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Appendix A - Standing Orders of IJs in the El Paso Service Processing Center

Appendix A1a – IJ Abbott’s Evidence
Standing Order for Asylum/Withholding of
Removal/CAT

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
Immigration Court (IJ Abbott)
El Paso, Texas

In lieu of removal respondent has requested relief in the form of **ASYLUM/WITHHOLDING/CAT**

Hearing for said application will be held on a date to be determined. Before a merit hearing is scheduled to consider the respondent's request, a full and complete application must be submitted to the court. A full and complete application includes:

- o any and all applications for relief from removal (including any amendments)(form I-589)
- o any and all proposed exhibits and briefs the parties wish the Court to consider, along with proper English translations for non-English language documents. This includes any sworn statements from out of country used as corroboration for respondent's testimony. **Respondent may not submit additional documents AFTER an application has been filed with the court absent a motion showing such evidence was new AND unavailable at the time of filing the original application.**
- o any proposed witness list
- o PAGE LIMIT OF 100 PAGES OF EXHIBITS, EXCLUSIVE OF I-589 AND SWORN STATEMENT OF RESPONDENT. ANY PACKAGE OF EXHIBITS LARGER THAN 100 PAGES WILL BE RETURNED TO RESPONDENT AND/OR COUNSEL

The witness list must include a statement of facts that each witness will testify about INCLUDING THE RESPONDENT. In some cases, this statement of facts will be used in lieu of the witnesses' testimony. Therefore, it must be specific enough to provide the court and the opposing party enough information to make an informed choice as to whether such witnesses is necessary or not. A SWORN STATEMENT FROM THE WITNESS IS STRONGLY SUGGESTED. RESPONDENT AND EXPERT WITNESSES MUST SUBMIT SWORN PROPOSED TESTIMONY.

Applications for asylum/withholding/CAT MUST include a written statement from the respondent as to the facts giving rise to their claim. Such facts must be specific as to WHO wants to harm respondent, WHY this group or person wants to harm respondent, WHAT has happened in the past that respondent believes constitutes persecution, or gives him or her a well-founded fear of persecution in the future, INCLUDING the time, place, incident, motive, names, etc. of anyone threatening or harming respondent. THIS STATEMENT IS RESPONDENT'S PRIMARY TESTIMONY. If no statement of facts is submitted the court may decline to give weight to respondent's oral testimony. **Respondent's testimony must include corroboration if reasonably available (e.g., affidavits from witnesses, family members knowledgeable with events, etc.).**

Respondent must also submit a statement of facts articulating each and every arrest in the United States; whether he was formally charged, and if so what the formal charge was; whether respondent pled guilty/no contest/not guilty. **RESPONDENT MUST INCLUDE COMPLETE CONVICTION RECORDS FOR EACH CONVICTION, INCLUDING POLICE REPORTS.** Respondent must also submit a complete statement of facts relating to the conduct giving rise to the charge, including place, date, circumstances of the conduct including who was involved (e.g., name of victim or place of business, etc.). This statement must be in affidavit form.

All submissions must comply with the current Immigration Court Practice Manuel or they shall be deemed not properly filed. All foreign language documents (not in English) must be accompanied by an English translation with a proper certification of the translation. Un-translated documents, or documents not properly certified by the translator, will be rejected. If respondent receives any assistance at all with the preparation of the asylum application, that person must also sign the application in the space provided.

FAILURE TO COMPLY WITH THESE INSTRUCTIONS MAY BE DEEMED AN ABANDONMENT OF THE RELIEF APPLICATION AND/OR WAIVER OF THE OPPORTUNITY TO SUBMIT SUCH APPLICATION AND/OR DOCUMENTARY EVIDENCE.

Served on Respondent/Attorney/Representative in Open Court

Date:

By:

Appendix A1b – IJ Abbott’s Bond Hearing Standing Order

BOND HEARINGS IJ Abbott

The Court will normally conduct a bond hearing on the papers submitted by the parties. Unless the following questions are answered by the parties, the bond request will be delayed or denied. Respondent's bond memorandum should include answers to the following questions:

1. Name and "A" number of the Respondent (required)
2. Fixed address in the United States (with attached proof such as utility bill, etc. If the proof of a fixed address is in the name of someone else, an affidavit from that person articulating that the respondent is allowed to live there is required, along with a copy of that persons utility bill, etc.)(Required).
3. Age
4. Birthplace
5. Entry date
6. Immigration Status (and how long)
7. Marital status (and immigration status of spouse if any)
8. Children
 - age of children and immigration status, if any
 - any medical or physical disabilities, etc.
9. Other Family in U.S.
 - LPR or USC Parents
 - LPR or USC Siblings
10. Employment History for last 3 years (attach pay stubs/W-2, etc.)
11. Property Ties (copy of deed)
12. All Criminal History must be disclosed, including any pending criminal cases. If the respondent has any criminal history copies of dispositions of any arrests must be provided (Required).
13. Identify Defense to Deportation/Removal charges or
14. Identify Relief from Deportation/Removal respondent intends to apply for. **If the respondent is seeking asylum/withholding a sworn declaration answering three questions must be submitted:**
 - a. **Who wants to harm him or her (e.g., identify the persecutor);**
 - b. **What has happened in the past and/or what might happen in the future (e.g., identify the persecution); and**
 - c. **Why is this person or group motivated to harm the respondent (e.g., identify the nexus)(Required).**

If the bond record is complete, the Court will issue a bond decision. If the bond record is not complete, or there is a problem, the Court will issue an order to correct whatever deficiencies appear to exist. Failure of respondent to submit a timely request for additional information will result in the bond hearing being cancelled without a decision being made by the Court.

In the event the facts supporting the bond record are in dispute, a special evidentiary hearing (merit hearing) will be scheduled to take testimony of witnesses. At this type of hearing counsel and any witnesses are required to be present.

AUDIENCIAS DE FIANZA
Juez de Inmigración Abbott

Generalmente el Tribunal llevará a cabo una audiencia de fianza en base a los documentos que entreguen las partes interesadas. A menos de que las partes interesadas contesten las siguientes preguntas, la petición de fianza será aplazada o negada. El memorandum de fianza de el/la compareciente debe incluir respuestas a las siguientes preguntas:

1. Nombre y número "A" de el/la compareciente. (Requisito)
2. Dirección fija en Estados Unidos (Comprobantes de recibos de servicios, etc; si el recibo está a nombre de alguien más, es requisito que dicha persona envíe una declaración jurada que indique que el/la compareciente tiene permiso de vivir ahí, además de una copia del recibo de servicios de esa persona). (Requisito)
3. Edad
4. Lugar de nacimiento
5. Fecha de entrada
6. Estado Migratorio (por cuánto tiempo)
7. Estado Civil (estado migratorio de su esposo/a)
8. Hijo/a(s)
 - La edad de su(s) hijo/a(s) y estado migratorio
 - Cualquier discapacidad médica o física, etc;
9. Otros familiares en Estados Unidos
 - Padres ciudadanos de Estados Unidos o Residentes Legales Permanentes
 - Hermano/a (s) ciudadanos de Estados Unidos o Residentes Legales Permanentes
10. Historial de empleo de los últimos 3 años (adjuntar talones de cheque/W-2, etc;)
11. Bienes inmuebles (copias de las escrituras)
12. Debe revelar sus antecedentes penales, incluyendo cualquier caso penal que esté pendiente. Si el/la compareciente tiene antecedentes penales, se requieren copias de las resoluciones de cualquier arresto.
13. Identifique cuál será la defensa a la Deportación / Cargos de expulsión o
14. Identifique el recurso legal a la deportación ó expulsión que el/la compareciente planea solicitar. **Si se solicita asilo/el apalzamiento indefinido a la expulsión, el/la compareciente debe presentar una declaración juramentada respondiendo a estas tres preguntas:**
 - a. ¿Quién le quiere hacer daño? (Por ejemplo, identifique el causante de la persecución);
 - b. ¿Qué ha sucedido en el pasado y qué puede suceder en el futuro (Por ejemplo, identifique la persecución); y
 - c. ¿Qué motiva a esa persona o grupo para hacerle daño al compareciente? (Por ejemplo identifique el nexo). (Requisito).

