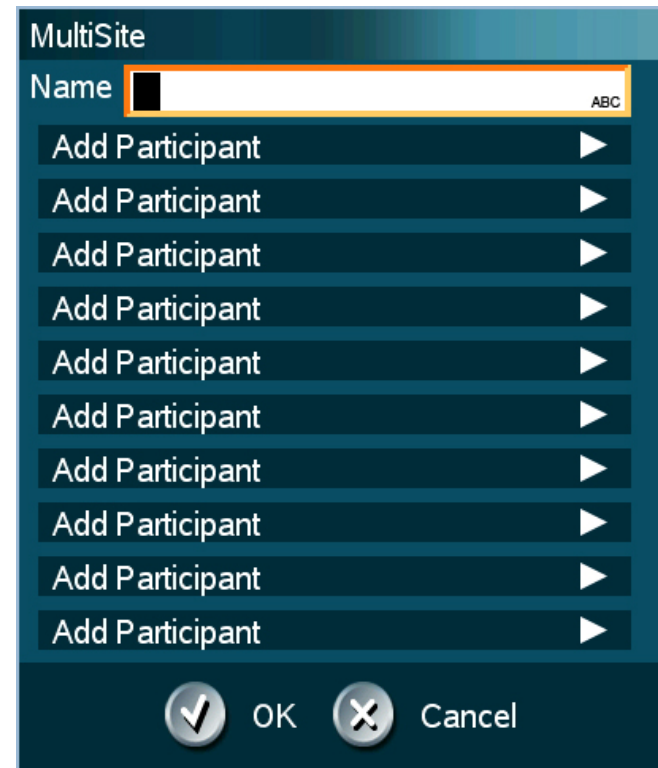
Net H323 ▶

Bandwidth(kbps) Auto ▶

Restrict(56k)  On  Off

# How to Add a MultiSite Contact to the Directory


- It is possible to set up a MultiSite call by adding all the participants before the call is actually placed.
- In order to do this, ensure that those who will be participating in the MultiSite meeting have been entered into the directory under My Contacts – as we just learned.
- Choose the MultiSite icon  from the left hand side of the directory, give the meeting a name, and choose the desired participants from the directory (My Contacts).
- Once again, remember to Save!





# How to Change a Contact in the Directory

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- Editing a contact in the directory:
  - Choose the contact in the directory you wish to change.
  - Press the left arrow on the remote control and choose the Edit icon  to edit the contact's details.
  - Remember to select OK to save your changes.
  - If the contact you have changed is also a member of a MultiSite grouping, the changes will automatically be made there as well.

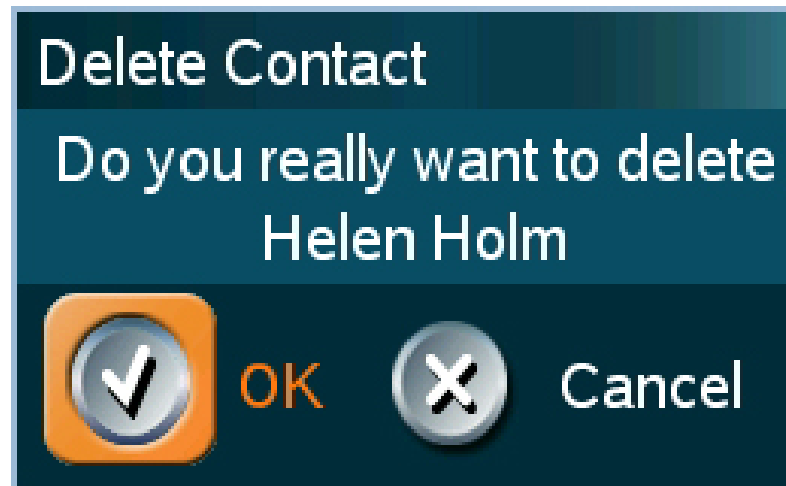


Edit Contact	
Name	Helen Holm
Number	45678
Call Type	Video Call ▶
Net	H323 ▶
Bandwidth(kbps)	Auto ▶
Restrict(56k)	<input checked="" type="radio"/> On <input type="radio"/> Off
 OK  Cancel	

# How to Delete a Contact From the Directory


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- Deleting a contact in the directory under My Contacts:
  - Choose the contact in the directory you wish to delete.
  - Press the left arrow on the remote control and choose the Delete icon 
  - Confirm by selecting OK.




