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Language and Detainment in the Laredo Immigration Court

LatinoJustice PRLDEF

LAREDO IMMIGRANT ALLIANCE

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INTRODUCTION

In March 2022, Congressman Henry Cuellar (TX-28) announced that he had secured $760,000,000 for 100 new Immigration Judges in the FY2022 appropriations bill to help expedite backlogged immigration cases in Laredo and the Southwest border with Mexico[1]. As of 2023, there were more than 2 million cases pending in the U.S. Immigration Courts, creating a substantial backlog for the Executive Office of Immigration Review (EOIR)[2]. Prior to Congressman Cuellar's announcement, the agency issued a memo on February 25, 2022, on its intention to expand its court system to Laredo, Texas, to more adequately handle their caseload nationwide. According to the memo, the opening of the Laredo Immigration Court was meant to address the backlog in high-volume areas[3].

Laredo is considered a high-volume sector as three ICE detention centers operate in the vicinity. The Laredo Processing Center (CoreCivic) has a capacity of 404; the Webb County Detention Center (CoreCivic) has a capacity of 499; and the Rio Grande Detention Center (GEO Group), which shares custody with the U.S. Marshals, has a capacity of 1,900. Laredo Immigration Court has a unique function in operating as a decompression zone for the San Antonio and Harlingen Immigration Courts to reduce the backlog these courts face.

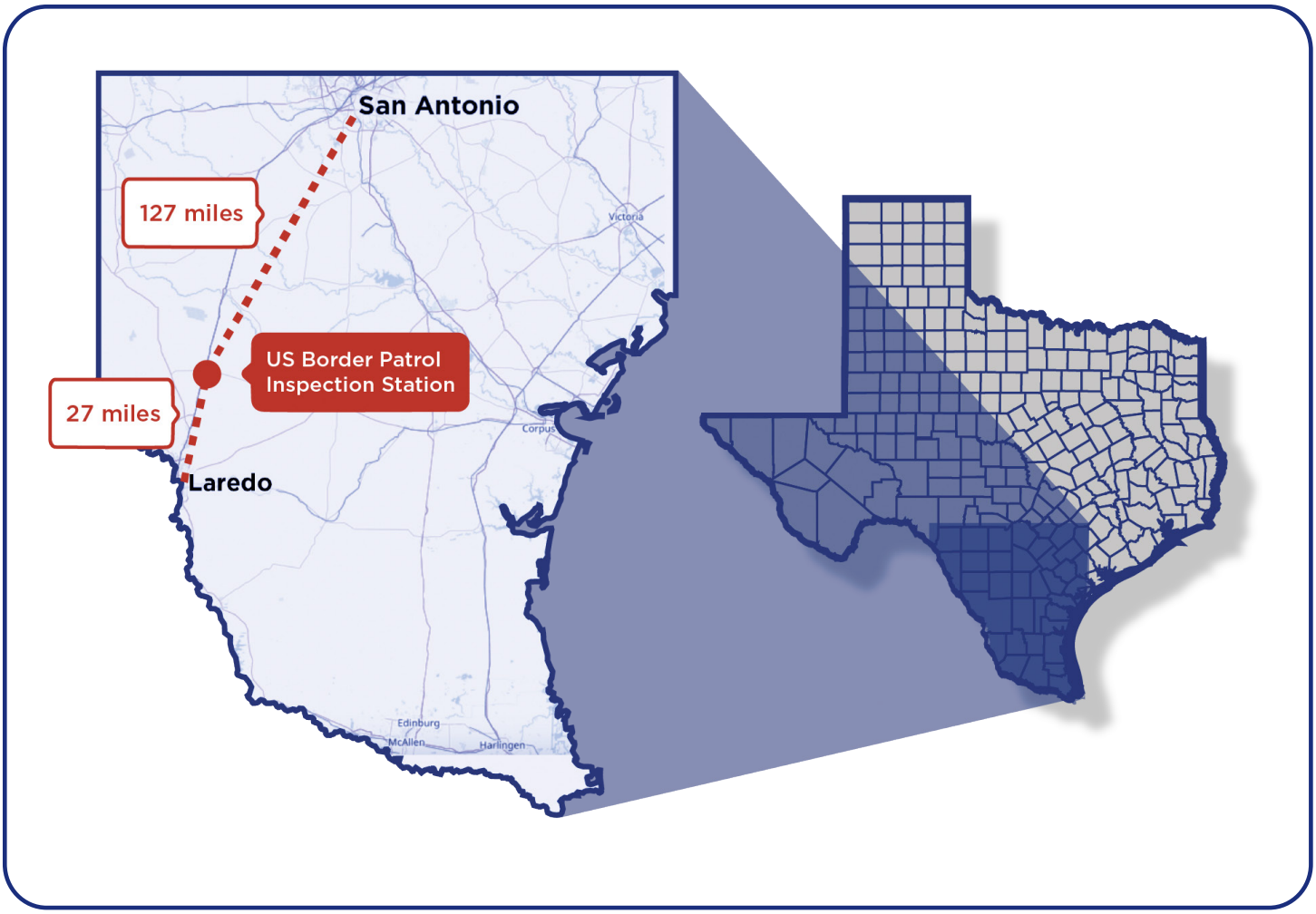
The limited court capacity in this region presented challenges to non-detained individuals who had pending hearings in either the San Antonio or Harlingen Immigration Courts. As shown in the map (right), anyone in Laredo who had to appear in Immigration Court had to travel over 150 miles through a border patrol checkpoint to attend hearings in San Antonio. This created a vacuum for the community, as undocumented individuals could not travel with their loved ones to attend court without the risk of detention and possible deportation. This also prevented the community from developing communal knowledge on the court system, its processes, and the judges.