Si los documentos para el acta de la fianza están completos, el Tribunal emitirá una decisión sobre la fianza. Si el acta de la fianza no está completa o si se presentara algún problema, el Tribunal girará una orden para corregir cualquier deficiencia que pudiera existir. Si el/la compareciente no cumpliera a tiempo con la entrega de la información adicional que se le pide, se le podría cancelar la audiencia de fianza y el Tribunal no tomará ninguna decisión.

En caso que la información respecto a la fianza esté en disputa, se programará una audiencia de pruebas (sobre los méritos del caso) para tomar declaraciones de cualquier testigo. Es obligatorio que para este tipo de audiencia comparezcan el/la abogado/a y todos los testigos.

Appendix A1c – IJ Abbott’s Evidence
Standing Order for Cancellation of
Removal/Non-LPR

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
Immigration Court (IJ Abbott)
El Paso, Texas

In lieu of removal respondent has requested relief in the form of **CANCELLATION OF REMOVAL/non-LPR**

Hearing for said application will be held on a date to be determined. Before a merit hearing is scheduled to consider the respondent's request, a full and complete application must be submitted to the court. A full and complete application includes:

- any and all applications for relief from removal (including any amendments)
- any proposed exhibits and briefs the parties wish the Court to consider, along with proper English translations for non-English language documents
- any proposed witness list

The witness list must include a statement of facts that each witness will testify about INCLUDING THE RESPONDENT. In some cases, this statement of facts will be used in lieu of the witnesses' testimony. Therefore, it must be specific enough to provide the court and the opposing party enough information to make an informed choice as to whether such witnesses is necessary or not. A SWORN STATEMENT FROM THE WITNESS IS STRONGLY SUGGESTED. RESPONDENT AND EXPERT WITNESSES MUST SUBMIT A SWORN STATEMENT

Applications for Cancellation of Removal/non LPR: MUST include a written statement from the respondent as to the facts giving rise to their claim. Such facts must be specific as to family members who would suffer hardship; the nature and type of hardship potentially suffered, conditions in respondent's home country that aggravate said conditions or hardship, and whether there is or is not a qualified care-giver in the United States capable of caring for the family member if respondent is removed (e.g., mother of child, grandmother, aunt or uncle with legal status). A home-study by a social worker or psychologist trained in adoption issues is highly recommended. If no statement of facts is submitted, the court may decline to give any weight to respondent's testimony. Therefore, care should be taken to provide as much information as possible about the claim. Respondent must also submit a statement of facts articulating each and every arrest in the United States; whether he was formally charged, and if so what the formal charge was; whether respondent pled guilty/no contest/not guilty. **RESPONDENT MUST INCLUDE COMPLETE CONVICTION RECORDS FOR EACH CONVICTION, INCLUDING POLICE REPORTS.** All submissions must comply with the current Immigration Court Practice Manual or they shall be deemed not properly filed.

FAILURE TO COMPLY WITH THESE INSTRUCTIONS MAY BE DEEMED AN ABANDONMENT OF THE RELIEF APPLICATION AND/OR WAIVER OF THE OPPORTUNITY TO SUBMIT SUCH APPLICATION AND/OR DOCUMENTARY EVIDENCE.

Appendix A1d(i): IJ Abbott's Telephonic Appearance Standing Order

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
Detained Immigration Court
El Paso, Texas

STANDING ORDER OF THE IMMIGRATION JUDGE
REGARDING TELEPHONIC APPEARANCES
(IJ Abbott Only)

A. Master Calendar Hearings

This Court does not routinely allow the appearance of attorneys by telephone. Pursuant to 8 C.F.R. part 1003.17, a respondent may be represented by anyone authorized pursuant to 8 C.F.R. part 1292 upon the filing of form EOIR-28. Nothing in the regulation requires the court to accommodate an attorney's request to appear by telephone.

This Court is cognizant of the hardship this standing order may place upon a respondent who seeks to hire an attorney or representative from outside the El Paso metro area. Nevertheless, the Court has experienced significant delays in being to complete its docket because of the large number of attorneys requesting permission to appear by telephone. The additional time and effort to call the respondent's attorney, wait for them to be found by their staff, and the occasional communication problems experienced in the past has caused this Court to suffer considerable frustration...all because of telephonic appearances.

Therefore, in an effort to expedite my docket, and provide for expediency at the master calendar, this Court, as of July 1, 2007, will no longer allow an attorney to appear by telephone for any master calendar hearing conducted by me in El Paso, Texas absent exceptional circumstances (e.g. distance from El Paso is not an exceptional circumstance).

In lieu of a personal appearance, counsel may submit pleadings in writing. If the charges are *not* conceded, a MERITS hearing will be scheduled. If the charges are conceded, counsel should identify what, if any, relief from removal respondent is seeking. The Court will then set a MASTER calendar hearing for submission of the relief application(s). Counsel need not be present for the submission of any relief application(s), PROVIDED a relief application has been sent to the court, or a motion for continuance filed in the event more time is needed to complete the relief application. Once the relief application has been filed AND accepted by the court, a merits hearing date and time will be set, and counsel notified.

B. Bond Hearings

Bond hearings are normally conducted on the papers and exhibits submitted by the parties. Testimony is NOT normally taken because bond hearings are not normally recorded in the DAR (digital audio recording system). Respondent's counsel need not be present for any custody redetermination (bond) hearing, provided counsel for the respondent has filed with the Court a bond package including documents relating to, and answering the following questions:

1. Name and "A" number of the Respondent (include proof of identity such as passport, etc.)
2. Fixed address in the United States (with attached proof such as utility bill, etc.)
3. Age
4. Birthplace
5. Entry date
6. Immigration Status (and how long)
7. Marital status (and immigration status of spouse if any)(include documents if available)

8. Children (include documents if available)
 - age of children and immigration status, if any
 - any medical or physical disabilities, etc.
9. Other Family in U.S.
 - LPR or USC Parents
 - LPR or USC Siblings
10. Employment History for last 3 years (attach pay stubs/W-2, etc.)
11. Property Ties (copy of deed)
12. All Criminal History must be disclosed. If the respondent has ANY criminal history copies of dispositions of any arrests must be provided.
13. Identify Defense to Deportation/Removal charges or
14. Identify Relief from Deportation/Removal respondent intends to apply for. A statement of facts supporting the relief application must also be submitted. For example, if respondent is seeking Cancellation of Removal/NON-LPR, respondent must submit a statement of facts articulating the elements of the case (e.g., length of residence in the U.S.; any departures; family ties; a brief description of the hardship to family members removal would cause; criminal history if any, etc.). If the respondent is seeking asylum/withholding/CAT respondent must submit a SWORN statement of facts supporting the claim, including, but not limited to:
 - a. Who wants to harm him or her (e.g., identify the persecutor);
 - b. What has happened in the past and/or what might happen in the future (e.g., identify the persecution); and
 - c. Why is this person or group motivated to harm the respondent (e.g., identify the nexus).

