Interpreting in Immigration Court and as an Analytical Linguist

Interactive Book and Workbook

(this book is only available to students registered in the Interpreting in Immigration Court and as an Analytical Linguist course)

Lecture 1

By Néstor Wagner
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Definition of Icons Used in this Interactive Book

Material discussed and explained in class.

Practice included in the onsite practices and/or interpreting laboratory.
(Practice can be heard if you click on this icon only while reading this manual in your website)

Video of a similar proceeding shown in class.
(Video can also be shown if you click on this icon only while reading this manual in your website)
Interpreting in Immigration Court and as an Analytical Linguist

Lecture 1
Accompanying: A type of visa in which family members travel with the principal applicant, (in immigrant visa cases, within six months of issuance of an immigrant visa to the principal applicant).

Spanisch Translation: _______________________________

Adjust Status: 1) To change from a nonimmigrant visa status or other status 2) To adjust the status of a permanent resident (green card holder).

Spanish Translation: _______________________________

Administrative processing: Some visa applications require further administrative processing, which takes additional time after the visa applicant’s interview by a Consular Officer. Applicants are advised of this requirement when they apply.

Spanish Translation: _______________________________

Admission: Entry into the U.S. is authorized by a DHS, Customs and Border Protection (CBP) officer. When you come from abroad and first arrive in the U.S., the visa allows you to travel to the port-of-entry and request permission to enter the U.S. Admission or, entering the U.S. by non-U.S. citizens must be authorized by a CBP officer at the port-of-entry, who determines whether you can enter and how long you can stay here, on any particular visit. If you are allowed to enter, how long you can stay and the immigration classification you are given is shown as a recorded date or Duration of Status (D/S) on Form I-94, Arrival Departure Record, or Form I-94W, if arriving on the Visa Waiver Program. If you want to stay longer than the date authorized, you must request permission from the DHS, U.S. Citizenship and Immigration Services (USCIS).

Spanish Translation: _______________________________.
Adopted Child: An unmarried child under age 21, who was adopted while under the age of sixteen, and who has been in legal custody and lived with the adopting parent(s) for at least two years. These rules do not apply to orphans adopted by American Citizens. The adoption decree must give the child all the rights of a natural born child.

Spanish Translation: ________________________________.

Advance Parole: Permission to return to the U.S. after travel abroad granted by DHS prior to leaving the U.S. The following categories of people may need advance parole: people on a K-1 visa, asylum applicants, parolees, people with Temporary Protected Status (TPS) and some people trying to adjust status, while in the U.S. If these people do not apply for advance parole before they leave the U.S., they may be unable to return.

Spanish Translation: ________________________________.

Advisory Opinion: An opinion regarding a point of law from the Office of Visa Services in the Department of State, Washington, D.C. This opinion would be in answer to a question from an embassy or consulate about interpretation of immigration law or in response to a request of review of the legal correctness of a visa refusal of an applicant or his/her representative.

Spanish Translation: ________________________________.

Advisory Opinion (“J” Visa) Waiver of Foreign Residence Requirement, INA 212(e): A J-1 visa /DS 2019 or IAP 66 form will have a statement in the bottom left hand corner of the form, as follows: “Bearer is or is not subject to section 212(e). Two-year rule (does or does not) apply (name of country)” This is a preliminary endorsement of the Consular Officer or Immigration Officer regarding Section 212(e) of the INA. When a J-1 visa holder (or his/her attorney) inquires whether the Foreign Residence Requirement under INA 212(e) applies to a particular J-1 visa holder, then a request for an Advisory Opinion request is mailed to the Waiver Review Division at the Department of State.

Spanish Translation: ________________________________.
**Affidavit of Support:** A document promising that the person who completes it will support an applicant financially in the U.S. Family and certain employment immigration cases require the I-864 Affidavit of Support, which is legally binding. All other cases use the I-134 Affidavit of Support.

*Spanish Translation:* ___________________________.

**Affiliated:** Associated or controlled by the same owner or authority.

*Spanish Translation:* ___________________________.

**Agent:** In immigrant visa processing, the applicant selects a person who receives all correspondence regarding the case and pays the immigrant visa application processing fee. The agent can be the applicant, the petitioner or another person selected by the applicant and listed on the Form DS-3032, Agent of Choice and Address.

*Spanish Translation:* ___________________________.

**Alien:** A foreign national who is not a U.S. citizen.

*Spanish Translation:* ___________________________.

**Allotment:** The allocation of an immigrant number to a consular office or to USCIS. This number may be used for visa issuance or adjustment of status.

*Spanish Translation:* ___________________________.
AOS: Affidavit of Support, Form I-864. A document promising that the person who completes it will support an applicant financially in the U.S. Family and certain employment immigration cases require the I-864 Affidavit of Support, which is legally binding. All other cases use the I-134 Affidavit of Support.

**Spanish Translation:** ________________________________

Applicant (Visa): A foreign citizen who is applying for a nonimmigrant or immigrant U.S. visa. The visa applicant may also be referred as a beneficiary for petition based visas.

**Spanish Translation:** ________________________________

Appointment Package: The letter and documents that tell an applicant of the date of the immigrant visa interview. It includes forms that the applicant must complete before the interview and instructions for how to get everything ready for the interview.

**Spanish Translation:** ________________________________

Approval Notice: A DHS, USCIS immigration form, Notice of Action, Form I-797 that says that USCIS has approved a petition, or request for extension of stay or change of status.