The presence of an Immigration Court in Laredo meant this physical barrier was eliminated. However, EOIR did not account for the lack of legal service providers and resources available in the community. The opening of the court has created another gap: as immigration cases increase, there are not enough service providers to either take cases or provide legal advice to respondents. The opening of the courts brought on more unknowns to this community as some of the Immigration Judges had no previous record, and there was no way to know how they would rule in their respective cases.

1 "Rep. Cuellar Secures 100 New Immigration Judges to Reduce Court Backlog; 8 Judges will Preside at the New Laredo Immigration Court," Press Release, March 22, 2022, https://cuellar.house.gov/news/documentsingle.aspx?DocumentID=407000.

2 The Executive Office for Immigration Review is the agency responsible for adjudicating immigration cases.

3 Executive Office of Immigration Review, "EOIR to Open Hyattsville and Laredo Immigration Courts," February 22, 2022, https://www.justice.gov/media/1224031/dl?inline.



The map included in this document is from www.openstreetmap.org. The data is made available under ODbL

Laredo is a resource-scarce community with a limited number of pro bono service providers and immigration attorneys who have experience representing asylum seekers[4]. Given this background and lack of meaningful notice to the Laredo community about the operations and purpose of the new immigration court, LatinoJustice PRLDEF and Laredo Immigrant Alliance developed a court observation program for public Master Calendar Hearings (MCHs) and bond hearings. The goal of the Laredo Court Watch (LCW) was to assess how the new immigration court system, including individual judges, were treating and interacting with community members and respondents alike.

The LCW conducted 347 unique and separate observations from January through July 2023. Those observations repeatedly evidenced how limited access to resources, especially for those in detention, directly led to negative consequences for asylum seekers. Some detained asylum seekers could not complete their asylum application in English due to language barriers, and thus were ordered removed based on their failure to complete their application. In June 2023, the Department of Justice issued a memo acknowledging that a respondent may need to utilize services to assist them in completing their application and asserted that Immigration Judges (IJ) "must use the powers at their disposal to facilitate access to such services."[5] Most of the observations in this report were conducted before that memo was issued, and we have yet to see an IJ use their discretion to assist in providing access to these services. Some respondents who did not speak English had to wait more than two hours or have their hearings rescheduled entirely due to the court's inability to connect with a credentialed interpreter. In one disturbing instance, the court asked one of the LCW volunteers to provide interpretation for respondents.

What we documented in the observations was alarming. Had these respondents had better access to resources, interpretation, translation, and better information on how to defend themselves against the charges, they would likely have had better outcomes. We will begin with explaining the methodology and then describe the findings and discrepancies in outcomes as they relate to individuals who were detained, or non-detained, represented, or pro se, and those who received interpretation services or not.

4 An asylum seeker is someone who has left their home country after facing persecution and seeking refuge and safety in another. A respondent is a person in immigration proceedings, and not all immigrants in proceedings are seeking asylum.

5 Department of Justice, "Language Access in Immigration Court", June 6, 2023, https://www.justice.gov/eoir/book/file/1586686/download.

METHODOLOGY

The LCW project began with an initial pilot in which observers conducted 48 observations between November and December 2022. Although this pilot observation data is not included within this report, its preliminary findings influenced how we proceeded and prioritized future observations.

In January 2023, the LCW began its work, with in-person and virtual observations. Those who attended the court in person were given a printed version of the court watch form, and virtual volunteers were directed to complete a Google Form. From January 2023 through September 2023, the LCW completed 374 observations with a total of 20 volunteers.

Volunteers were required to complete a one-hour training course where project managers reviewed the court watch form and other necessary information regarding their observations. Volunteers were trained on how to observe a detained vs. non-detained docket, issues to consider regarding virtual court such as finding interpreters and continuous interpretation, and administrative issues the respondent might be having with their Notice to Appear (NTA), ability to find an attorney, or completing their asylum application.