If the bond record is complete, the Court will issue a decision. If the bond record is incomplete the court may make an adverse decision OR delay the bond proceedings to allow corrections, AT THE COURT'S DISCRETION. In the event the facts supporting the bond record are in dispute, a special evidentiary hearing (merit hearing) will be scheduled to take testimony of witnesses. At this type of hearing counsel may appear by telephone or in person but must notify the court of their preference.

Appendix A1d(ii): Historical Version of IJ Abbott's Telephonic Appearance Standing Order

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
SERVICE PROCESSING CENTER
EL PASO, TEXAS**

**STANDING ORDER OF THE IMMIGRATION COURT REGARDING
TELEPHONIC APPEARANCES IN DETAINED CASES**

A. Master Calendar Hearings

Since 2007 the judges at the Service Processing Center in El Paso have not routinely allowed the appearance of attorneys by telephone. Pursuant to the regulations a Respondent may be represented by anyone authorized pursuant to 8 CFR part 1292 upon the filing of form EOIR-28. Nothing in the statute or regulations requires the court to accommodate an attorney's request to appear by telephone.

The courts are well aware of the difficulty this standing order may place upon a respondent who seeks to hire an attorney or representative from outside the El Paso area. Nevertheless, the courts had experienced significant delays in handling their detained dockets because of the large number of attorneys requesting telephonic appearances. The additional time and effort required to call the attorney, wait for staff to find them, and frequent communication problems caused the judges to lose precious court time conducting telephonic appearances.

Therefore, the courts at the Service Processing Center in El Paso will allow telephonic appearances by counsel at Master Calendar hearings only under extraordinary circumstances. The existence of those circumstances will be determined by the court, and any such appearance must be approved by the court in advance of said hearing.

In lieu of a personal appearance, counsel may submit pleadings in writing. If the charges are not conceded, a hearing will be scheduled for the court to consider contested charges. If the charges are conceded, counsel should clearly identify what, if any, relief from removal the Respondent is seeking. The court will then set a time and date for a Master Calendar hearing. All required applications must be filed before or at that Master Calendar hearing. If all applications are filed before the Master Calendar, counsel need not be present. During the Master hearing, the court will schedule an individual hearing date which will be mailed to counsel. Submission of exhibits and supporting materials will be governed by the Practice Manual.

B. Bond hearings

Telephonic Bond hearings will not be allowed except in extraordinary circumstances as noted above. **The courts will conduct bond hearings based upon the bond motion and/or the materials submitted in the bond packet, and your personal appearance is not required if the bond packet is complete.** Failure to provide the following information in the bond packet or motion may result in the bond request being delayed or denied. A bond motion or packet should contain the following information:

1. Name and A number of the Respondent
2. Permanent address with attached proof such as utility bills, etc.(If the address is in the name of someone else, an affidavit or some proof that the Respondent may reside there is required)
3. Age
4. Birthplace
5. Entry date
6. Immigration status (how long)
7. Marital status (immigration status of spouse, if any)
8. Children (ages, immigration status, health issues)
9. LPR or USC parents or siblings
10. Recent employment history (pay stubs, W-2 forms, letters, etc.)
11. Property ownership (deeds, contracts, etc.)
12. Full criminal history (any court documents which reflect dispositions different from those appearing in government pleadings or on government criminal history records should be provided)
13. If the Respondent will contest the removal charge, identify briefly the basis for the contest of the charge or charges
14. Identify the relief the Respondent will be seeking
15. Any Respondent who intends to seek asylum or withholding of removal should briefly answer the following questions:
 - a. Who wants to harm the Respondent?
 - b. What happened in the past and/or will happen in the future that meets the legal definition of persecution?
 - c. Why is the person or group motivated to harm the Respondent? (i.e. what is the statutory category under Section 101(a)(42) of the Act?)

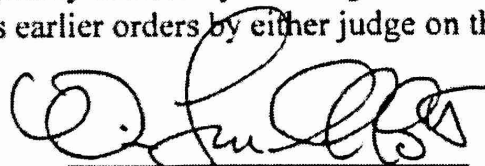
If the information in the bond motion or packet is deficient in one or more areas, the court may terminate the bond hearing without making a decision on the bond redetermination. In the event the information in the bond motion or packet is the subject of serious dispute, the court will consider scheduling an evidentiary hearing in order to consider further evidence or testimony of witnesses. Counsel and any witnesses called must be present at such a hearing.

C. Individual Hearings

Counsel and witnesses must attend any individual hearing scheduled by the court. A **telephonic appearance by counsel will not be allowed at an individual hearing.** If an appropriate motion is timely filed, the courts will consider allowing witnesses to testify telephonically.

This order is jointly entered by the Judges at the Service Processing Center in El Paso, Texas and supercedes earlier orders by either judge on the same issue.

July 11, 2008



William Lee Abbott
U.S. Immigration Judge
Service Processing Center
El Paso, Texas



Thomas C. Roepke
U.S. Immigration Judge
Service Processing Center
El Paso, Texas

Appendix A1d(iii): Redacted IJ Abbott
Order Denying Motion for Telephonic
Appearance

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
Detained Immigration Court
El Paso, Texas

A-216 166 879

In the Matter of

In Removal Proceedings

Ramiro Mendoza Pablo,
Respondent

APPLICATION: Motion for Telephonic Hearing

ORDER OF THE IMMIGRATION JUDGE

Respondent, through counsel, has moved to appear by telephone at the master calendar and bond hearings. This court does not routinely allow attorneys to appear by telephone at master calendars or bond hearings unless special circumstances exist (see standing order regarding telephonic hearings-attached).

Since those circumstances have not been shown by respondent's counsel, the motion to appear by telephone is denied. However, counsel need not be physically present at the master and/or bond hearing provided counsel follows the general directions articulated in more detail in the attached document(s).

ORDER: Respondent's Motion to appear by telephone is denied.



William Lee Abbott
Immigration Judge

Date: May 24, 2018

Appendix A2a: IJ Pleeters Evidence Standing Order for Asylum/Withholding/CAT

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
Immigration Court *IS Pleeters*
El Paso, Texas

In lieu of removal respondent has requested relief in the form of **ASYLUM/WITHHOLDING/CAT**

Hearing for said application will be held on a date to be determined. Before a merit hearing is scheduled to consider the respondent's request, a full and complete application must be submitted to the court. A full and complete application includes:

- o any and all applications for relief from removal (including any amendments)
- o any and all proposed exhibits and briefs the parties wish the Court to consider, along with proper English translations for non-English language documents. This includes any sworn statements from out of country used as corroboration for respondent's testimony. Respondent may not submit additional documents AFTER an application has been filed with the court absent a motion showing such evidence was new AND unavailable at the time of filing the original application.
- o any proposed witness list

The witness list must include a statement of facts that each witness will testify about INCLUDING THE RESPONDENT. In some cases, this statement of facts will be used in lieu of the witnesses' testimony. Therefore, it must be specific enough to provide the court and the opposing party enough information to make an informed choice as to whether such witnesses is necessary or not. A SWORN STATEMENT FROM THE WITNESS IS STRONGLY SUGGESTED. RESPONDENT AND EXPERT WITNESSES MUST SUBMIT SWORN PROPOSED TESTIMONY.

Applications for asylum/withholding/CAT **MUST** include a written statement from the respondent as to the facts giving rise to their claim. Such facts must be specific as to WHO wants to harm respondent, WHY this group or person wants to harm respondent, WHAT has happened in the past that respondent believes constitutes persecution, or gives him or her a well-founded fear of persecution in the future, INCLUDING the time, place, incident, motive, names, etc. of anyone threatening or harming respondent. If no statement of facts is submitted the court may decline to give weight to respondent's oral testimony. Respondent's testimony must include corroboration if reasonably available (e.g., affidavits from witnesses, family members knowledgeable with events, etc.)