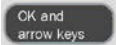
# Global Contacts

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- Global contacts are available on video systems that are connected to an external management system such as the TANDBERG Management Suite (TMS). These contacts can't be changed locally, only from the management system.
- If there is a need to change the number or the standard before a call, do the following:
  - Choose the contact and press OK  on the remote control.
  - You can change the number and the call settings in the menu before you place the call.
  - Changes will not be saved.

# How to Copy Global Contacts to My Contacts

---

- Choose the desired contact from the Global Directory you wish to add to My Contacts.
- Press the left arrow key on the remote control and choose the Copy icon  to copy the person to My Contacts.
- Press OK  on the remote control.
- A dialogue box will inform you of the operation's success.

# Additional Resources

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- Additional online video sessions can be found at [www.videochampion.com](http://www.videochampion.com).
- To enroll in one of our classes, a complete list of TANDBERG University courses can be found at [www.tandberg.learn.com](http://www.tandberg.learn.com).

# Thank you

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 (Cite as: --- F.3d ---)

Garza-Moreno v. Gonzales  
 C.A. 6, 2007.

Only the Westlaw citation is currently available.

United States Court of Appeals, Sixth Circuit.

Porfirio GARZA-MORENO; Mario Garza-Garcia,  
 Petitioners,

v.

Alberto GONZALES, Attorney General,  
 Respondent.

Nos. 06-3562, 06-4024.

Submitted: May 30, 2007.

Decided and Filed: June 5, 2007.

On Petition for Review of an Order of the Board of  
 Immigration Appeals. Nos. A79 336 275; A79 336  
 276.

**ON BRIEF:** Maris J. Liss, George P. Mann &  
 Associates, Farmington Hills, Michigan, for  
 Petitioners. Terri Leon-Benner, Emily Anne Radford  
 , United States Department of Justice, Washington,  
 D.C., for Respondent.

Before ROGERS and COOK, Circuit Judges; and  
 DOWD, District Judge. <sup>FN\*</sup>

FN\* The Honorable David Dudley Dowd,  
 Jr., United States District Judge for the  
 Northern District of Ohio, sitting by  
 designation.

#### OPINION

COOK, Circuit Judge.

\*1 Porfirio Garza-Moreno and his son Mario  
 Garza-Garcia petition this court to review the Board  
 of Immigration Appeals' (BIA) order to have them  
 removed from the United States. We dismiss the  
 petition in part and deny it in part.

I

Garza-Moreno and his family illegally entered the  
 United States in the early 1990s. He and his wife  
 have since had four children, all of whom are  
 United States citizens. In 2001, the Immigration and  
 Naturalization Service (INS) ordered Petitioners to  
 appear on charges of being subject to removal  
 pursuant to 8 U.S.C. § 1182(a)(6)(A)(i), which  
 governs aliens who have entered the United States  
 illegally. Petitioners conceded that they were  
 subject to removal, but filed applications for  
 cancellation of removal. The immigration judge (IJ)  
 denied those applications based on the four-part test  
 enunciated in 8 U.S.C. § 1229b(b)(1). Petitioners  
 appealed that decision to the BIA, where they added  
 due process claims and requested that the BIA  
 remand the case to the IJ for administrative closure  
 to allow Garza-Moreno's wife to obtain a visa. The  
 Department of Homeland Security (DHS), which  
 had replaced the INS pursuant to the Homeland  
 Security Act of 2002, opposed administrative  
 closure, and the BIA affirmed the IJ's decision.  
 After the BIA denied Petitioners' motion to  
 reconsider, they petitioned this court for review.