The court watch form included questions regarding the observer, the court, the respondent's demographics, language accessibility, and outcomes. The key questions and data points utilized for this report were: the differences in outcomes for individuals who were detained and non-detained, those who had representation vs. pro se, and how interpretation was provided for non-English speakers. We found these data points to be most fruitful in understanding the dynamics of immigration court and how respondents were being impacted by the lack of resources by the court, the immigration system, and pro bono service providers.

Laredo Court Dockets

At the time, the Laredo Immigration Court divided the detained and non-detained docket into two alternating days of the week. Mondays and Wednesdays are normally dedicated to the non-detained docket and Tuesdays and Thursdays are normally dedicated to the detained docket, which consists of detained respondents from the Laredo Processing Center, Webb County Detention Center, and Rio Grande Detention Center. However, it should be noted that IJs can reset hearings from either docket to a day of the week that does not correspond to the assigned docket.

Given this practice, project managers had the ability to observe and assign observations for either docket at any given time. Equal consideration was given to both dockets to ensure consistency. However, different factors also had to be considered when assigning observations, such as:

1. Availability of volunteers to conduct observations.
2. The time hearings were held.
3. If IJs had open hearings or closed hearings on assigned days.
4. If IJs asked observers to step out of the courtroom.

Representation & Outcomes

Of the 347 observations completed between January 2023 and July 2023, 50.7% of respondents (152) had legal representation. Of those who had representation, the vast majority of individuals (106) had remote representation, with only 30% having in-person access to counsel.

Because immigration proceedings are civil proceedings, the United States does not guarantee people the right to counsel

in immigration proceedings. Although an attorney's presence in the courtroom is not required, it is a crucial aspect of ensuring that respondents understand their case and can ask questions of those representing them. This is important because as noted previously, the court's dynamics are unknown to the population. These opaque dynamics, coupled with the court's quiet opening, has prevented the community from accumulating knowledge about the immigration court's functioning. This does not lend itself to an open environment where individuals can learn and gain a better understanding of what happens in these spaces. These factors prevent respondents from being proactive participants in their defense, either with their attorney or pro se, and by consequence, their outcomes.
The correlation between having legal representation and experiencing positive outcomes is also seen with respect to negative outcomes. Of all the observed hearings, there were 23 Orders of Removal, and 56% of them (13) came from the detained docket who did not have an attorney. Twenty-six percent (6) were detained and did have representation. For those without attorneys, especially those in detention, it is exponentially harder to work on their cases with limited access to resources on filling out an asylum application, resources on pro se defense, or even regular access to their loved ones who can assist in preparing the respondent for their hearing or their application. The lack of resources leads to a large disparity in outcomes, where those who cannot afford an attorney or find pro bono counsel, are more than likely to have adverse outcomes.

The following chart has a breakdown of how representation contributed to the outcomes mentioned above:

These outcomes demonstrate a clear difference between those who have legal representation and are either detained or not detained. Those who are represented and non-detained accounted for 32% (113) of hearings observed, while those represented and in detention accounted for 15.2% (53) of hearings observed. Of those non-detained and represented, the vast majority (81.4%) of cases continued onto merits or were granted continuances to have more time to adequately prepare for their cases.

Outcome	Not Detained/ Not Represented	Not Detained/ Represented	Detained/ Not Represented	Detained/ Represented	All
Bond	0	0	0	2	2
Continuance (Reset)	32	81	87	35	235
Continue to Merits	2	11	15	10	38
Dismissal/ Termination	2	14	1	0	17
Order of Removal (OOR)	3	1	13	6	23
Voluntary Departure (VD)	0	1	5	0	6
Other	1	0	0	0	1
Unknown	1	5	1	0	7
All	41	113	122	53	329

In the table below we captured 329 outcomes from the 349 hearings volunteers observed. Some of the most stark outcomes are the disproportion between Dismissal, Order of Removal and Voluntary Departures between Non-Detainted and Detained Hearings. from the Non-Detained docket, and all but two respondents had representation. Comparatively, respondents in the Detained docket are subject to expedited removals, meaning their time in between hearings is significantly reduced. This meant that detained individuals had less time to seek legal counsel or information on how to prepare for their hearing. **Non-detained respondents were 2.5 times more likely to secure legal representation, while detained respondents were 4 times more likely to be unrepresented.**

Below are some of the observed barriers that detained respondents have experienced:

1. There are only two organizations on EOIR's "List of Pro Bono Legal Service Providers" for the Laredo Immigration Court, RAICES and Jones Day, that detained respondents can call. These organizations are often at or above capacity.[7]
2. A detained individual has limited access to phone and internet usage.
3. Detained respondents do not have the liberty to seek legal representation as freely as non-detained respondents, meaning they are cut off from their community.
4. Detained respondents have access to a law library within detention centers; however this information is in the English language and ICE provides limited material for Limited English Proficient (LEP) respondents.
5. All applications and supporting documents must be submitted in the English language.
6. Detained respondents need alternate methods to translate their applications and supporting documents.
7. Detained respondents will experience