Respondent must also submit a statement of facts articulating each and every arrest in the United States; whether he was formally charged, and if so what the formal charge was; whether respondent pled guilty/no contest/not guilty. **RESPONDENT MUST INCLUDE COMPLETE CONVICTION RECORDS FOR EACH CONVICTION, INCLUDING POLICE REPORTS.** Respondent must also submit a complete statement of facts relating to the conduct giving rise to the charge, including place, date, circumstances of the conduct including who was involved (e.g., name of victim or place of business, etc.). This statement must be in affidavit form.

All submissions must comply with the current Immigration Court Practice Manual or they shall be deemed not properly filed. All foreign language documents (not in English) must be accompanied by an English translation with a proper certification of the translation. Un-translated documents, or documents not properly certified by the translator, will be rejected. If respondent receives any assistance at all with the preparation of the asylum application, that person **must** also sign the application in the space provided.

FAILURE TO COMPLY WITH THESE INSTRUCTIONS MAY BE DEEMED AN ABANDONMENT OF THE RELIEF APPLICATION AND/OR WAIVER OF THE OPPORTUNITY TO SUBMIT SUCH APPLICATION AND/OR DOCUMENTARY EVIDENCE.

Served on Respondent/Attorney/Representative in Open Court

Date:

By:

Appendix A2b: IJ Pleeters Bond Hearing Standing Order

Custody Redetermination ("Bond") Hearings

Judge PleTERS

Respondent's counsel need not be present in person for any bond hearing and may appear telephonically. ~~The Respondent's bond package must be filed no later than one business day prior to the bond hearing~~ regardless of whether counsel intends to attend the hearing in person. **THE ATTACHED "BOND EXHIBIT SUMMARY" MUST BE FILLED OUT COMPLETELY AND SUBMITTED AS PART OF THE BOND PACKAGE.** ~~In addition to the Bond Exhibit Summary, the bond package must include documents relating and responses to the following issues or questions:~~

1. Respondent's name, age, and citizenship (include proof of identity/passport).
2. Respondent's "A" number and immigration status (include length of such status).
3. Respondent's criminal history, even if not documented (include copies of reports of arrests, charges, dispositions, etc. for criminal history that is documented).
4. Respondent's entry date(s) into the United States, and location of last entry.
5. Description of Respondent's manner of entry into the United States, including whether the services of a guide or smuggler were used and the fee paid to such guide or smuggler.
6. Description of attempts by Respondent to flee prosecution and/or escape from authorities.
7. Respondent's history of immigration violations, even if not documented.
8. Respondent's record of appearances in court if ever released on a bond.
9. Respondent's fixed address in the United States (include proof such as a utility bill, and proof of sponsor's name, immigration status, and relationship to Respondent).
10. Respondent's family ties in the United States, including the immigration status of those family members (include any relevant documents), and whether those ties may entitle Respondent to reside in the United States permanently in the future.
11. Respondent's property ties in the United States (include copy of deed).
12. Respondent's employment history (include pay stubs, W-2, etc. for the last three years).
13. Identify any defense to, or relief from, deportation/removal Respondent intends to pursue. A sworn statement of facts supporting any intended relief request must also be submitted. For example, if Respondent will be seeking cancellation of removal and is not a Legal Permanent Resident, Respondent must submit a sworn statement that articulates the facts Respondent is intending to later introduce to meet Respondent's burden of proof on Respondent's request for relief (such as length of residence in the U.S., any departures, family ties, a brief description of the hardship to family members removal would cause, criminal history, etc.). ~~If Respondent is seeking asylum, withholding of removal, or relief under the Convention Against Torture, Respondent must submit a sworn statement that articulates the facts Respondent is intending to later introduce to meet Respondent's burden of proof on any of the intended applications for relief, including:~~
 - a. Who wants to harm Respondent (identify the persecutor);
 - b. What has happened in the past and/or what might happen in the future (identify the persecution); and
 - c. Why is the persecutor motivated to harm Respondent (identify the nexus).

~~Recognizing that Respondent bears the burden of proof, if the bond package is~~ incomplete the court may, at its discretion, make a decision that is adverse to Respondent or take no action on the motion for bond. In the event the facts supporting the bond record are in dispute, an evidentiary hearing may be scheduled to take testimony of witnesses, at which counsel and the witnesses are to be present.

The Department of Homeland Security is to submit any evidence on the issue of bond that it wishes the court to consider, together with the attached "Bond Exhibit Summary" with the relevant portions filled out, no later than one business day prior to the bond hearing.

PROCESO PARA DETERMINAR LA DETENCIÓN (AUDIENCIA DE FIANZA) JUEZ DE INMIGRACIÓN PLETERS

No es necesario que el/la abogado/a de el/la compareciente esté presente durante las audiencias de fianza. Se presente o no el/la abogado/a, el/la compareciente en un mínimo de dos días hábiles antes de la audiencia de fianza deberá entregar un paquete con información relevante a la fianza. Las audiencias de fianza pueden proseguir en base a documentación incluyendo el paquete de información relevante a la fianza que se haya presentado. EL FORMULARIO ADJUNTO "PRUEBA DOCUMENTAL PARA LA FIANZA" DEBERÁ PRESENTARSE DESPUÉS DE HABERSE COMPLETADO TOTALMENTE JUNTO CON EL PAQUETE DE INFORMACIÓN PARA LA FIANZA. Además de la "Prueba Documental para la Fianza" el paquete de información relevante a la fianza deberá incluir documentos que aclaren y contesten las siguientes preguntas:

1. Nombre, edad y ciudadanía de el/la compareciente. (Comprabante de identidad.)
2. Número de registro de extranjero/a; estado migratorio de el/la compareciente (Indique por cuánto tiempo lo ha tenido).
3. Antecedentes penales de el/la compareciente aunque no se hayan documentado. (Incluya copias de reportes de arrestos, cargos, disposiciones, etc., historial criminal si existen documentos).
4. Fecha, lugar de entrada y periodo de estancia de el/la compareciente en los Estados Unidos.
5. Descripción de la manera de entrada de el/la compareciente a los Estados Unidos, si se utilizaron los servicios de un guía o de un contrabandista y cuánto fue lo que se pagó a ese guía o contrabandista.
6. Descripción de incidentes en que el/la compareciente haya intentado evitar enjuiciamiento/ o escapar de las autoridades.
7. Antecedentes imigratorios de el/la compareciente aunque no se hayan documentado.
8. Historial de comparecencia ante los tribunals de el/la compareciente si se ha encontrado libre bajo fianza.
9. Dirección fija en Estados Unidos de el/la compareciente. (Incluya comprobantes como recibos de servicios, comprobante del nombre y estado Migratorio de la persona que le patrocina, e indique cuál es su relación con dicha persona).
10. Lazos familiares de el/la compareciente en Estados Unidos y estado Migratorio de dichos parientes (incluya cualquier documento de relevancia) e indique si esos lazos familiares le podrían conceder a el/la compareciente el derecho de radicar permanentemente en Estados Unidos en el futuro.
11. Bienes inmuebles de el/la compareciente que tenga en los Estados Unidos. (Copias de las Escrituras).
12. Historial de empleo de el/la compareciente. (Incluya talones de cheques, Forma W-2, de los últimos 3 años etc.).
13. Identifique el recurso legal a la deportación ó expulsión que el/la compareciente planea solicitar. En apoyo al recurso legal que se va a solicitar deberá presentarse una declaración jurada sobre los hechos. Por ejemplo, si el/la compareciente no es residente legal permanente de los Estados Unidos y va a solicitar una cancelación de la expulsión, el/la compareciente deberá presentar una declaración jurada que contenga información de la evidencia que probablemente presentará para cumplir con la carga de prueba requerida para dicho recurso legal (incluyendo duración de residencia y salidas en los Estados Unidos; lazos familiares; breve descripción de cuál sería la penuria que causaría una expulsión a miembros de la familia; antecedentes penales; etc.) Si el/la compareciente solicita asilo/el aplazamiento indefinido de la expulsión o un recurso legal de acuerdo al Convenio Antitortura, el/la compareciente deberá presentar una declaración jurada que contenga información de la evidencia que probablemente presentará para cumplir con la carga de prueba requerida en cualquiera de dichos recursos, que incluya entre otros información de:
 - a. ¿Quién le quiere hacer daño a el/la compareciente? (Identifique al causante de la persecución).
 - b. ¿Qué ha sucedido en el pasado y qué puede suceder en el futuro? (Identifique la persecución); y
 - c. ¿Qué motiva al causante de la persecución para hacerle daño a el/la compareciente? (Identifique el nexo).