II

Petitioners claim that they were denied due process  
 by various problems with the proceedings before  
 the IJ and the BIA. We review de novo alleged due  
 process violations in immigration proceedings. See  
*Mikhailevitch v. INS*, 146 F.3d 384, 391 (6th  
 Cir.1998). An alien must establish both "error and  
 substantial prejudice" to "prevail on a due process  
 challenge to deportation proceedings." *Gishta v.*  
*Gonzales*, 404 F.3d 972, 979 (6th Cir.2005)  
 (quotation omitted). An error in the removal  
 proceedings does not necessarily implicate the Fifth  
 Amendment. Rather, as we have held, a defect "  
 must have been such as might have led to a denial  
 of justice" to trigger due process concerns.  
*Huicochea-Gomez v. INS*, 237 F.3d 696, 699 (6th

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--- F.3d ---, 2007 WL 1595379 (C.A. 6)  
(Cite as: --- F.3d ---)

Cir.2001) (quotation omitted); *accord Vasha v. Gonzales*, 410 F.3d 863, 872 (6th Cir.2005).

Petitioners identify three specific problems with the proceedings below. First, they claim that they received unsigned and unedited copies of the IJ's order. While sending Petitioners an unsigned order may have been a technical defect, we fail to see how it "denied them justice." Second, Petitioners claim that the videoconferencing equipment used for the hearing before the IJ was unreliable. Petitioners attempt to establish this claim by pointing us to the IJ's concern that she was speaking too loudly. Their counsel, however, immediately responded, "I think you sound just fine." Petitioners have failed to establish that the equipment was actually defective, let alone that it was constitutionally defective.

Third, Petitioners claim that the agency's failure to provide them with an accurate transcript violated the Fifth Amendment. They point to sixty-seven "indiscernible" notations in the transcript of the hearing before the IJ. This claim gives us more pause than the other two, as we have previously noted our "concern that the government failed to meet its obligation [under 8 U.S.C. § 1229a(b)(4)(C)] to prepare a reasonably accurate and complete record of the removal hearing." *Sterkaj v. Gonzales*, 439 F.3d 273, 279 (6th Cir.2006); *accord Kheireddine v. Gonzales*, 427 F.3d 80, 85 (1st Cir.2005); *Ortiz-Salas v. INS*, 992 F.2d 105, 106 (7th Cir.1993).

\*2 While "[d]ue process demands a reasonably accurate and complete transcript to allow for meaningful appellate review," *Sterkaj*, 439 F.3d at 279, "a mere failure of transcription, by itself, does not rise to a due process violation," *Kheireddine*, 427 F.3d at 85. The petitioner has the burden to prove "prejudice [in order] to establish a due process violation in an immigration hearing." *Warner v. Ashcroft*, 381 F.3d 534, 539 (6th Cir.2004). A petitioner furnished with "an inaccurate or incomplete transcript" must show "that a complete and accurate transcript would have changed the outcome of the case." *Ortiz-Salas*, 992 F.2d at 106; *see also Kheireddine*, 427 F.3d at 85 (requiring a petitioner to show "specific prejudice to his ability to perfect an appeal" (quotation

omitted)); *Yeboah v. Ashcroft*, 68 F. App'x 483, 483-84 (4th Cir.2003) (same). Petitioners do not point us to a single argument that the "indiscernible" notations precluded them from advancing before the BIA or this court, nor do we find any from our review of the transcript. Because they cannot show prejudice, they cannot establish a violation of the Fifth Amendment's due process guarantee.

### III

Petitioners seek review of the BIA's decision to deny cancellation of removal. Section 306 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) deprived courts of jurisdiction to review decisions concerning cancellation of removal. 8 U.S.C. § 1252(a)(2)(B); *cf. Abu-Khaliel v. Gonzales*, 436 F.3d 627, 630-31 (6th Cir.2006). We do not have jurisdiction to review this part of the petition.<sup>FN1</sup>

FN1. Petitioners cite *Babai v. INS*, 985 F.2d 252, 255 (6th Cir.1993), to support their argument that we have jurisdiction, but IIRIRA superseded *Babai*.