Outcome	Not Detained/ Not Represented	Not Detained/ Represented	Detained/ Not Represented	Detained/ Represented	All
Dismissal/ Termination[6]	2	14	1	0	17
Order of Removal (OOR)	3	1	13	6	23
Voluntary Departure (VD)	0	1	5	0	6
All	5	16	19	6	46

6 The grounds in which a respondent is allowed to seek a dismissal includes: (1) is a national of the U.S.; (2) is not deportable or inadmissible; (3) is deceased; (4) is not in the U.S.; (5) failed to file a timely petition but the failure was excused; (6) the NTA was improvidently issued; or (7) circumstances in the case have changed. American Bar Association, "Terminations v. Dismissal in Removal Proceedings", https://ci-lacademy.org/2022/08/16/termination-v-dismissal-in-removal-proceedings/#:~:text=A%20motion%20to%20dismiss%20is,to%20end%20their%20removal%20proceedings.

7 Department of Justice, "List of Pro Bono Legal Service Providers", October 2023, https://www.justice.gov/eoir/file/ProBonoTX/download.

barriers to applying for relief due to their documents and application needing to be submitted in English, de facto requiring them to be fluent in English.

8. ICE detention creates a vacuum for detained respondents, and makes it difficult to seek legal knowledge or assistance on how to defend themselves, even as a pro se respondent.
9. Together, these factors significantly lower the likelihood of a detained respondent's chances of receiving a dismissal.

In addition to these barriers that already strain a detained respondent's ability to access an attorney, information, translation services, and other support, every detained respondent's hearing that we observed was virtual from the detention center. Detained respondents would be taken to what appears to be the in-detention courtroom where they would use WebEx to connect to the Laredo Immigration Court and their attorney, if they had one. This process of having detained individuals removed from the actual court itself serves to dehumanize them and their case as the judge never physically sees an individual and relies on grainy footage to determine a detained respondent's credibility. Informal interviews with local pro bono counsel also indicated that they regularly had trouble contacting their detained clients. Attorneys described the inconsistency with video conferencing tools and the inability to communicate with their client for more than two weeks because of issues with the video conferencing technology. The technological issues, coupled with communication issues, with detained clients immediately before and after a hearing prevented respondents from fully advocating for themselves and understanding the charges they faced.

There was a higher likelihood that a detained respondent would request a Voluntary Departure (VD) to avoid prolonged detention rather than seek a dismissal. As shown above, the IJs granted six Voluntary Departure requests, five of those were detained individuals who did not have representation. Of the 17 dismissals issued, only one was for a detained respondent who did not have legal representation.

In two observed instances, the detained respondent requested a Voluntary Departure but the IJ recommended a continuance so they could reconsider their request for a Voluntary Departure. However, despite the possibility of qualifying for some relief, this meant that the respondent would remain in ICE detention, which was not what the respondent wanted. Ultimately this highlights the barriers imposed by ICE and how the right to counsel is virtually nonexistent for detained respondents. This is nowhere more apparent than in the rate of Order of Removals (ORs) between both dockets.

The Non-Detained docket only had four ORs, with only one OR for a respondent that had legal representation, whereas the Detained docket had 19 ORs. Out of the 19 detained respondents ordered removed, 13 did not have representation while six did. This means that detained respondents, despite legal representation, are five times more likely to be ordered removed. In these cases, it is clear that these individuals were unable to defend themselves in court, thereby leaving them with limited options of allowing the court to officially order them removed, or request a voluntary departure. Those who request voluntary departure are not barred from reentering the country in the future, giving them an opportunity to return and have more time to find representation. However, those who are ordered removed face a 10-year re-entry ban.

Outcomes with No Decision

The following outcomes (right) came from the 275 observations from either Bonds hearing, continuances, and continue to merits. These types of outcomes comprised 79% of all observations hearings. In these instances, respondents did not receive a decision from an IJ immediately, and either were scheduled to have their final hearing for determination or were issued a continuance, meaning the hearing was rescheduled for another day. The only hearings that did have an outcome were the bond hearings for two detained respondents. However, these hearings apply strictly to

Outcome	Not Detained/ Not Represented	Not Detained/ Represented	Detained/ Not Represented	Detained/ Represented	All
Bond	0	0	0	2	2
Continuance (Reset)	32	81	87	35	235
Continue to Merits	2	11	15	10	38
All	34	92	102	47	275

detained respondents who apply to be released from ICE detention via a bond. If granted a bond, once paid and released, individuals must still present themselves for removal proceedings at an immigration court at a later date.