**Spanish Translation:** ________________________________

Asylee: A person who cannot return to his home country because of a well-founded fear of persecution. An application for asylum is made in the U.S. to the DHS.

**Spanish Translation:** ________________________________
**Arrival-Departure Card:** Also known as Form I-94, Arrival-Departure Record. The DHS, CBP official at the port-of-entry gives foreign visitors (all non-U.S. citizens) an Arrival-Departure Record, (a small white card) when they enter the U.S. Recorded on this card is the immigrant classification and the authorized period of stay in the U.S. This is either recorded as a date or the entry of D/S, meaning duration of status. It is important to keep this card safe because it shows the length of time you are permitted and authorized by the DHS to stay in the U.S. It is best kept stapled with your passport, kept in a safe place. The visitors return the I-94 card when they leave the country. The I-94W, Nonimmigrant Visa Waiver Arrival-Departure Record (green card) is for travelers on the Visa Waiver Program.

*Spanish Translation: ______________________________*
## Immigration Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAO</td>
<td>Administrative Appeals Office</td>
</tr>
<tr>
<td>AO</td>
<td>Adjudications Officer</td>
</tr>
<tr>
<td>ADIT</td>
<td>Alien Documentation, Identification &amp; Telecommunications System (ADIT Photos no longer used by the USCIS)</td>
</tr>
<tr>
<td>AOS</td>
<td>Affidavit of Support</td>
</tr>
<tr>
<td>AOS</td>
<td>Adjustment of Status</td>
</tr>
<tr>
<td>AP</td>
<td>Advance Parole (most common) or Administrative Processing</td>
</tr>
<tr>
<td>AR</td>
<td>Administrative Review</td>
</tr>
<tr>
<td>Consulate</td>
<td>Work place of a diplomat whose job is to look after the interest of its citizens in a foreign country. This is also where visas are processed.</td>
</tr>
</tbody>
</table>

_Spanish Translation:_

- AAO: ____________________________
- AO: ____________________________
- ADIT: __________________________
- AOS: ____________________________
- AP: ____________________________
- AR: ____________________________
- Consulate: ________________________
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
<th>Spanish Translation</th>
</tr>
</thead>
<tbody>
<tr>
<td>BCIS</td>
<td>Bureau of Citizenship and Immigration Services</td>
<td>____________________</td>
</tr>
<tr>
<td>Biometrics</td>
<td>Biometrics are fingerprints, signatures, photographs and other material used to personally and uniquely identify a person.</td>
<td>____________________</td>
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<tr>
<td>CO</td>
<td>Consulate Officer</td>
<td>____________________</td>
</tr>
<tr>
<td>CPR</td>
<td>Conditional Permanent Resident</td>
<td>____________________</td>
</tr>
<tr>
<td>CBP</td>
<td>Customs and Border Protection</td>
<td>____________________</td>
</tr>
<tr>
<td>CSC</td>
<td>California Service Center</td>
<td>____________________</td>
</tr>
<tr>
<td>DOJ</td>
<td>Department of Justice</td>
<td>____________________</td>
</tr>
<tr>
<td>DOS</td>
<td>Department of State</td>
<td>____________________</td>
</tr>
<tr>
<td>DHS</td>
<td>Department of Homeland Security</td>
<td>____________________</td>
</tr>
<tr>
<td>EAD</td>
<td>Employment Authorization Document</td>
<td>____________________</td>
</tr>
<tr>
<td>Term</td>
<td>Description</td>
<td>Spanish Translation</td>
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<tr>
<td>e-File</td>
<td>E-Filing is a process of filing form-specific immigration related benefits online.</td>
<td>____________________</td>
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<tr>
<td>Embassy</td>
<td>The building in which an ambassador lives or works. The Embassy does not process visas.</td>
<td>____________________</td>
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<tr>
<td>EWI</td>
<td>Entered Without Inspection</td>
<td>____________________</td>
</tr>
<tr>
<td>FAQ</td>
<td>Frequently Asked Questions</td>
<td>____________________</td>
</tr>
<tr>
<td>Green Card</td>
<td>A document issued by the USCIS that proves your legal status as a Permanent Resident in the US.</td>
<td>____________________</td>
</tr>
<tr>
<td>LPR</td>
<td>Legal Permanent Resident (also PR, Permanent Resident)</td>
<td>____________________</td>
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</table>
Immigration Forms

AR-11 Change of Address form. May be completed online via the Change of Address tool located on the USCIS website or submit the COA form via snail mail.

*Spanish Translation*: ____________________________.

DS-3025 The vaccine worksheet that SHOULD be collected from the doctors doing the visa medical.

*Spanish Translation*: ____________________________.

G-325A Biographic Information. Needs to be filled out for petitioner and beneficiary when petitioning, and again [for the beneficiary only] when filing adjustment of status.

*Spanish Translation*: ____________________________.

I-9 Employment Eligibility Verification. You will be required to fill this form out when applying for a job to show you are legally employable.

*Spanish Translation*: ____________________________.

I-90 Application to Replace Alien Registration Card (Green Card). This will need to be filed if you lose your green card.

*Spanish Translation*: ____________________________.

I-94 Arrival/Departure record. This will be issued at the originating airport, on the flight or at the border if traveling from Canada or Mexico. It may be stamped with a 90 day work authorization and should be kept until the USCIS (INS) interview.

*Spanish Translation*: ____________________________.