Petitioners also claim that the BIA abused its discretion by refusing to administratively close the case. We agree with the petitioners that we have jurisdiction to review this claim. *See Abu-Khaliel*, 436 F.3d at 633-34 (holding that this court has "jurisdiction to review the IJ's denial of a continuance"). In *Abu-Khaliel*, we held that § 1252(a)(2)(B)(ii) "only stripped this court of jurisdiction for decisions within subchapter II ... left to the discretion of the Attorney General," leaving us with "jurisdiction to review the IJ's decision to deny a continuance for an abuse of discretion." *Id.* at 634. The decision to administratively close a case is, in this context, not distinguishable from a continuance. Following *Abu-Khaliel*, we hold that § 1252 does not strip us of jurisdiction to review the denial of an administrative closure.<sup>FN2</sup> Having jurisdiction, we review for abuse of discretion, disturbing the BIA's decision only if the refusal to administratively close the case "was made without a rational explanation, inexplicably departed from established policies, or



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--- F.3d ---, 2007 WL 1595379 (C.A.6)  
 (Cite as: --- F.3d ---)

rested on an impermissible basis such as invidious discrimination." *Id.* (quoting *Balani v. INS*, 669 F.2d 1157, 1161 (6th Cir.1982)).

Garza-Moreno v. Gonzales  
 --- F.3d ---, 2007 WL 1595379 (C.A.6)

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FN2. The government also argues that § 1252(g) deprives this court of jurisdiction to review decisions to administratively close a case. The Supreme Court has, however, read § 1252(g) narrowly. See *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999) (explaining that scheduling issues are not covered by § 1252(g)). Moreover, holding that jurisdiction to review administrative closure is barred by § 1252(g) would create an unnecessary and undesirable tension with our previous holding in *Abu-Khaliel*.

The BIA explained that it was denying administrative closure because the DHS did not agree to it. Administrative closure is "an administrative convenience [that] allows the removal of cases from the immigration judge's calendar in certain circumstances." *Lopez-Barrios*, 20 I. & N. Dec. 203, 204 (B.I.A.1990). The BIA clearly has established that administrative closure "should not be used if it is opposed by either party to the proceedings." *Id.*; see also, e.g., *Gutierrez-Lopez*, 21 I. & N. Dec. 479, 480 (B.I.A.1996) ("A case may not be administratively closed if opposed by either of the parties."). The BIA faithfully applied its own precedents in coming to a reasoned decision. Petitioners have not argued, nor do we see, any invidious discrimination. The BIA did not abuse its discretion by denying administrative closure when one of the parties opposed it.

#### IV

\*3 We dismiss for lack of jurisdiction the part of the petition requesting review of the BIA's decision not to cancel removal. We deny the other claims raised in the petition for review.

C.A.6,2007.

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VTC

Raphael v. Mukasey 7th Circuit / 533 F.3d 521 (7th Cir 2008).

No. 07-1391. Argued Nov. 2, 2007. -- July 02, 2008

Normally, at this point we would remand the case to the Board to rule on Raphael's credibility, and then based on the Board's credibility holding, to rule anew on the need for corroborative evidence. However, in this case, Raphael also argues that the hearing before the LJ violated her due process and statutory rights. Specifically, Raphael argues that the LJ violated her due process and statutory rights by holding the hearing on her petitions via video conference, as opposed to in person. Accordingly, we must now determine whether Raphael is entitled to a new hearing before the LJ.