Bond prices set by IJs ranged from $3,500-$15,000. While ICE can also set a bond for a detained respondent or deem someone ineligible for a bond, the detained respondent still has the ability to request a bond with an IJ. In two of the observed hearings, respondents were issued a bond by the IJ. However, it should be noted that for a respondent to be released from ICE custody after a bond has been set, the bond must be paid in full in order to process their release. A Continuance, often referred to as a Master Reset, was the most frequent outcome from all observed hearings, both from the non-detained and detained dockets. From the observed hearings these were some reasons a hearing was reset:

1. If a respondent is pro se, the IJ could reset the hearing to give the respondent the opportunity to find legal representation before moving into pleadings.
2. If a Notice To Appear (NTA) was not received or given to the respondent, but the respondent was still scheduled for a hearing. These types of issues only arose for detained respondents who stated they did not receive an NTA, were not sure if they did, or did not possess one at the moment of their hearing.
3. If the NTA was missing critical information such as name, time, date or location of hearing, then the IJ can reset the hearing to give the "Government[8]" the opportunity to cure the defects of the NTA.
    a. There were 21 mentions of NTA issues mentioned by our volunteers.
    b. There were four mentions of Fernandes Objections[9].
4. If a language interpreter cannot be confirmed on the assigned hearing date, the IJ can reset the hearing and make an order to request a language interpreter for the next hearing.
5. If a representing attorney is not present during the hearing or if the representing attorney files a motion to withdraw, the IJ can reset the hearing for another day. There were two instances of a representing attorney filing to withdraw, and one instance where the representing attorney was not present.
6. If a change of venue was submitted to the court or was requested during the hearing. There were three instances where a change of venue was granted.

Continue to Merits, often referred to as an Individual Hearing or Final Hearing, was the second most frequent outcome. A Merits Hearing is set when pleadings occur and when an application for relief has been submitted, and the IJ will either deny or approve the form of relief the respondent has applied for during that hearing. Since these are closed hearings, we were unable to conduct observations and collect data. Thus we cannot report on IJs denial and approval rates.

A preliminary determination can be observed given the presented data. The majority of all observed hearings had no final resolution and continued onto a different date without a final hearing set. Reviewing Bond hearings and Continuances alone, these made up 68% of all hearings. Comparatively, the Detained and Non-Detained dockets had equal amounts of Continuances; however, the only notable difference was that detained respondents

8 The "government" is the prosecuting agency, which in immigration proceedings is DHS.
9 Fernandes established a timely challenge to a defective Notice to Appear. Jeffrey S. Chase, "Deciphering Matter of Fernandes," December 5, 2022, https://www.jeffreyschase.com/blog/2022/12/5/deciphering-matter-of-fernandes.

were two times more likely to be scheduled for a final hearing, which, as previously shown, leads to higher rates of ORs. Therefore, the Court is struggling to make effective progress towards the case backlog due to the lack of substantial resources in the Laredo community and in the Court.

Language

There were a total of eight requested languages indicated throughout the 347 observations, including: Spanish (295), English (24), Russian (10), Haitian Creole (6), Uzbek (2), Tamil (1), Romanian (1), and eight unknown. For those respondents who did not speak English or did not have a bilingual attorney, they faced other challenges in communicating with their attorneys. For one Romanian respondent, their representing attorney had to ask the court if they could use the phone interpreter for an attorney-client conversation after the hearing because the attorney was having difficulty finding an interpreter to speak with their client outside of court.

In 91% (316) of the hearings, the judge proactively asked what the respondents' preferred language was. Out of the 316, 85% (295) had a preferred language of Spanish; one was Uzbek; one was Russian; and one was unknown. However, there were a total of 21 (6%) instances where the respondent had to proactively advocate for themselves by stating their own preferred language. Out of that 6% (21), 57% (12) of the respondents did not have an attorney. Given the culture of Laredo, a transnational border community, some of the judges and court staff are bilingual in Spanish and English, which makes the courts more accessible to Spanish-speaking respondents. However, for those who do not speak either Spanish or English, it becomes even more difficult for respondents to meaningfully participate, given the limited interpretation that occurs in the courtroom and the consistent issues the court faces with accessing certified interpreters.

While it was not a common practice, in 15 instances, the immigration judge or the court summarily assumed that the respondent spoke Spanish and did not proactively ask for their preferred language. While it is possible the

Preferred Language	Number of Respondents	Percentage of Total Observed Hearings
Spanish	295	85%
English	24	6.9%
Russian	10	2.8%
Haitian Creole	6	1.7%
Uzbek	2	0.6%
Tamil	1	0.3%
Romanian	1	0.3%
Unknown	8	2.3%
All	347	

preferred language was already documented on the respondents' paperwork, the practice of not affirmatively asking poses future challenges for individuals who may come from Latin American countries, where they are assumed to speak Spanish, even if their primary language is an indigenous one.

