

IMMIGRATION COURT OBSERVATION

Date: February 11, 2025

Observer: Ana Pan, 8:30am – 11:30am

Location: Federal Immigration Court, 1855 Gateway Blvd., Concord; there is a security check (metal detector, wand) prior to entering the area containing the court rooms.

Judge: Florence A. Chamberlain, Courtroom 9

In Attendance: There were two clerical staff, one of whom also served as the Spanish language interpreter; the second individual was primarily responsible for checking paperwork and issuing copies of court forms (e.g., Notice to Appear, Deposition of Case, etc.)

Via Video Conference – Mr. Conor McNulty, U.S. Department of Homeland Security, Office of the Principal Legal Advisor. This person has the authority to run FBI background checks on individuals. The judge consults with and must receive the approval of the Principal Legal Advisor if they want to grant a motion.

During the time I spent in the courtroom, I observed the processing of ten cases. There were approximately an additional four or five cases that had not been processed at the time that I departed to assist an individual locate the Pro Bono Assistance person.

For most individuals, the year of entry into the U.S. was in 2023.

Instructions on the proceedings were initially delivered to the general audience in English and Spanish. Later, the Hindi/Dari Interpreter repeated an abbreviated version of the instructions to two individuals in Hindi/Dari respectively.

All but one of the individuals present, were unrepresented. The most common reason for not having representation is that for an extended amount of time, they repeatedly called the attorneys listed on the handout sheet provided by outside organizations, and the phone was left unanswered. The individual who was represented had his attorney present via video conference – which apparently, the Court is willing to accommodate.

Demographics:

1 male Hindi speaker, living in Fresno, from India

1 male Dari speaker, living in Modesto, from Afghanistan (entered U.S. through San Ysidro, CA)

1 male Spanish speaker, 28 years old

2 males, brothers, Spanish speaking, from Mexico

Family of 4 – 3 underage children and their mother, living in Alcala, CA, Spanish-speaking

Family of 3 – Unmarried parents, 1 underage son, Spanish-speaking, from Nicaragua

Family of 3 – Mother, Daughter (over 18), underage son, living in Gustine, from Mexico

Family of 4 – Father and Mother of 1 underage daughter, plus 1 daughter of mother, from Mexico

Family of 3 – Father, Mother, Son, Spanish-speaking, living in Yakima, WA

Family of 3 – Mother, 2 underage daughters (4-year is autistic), Spanish-speaking, from Honduras

Key Learnings:

- If a person fails to appear or is late, they may be deported. During the proceeding, the individual is asked if in the event they are deported, did they have a country of choice to which they wished to be returned. All individuals who were asked this question did not name a country of choice to which they wished to be deported. In this case, the Principal Legal Advisor named the individual's country of origin.

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- All correspondence is in writing and it is critical that their address is correct. An individual is required by law to report a change of address within 5 days of their move. They must update their address with each agency individually. For example, ICE does not share information with the Court and vice versa. They can complete a change of address form provided by the Court (blue form), and then file the form with the clerk on the 8th floor on the same day in the same building. They can also complete a change of address form on-line, on the website.
- Asylum must be filed within the first year of entering the U.S. A person does not need an attorney to file a claim for asylum. The individual is responsible for understanding what is written on the form in English and must testify that the information is correct in its entirety.
- Under special circumstances, an individual may file a claim for asylum after the 1-year deadline.
- There is a right to an attorney, but one is not provided by the Court.
- Individuals must present the Notice of Hearing to the Court.
- Individuals must be heard in the court that has jurisdiction over the area in which the individual lives. For example, if a person lived in Richmond when they filed and continue to reside in Richmond, they would go to the Concord Court. If the person then moves to San Lorenzo, the jurisdiction is now San Francisco, and with the consent of the Principal Legal Advisor, the Judge files a motion to move the case to the San Francisco Court. The Court reminded all of the attendees that they must report a change of address within 5 days or risk deportation and that by notifying each of the agencies, the issue of jurisdiction would be addressed before their hearing.
- In some situations, with the consent of the individuals involved, two or more cases can be combined or separated. For example, two brothers entered the U.S. on slightly different dates, but the circumstances of their case were similar and when asked, they agreed to have their cases combined. In another, the parents were separated and unmarried, and wanted the cases separated.
- When individuals are unrepresented, the Judge asked if they wished to proceed to have the case heard. In situations where the individual stated that they preferred to be represented by an attorney, and a delay would result in only a 2nd Continuance, with the consent of the Principal Legal Advisor, a Continuance may be granted, giving the individual an opportunity to secure an attorney. However, should the person not secure an attorney, they must still appear at the next scheduled Hearing Date, they must have a full understanding of the forms, and they must be prepared to provide all evidence in the case. Evidence may include signed testimonials, police reports, medical records, etc. Evidence should be provided to the Court 15 days in advance of the hearing.
- If the government has evidence against the individual, the person has a right to review it in advance of the court date. If the individual disagrees with the evidence, they can appeal to the Board of Immigration Appeals.
- One individual claimed that she had no idea why her then attorney indicated that she was living in Texas (she had a Hearing date set in Texas in 2026). She stated that she had never lived there, and that the signature on the form was not hers. The judge advised her to first change her court jurisdiction (she is living in Oakland and so she is under San Francisco jurisdiction, while the father is living in Richmond, and under the Concord jurisdiction), and then correct her address, then change/combine/separate cases as desired (the couple isn't married and aren't living together). Because of the issues with case, the mother was advised to bring the children to the next hearing.
- In some cases, the Judge, with the approval of the Principal Legal Advisor, can excuse underage children from attending a Hearing. This was the case with the autistic child and her older sister.
- In some cases, the Final hearing was scheduled out until 2027, sometimes this was an Application for Asylum.