I-102 Form to apply for I-94 if it was lost, destroyed or mutilated.

*Spanish Translation*: ____________________________.
<table>
<thead>
<tr>
<th>Form</th>
<th>Description</th>
<th>Spanish Translation: ____________________________</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-129F</td>
<td>Petition for Alien Fiance(e). Also used when filing for a K-3 Visa. Can only be filed by US Citizen and must be filed in the US.</td>
<td></td>
</tr>
<tr>
<td>I-130</td>
<td>Petition for alien relative.</td>
<td></td>
</tr>
<tr>
<td>I-134</td>
<td>Affidavit of support. Used when applying for non-immigrant visas.</td>
<td></td>
</tr>
<tr>
<td>I-131</td>
<td>Application for Re-entry Permit/Advance Parole. Required to re-enter between filing I-485 and getting the green card stamp.</td>
<td></td>
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Immigration Proceedings

Master Calendar Hearing (MCH)

Definition

A master calendar hearing (“MCH”) is a short, preliminary hearing on immigration matters -- the usual start of efforts to remove an immigrant from the United States. The respondent will meet with the Judge and the government attorney to figure out how the case will proceed. The Judge will schedule dates for the submission of written documents, and for an individual merits hearing (at which the substance of the applications or claims and/or defenses will be addressed in detail). If the respondent has an attorney, he or she will answer most of the Judge’s questions.

During a MCH, the Court will not address any legal claims or defenses of the case. The respondent will not be questioned about the case or immigration applications, and will not present any witnesses. The Judge will not make any rulings regarding legal issues in the case.

What Will Happen During the MCH

There will be many people present at the time of your MCH. People will have their MCHs scheduled in the same time block. When the Judge is ready for a case, he or she will call the respondent by the Alien Registration Number (“A-Number”) and name. The respondent (and his lawyer, if represented) will then come forward to speak to the Judge.

If the respondent does not feel comfortable using English, the respondent should not force himself to speak English. By attempting to communicate in a language that the respondent does not fully understand, the respondent can only hurt himself, in the likely event that the respondent misunderstands some aspect of the court proceedings. The respondent should tell the Judge that he needs an interpreter, and the Judge will provide one for free. If the respondent cannot understand the interpreter or he or she is not interpreting correctly, the respondent should alert the Judge, who will then look for another interpreter or reschedule the MCH for another date (when another interpreter is available). If an interpreter is provided, the respondent has to listen until he or she finishes translating, and then answer in the respondent’s native language. Respondents cannot bring their own interpreters.

A Judge will start the MCH by asking the respondent for brief identification information – name, address, native language, and any other languages in which the respondent is fluent. If the respondent brings an attorney, the attorney will be officially presented as the respondent’s lawyer.

The Judge will also review the charges listed against the respondent in the Notice to Appear (NTA), and the respondent will have to deny or concede each charge. Therefore, the respondent has to make sure that he reads the NTA very carefully before
the MCH. The Judge should be notified if anything in the NTA is incorrect. If the respondent is applying for asylum, for example, the charges will typically include the following: the date when the respondent entered the U.S., his nationality, whether he entered without being inspected at the border by immigration officials, whether he overstayed his visa, whether he entered using false travel documents, and so forth. Respondent will always deny any charges of fraud. The respondent will then be able to tell the Judge what forms of relief he is seeking (for example, asylum, withdrawal of removal, voluntary departure, cancellation of removal, and adjustment of status). If the respondent is seeking asylum, he has to make sure to also apply for (1) withholding of removal, and (2) protection under the United Nations Convention Against Torture. If the respondent is applying for asylum, the Judge will also ask him to designate a country of removal. Generally, respondents do not designate any country. The basis of any asylum application is that the respondent is too afraid to go back to his home country, so respondents usually never designate a home country. The Judge will then typically designate a home country as a country of removal, as a formality.

The Judge will set important dates for the case: (1) when to submit any pertinent applications (or their amendments or additional information); (2) another MCH if necessary; and (3) the individual merits hearing. If the respondent is applying for asylum and accepts an “expedited removal” schedule, the individual merits hearing will be scheduled for within 180 days of when the respondent first submitted his asylum application. Note that this might not give the respondent sufficient time to prepare a detailed asylum application and strong supporting documents. If expedited removal is waived, however, the respondent will not be eligible for employment authorization while the application is going through the Immigration Court process. (If the respondent is detained, he will be placed in an expedited removal schedule, and will not be allowed to waive it.) Note that the respondent must meet all of the deadlines that the Judge sets. Therefore, respondents ask for extensions of deadlines and/or for “continuances” (rescheduled hearings) if they think that the time proposed by the Judge does not give them sufficient time to present their arguments well. At the conclusion of the MCH, the respondent will be given another Notice, specifying the date for the next MCH or for the individual merits hearing.

Note: A Master Calendar is somehow similar to an arraignment or initial appearance in criminal court. It is generally known as a preliminary immigration hearing. The appearing party is known as the respondent. The Government is referred to as the US Government or the Department of Homeland Security (generally abbreviated by judges as Homeland Security). Preliminary hearings are short. A typical courtroom may handle anywhere between 15 and 50 cases in a morning preliminary hearing calendar. The interpreter uses wireless equipment to interpret for the respondent. The respondent generally has to wear a headset. Immigration judges generally discuss some of the issues off the record and then they go on the record for the formal proceeding. Many respondents appear pro se (self-representation). Judges usually provide pro se respondents sufficient time to obtain an attorney. In these cases the hearing is reset.
On the following pages you will find sample cases during a Master Calendar. Please keep in mind that each judge has his or her own style. However, they all follow the required sequence and format of the hearing. The scripts on the next pages show some variations in style for your information.