In arguing that her due process rights were violated, Raphael first argues, in effect, that 8 C.F.R. § 1003.25(c) is facially unconstitutional. See Appellant Brief at 30 (“[T]he use of video conferencing in removal proceedings denies aliens seeking asylum a meaningful opportunity to effectively present their case. Accordingly, this court should declare that 8 C.F.R. § 1003.25(c) is unconstitutional because it infringes upon aliens' right to due process.”) Section 1003.25(c) provides:

Telephonic or video hearings. An Immigration Judge may conduct hearings through video conference to the same extent as he or she may conduct hearings in person. An Immigration Judge may also conduct a hearing through a telephone conference, but an evidentiary hearing on the merits may only be conducted through a telephone conference with the consent of the alien involved after the alien has been advised of the right to proceed in person or, where available, through a video conference, except that credible fear determinations may be reviewed by the Immigration Judge through a telephone conference without the consent of the alien.

8 C.F.R. § 1003.25(c).

Congress specifically authorized proceedings by means of a video conference. See 8 U.S.C. § 1229a(b)(2)(A)(iii). “In cases claiming due process violations in immigration proceedings, we recently have reminded petitioners that proceedings which meet the statutory and regulatory standards governing the conduct of removal hearings, as a general rule, comport with due process.” *Alimi v. Gonzales*, 489 F.3d 829, 834 (7th Cir.2007). Only where Congress has “adopted some specific rule that is open to constitutional doubt” would it “be necessary (and appropriate) to consider constitutional claims.” *Rehman v. Gonzales*,

441 F.3d 506, 508 (7th Cir.2006). Rapheal has not shown any doubt about the constitutionality of hearings via video conference. No court has ever held that Congress has violated the due process clause by authorizing removal hearings to proceed via video conference. See *Eke*, 512 F.3d at 382. In fact, the Fourth Circuit found that a video conference hearing satisfied the due process requirement set forth in *Mathews v. Eldridge*, 424 U.S. 319, 333-34, 96 S.Ct. 893, 47 L.Ed.2d 18 (1976), and provided the petitioner with an “opportunity to be heard at a meaningful time and in a meaningful manner,” even though the three-hour hearing “was plagued by communication problems.” See *Rusu v. INS*, 296 F.3d 316, 319, 324 (4th Cir.2002).<sup>3</sup> In short, Rapheal’s facial challenge to the constitutionality of video conferencing fails because Congress authorized such proceedings and those proceeding provide an adequate opportunity to be heard in a meaningful manner and at a meaningful time. See *Mathews*, 424 U.S. at 333-34, 96 S.Ct. 893.

Rapheal also challenges the use of video conferencing in her case (i.e., an as-applied challenge), claiming that the video conference proceedings prevented her from having an opportunity to be heard in a meaningful manner. Rapheal’s as-applied argument does not challenge the validity of the statutes and procedures that governed her removal proceeding. “We have remarked before on the tendency of flabby constitutional arguments to displace more focused contentions. Aliens should stick with claims based on the statutes and regulations unless they believe that one of these rules violates the Constitution or that lacunae in the rules have been filled with defective procedures.” *Rehman*, 441 F.3d at 508-9. Because Rapheal’s as-applied challenge (as opposed to her facial challenge) is not based on a claim that the rules themselves violate the Constitution, the appropriate focus is not on constitutional principles, but on the statutory procedures established for removal procedures, see *Rehman*, 441 F.3d at 509, which Rapheal also challenges.

First, Rapheal argues that the use of video conferencing violated her statutory right to legal representation. Section 1229a(b)(4)(A) defines the statutory right at issue, providing: “In proceedings under this section, under regulations of the Attorney General-(A) the alien shall have the privilege of being represented, at no expense to the Government, by counsel of the alien’s choosing who is authorized to practice in such proceedings.” 8 U.S.C. § 1229a(b)(4)(A). Rapheal claims the use of video conferencing interfered with her ability to consult with her attorney because her attorney was forced to either be with her at the distant site, or be in the courtroom where she would have superior access to evidence and the ability to confer with the court and opposing counsel. Rapheal also claims that the video conference arrangement prevented her from conferring confidentially with her attorney.