Si el paquete de información relevante a la fianza que se entregue está completo, el Tribunal tomará una decisión respecto a la fianza, si necesidad de que el/la abogado/a de el/la compareciente esté presente. Si ésto sucediera, el Tribunal reservará el derecho de apelación para, el/la compareciente. Debido a que el/la compareciente tiene la carga de la prueba, si el paquete de información relevante a la fianza estuviese incompleto, el Tribunal bajo su criterio, podría tomar una decisión no favorable para el/la compareciente o no tomará acción sobre el pedimento de de fianza. En caso que la información respecto a la fianza esté en disputa, se programará una audiencia de pruebas para tomar declaraciones de cualquier testigo y será obligatorio que comparezcan el/la abogada y todos los testigos.

Toda prueba que el Departamento de Seguridad Interna desee presentar para tomarse en cuenta ante el Tribunal respecto a una fianza, deberá entregarse a más tardar con un día hábil de anticipación a la audiencia de fianza, junto con la "PRUEBA DOCUMENTAL PARA LA FIANZA" con toda la información relevante completa.

Versión 02/12/2018

Sponsor

Patrocinador(a)

Name: _____

Nombre _____

Immigration status _____ **Relationship to Respondent** _____

Estatus migratorio _____ *Parentesco con el compareciente* _____

Family in the United States:

Familia en Estados Unidos:

Relationship to Respondent

Status

Age

Lives in (state)

Parentesco con el/la comparaeciente

Estatus

Edad

Dónde vive (estado)

Property in the United States:

Propiedad(es) en Estados Unidos

Employment history in the United States:

Historial de empleo en Estados Unidos:

Type of work

Dates of employment

Location

Tipo de trabajo

Fechas de empleo

Lugar

Potential eligibility for relief from removal: **ATTACH RESPONDENT'S SWORN STATEMENT OF FACTS TO THIS BOND EXHIBIT SUMMARY**

Potencial para el derecho a un recurso legal para la expulsión: ADJUNTE A ESTA PRUEBA DOCUMENTAL PARA FIANZA UNA DECLARACIÓN JURAMENTADA DE EL/LA COMPARECIENTE SOBRE LOS HECHOS

Appendix A3a: Tuckman Evidence
Standing Order for Asylum/Withholding of
Removal/CAT

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
Immigration Court (Judge Tuckman)
El Paso, Texas

In lieu of removal, the respondent has indicated that the respondent will be requesting relief in the form of **ASYLUM, WITHHOLDING OF REMOVAL, and/or relief under the CONVENTION AGAINST TORTURE.**

A hearing on the merits of respondent's application for relief will be held on a date to be determined. Before that hearing is scheduled, a full and complete application must be submitted to the court. An application is full and complete when it contains the items and information set out below, including:

- o all applications for relief from removal (including any amendments);
- o all proposed exhibits and briefs the respondent wishes the court to consider, along with properly certified English translations for documents that are in a language other than English. This includes any sworn statement, even if obtained from a country other than the United States, that the respondent intends to use as corroboration for the respondent's claim or testimony; and
- o a list of anticipated witnesses.

The witness list must include a statement of facts to which each witness, including the respondent, will testify. In some circumstances, this statement of facts may be used in lieu of in-person testimony. Therefore, it must be specific enough to provide the court with enough information to make an informed choice as to whether such witness is necessary or not. A SWORN STATEMENT FROM EACH WITNESS IS STRONGLY SUGGESTED. WITHOUT A SWORN STATEMENT, IN-PERSON TESTIMONY WILL BE REQUIRED. THE RESPONDENT AND EXPERT WITNESSES MUST SUBMIT SWORN ANTICIPATED TESTIMONY.

Applications for asylum, withholding of removal, and/or relief under the Convention Against Torture must include a written statement from the respondent as to the facts giving rise to the respondent's claim. Those facts must be specific as to WHO has harmed or wants to harm the respondent, WHY this person or group has harmed or wants to harm the respondent, and WHAT has happened in the past that the respondent believes constitutes persecution or gives the respondent a well-founded fear of persecution in the future, and include the time, place, description of the incident, identification of motive, and the name and other identifiers of anyone who has persecuted, or the respondent fears will persecute, the respondent. If the respondent does not submit a written statement of facts with the respondent's application for relief, then the court may decline to give weight to the respondent's oral testimony. **Corroboration of the respondent's testimony that is reasonably available (such as affidavits from witnesses or family members with knowledge of the events at issue, police reports, news accounts of the events at issue, etc.) must be submitted with the respondent's application for relief.**

The respondent's application for relief must also include a statement in affidavit form articulating each and every arrest of the respondent in the United States; whether the respondent was formally charged, and if so what the formal charge was; whether the respondent pleaded guilty/no contest/not guilty/was convicted at trial/was acquitted. **RESPONDENT MUST INCLUDE COMPLETE CONVICTION RECORDS FOR EACH CONVICTION, INCLUDING POLICE REPORTS.** Respondent must also submit a complete statement of facts relating to the conduct giving rise to each arrest or charge, including place, date, and circumstances of the conduct (including who was involved, such as the name of all accomplices, victims, etc.)

All submissions must comply with the current Immigration Court Practice Manual or they will be deemed not properly filed. All documents in a language other than English must be accompanied by an English translation with a proper certification of the translation. Foreign language documents that are not translated, or documents not properly certified by the translator, will be rejected. If respondent receives any assistance at all in preparing the application for relief, that person must also sign the application.

FAILURE TO COMPLY WITH THESE INSTRUCTIONS MAY BE DEEMED AN ABANDONMENT OF THE RELIEF APPLICATION AND/OR A WAIVER OF THE OPPORTUNITY TO SUBMIT SUCH APPLICATION AND/OR DOCUMENTARY EVIDENCE.