Of those instances where the means of interpretation was indicated by the volunteer on the court watch form, a total of 304 (87%) of the observed interpretation occurred via the court interpreter. Webex was utilized a total of 12 times to provide interpretation, and 11 of those instances were in Spanish. Phone interpretation was utilized in 25 instances as follows: Spanish (9), Russian (7), Haitian Creole (5), Uzbek (2), Tamil (1), and Romanian (1). Of the remaining three instances where Russian was the preferred language, the method of interpretation is unknown for two while in one instance, the attorney waived interpretation altogether.

In six instances, interpretation was waived by attorneys, and in at least two instances, the immigration judge asked if the attorney would waive the need for interpretation as it would prolong the court proceedings. Of those six instances wherein the attorney waived interpretation, one respondent spoke Haitian Creole, one is the aforementioned Russian respondent, and the remaining four were Spanish-speaking respondents.

For those who spoke non-English and non-Spanish languages, the court often chose to delay their hearings or order a continuance to allow the court more time to find an interpreter. Meanwhile, those who spoke Spanish rarely, if ever, had their hearings delayed because the court interpreter was usually physically present in court. In one observation, a volunteer noted that the court waited over 40 minutes to get a Haitian Creole interpreter. In another observation of a Russian respondent, the IJ went through two interpreters and lost the connection to both before having to call in a third time to the language line. Even Spanish-speaking respondents faced some difficulties in the court with inadequate interpretation. In one instance, the in-person court assigned interpreter arrived late and did not interpret the entire proceeding, and in another, the immigration judge asked if one of the LCW volunteers could interpret in Spanish for the court because the court assigned interpreter was not present. Even when the in-person court interpreter was present, bilingual volunteers noted that they made multiple errors in interpreting crucial aspects of the respondents' cases, including how their prior criminal charges would be used in consideration for their case. In another hearing, the court interpreter did not interpret these concerns at all to the respondent.

Method of Interpretation	Total per Method	Predominant Language Of Preference
In-Person`	304	Spanish
WebEx	12	Spanish
Phone Dial-In	25	Spanish/Russian
Total	341	

Out of 307 observations, 45% (134) of the hearings observed did not interpret the entire proceedings to the respondent. In those instances, the only things that were interpreted were questions that were directly posed to the respondent or the outcome, but no conversations between the DHS attorney and the Immigration Judge or the Immigration Judge with their representing attorney were interpreted for the respondent[10]. Approximately 90% of those hearings where interpretation was not simultaneous was when the respondents' preferred language was Spanish. Additionally, of the six cases where Haitian Creole was the preferred language, four of the hearings did not feature simultaneous interpretation. The one Romanian respondent did not receive simultaneous interpretation; one of the two of the respondents who spoke Uzbek did not receive simultaneous interpretation; and two of the nine Russians did not receive simultaneous interpretation.

The consequences of not having simultaneous interpretation are dire for individuals. Individuals who do not receive simultaneous interpretation are at a disadvantage in comparison to their peers who either speak English or do receive simultaneous interpretation. Individuals without it do not know what is being said or argued against them, thereby leaving them unable to adequately prepare for future hearings. Even in instances where respondents have an attorney, they must rely on their attorney to explain what occurred which limits the potential for them to advocate for themselves and be proactive in their defense and case.

Recommendations

The current issues respondents face in the courtroom are not a reflection of the IJs or the respondents. The Laredo Immigration Court was opened with an underlying lack of legal resources, which by design, led to a larger number of deportations due to lack of guidance from credible fear interviews (CFIs) to actual representation in court. Our time conducting observations and in dialogue with the IJs and court administrators has confirmed this. Since the court's opening, the backlog continues because there is still a great need for legal resources and legal service providers. Until these needs are met, there will continue to be backlogs in the court and more respondents will be deported without being given the opportunity to meaningfully seek asylum or another form of humanitarian protection. Given what we have observed and laid out in this report, we will break down our recommendations to the government, legal service providers, and the local community. We believe that this three-pronged approach is necessary to provide immigrants with the relief and protection they need while still maintaining the integrity of the immigration system.

The Federal Government:

1. Through interactions with the Laredo Immigration Court, the LCW has seen notable changes to the number of available IJs to oversee removal proceedings. This alone presented a unique barrier for the Court's effectiveness to manage the case load it currently handles. As of January 2024 the Court currently has four IJs staffed, although the Court was originally designed to house eight IJs. The Court, during the year of observations, operated between 5-7 IJs at a given time. Some of the first-year IJs were shadowing other senior IJs, and in other instances, some IJs were relocated to other courts across the country. The opening of this Court was meant to address the backlog faced in immigration proceedings. If the Department of Justice wants to meaningfully address the backlog, they will ensure that a consistent number of IJs are available to ensure due process.
2. A 2023 memo by the Department of Justice required noncitizens with limited English proficiency "always be