First Case

Clerk: Case 332, Mario Solano, Spanish Language.

Judge: This is a continued preliminary hearing before immigration judge Sandra Kim at Los Angeles, California, on January 29th, 2014, in the matter of Mario Solano, case number A4789202332.

Judge: So, what do we have here? Are you filing an I-130?

Counsel: The respondent was going to get married to a US citizen three months ago but the doctors discovered that her son has cancer and she had to go back to Honduras to take care of her son, who resides in Tegucigalpa. Therefore, Your Honor, the respondent was unable to file an I-130 since he did not get married yet.

Judge: I understand that the filing was not made, but he also has an asylum application on file in the alternative he does not file the I-130.

Counsel: That is correct, Your Honor.

Judge: I will set for a hearing in about 9 months. If the I-130 works out, then I will be happy to look at an adjustment. What about November 18th, 2014?

Counsel: That is fine, Your Honor.

Judge: Homeland Security?

Counsel: That is fine, Your Honor.

Judge: Mr. Solano, you must come back on November 18th, 2014, at 8:30 a.m. If you fail to come back, I will hold the hearing and you could be ordered removed to Honduras. Counsel, please make sure his fingerprints are up to date.
Counsel: Yes, Your Honor.

Judge: The interpreter will hand you a blue form, a change of address form. Make sure you file that form within 5 days from your change of address. Otherwise, Homeland Security may arrest you. Any questions?

Counsel: Nothing further, Your Honor.

Government: No, Your Honor.

Judge: Case is adjourned.
**Key Terminology for First Case**

Below please find the key terminology for the First Case.

This is a continued preliminary hearing before immigration judge Sandra Kim.

**Spanish Translation:**

___________________________________________________________

___________________________________________________________

Are you filing an I-130?

**Spanish Translation:**

___________________________________________________________

Respondent.

**Spanish Translation:**

___________________________________________________________

An asylum application on file

**Spanish Translation:**

___________________________________________________________

I will set for a hearing in about 9 months

**Spanish Translation:**

___________________________________________________________

I will be happy to look at an adjustment

**Spanish Translation:**

___________________________________________________________

Homeland Security

**Spanish Translation:**

___________________________________________________________
I will hold the hearing and you could be ordered removed to Honduras

Spanish Translation: _______________________________________

_____________________________________.

Make sure you file that form within 5 days from your change of address

Spanish Translation: _______________________________________

_____________________________________.

Case is adjourned

Spanish Translation: ________________________________.
Clerk: Case 553, Carlos Soto, Spanish language.

Judge: Before we go on the record, Mr. Soto has two children, right?

Counsel: Yes, Your Honor.

Judge: What are their ages?

Respondent: 3 y 7 años.

Judge: I will waive their appearances for the next hearing.

Judge: On the record, now. Ms. Collins, does your client have an asylum application pending?

Counsel: Your Honor, the respondent prepared the application on her own. She certainly did a god job, but there are some typos and I would hesitate to submit it today before I go over the application with her. Furthermore, I did not participate in the preparation of the application at all.

Judge: Mr. Soto, you are now represented by Ms. Collins. It is not wise to do your own filings. You have to let your attorney help you and let him do the filing for you. You are paying him good money and his job is to help you. I do have to admit that at least you had the initiative of preparing it on time. I will give you more time so that your attorney will have sufficient time to go over the application with you.

Judge: Counsel I cannot give you a date for about 8 months. There is a new policy that will allow you to file the application downstairs, in the reception, and that filing will start the clock.

Counsel: But that is optional, right?

Judge: Yes, it is. You can also submit it in the next hearing, if you prefer.

Counsel: Ok.

Judge: What about October 21st, 2014?

Government: That works for me.

Counsel: It is fine, Your Honor.
Judge: Also, I will waive the presence of your two children in the next hearing, Mr. Soto.

Judge: Mr. Soto, you must come back on October 21\textsuperscript{st}, 2014, at 8:30 a.m. If you fail to come back, I will hold the hearing and you could be ordered removed to Mexico.

Counsel: Yes, Your Honor.

Judge: The interpreter will hand you a blue form, a change of address form. Make sure you file that form within 5 days from your change of address. Otherwise, Homeland Security may arrest you. Any questions?

Counsel: Nothing further, Your Honor.

Government: No, Your Honor.

Judge: Case is adjourned.
Key Terminology for Second Case

Below please find the key terminology for the Second Case.

I will waive their appearances for the next hearing

Spanish Translation: ________________________________________________

______________________________________________________________.

Does your client have an asylum application pending?

Spanish Translation: ________________________________________________

______________________________________________________________.

It is not wise to do your own filings

Spanish Translation: ________________________________________________.

That filing will start the clock.

Spanish Translation: ________________________________________________.
Clerk: Case 830, Alberto Lima, Spanish language.

Judge: This is a continued preliminary hearing before immigration judge Sandra Kim at Los Angeles, California, on January 29th, 2014, in the matter of Alberto Lima, case number 828738830.

Judge: Sir, are you representing yourself?

Respondent: Sí.

Judge: Mr. Lima, last time you were here I reset the hearing to give you sufficient time to get an attorney. Why are you showing up today without an attorney?

