



Immigration Court Observation Program Model

In the Spring of 2020, the Executive Office for Immigration Review (EOIR) began a pilot program in Houston, Texas for detained unaccompanied children's cases to be heard via video teleconference (VTC) on a "rocket docket". The pilot program started pre-COVID-19. Unaccompanied children were present in immigration court in Houston, Texas, and the immigration judge was present in Atlanta, Georgia. Organizations including the American Bar Association (ABA) [spoke out against the program](#).

Advocates organized groups to observe immigration court to document how the program went and any challenges. One way the ABA's Children's

Immigration Law Academy (CILA) supported practitioners during that time was by helping facilitate a court observation program. In the Spring of 2020, the EOIR pilot program ended not too long after it started, and with COVID-19, immigration courts began closing. As a result, the court observation program was not in existence for very long. Despite the short duration, the model that was set up seemed solid and provided an interesting approach, so CILA shares this past program as a creative model to provide one option and some ideas for a volunteer-based court observation program. It should also be said that this model was born out of collective advocacy and creativity amongst many advocates and organizations. CILA played its part to help create and facilitate the program as a capacity-building organization.

What Were the Goals Behind the Program?

Immigration practitioners and advocates had grave concerns about due process and other fairness issues for the children with cases on these dockets. Additionally, at the time, it was said that the pilot program could be expanded to include other cities where migrant children are detained, so an observer program was instituted to document the proceedings. Court observation programs bring opportunities for accountability, more transparency, and public awareness, and these were all goals involved in this program. Since a new pilot program was underway, court observation also provided an opportunity to learn about the program including the pace of the "rocket docket."

While there is value in additional accountability alone, many advocates wanted to go a step further and hoped to put the volunteers' court observations to use in their cases. Many legal service providers working with children and youth in immigration court intended to submit a motion to the court to seek an in-person hearing or to file written objections to the use of VTC in children's cases. Statements from court observers regarding what they saw in court could be helpful to attach to those written motions and objections.

The Blueprint: How Was the Program Set Up?

Volunteer Recruitment: CILA came into this effort to support advocates who were already gathering to observe court, so in this instance CILA did not need to recruit volunteers because there were already individuals available and working on that effort. Law students, attorneys, and

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concerned citizens participated in court observation efforts in both Houston and in Atlanta. Organizers maintained shared spreadsheets to help balance observation days.

Data Collection: CILA created a webpage¹ on CILA's website to provide information for court observers. A screenshot of part of the webpage is shown below. The webpage hosted key documents for court observers and a place to upload documents after they observed court.



Volunteer Resources & Instructions: CILA provided several documents on our webpage for volunteers including instructions and an observation notes sheet to help those who were not familiar with immigration court, so that they could still effectively observe court and take notes regarding what they observed. We provide a link to access these documents on the next page to assist you and to serve as examples. CILA provided the following documents:

1. *Instructions: Detained Unaccompanied Children – VTC Court Observation:* The instructions sheet provided a lot of helpful information including explaining the context of the court observation program, general information about detained unaccompanied children's dockets, the purpose of court observation, issues to look for during observation, and key terms that may be heard in immigration court.
2. *Notes Sheets: Detained Unaccompanied Children – VTC Court Observation:* CILA provided notes sheets that volunteers could print in advance of observing court, so that they could fill in information that would be helpful to track. The notes sheet provided areas to draw or mark where everyone was seated in immigration court and to include notes regarding group hearings and individual hearings.
3. *Helpful Descriptors for Observing and Creating a Record: VTC "Rocket Docket" for Children in ORR Custody:* This resource was originally designed for advocates at legal service providers, but it also provides helpful information for court observers to remind them to observe youth's body language and issues that can arise during VTC hearings.
4. *Instructions: General – Statement of Court Observer:* Fillable PDF with instructions and a template for a statement regarding observations regarding what the volunteer observed in court on a particular day.

¹ The webpage has since been taken down because the program is not active.



5. *Instructions: Specific Case – Statement of Court Observer:* Fillable PDF with instructions and a template for a statement regarding a particular case that the volunteer observed.

Facilitation: Following court, volunteers were asked to upload court observation notes and a general statement detailing what they observed that day in immigration court to CILA's webpage. Volunteers could also upload an individual statement(s) regarding a particular case(s) they observed.

Legal service providers could contact CILA regarding a particular date that they were in court with a child client and ask whether there were any statements from court observers that related, and CILA could provide that information, if applicable.

What Made this Court Observation Model Unique?

This particular court observation model was unique in that CILA worked to connect the volunteer court observer's findings and observations to have a real-life impact on a particular case. The benefits extended beyond learning about the system generally or on a macro level. Many court observation programs may end in a summary report, or with a better understanding of the rhythms of a particular court or judge, or with volunteer statements providing anecdotes of their experience—all valuable end results. Yet this program had the potential to do that in addition to helping individual children's cases. The setup provided a greater potential benefit and impact.

How Can this Model be Replicated?

- (1) **Determine project goals and needs for the court observation program.** What end results are you hoping for?
- (2) **Build-out a webpage to host information for court observer volunteers and include a link where documents can be downloaded.** For example, CILA included the webpage on our organization's website. CILA created a survey using Qualtrics for volunteers to include their first and last name and to download their documents.
- (3) **Determine your internal filing system for how you will save incoming documents from volunteer court observers.** For example, you can save information based on the date court was observed with sub-folders per volunteer.
- (4) **Create documents that you can give to court observer volunteers. Include these on the webpage you created.** CILA created several documents detailed above and included in the [link](#) provided here as examples. Determine what documents you need such as an instructions sheet and a court observation note sheet. For instance, depending on the experience level of the volunteers involved, it may be necessary to provide a terms sheet or basics of what to expect. Alternatively, a recorded video training may assist volunteers get acquainted with the court observation program and what to expect.
- (5) **Ensure all parties involved know the system that is being used in the court observation program, so it can work effectively.**



Additional Considerations When Setting Up a Court Observation Program

- During COVID-19, there are additional considerations including court access, health risks, organizational policies, any potential liability concerns, etc. when deciding whether and how to create a court observation program.
- Determine the audience for court observation volunteers. What type of experience, language skills, or background do they need, if any?
- Determine the volunteer training process and plan.
- Research the court's schedule relating to the court program that you want to observe and create a schedule for sign-ups.
- Know that court schedules and openings often change. Plan for how this will impact volunteer schedules. Additionally, it is important to properly set volunteer expectations regarding this aspect of the volunteer opportunity.
- Consider what information you want the volunteer court observer(s) to provide.
- How do you want to receive information from the volunteer court observer(s)?
- How will information obtained from their court observation be used?
- There are many court observation projects, and they exist in numerous contexts. Consider researching different programs before designing the right program for your organization.

Conclusion

CILA hopes this feature on our past immigration court observation program sparks some ideas for pro bono and volunteer programs that either already have or hope to begin a court observation program.

If your organization has a creative model for pro bono engagement or ideas and resources to support and train pro bono attorneys, contact cila@abacila.org to share your experience. Check out CILA's [webpage](#) on Creative Pro Bono Models for more ideas for pro bono programs.