Although attorneys might not like having to choose between sitting beside their clients or before the LJ,

under either scenario the alien receives the benefit of legal representation. Moreover, there is nothing in the record in this case to indicate that the video conferencing interfered with Rapheal's attorney's representation. To the contrary, the transcript of the hearing demonstrates that Rapheal was ably represented. Rapheal counters that the video conferencing prevented her from consulting confidentially with her attorney. However, neither Rapheal nor her attorney at any time during the hearing requested to talk in private. Therefore, Rapheal cannot now complain that she was prevented from conferring confidentially with her attorney. Accordingly, under the circumstances of this case we conclude that Rapheal's statutory right to legal representation was not violated.

Rapheal also argues that the video conference prevented the government from contemporaneously transferring documents between the detention facility and the courtroom and left her without an opportunity to review the evidence against her. Again, although Rapheal presents this as both a constitutional and statutory challenge, as we have said, “[t]here is no need to invoke the Constitution when the immigration statute itself guarantees a fair hearing.” *Kadia v. Gonzales*, 501 F.3d 817, 824 (7th Cir.2007). In this case, the statutory right is found in 8 U.S.C. § 1229a(b)(4)(B), which provides that “the alien shall have a reasonable opportunity to examine the evidence against the alien, to present evidence on the alien’s own behalf, and to cross-examine witnesses presented by the Government.”

Whether a video conference allows aliens a reasonable opportunity to examine the evidence against them will depend on the circumstances. In most cases, documents can be properly examined from afar by the alien. Or those documents might not be material to the case or the IJ's decision.<sup>4</sup> In this case, however, the Record of Sworn Statement (“Immigration Report”) was material to Rapheal's case, and the IJ relied on it in finding Rapheal not credible. The Immigration Report was a summary prepared by immigration officials of what Rapheal told them during their questioning of her, and the Immigration Report contained a handwritten notation listing Rapheal's maiden name as Kocoker. Although Rapheal testified that she never heard the name Kocoker, the IJ found that Rapheal was not credible because the Immigration Report indicated that she had earlier told immigration officers that her maiden name was Kocoker. Thus, the Immigration Report proved highly relevant to Rapheal's case and the IJ's decision. Rapheal claims that given the weight the IJ placed on this handwritten notation, she should at least have had the opportunity to review the document, but was unable to do so because of her remote location. While the transcript in this case reflects references made to the Immigration Report, nowhere does it indicate that Rapheal was actually able to see the document. Moreover, the record contains only a written transcript of the proceedings, so we

have no video recording to determine whether Rapheal was shown the Immigration Report, and if so, whether she was able to adequately view the document. Under these circumstances, we must conclude that the IJ denied Rapheal her rights under 8 U.S.C. § 1229a(b)(4)(B) to a reasonable opportunity to examine evidence used against her.<sup>5</sup>

The government argues that Rapheal's due process claims (reframed above in their proper statutory form) fail because she cannot prove prejudice. To succeed on a claim that she did not receive a fair hearing, Rapheal must demonstrate prejudice. *Hussain v. Keisler*, 505 F.3d 779, 781 (7th Cir.2007). We have explained that prejudice means that the lack of a fair hearing "actually had the potential for affecting the outcome" of the proceedings. See *Kuciemba v. INS*, 92 F.3d 496, 501 (7th Cir.1996) (internal citation omitted).

In this case, although Rapheal's attorney did not object to the admission of the document, during the hearing Rapheal testified that there were mistakes on the form and that she had told the immigration officers of those mistakes and that they had promised to correct them. Yet at the hearing, Rapheal did not have an opportunity to review the Immigration Report or the handwritten notation listing her maiden name as "Kocoker" or what purported to be her signature next to the notation. Rapheal's review of the Immigration Report and her testimony after reviewing the Immigration Report has the potential for affecting the IJ's view of her

credibility and in turn the outcome of this case.<sup>6</sup> Accordingly, Rapheal is entitled to a new hearing. Of course, at the new hearing, the IJ might nonetheless find Rapheal not credible, but that will only be after Rapheal has received the statutory rights guaranteed her by Congress.