Respondent: Es que no tengo dinero para contratar a un abogado. Todos quieren mucho dinero. Además acabo de salir de la cárcel.

Judge: All right. Please state your full name.

Respondent: Alberto Lima.

Judge: What is your current address?

Respondent: 1849 de la calle Main, en Los Angeles, California 90021.

Judge: Have you done anything since the last resetting of your hearing?

Respondent: No. Nadie me quiere ayudar a menos que le pague. Acabo de salir de la cárcel hace un mes.

Government: Your Honor, Mr. Lima was detained on a 273.6 with a prior, violation of a restraining order with a prior. He was released on November 25th, 2013.

Judge: Any opposition from Homeland Security if I reset the date of this hearing for October 22nd, 2014?

Government: No, Your Honor.
Judge: Mr. Lima, the interpreter is handing over to you a list of immigration attorneys that work in this Court. I want to warn you that you may encounter unscrupulous individuals, in fact, some may be outside in the halls of this building, that represent themselves as notarios that can help you in these proceedings. These individuals are not attorneys, and they may not represent you in this court. If a person says that he or she can represent you and you are not certain that they are an attorney, ask to see proof that they can represent you in this court. If someone agrees to represent you in these proceedings, be sure to get that person's business card. If you pay that person any money to assist you in these proceedings, be sure to get a receipt for any money you have paid. Finally, you should get a written description of what that person will do for you during the course of their representation. Do you understand everything I have said to you?


Judge: The interpreter will hand you a blue form, a change of address form. Make sure you file that form within 5 days from your change of address. Any questions?

Respondent: No tengo ninguna pregunta.

Judge: Anything from Homeland Security?

Government: No, Your Honor.

Judge: Mr. Lima make sure you get an attorney for the next hearing. Otherwise, I will give you voluntary departure, since that will be the only thing you will be eligible for. Is that clear?

Respondent: Sí.

Judge: Case is adjourned.
Key Terminology for Third Case

Below please find the key terminology for the Third Case.

I reset the hearing to give you sufficient time to get an attorney

Spanish Translation: ____________________________________________
                                                                 __________________________________________________________________

Have you done anything since the last resetting of your hearing?

Spanish Translation: ____________________________________________
                                                                 __________________________________________________________________

Mr. Lima was detained on a 273.6 with a prior, violation of a restraining order with a prior

Spanish Translation: ____________________________________________
                                                                 __________________________________________________________________

Any opposition from Homeland Security if I reset the date of this hearing for October 22nd, 2014?

Spanish Translation: ____________________________________________
                                                                 __________________________________________________________________
Fourth Case

Clerk: Case 378, Samuel Domingo, Spanish language.

Judge: This is a continued preliminary hearing before immigration judge Sandra Kim at Los Angeles, California, on January 29th, 2014, in the matter of Samuel Domingo, case number 833727378.


Judge: Mr. Domingo, what is your full name?

Respondent: Samuel Domingo.

Judge: What is your current address?

Respondent: 387 de la Main, en Los Angeles, California 90001.

Judge: When did you move there? I do not have your current address.

Respondent: Hace tres meses.

Judge: Did you file the change of address form, a blue form?

Respondent: No. Yo creía que sólo tenía que presentar el formulario cuando venía a verla a usted, hoy.

Judge: Mr. Domingo, last time you were here I advised you that you had to file a change of address form every time you change your address. If you do not do that Homeland Security may arrest you.

Respondent: Aquí tengo el formulario.

Judge: Sir, make sure you fill out a second change of address form and you give it to the Government. Make sure you do that today, before you leave. Is that clear?

Respondent: Sí.

Judge: Mr. Domingo, do you have the cancelation for removal form?

Respondent: No.

Judge: Why not? I told you in the last hearing that you had to bring it today.

Respondent: No lo tengo.
Judge: That is not a valid excuse. I gave you seven months to do that and you show up today without it? I can give you voluntary departure today or I can give you more time to get an attorney. What do you want to do?

Respondent: Quiero más tiempo para conseguir un abogado.

Judge: Mr. Domingo, if you come back next time without an attorney, I will give you voluntary departure. It is the only thing you will have available at that time.

Government: Your Honor, Mr. Domingo’s prior application for permanent status was denied because he has 2 DUIs, one theft conviction and a DEJ for drugs.

Judge: Sir, you really need an attorney. I will give you enough time to get one. Please come back on August 20th, 2014. Mr. Domingo, you must come back on August 20th, 2014, at 8:30 a.m. If you fail to come back, I will hold the hearing and you could be ordered removed to Guatemala.

Judge: The interpreter will hand you a blue form, a change of address form. Make sure you file that form within 5 days from your change of address. Otherwise, Homeland Security may place you in custody. Any questions?

Respondent: No. Gracias.

Judge: Case adjourned.
Key Terminology for Fourth Case

Below please find the key terminology for the Fourth Case.

Did you file the change of address form, a blue form?

Spanish Translation: ________________________________
______________________________
______________________________.

I advised you that you had to file a change of address form

Spanish Translation: ________________________________
______________________________
______________________________.

You give it to the Government

Spanish Translation: ________________________________
______________________________
______________________________.

Do you have the cancelation for removal form?

Spanish Translation: ________________________________
______________________________
______________________________.
I can give you voluntary departure today

Spanish Translation: ____________________________________________.