Served on Respondent/Attorney/Representative in Open Court

Date:

By:

Appendix A3b: IJ Tuckman Bond Hearing Standing Order

Custody Redetermination (“Bond”) Hearings Judge Tuckman

Respondent’s counsel need not be present for any bond hearing. **The Respondent’s bond package must be filed no later than two business days prior to the bond hearing** regardless of whether counsel intends to attend the hearing. Bond hearings may be conducted on the papers, including those contained in the bond package. **THE ATTACHED “BOND EXHIBIT SUMMARY” MUST BE FILLED OUT COMPLETELY AND SUBMITTED AS PART OF THE BOND PACKAGE.** In addition to the “Bond Exhibit Summary” the bond package must include documents relating and responding to the following issues and questions:

1. Respondent’s name, age, and citizenship (include proof of identity/passport).
2. Respondent’s “A” number and immigration status (include length of such status).
3. Respondent’s criminal history, even if not documented (include copies of reports of arrests, charges, dispositions, etc. for criminal history that is documented).
4. Respondent’s entry date(s) into the United States, and location of last entry.
5. Description of Respondent’s manner of entry into the United States, including whether the services of a guide or smuggler were used and the fee paid to such guide or smuggler.
6. Description of attempts by Respondent to flee prosecution and/or escape from authorities.
7. Respondent’s history of immigration violations, even if not documented.
8. Respondent’s record of appearances in court if ever released on a bond.
9. Respondent’s fixed address in the United States (include proof such as a utility bill, and proof of sponsor’s name, immigration status, and relationship to Respondent).
10. Respondent’s family ties in the United States, including the immigration status of those family members (include any relevant documents), and whether those ties may entitle Respondent to reside in the United States permanently in the future.
11. Respondent’s property ties in the United States (include copy of deed).
12. Respondent’s employment history (include pay stubs, W-2, etc. for the last three years).
13. Identify any defense to, or relief from, deportation/removal Respondent intends to pursue. A sworn statement of facts supporting any intended relief request must also be submitted. For example, if Respondent will be seeking cancellation of removal and is not a Legal Permanent Resident, Respondent must submit a sworn statement that articulates the facts Respondent is intending to later introduce to meet Respondent’s burden of proof on Respondent’s request for relief (such as length of residence in the U.S., any departures, family ties, a brief description of the hardship to family members removal would cause, criminal history, etc.). **If Respondent is seeking asylum, withholding of removal, or relief under the Convention Against Torture, Respondent must submit a sworn statement that articulates the facts Respondent is intending to later introduce to meet Respondent’s burden of proof on any of the intended applications for relief, including:**
 - a. **Who wants to harm Respondent? (identify the persecutor);**
 - b. **What has happened in the past and/or what might happen in the future? (identify the persecution); and**
 - c. **Why is the persecutor motivated to harm Respondent? (Identify the nexus).**

If the bond package is complete, the court will likely be able to issue a decision without Respondent’s counsel being present. If the court does so, it will reserve Respondent’s right to appeal. Recognizing that Respondent bears the burden of proof, if the bond package is incomplete the court may, at its discretion, make a decision that is adverse to Respondent or take no action on the motion for bond. In the event the facts supporting the bond record are in dispute, an evidentiary hearing may be scheduled to take testimony of witnesses, at which counsel and the witnesses are to be present.

The Department of Homeland Security is to submit any evidence on the issue of bond that it wishes the court to consider, together with the attached “Bond Exhibit Summary” with the relevant portions filled out, no later than one business day prior to the bond hearing.

PROCESO PARA DETERMINAR LA DETENCIÓN (AUDIENCIA DE FIANZA) JUEZ DE INMIGRACIÓN TUCKMAN

No es necesario que el/la abogado/a de el/la compareciente esté presente durante las audiencias de fianza. Se presente o no el/la abogado/a, el/la compareciente **en un mínimo de dos días hábiles antes de la audiencia de fianza deberá entregar un paquete con información relevante a la fianza.** Las audiencias de fianza pueden proseguir en base a documentación incluyendo el paquete de información relevante a la fianza que se haya presentado. **EL FORMULARIO ADJUNTO “PRUEBA DOCUMENTAL PARA LA FIANZA” DEBERÁ PRESENTARSE DESPUÉS DE HABERSE COMPLETADO TOTALMENTE, JUNTO CON EL PAQUETE DE INFORMACIÓN PARA LA FIANZA.** **Además de la “Prueba Documental para la Fianza” el paquete de información relevante a la fianza deberá incluir documentos que aclaren y contesten las siguientes preguntas:**

1. Nombre, edad y ciudadanía de el/la compareciente. (Comprabante de identidad.)
2. Número de registro de extranjero/a; estado migratorio de el/la compareciente (Indique por cuánto tiempo lo ha tenido).
3. Antecedentes penales de el/la compareciente aunque no se hayan documentado. (Incluya copias de reportes de arrestos, cargos, disposiciones, etc., historial criminal si existen documentos).
4. Fecha, lugar de entrada y periodo de estancia de el/la compareciente en los Estados Unidos.
5. Descripción de la manera de entrada de el/la compareciente a los Estados Unidos, si se utilizaron los servicios de un guía o de un contrabandista y cuánto fue lo que se pagó a ese guía o contrabandista.
6. Descripción de incidentes en que el/la compareciente haya intentado evitar enjuiciamiento/ o escapar de las autoridades.
7. Antecedentes imigratorios de el/la compareciente aunque no se hayan documentado.
8. Historial de comparecencia ante los tribunales de el/la compareciente si se ha encontrado libre bajo fianza.
9. Dirección fija en Estados Unidos de el/la compareciente. (Incluya comprobantes como recibos de servicios, comprobante del nombre y estado Migratorio de la persona que le patrocina, e indique cuál es su relación con dicha persona).
10. Lazos familiares de el/la compareciente en Estados Unidos y estado Migratorio de dichos parientes (incluya cualquier documento de relevancia) e indique si esos lazos familiares le podrían conceder a el/la compareciente el derecho de radicar permanentemente en Estados Unidos en el futuro.
11. Bienes inmuebles de el/la compareciente que tenga en los Estados Unidos. (Copias de las Escrituras).
12. Historial de empleo de el/la compareciente. (Incluya talones de cheques, Forma W-2, de los últimos 3 años etc.).
13. Identifique el recurso legal a la deportación ó expulsión que el/la compareciente planea solicitar. En apoyo al recurso legal que se va a solicitar deberá presentarse una declaración jurada sobre los hechos. Por ejemplo, si el/la compareciente no es residente legal permanente de los Estados Unidos y va a solicitar una cancelación de la expulsión, el/la compareciente deberá presentar una declaración jurada que contenga información de la evidencia que probablemente presentará para cumplir con la carga de prueba requerida para dicho recurso legal (incluyendo duración de residencia y salidas en los Estados Unidos; lazos familiares; breve descripción de cuál sería la penuria que causaría una expulsión a miembros de la familia; antecedentes penales; etc.) **Si el/la compareciente solicita asilo/el aplazamiento indefinido de la expulsión o un recurso legal de acuerdo al Convenio Antitortura, el/la compareciente deberá presentar una declaración jurada que contenga información de la evidencia que probablemente presentará para cumplir con la carga de prueba requerida en cualquiera de dichos recursos, que incluya entre otros información de:**
 - a. **¿Quién le quiere hacer daño a el/la compareciente? (Identifique al causante de la persecución).**
 - b. **¿Qué ha sucedido en el pasado y qué puede suceder en el futuro? (Identifique la persecución); y**
 - c. **¿Qué motiva al causante de la persecución para hacerle daño a el/la compareciente? (Identifique el nexo).**

Si el paquete de información relevante a la fianza que se entregue está completo, el Tribunal tomará una decisión respecto a la fianza, si necesidad de que el/la abogado/a de el/la compareciente esté presente. Si ésto sucediera, el Tribunal reservará el derecho de apelación para, el/la compareciente. Debido a que el/la compareciente tiene la carga de la prueba, si el paquete de información relevante a la fianza estuviese incompleto, el Tribunal bajo su criterio, podría tomar una decisión no favorable para el/la compareciente o no tomará acción sobre el pedimento de de fianza. En caso que la información respecto a la fianza esté en disputa, se programará una audiencia de pruebas para tomar declaraciones de cualquier testigo y será obligatorio que comparezcan el/la abogada y todos los testigos.