10 Partial interpretation is standard in immigration court. This is in contrast to criminal proceedings which require competent and continuous interpretation because a defendant in a criminal proceeding has more constitutional protections than a respondent in civil immigration proceedings.

provided with in-court interpretation, and with reasonable access to out-of-court translation services where needed"[11]. As such, we recommend a re-training of judges to ensure that they are following the directives of DOJ in affirmatively asking a respondent for their preferred language at the start of every hearing, and confirming it at the beginning of every subsequent hearing as indicated in the memo.

   a. The government should consider partnering with local organizations and legal service providers in conducting asylum application clinics to ensure that detained individuals have a fair opportunity to submit their asylum application.

   b. The courts should schedule interpreters for all non-English proficient respondents, and have them continuously interpret everything that is happening in proceedings to ensure that respondents are aware of all the nuances of their case, what is occurring, and be proactive in their own defense.

3. In order to increase transparency and build community trust, the Laredo Immigration Court should publish bi-annual reports on how many cases they have successfully been able to adjudicate, outcomes, reasons for negative outcomes, and status of language accessibility. This will ensure that their original goal of addressing the backlog continues to be met. If it cannot regularly publish reports, then it should have a viable and timely option to request records from the court that contain such information while maintaining the privacy and agency of all respondents.
4. All immigration courts and Immigration Judges should be regularly audited to ensure that they are abiding by the regulations set forth by the Department of Justice and EOIR. Given the volatility of immigration policies, there should be continued efforts to educate the judiciary on new policies, cultural competencies, and language access.
5. Unaccompanied children are not required to have representation, and as such, still appear without representation. If the immigration system is already inaccessible and difficult to navigate for adults, it is exponentially more difficult for a child. As such, the Department of Justice should launch a pilot program on providing legal representation for unaccompanied children to help them navigate their case and secure potential relief.
6. Opening an immigration court in a city without the legal infrastructure necessary to adjudicate cases efficiently will not solve the issues nor speed up the rate in which cases are adjudicated. The government more broadly should invest in border communities to help build the infrastructure necessary to move these cases in a timely manner.

Legal Service Providers:

The limited presence of legal service providers in the city poses difficulties in addressing the backlog. Below are some recommendations on ways legal service providers can provide assistance without having to dramatically increase their own capacity and caseloads:

1. Coordinate with local non-profits, churches, and other groups to hold legal orientation workshops that could include: information of immigration court proceedings, CFI/RFI preparation, and other pro se defense to help immigrants present their case in front of an IJ.
2. Connect with all three detention centers and schedule regular asylum application clinics in detention centers.
3. Hire traveling legal fellows and DOJ accredited representatives to do outreach and provide legal assistance in under-served areas.
4. Develop infographics and court packets and house them in public areas such as local libraries, city offices, and online to help the community prepare for entering immigration court and its processes.

11 Department of Justice, "Language Access in Immigration Court", June 6, 2023, https://www.justice.gov/eoir/book/file/1586686/download.

The Laredo Community:

As the Laredo Court Watch continues to conduct observations, we fully encourage the community to participate as court observers and aid in bridging the legal veil that clouds our understanding of the U.S. immigration system. In doing so, our aim is not only to actively participate in this process but to gain a better understanding of the repercussions this legal system imposes on our immigrant communities. In alignment with the values of a border community, with a high percentage of its population being foreign born, this is what we believe Laredo should do:

1. Follow the City of El Paso's lead and create an Office for New Americans. This office will work to provide services and community integration and support services for immigrants in the community– both newly arrived and long established residents.
    a. The city/office could open an information service center where community members or their loved ones can go to receive support or preparation before their court proceedings.
2. The community should more broadly develop a community defense model, where community members, organizers, and advocates pull together resources to provide information, legal advice, and other crucial aspects of support while a person is in immigration proceedings– either detained or not.
3. Participate in the court watch program or volunteer with other organizations aiding immigrants. We have long been a community that receives, welcomes, and integrates immigrants, and have done so while being some of the safest cities in the country. We should continue this work in spite of the continued escalation and militarization of our border communities.

Executive Summary

In November 2022, LatinoJustice PRLDEF and the Laredo Immigration Alliance collaborated in creating the Laredo Court Watch for the newly opened Laredo Immigration Court. From January 2023 through June 2023, the court watch conducted a total of 374 observations of Master Calendar Hearings and Bond Hearings with a total of 20 volunteers.

Throughout observations, we found that detained respondents were four times more likely to be unrepresented than their non-detained counterparts. Of the total 23 Orders of Removal we observed, 19 of them came from the detained docket. Meanwhile, 94% of Dismissals and Terminations were in the non-detained docket. These results, while shocking, are unsurprising. Non-detained respondents are more easily able to find and access legal representation, use community resources, and have familial support throughout their cases. Even something as simple as submitting an asylum application is easier outside of detention due to a non-detained person's ability to use translation services to complete the application. Access to legal representation and community support are clear indicators in successful outcomes for respondents.