Mr. Domingo’s prior application for permanent status was denied because he has 2 DUIs, one theft conviction and a DEJ for drugs

Spanish Translation: ____________________________________________

__________________________________________________________.

I will hold the hearing and you could be ordered removed to Guatemala

Spanish Translation: ____________________________________________

__________________________________________________________.

Otherwise, Homeland Security may place you in custody

Spanish Translation: ____________________________________________

__________________________________________________________.
Clerk: Case 228, Sandro Loreto, Spanish language.

Judge: This is a continued preliminary hearing before immigration judge Sandra Kim at Los Angeles, California, on January 29th, 2014, in the matter of Sandro Loreto, case number 3367218228.

Judge: State your appearances.

Counsel: Martha Schuber representing the respondent.


Judge: Mr. Loreto, Do you swear that the testimony you are about to give in this matter shall be the truth, the whole truth and nothing but the truth?

Respondent: Sí.

Judge: What language do you speak and understand best?

Respondent: Solamente hablo español.

Judge: These proceedings will be interpreted today in the Spanish language.

Judge: What is your full name, sir?

Respondent: Sandro Loreto.

Judge: What is your current address?

Respondent: 3876 de la Main, apartamento 28, en Los Angeles, California 90004.

Judge: Ms. Schuber, before we hold this hearing, I have been advised by Homeland Security that Mr. Loreto committed the crime of battery a few months ago. Did Homeland Security provide counsel for the respondent with a copy of the criminal complaint?

Government: No, Your Honor.
Judge: Well… I think it is always helpful when the parties communicate with each other before they come to court. Sometimes, the parties expect the immigration judge to solve everything but we are limited to the issues brought before us.

Government: I am handing to Ms. Schuber a copy of the complaint.

Judge: Good. That is a good starting point. Now, we all agree that the crime committed by the respondent is a CMT, but the question is how counsel for the respondent will change her strategies after being advised on this CMT. I think we have to set for a new date to give counsel for the respondent sufficient time to prepare for the hearing. Any opposition from Homeland Security?

Government: No, Your Honor. I think it is a good idea.

Judge: What about counsel for the respondent?

Counsel: No opposition, Your Honor.

Judge: I will set this hearing for November 13th, 2014, at 8:30 a.m. in this courtroom. We are adjourned.
**Key Terminology for Fifth Case**

Below please find the key terminology for the Fifth Case.

State your appearances

**Spanish Translation:**

Do you swear that the testimony you are about to give in this matter shall be the truth, the whole truth and nothing but the truth?

**Spanish Translation:**

Before we hold this hearing

**Spanish Translation:**

I have been advised by Homeland Security

**Spanish Translation:**

Crime of battery

**Spanish Translation:**

34
Did Homeland Security provide counsel for the respondent with a copy of the criminal complaint?

Spanish Translation: _____________________________________________________________

__________________________________________________________.

That is a good starting point

Spanish Translation: _____________________________________________________________.

Now, we all agree that the crime committed by the respondent is a CMT

Spanish Translation: _____________________________________________________________

__________________________________________________________.

Any opposition from Homeland Security?

Spanish Translation: _____________________________________________________________.
**Definition**

Pro se indicates that the respondent is representing himself. It is equivalent to the term pro per in the criminal jurisdiction. Immigration attorneys usually give pro se respondents sufficient time to secure legal representation. However, there are a few respondents who prefer to represent themselves. The script below shows a typical, formal proceeding in a pro se case.

As you have already noticed in the Master Calendar Hearings, covered in the previous pages, some judges handle pro se hearings slightly different. Generally, they simplify the proceeding in order to save time. The script below is the formal format. In other words, the most complex format.

---

**Judge:** What language do you speak and understand best?

**Respondent:** Solamente hablo español.

**Judge:** These proceedings will be interpreted today in the Spanish language.

**Judge:** This is an initial removal hearing before Immigration Judge Karen Whitman in the city of Miami, State of Florida on January 15th, 2014, in the matter of Mario Carmona, case number A738928363.

**Judge:** The respondent is appearing pro se. Counsel for Homeland Security, please state your appearance for the record.

**Government:** Sandra Rollings for the US Government, Your Honor.

**Judge:** The interpreter today is Marcela Ramos.

**Judge:** Mr. Carmona, can you hear the interpreter clearly through the headphones?

**Respondent:** Sí.
Judge: Do you understand the interpreter?

Respondent: Sí.

Judge: If at any time, you have difficulty understanding the interpreter, please let me know immediately.

Respondent: Gracias.

Judge: Ms. Ramos, the Spanish interpreter, do you swear or affirm that you are competent to interpret from English to Spanish and from Spanish to English, and that you will do so accurately and completely?

Note: If the interpreter is an employee of the Executive Office for Immigration Review, the judge will use the following line:

Judge: Ms. Marcela Ramos is the official interpreter for the Immigration Court who will be providing simultaneous interpretation into the Spanish language, and need not be sworn in.

Judge: Mr. Carmona, the Government asserts that you are in the US in violation of law. The purpose of the hearing is to determine whether you are an alien and, if so, if you are in the US in violation of law. The Court must determine whether there any provisions of law that would permit you to remain in the US permanently and, if that is not possible, whether you will be leaving the US under an order of removal or an order of voluntary departure. These questions will be answered after hearing all of the facts of the case.

Judge: Let me now swear in the Respondent in this matter. Mr. Carmona, would you be willing to swear on oath to tell the truth?