In closing, we note that because the government denied Rapheal a hearing that conformed to her statutory rights, she is entitled to a new hearing and at that new hearing there is no reason that Rapheal cannot provide any corroborating evidence she has been able to obtain. While, on appeal, her attorney claimed there was no way to obtain corroborating evidence, we have posited some possible avenues of inquiry. If none pans out, then Rapheal could at least testify about her efforts to obtain corroborating evidence. Alternatively, on remand after a new hearing, the IJ may find Rapheal credible and that there is no need for corroborative evidence or that corroborative evidence is unavailable based on additional evidence of Rapheal's attempts to locate such evidence. However, if the IJ again finds that Rapheal is not credible, without corroborative evidence she will be unable to succeed on her claims for relief. See 8 U.S.C. §

1158(b)(1)(B)(ii) (“The testimony of the applicant may be sufficient to sustain the applicant’s burden without corroboration, but only if the applicant satisfies the trier of fact that the applicant’s testimony is credible, is persuasive, and refers to specific facts sufficient to demonstrate that the applicant is a refugee.”). Finally, we note that although video conferencing is available and satisfies constitutional and statutory standards, in this case the government’s decision to hold a video conference seems strange because the government had to transport Rapheal a greater distance to participate in the video conferencing than the distance it would have had to bring her to attend the hearing live before the IJ. On remand, we encourage the IJ to consider anew Rapheal’s request for an in-person hearing, given the logistics involved in this case.<sup>7</sup>

### III.

Congress authorized the use of video conferencing for immigration hearings and, facially, this authorization comports with the requirements of due process. While Rapheal also presents an as-applied due process challenge, those claims are properly considered as challenges to the claimed denials of her statutory rights. The use of video conferencing, even though it separates attorneys from their clients, does not violate the statutory right to representation and, in this case, did not deny Rapheal her right to representation. The hearing also provided Rapheal with a reasonable opportunity to present evidence on her own behalf. However, from the record in this case, we conclude that Rapheal did not have a chance to review the Immigration Report admitted against her. Given the significance the IJ placed on the handwritten notation of “Kocoker” in the Immigration Report, remand is required to allow Rapheal to review that document and to testify following her review of the document. On remand, because Rapheal is entitled to a new hearing that comports with statutory requirements, Rapheal is free to present any corroborative evidence she has obtained. The IJ is also free to judge her credibility and the need for corroborative evidence, as consistent with the evidence presented at the new hearing. We Grant the petition for review and Remand for proceedings consistent with this opinion.

4. Of course, the government could always arrange to have a second set of documents available at the distance-site for review by the alien.

5. Rapheal also claims that the government violated her statutory right to a “reasonable opportunity to present evidence on [her] own behalf.” 8 U.S.C. § 1229a(b)(4)(B). At the video conference hearing, Rapheal presented testimony from a doctor who treated her and she testified on her own behalf. While there were some sections of the proceedings where Rapheal’s testimony was incomprehensible, it appears

the difficulty flowed from the speed of Rapheal's testimony (as the IJ and her attorney had to request several times that she slow down), rather than the video conference technology. In any event, we have reviewed the entire transcript and conclude that the video conference did not interfere with Rapheal's ability to present evidence on her own behalf.

6. The Immigration Report included Rapheal's signature on page two next to the handwritten notation stating her maiden name as "Kocoker." Rapheal's signature also appeared at the end of the Immigration Report, where she verified that her answers are "true and correct" and that the "statement is a full, true and correct record of my interrogation." The Immigration Report then states that Rapheal initialed each page of the statement and the corrections noted on pages six and seven. However, as noted above, Rapheal also initialed page two of the statement next to the addition of "Kocoker" as her maiden name.

7. On appeal, Rapheal also argues that the IJ abused its discretion in denying her an in-person hearing. We need not reach this issue, however, because we are remanding the case for a new hearing and on remand the IJ may exercise its discretion differently.

MANION, Circuit Judge.