Toda prueba que el Departamento de Seguridad Interna desee presentar para tomarse en cuenta ante el Tribunal respecto a una fianza, deberá entregarse a más tardar con un día hábil de anticipación a la audiencia de fianza, junto con la “PRUEBA DOCUMENTAL PARA LA FIANZA” con toda la información relevante completa.

BOND EXHIBIT SUMMARY FOR CASES BEFORE JUDGE TUCKMAN

The Respondent's -

Name, age, citizenship: _____

Passport: Has Does not have

A#: _____

Immigration status: _____

Criminal history:

<u>Name of crime</u>	<u>Conviction or arrest</u>	<u>Date</u>	<u>Disposition</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Date of first entry into the United States: _____

Date of last entry into the United States: _____

Location of last entry into the United States: _____

Manner of entry into the United States: _____

Use of a guide or smuggler: Yes No **Amount paid to guide or smuggler:** \$ _____

Attempts to flee prosecution or escape from authorities: _____

Prior immigration history: _____

Record of appearances in court if Respondent has ever been released on bond in a criminal or immigration case: _____

(TURN PAGE OVER)

Sponsor:

Name _____

Immigration status _____ Relationship to Respondent _____

Address _____

Family in the United States:

<u>Relationship to Respondent</u>	<u>Status</u>	<u>Age</u>	<u>Lives in (state)</u>
-----------------------------------	---------------	------------	-------------------------

Property in the United States: _____

Employment history in the United States:

<u>Type of work</u>	<u>Dates of employment</u>	<u>Location</u>
---------------------	----------------------------	-----------------

Potential eligibility for relief from removal: ATTACH RESPONDENT'S SWORN STATEMENT OF FACTS TO THIS BOND EXHIBIT SUMMARY

Appendix B: Sworn Statements of Legal Practitioners Appearing Before the El Paso SPC

Appendix B1: Sworn Statement of Anonymous #1

Sworn Statement of Anonymous

1. I have appeared in court on behalf of indigent immigrants in Texas, including the El Paso area, since 2014. I declare that the following is true and correct to the best of my knowledge and recollection under penalty of perjury of the federal laws of the United States. I will remain anonymous because I fear retaliation and strongly believe that my clients' cases will be negatively affected if my identity is disclosed.
2. My anonymity in this process stems from first hand accounts of immigration judges ("IJs") making negative comments about attorneys while on the bench and openly voicing their disapproving opinions about them, calling those attorneys "dishonest," "lazy" and criticizing the attorneys' work. I firmly believe that if my identity were to be revealed in this sworn statement, IJs in the El Paso area might use their discretion to deny my clients opportunity to fairly plead their cases, including perhaps denying bond or granting higher bond amounts as retaliation.
3. Throughout my approximately five years appearing on behalf of detained and non-detained persons before various IJs in the El Paso Service Processing Center Immigration Court ("El Paso SPC Immigration Court"), the El Paso Immigration Court as well as the Otero Immigration Court, I witnessed countless instances of judicial misconduct and egregious conduct on behalf of IJs. These instances include issues related to access to due process, including: (a) IJ's inappropriate or offensive comments towards clients and attorneys; (b) arbitrary and capricious denial of court motions; (c) IJ standing orders substantially undermining due process; (d) and problematic bond practices.
4. Standing orders represent local rules issued by immigration judges that counsel and clients must abide by. Some of these standing orders are administrative in nature, e.g.

requiring that respondents providing certain types of information. Other times, the standing rules are more substantive and affect motions, submissions, pleadings, and bond.

5. IJ William L. Abbott's ("IJ Abbott") standing orders are used as a kind of template for newer judges because of his long career in El Paso and seniority; IJ Michael S. Pleters ("IJ Pleters") and IJ Dean S. Tuckman ("IJ Tuckman") have both adopted IJ Abbott's standing orders almost verbatim. These standing orders are huge hindrances for attorneys and their clients, negatively contribute to access to counsel by discouraging potential attorneys from representing El Paso-based clients, and effectively prejudice clients' petitions for relief. There are five key type of standing orders that negatively affect clients in the El Paso area.
6. There is a standing order ("Pre-Merits Submission Standing Order") that requires that a complete application for asylum, Withholding of Removal, or relief under the Convention Against Torture (collectively referred to in this declaration as "humanitarian relief" and filed through Form I-589 *Application for Asylum and for Withholding of Removal*) and supporting evidence (also known as "exhibits") be submitted before the individual merits hearing. It is my understanding that IJ Abbott, IJ Pleters, and IJ Tuckman all adopted this standing order.
7. There is a standing order ("100-Page Limit Standing Order") that prohibits more than 100 pages of exhibits (excluding Form I-589 and statement of respondent), with applications violating this standing order being "returned to respondent and/or counsel." It is my understanding that IJ Abbott adopted this standing order.
8. There is a standing order ("Prohibition on Supplementary Evidence Standing Order") that prohibits the submission of supplementary documents or evidence after submission of an

application for humanitarian relief, unless the court grants a motion that the evidence was “new and unavailable” at the time of filing the original application. It is my understanding that IJ Abbott and IJ PleTERS adopted this standing order.

9. There is a standing order (“Consideration of Merits at Bond Hearing Standing Order”) that requires respondents seeking humanitarian relief provide a sworn declaration regarding who is persecuting them, description of past and/or future persecution, and nexus of persecution. These are some of the elements that, under immigration law, a respondent seeking humanitarian relief must often demonstrate at an Individual Hearing to qualify for relief. It is my understanding that IJ Abbott, IJ PleTERS, and IJ Tuckman all adopted this standing order.
10. There is a standing order (“Prohibition on Telephonic Appearances Standing Order”) that generally prohibits the granting of telephonic motions to appear (e.g. an attorney appearing at a Master Calendar Hearing, which is essentially a scheduling hearing, remotely) absent “extraordinary circumstances.” It is my understanding that IJ Abbott and possibly other IJs adopted this standing order.
11. In spring 2018, I appeared before IJ Abbott on behalf of my asylum-seeking client. My client was negatively impacted by IJ Abbott’s Pre-Merits Submission Standing Order. This standing order undermined my ability to prepare the application and prejudiced my client’s case.
12. I include a portion of the redacted official transcript for this hearing as an addendum to this declaration. The below exchange begins on page 112, line 1 of the transcript and involves my request to IJ Abbott to allow the submission of critical evidence after the deadlines established by the Prohibition on Supplementary Evidence Standing Order.

During this hearing, I responded to IJ Abbott’s question of whether my client’s asylum application had enough supporting documentation by saying that we were still waiting to receive additional evidence from U.S. Immigration and Customs Enforcement (ICE). IJ Abbott responded by stating, “Well, this is closed—the case closes for you today,”¹ indicating that IJ Abbott was not willing to accept any new evidence after that date, in accordance with the Prohibition on Supplementary Evidence Standing Order. I then reply, “Your honor, I understand that. But just if anything else comes up, due process-wise,”² to which IJ Abbott interrupts me by saying, “*Due process is an opportunity not a privilege.* So, believe me, if you don’t submit it with your application of this size, we will not hear that information.”³ IJ Abbott’s statement about due process was shocking and especially inappropriate given IJ Abbott’s position as a federal immigration judge. I was particularly disturbed that IJ Abbott did not think his comment was inappropriate and that he was comfortable sharing this comment with a packed courtroom.