Note: If the respondent does not want to be sworn in, the judge will use the following line:

Judge: Please stand and raise your right hand. Do you affirm that the testimony you will provide in these proceedings will be the truth, the whole truth, and nothing but the truth?
Respondent: Sí. Yo siempre digo la verdad y no tengo problema ser juramentado.

Judge: Please stand and raise your right hand. Do you swear that the testimony you will provide in these proceedings will be the truth, the whole truth, and nothing but the truth?

Respondent: Sí

Judge: Please state your full and true name for the record.

Respondent: Mario Carmona.

Judge: Where do you currently live?


Judge: You are being provided with a blue change of address form. If you do move at any time during these proceedings, you must complete a change of address form and file it with the court within five days of moving. Do you understand?

Note: If the respondent provides a different address than the one on the record, the judge will add the following line:

Judge: Please complete two blue change of address forms and complete them at this time. Please provide one to the court clerk and the other to the government attorney. Please take an additional blue change of address form with you. If you move again at any time during these proceedings, you must complete a change of address form and file it with the court within five days of moving. Do you understand?

Respondent: Sí.

Judge: The purpose of these proceedings is to determine whether or not you should be allowed to remain in the United States. Do you understand?

Respondent: Sí.

Judge: You have the right to be represented during these hearings by an attorney or qualified representative at your own expense. The government cannot provide you with an attorney or qualified representative. The court clerk is providing you with a legal aid list of individuals and organizations that may be able to represent you at little or no cost. Do you understand?
Respondent: Sí.

Judge: Do you want more time to get a lawyer or representative to help you in these proceedings?

Respondent: Sí.

Judge: Because you have stated that you want time to locate an attorney, I will continue your case to July 17th, 2014, at 8 a.m. I encourage you to use the legal aid list. If the first organization cannot help you, please contact the second organization until you find one that can help you. Do you understand?

Respondent: Sí.

Judge: If you cannot find or afford an attorney or organization to represent you, be prepared to speak for yourself at the next hearing. Do you understand?

Respondent: Sí.

Judge: I want to warn you that you may encounter unscrupulous individuals, in fact, some may be outside in the halls of this building, that present themselves as notarios that can help you in these proceedings. These individuals are not attorneys, and they may not represent you in this court. If a person says that he or she can represent you and you are not certain that they are an attorney, ask to see proof that they can represent you in this court. If someone agrees to represent you in these proceedings, be sure to get that person’s business card. If you pay that person any money to assist you in these proceedings, be sure to get a receipt for any money you have paid. Finally, you should get a written description of what that person will do for you during the course of their representation. Do you understand everything I have said to you?

Respondent: Sí.

Note: If the respondent wants to represent himself, the judge will use the following lines:

Respondent: No.

Judge: Does that mean that you want to do your immigration case yourself right now?

Respondent: Sí.
Judge: Because you have stated that you do not wish to continue this hearing to try to find an attorney, do you understand that you will be required to represent yourself in these proceedings?

Respondent: Sí.

Judge: Do you understand that you will be required to plead to the allegations and charge of law contained in the Notice to Appear?

Respondent: Sí.

Judge: Do you understand that the decisions you make here today may affect the outcome of your case?

Respondent: Sí.

Judge: Do you acknowledge that you are making this decision of your own free will, and that you have not been coerced in any way to forego your right to representation?

Respondent: Sí.

Judge: Do you still want to proceed today without the assistance of an attorney or qualified representative, and represent yourself in this hearing?

Respondent: Sí.

Judge: I find that the respondent’s waiver of his right to an attorney has been given knowingly and voluntarily, and the court will proceed with this hearing.

Judge: The clerk is providing you with the only written notice you will receive of the next hearing. The clerk is also providing you with an advisement of your rights.

Judge: You must return here on July 17th, 2014, at 8 a.m. Please arrive early. If you do not appear at the next hearing as ordered you will be ordered deported and removed from the United States, unless you can show that your absence was caused by exceptional circumstances beyond your control. Exceptional circumstances are defined as a serious illness or death of an immediate family member.
Judge: If you are ordered removed, any applications for relief you may have pending before this court will be deemed abandoned and will be denied. Additionally, you will become ineligible for certain forms of relief, such as voluntary departure, cancellation of removal, adjustment of status, or change of status for a period of ten years.

Judge: Do you understand everything I have said to you today?

Respondent: Sí.

Judge: Do you have any questions about anything I have told you today?

Respondent: No.

Judge: Anything from the government?

Government: No, Your Honor.

Judge: There being nothing further, this matter is continued to the date and time indicated on the notice provided to the parties. Thank you.
Key Terminology for Master Calendar – Pro Se

Below please find the key terminology for the script on Master Calendar - Pro Se, shown on the previous pages.

The respondent is appearing pro se

Spanish Translation: ________________________________________________.

State your appearance for the record

Spanish Translation: ________________________________________________.

Do you swear or affirm that you are competent to interpret from English to Spanish and from Spanish to English, and that you will do so accurately and completely?

Spanish Translation: ________________________________________________

_____________________________________

_____________________________________

_____________________________________

The Government asserts that you are in the US in violation of law

Spanish Translation: ________________________________________________

_____________________________________

_____________________________________

The purpose of the hearing is to determine whether you are an alien

Spanish Translation: __________________________________________
______________________________________________________________.

The Court must determine whether there any provisions of law that would permit you to remain in the US permanently

Spanish Translation: __________________________________________
______________________________________________________________
______________________________________________________________.

