

Instructions: Specific Case - Statement of Court Observer

Thank you for observing unaccompanied children's immigration court proceedings. Please follow these instructions as you write your statement regarding your court observations. We have provided a fillable PDF for you to include the below information. Your statement may be used by a legal service provider attorney or pro bono attorney representing a child in support of a motion on behalf of the child (e.g. Motion to Re-calendar Hearing to an In-person Hearing). Your honesty is critical, and you are signing this statement with a statement of truthfulness under the penalty of perjury (statement at the bottom of the document).

- 1. Include your **first and last name**.
- 2. In the first blank, include whether you are **a law student, an attorney, or a volunteer**. In the second blank, after "in", include your location – either **Houston, Texas** or **Atlanta, Georgia**. In the third blank, after "on", include the **month and day** you observed court.
- 3. Include the **time you started observing** to the **time you stopped observing** this particular judge's docket in immigration court.
- 4. Please include in the blank, the child's initials, and the last 3 digits of the child's A#. In your own words, please include descriptions of your observations of court.

Tips for drafting this section: Consider the following and include information if relevant.

- Describe the set-up of the room. Who was in the room where you were located? Where was the TV set up? What did the TV show? Could you tell where the camera was located or what it was showing to those in the other court room?
- Typically, immigration dockets have set start-times. If court was delayed for any reason, include the time court was set to start and the time it actually started. If court was delayed, explain what caused the delay.
- Were there any technological difficulties with the use of video teleconference? If any, please detail those issues.

- Were there any issues with interpretation? Consider the following: Did the judge ask the child what her best language was? Was there an interpreter available for the child? Was the interpreter via phone or in person? Was the interpreter in the location where the child was or where the judge was located? Did you have any issues hearing the interpreter? Did the child express any issues hearing or understanding the interpreter? Did the interpreter start interpreting as soon as the judge was on the record for each case? Did the interpreter interpret the full hearing on the record or only a portion?
- Did the immigration judge ask the child if she understood the process?
- Did the child ask the immigration judge any questions?
- Could you describe the immigration judge's demeanor during the child's hearing?
- Did the judge use child-friendly language?
- Could you describe the pace of the proceedings?
- In which direction were the children looking during proceedings? (i.e., at the judge on the TV or somewhere else?)
- How did the child react in court? Could you see the child's faces? What did you observe?
- Could you tell by the child's expressions or what she said verbally, whether anything was unclear or confusing during court? If so, please describe.
- Could you tell by the child's expressions or what she said verbally, whether the child was upset during court? If so, please describe.
- Did you have any reason to believe that the child was overwhelmed or affected by trauma?
- Did the child have an attorney representing her interests? (Attorney on her behalf rather than the legal service provider attorney acting as Friend of Court)?
- In the proceedings you observed, did either counsel for the child or the government attorney file written documents with the court during proceedings? If so, was it clear how the judge would receive this information?

- Did the child have a copy of the charging document in her case: the Notice to Appear (NTA)?
 - If no, did the judge ask the government attorney to serve the child or her counsel with the NTA?
- Did the government attorney introduce Form I-213, *Record of Deportable/Inadmissible Alien* into the record?
 - Did the judge receive this document?
 - If yes, how did the judge receive the document?
 - Did the judge read the I-213 during court?
 - Did the child have a chance to review the document?
- Were there any other issues with the proceeding that seemed odd, surprising, confusing, or otherwise noteworthy to you?
- Were there any other issues that could have been confusing to a child respondent?
- Could you tell if anything seemed confusing to the child?
- Statement of Truthfulness: Below the statement of truthfulness, include the **date**, **your signature**, and **printed name**.
- Don't forget to **sign your statement** in the space for your signature.

