

Human Rights Defender Project: Court Observation -Merits Hearing

Date: \_\_\_\_\_ Observer (full name): \_\_\_\_\_

GENERAL

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

3. Gender:  Male  Female  Transgender/ non-binary

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

5. Judge:  Carr  Hansen  Mazzie  Miller  Sardelli  Wood  Other: \_\_\_\_\_

6. DHS Attorney: \_\_\_\_\_  In person  Phone/Audio  Video

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

Comment: \_\_\_\_\_

8. DOCKET

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

LANGUAGE

9. Respondent's preferred language: \_\_\_\_\_

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

11. Language provided to respondent (interpreter language): \_\_\_\_\_

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

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

Multiple attempts to find  Not in preferred language Comment: \_\_\_\_\_

MERITS

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

Cancellation:  42A (LPR)  42B

Termination of proceedings

I-589:  Asylum /  WOR /  CAT

Other \_\_\_\_\_

Adjustment of status

Unsure

15. Testimony/ Witnesses- (check all that apply)

Respondent.

Family

Other Supporter

Medical

Mental Health

Country Expert

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

17. Comment about testifiers/ testimony: \_\_\_\_\_

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

Presence in country

19. Respondent's entry date/ length of time in the US: \_\_\_\_\_  Unknown

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

Background

21. What was said about conditions in home country? \_\_\_\_\_

Not discussed

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

Not discussed

**Criminal history**

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

Comments: \_\_\_\_\_  
\_\_\_\_\_

**Legal argument**

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

25. Describe the main argument of government attorney: \_\_\_\_\_  
\_\_\_\_\_

26. Describe main questioning / reasoning of Judge: \_\_\_\_\_  
\_\_\_\_\_

**Health**

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

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

Comment: \_\_\_\_\_

**CONCLUSION**

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

Comment: \_\_\_\_\_

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

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

**IMPRESSIONS:**

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

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

**Additional Notes:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_