You will be leaving the US under an order of removal or an order of voluntary departure

Spanish Translation: __________________________________________
______________________________________________________________
______________________________________________________________.

These questions will be answered after hearing all of the facts of the case.

Spanish Translation: __________________________________________
______________________________________________________________.

Mr. Carmona, would you be willing to swear on oath to tell the truth?

Spanish Translation: __________________________________________
______________________________________________________________.
The court clerk is providing you with a legal aid list of individuals and organizations that may be able to represent you at little or no cost

**Spanish Translation:**

I want to warn you that you may encounter unscrupulous individuals, in fact, some may be outside in the halls of this building, that present themselves as *notarios* that can help you in these proceedings

**Spanish Translation:**

Be sure to get that person’s business card

**Spanish Translation:**

Do you understand that the decisions you make here today may affect the outcome of your case?

**Spanish Translation:**
Do you acknowledge that you are making this decision of your own free will, and that you have not been coerced in any way to forego your right to representation?

Spanish Translation: _______________________________________

____________________________________

____________________________________

____________________________________

____________________________________.

I find that the respondent’s waiver of his right to an attorney has been given knowingly and voluntarily, and the court will proceed with this hearing.

Spanish Translation: ______________________________________

____________________________________

____________________________________

____________________________________

____________________________________.

If you do not appear at the next hearing as ordered you will be ordered deported and removed from the United States

Spanish Translation: ______________________________________

____________________________________

____________________________________

____________________________________

____________________________________.
Unless you can show that your absence was caused by exceptional circumstances beyond your control

**Spanish Translation:**
__________________________
__________________________
__________________________
__________________________

Any applications for relief you may have pending before this court will be deemed abandoned and will be denied

**Spanish Translation:**
__________________________
__________________________

You will become ineligible for certain forms of relief, such as voluntary departure, cancellation of removal, adjustment of status, or change of status for a period of ten years

**Spanish Translation:**
__________________________
__________________________
__________________________
__________________________

__________________________
There being nothing further, this matter is continued to the date and time indicated on the notice provided to the parties

Spanish Translation: ________________________________

__________________________________________

__________________________________________

__________________________________________

__________________________________________.
Immigration Advisements

Advisement of Respondent’s Rights

a. Counsel of Choice

You have the right to be represented, at no expense to the government, by counsel of your choice authorized to practice before this Court.

b. Free Legal Services

You may be eligible for free legal services. To help you determine if you might qualify, I am hereby providing you with a list which provides contact information of the persons who might be able to assist you.

c. Evidentiary Rights

During these proceedings, you will have a reasonable opportunity to examine and object to the evidence against you, to present evidence on your own behalf and to cross-examine witnesses presented by the government.

d. Appeal Rights

At the conclusion of these proceedings, the Court will decide whether or not you will be removed from the United States. Should you disagree with the Court’s decision, you have the right to appeal to a higher tribunal called the Board of Immigration Appeals. To do so, you must file Form EOIR-26 within 30 calendar days after the date the Court enters its decision. If the final date for filing falls on a Saturday, Sunday, or legal holiday, the time period for appeal shall be extended to the next business day. If the time period expires and no appeal has been filed, the decision of this Court becomes final. I am hereby providing you with a copy of your appeal rights which you should thoroughly review.

e. Right to Designate Country of Removal

If you are ordered removed from the United States, the country to which you will be removed will be the one that you choose, except as otherwise required by law.

If you cannot be removed to the country of your choice, the Court designates in the alternative:

1. The country of which the alien is a subject, national, or citizen.
2. The country from which the alien was admitted to the US.
3. The country in which is located the foreign port from which the alien left for the US or for a foreign territory contiguous to the US.

4. A country in which the alien resided before the alien entered the country from which the alien entered the US.

5. The country in which the alien was born.

6. The country that had jurisdiction over the alien’s birthplace when the alien was born.

7. The country in which the alien’s birthplace is located when the alien is ordered removed. If impracticable, inadvisable, or impossible to remove the alien to each country described in the previous clause of this subparagraph, another country whose government will accept the alien into that country.
Failure to Appear

Your next hearing is scheduled for July 17th, 2014, at 8 a.m. If you fail to appear for this hearing and there are no exceptional circumstances beyond your control which caused your absence, a hearing may be held in your absence and an order of removal may be entered against you. Furthermore, you may become ineligible for 10 years after the date of the order of removal for voluntary departure under INA - 240B, cancellation of removal under INA - 240A, and for adjustment of status and change of status under INA -- 245, 248, and 249. Exceptional circumstances which may excuse your absence are those such as:

1. You have a serious illness.

2. Your spouse, child, or parent has a serious illness or has died.

3. You, your child or parent has suffered battery or extreme cruelty, but not circumstances less compelling.
Homework Assignment

You must be connected to the internet to complete the following assignment

- Go to Lecture 1, in the Interactive Book and practice all the scripts available.

  Look for the icon. It indicates that the script is actually spoken on a digital file and that you can practice with it.

- Go to Lecture 1, in the Interactive Book and watch all the videos available. Make sure you interpret them as you watch them. Look for the icon. It indicates that a video is available for that subject matter.

You do not need to be connected to the internet to complete the following assignment

- Study all the immigration terminology, abbreviations and forms covered in this lecture.

- Make sure you know how to interpret each of the immigration proceedings and the immigration advisements.