Language access proved to be another challenge for those in detention. Respondents' inability to access translation services and interpretation posed difficulties in both submitting their application or communicating with their attorneys. This along with the court not providing continuous interpretation to respondents left them unable to fully participate and understand their cases as they were presented to the judge.

Throughout the Laredo Court Watch's presence in the Laredo Immigration Court and through conversations with legal service providers, court administrators, and Immigration Judges, we were able to gain additional, valuable insight into the immigration court process in Laredo and the obstacles the new court faced. Although the court was opened to address the backlog in the immigration courts in South Texas, it opened in a city without the necessary infrastructure to provide support and services to the community to ensure that these cases are adjudicated in a timely manner that maintains migrants' rights.

The obstacles we saw were not unique to the Laredo Immigration Court. However, we provide a three-pronged approach to addressing the issues present in Laredo. The first set of recommendations is specific to the federal government and urges that federal agencies invest in better infrastructure for language access, appoint more judges to the Laredo court, and hold regular training on updated mandates and cultural competencies. The second set of recommendations is for legal service providers. Legal service providers should prioritize providing asylum application clinics to detained individuals, CFI and RFI preparation, and help build a community defense model where individuals can be better informed on the best ways to present their case to immigration judges without representation. Finally, the recommendations we make to Laredo and the community at large are to invest in its own community defense model and create an office within the city or county government that works to help immigrants integrate in the community and access legal services.

GLOSSARY

Asylum Seeker	An asylum seeker is an individual who has left their home country and is seeking protection from persecution. In the United States, the application to complete for asylum is an I-589.
Credible Fear Interview (CFI)	A Credible Fear Interview is when an asylum officer interviews an asylum seeker to determine if there is a "significant possibility" that the asylum seeker can establish that they have been persecuted or have a well founded-fear of persecution on account of their race, religion, nationality, membership of a particular social group, or political opinion if returned to their country.[12] This has a lower requirement than a RFI.
Detained Respondent	A detained respondent is someone who is immigration court proceedings, but is in a detention center and whose case is being adjudicated while they remain in detention.
Executive Office of Immigration Review (EOIR)	A sub-agency of the Department of Justice, the Executive Office of Immigration Review is the agency responsible for adjudicating immigration cases.
Immigration Judge (IJ)	Immigration Judges are appointed by the Attorney General of the United States and preside over immigration hearings.[13]
Master Calendar Hearing (MCH)	Master Calendar Hearings are held for pleadings, scheduling, and advising the respondent of their rights.[14]
Non-detained Respondent	A non-detained respondent is an individual who has been released into the country from the custody of a detention facility or Customs and Border Protection (CBP).

12 "Questions and Answers: Credible Hear Screening," U.S. Citizenship and Immigration Services, September 12, 2023, https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/questions-and-answers-credible-fear-screening.
13 "Make a Difference: Apply for an Immigration Judge Position," Executive Office for Immigration Review, December 1, 2023, https://www.justice.gov/eoir/Adjudicators.
14 "4.15 - Master Calendar Hearing," Executive Office of Immigration Review, https://www.justice.gov/eoir/reference-materials/ic/chapter-4/15.

Notice to Appear (NTA)	An NTA is a document that instructs a respondent on the details of when and where they should appear before an immigration judge.[15]
Order of Removal (OR)	A removal order bars the respondent from returning to the U.S. for a period of years or, in some cases permanently.
Pro Se	A pro se respondent is an individual who does not have an attorney and is representing themselves in their immigration proceedings.
Reasonable Fear Interview (RFI)	A Reasonable Fear Interview is where a respondent establishes that there is a "reasonable possibility" that they would be persecuted in the future on account of their race, religion, nationality, membership in a particular social group, or political opinion. A reasonable fear of persecution cannot be established only on past persecution[16]. This has a higher requirement than a CFI.
Respondent	A respondent is a foreign-born individual that is in immigration proceedings.
Voluntary Departure (VD)	A Voluntary Departure allows an individual to leave the U.S. at their own expense within a specific amount of time to avoid a deportation order[17].

15 "Notice to Appear Policy Memorandum," U.S. Citizenship and Immigration Services, June 14, 2021, https://www.uscis.gov/laws-and-policy/other-resources/notice-to-appear-policy-memorandum.
16 "Questions and Answers: Reasonable Fear Screenings," U.S. Citizenship and Immigration Services, June 18, 2013, https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/questions-and-answers-reasonable-fear-screening.
17 "Do You Just Want to Go Home?," Executive Office of Immigration Review, January 2022, https://www.justice.gov/eoir/page/file/1480811/download#:~:text=%E2%9E%A2%20Voluntary%20Departure%20allows%20you,to%20avoid%20a%20deportation%20order.

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