13. IJ Abbott continued, stating that the evidence held by ICE that had not yet been provided was “not evidence that didn’t exist”⁴ and “there’s a reason why I issued a pre-trial order,”⁵ referring to Prohibition on Supplementary Evidence Standing Order. It was clear that IJ Abbott was unwilling to consider the dilemma we faced by this order.

Paradoxically, IJ Abbott stated, “that being said, the DHS is not subject to the pre-trial order,”⁶ meaning that while respondents had to submit the entire application packet by a certain date and could not supplement that application, ICE attorneys were not subject to that same restriction.

¹ Page 112, line 6 of transcript.

² Page 112, line 8 of transcript.

³ Page 112, lines 10-15 (emphasis added).

⁴ Page 113, line 3.

⁵ Page 113, line 7.

⁶ Page 115, line 2.

14. IJ Abbott continued to lecture me about the size of the application submitted, which was around 1,250 pages of crucial supporting evidence, and berated me as ineffective counsel.

IJ Abbott stated:

Please understand when you throw things against the wall and you expect them to stick, I am not that kind of person. So, I'm going to basically go through your application and pick about three or four things that I think that are important... The rest of the application I'll most likely ignore.⁷

15. I submitted a comprehensive and complete application containing 1,250 pages to ensure that I represented my client to the best of my abilities and that my client had the best opportunity to identify and obtain the immigration relief available to them. The size of the application also stemmed from IJ Abbott's Prohibition on Supplementary Evidence Standing Order, which, as previously stated, requires the entire application be submitted before merits hearing. Specifically, I felt compelled to include any and all relevant evidence because, unless an exception is granted, the Prohibition on Supplementary Evidence Standing Order establishes the initial submission of the application as the only and last chance for a client to make all their claims to relief.

16. During this hearing, I appeared in front of IJ Abbott for approximately three hours and was unable to ask my client a single question because IJ Abbott conducted the entirety of the direct representation. I attempted to raise this issue with IJ Abbott, but he cut me off. He stated I would eventually be able to ask questions, but ultimately was prohibited from asking any questions of my client. The government counsel, however, was not restricted from conducting cross examination of my client. This policy made it significantly harder for me to build a record for any eventual appeal and undermined my ability to represent my client to the best of my abilities.

⁷ Page 113, lines 15-21.

17. Sometime shortly after this particular hearing, IJ Abbott instituted the 100-Page Standing Order.
18. It is commonly known amongst attorneys in the El Paso area that IJ Abbott rarely grants motions for supplemental evidence, e.g. exceptions to the 100-Page Standing Order. This practice, coupled with the Prohibition on Supplementary Evidence Standing Order, force attorneys into a difficult and unfair decision in determining what evidence is *most* helpful even though additional evidence might also be equally as important. The 100-Page Standing Order is especially harmful because it not only hinders client's cases during initial hearings, but the inability to fully include all relevant evidence on the record is also harmful to clients in their future ability to properly appeal an unfavorable decision due to the inability to develop a more complete record.
19. I am frequently contacted by out-of-town attorneys both private and pro-bono, who contact me for insight in navigating the immigration courts in the El Paso area. The various standing orders discourage these out-of-town attorneys from taking on cases as those attorneys are intimidated and discouraged by the strict nature of the standing orders. It is my belief that approximately a dozen out-of-town attorneys who reach out to me each year ultimately decide not to take an El Paso case because of the five standing orders previously mentioned.
20. Attorneys accustomed with practicing in other immigration courts are always shocked in response to these standing orders, and especially discouraged by the "Prohibition on Telephonic Appearances" and the "Prohibition on Supplementary Evidence Standing Order". These attorneys frequently learn about these standing orders, and ultimately decide not to take on cases as a result.

21. In summer of 2017 one attorney, who despite their concerns surrounding the standing orders, took a case of a man detained in the El Paso Service Processing Center, later told me they would never accept another case in the El Paso area or before IJ Abbott because they felt their client's bond hearing was instead equivalent to a merits hearing as a result of the Consideration of Merits at Bond Hearing Standing Order.
22. In El Paso, it is common to witness inappropriate comments from immigration judges on the bench. IJ Stephen Ruhle ("IJ Ruhle") and IJ Abbott frequently pre-adjudicate cases at bond hearings and have been known to discourage clients from fighting their cases by citing likelihood of long-term detention or expressing an presumptive opinion before hearing any evidence or testimony. I have heard both IJs express their opinion saying people would be better off choosing deportation.
23. In the spring of 2018, during a Master Calendar Hearing for one of my clients, one of the first things IJ Ruhle stated, before reviewing the merits of my clients case and shortly after I said hello, was "you know your client is going bye-bye right?"
24. IJ Abbott is also known for making inappropriate comments. On multiple locations, I have heard him say he does not believe indigenous people are a race, only a Particular Social Group because of their unique customs. He also frequently makes comments about having heightened concerns about respondents coming from African countries because they may be terrorists.
25. IJ Abbott has frequently denied bond if the statement given to Border Patrol does not include a claim of fear. He has stated, multiple times, that he believes that upon detention, immigrants conspire with other detained persons who then advise them to fabricate a story of credible fear. Thus, if a respondent did not initially express fear upon

apprehension, any subsequent claim of fear is automatically presumed dubious and fabricated.

26. In the early Spring of 2018, I assisted another attorney in applying for bond on behalf of one of my former clients who I had assisted through the Credible Fear Interview process. The young man's sworn statement from Border Patrol quoted him saying he had no fear of persecution, even though he was a non-English speaker and profusely denied ever making such a claim. Additionally, we had provided the court with copious amounts of evidence demonstrating that this young man did in fact fear persecution. Nevertheless, IJ Abbott denied bond solely on the basis of the Border Patrol sworn statement.
27. IJ Abbott's overreliance on the credibility of the Border Patrol sworn statements is something that I have observed frequently in other bond hearings. On multiple occasions, I have heard IJ Abbott tell counsel that he was denying bond because, paraphrased, "federal agents never lie on these forms." Instead, I have heard IJ Abbott tell attorneys and respondents on multiple occasions that respondents invent their fear claims upon discussion with other detainees.
28. In another appearance in 2014 or 2015 before IJ Abbott, after the Board of Immigration Appeals ("BIA") decided *Matter of ARCG*, IJ Abbott spent approximately a half hour lecturing the courtroom on how he was reluctant in granting asylum as a result of *Matter of ARCG* because he believed the BIA decided *Matter of ARCG* incorrectly and that it was incorrect case law. IJ Abbott ultimately granted asylum for my client after it was remanded for security checks by the BIA in accordance with *Matter of ARCG*.
29. Last year, I was approached by a trusted friend who also practices in the El Paso SPC Immigration Court regarding a particularly uncomfortable and inappropriate comment

made by IJ Abbott. Appearing on behalf of a female asylum seeker, IJ Abbott stated that the respondent was very attractive and that was probably why their persecutor was bothering them.

2/22/2019

Date

X

Signature

Appendix B2: Sworn Statement of Alexandra Bachan

Sworn Statement of Alexandra Bachan

1. I, Alexandra Bachan, am an attorney barred in the states of California and New York and a practicing attorney at the Law Office of Alexandra Bachan, based in Oakland, CA. I declare that the following is true and correct to the best of my knowledge and recollection under penalty of perjury of the federal laws of the United States and the laws of the state of California.
2. In May of 2018, I entered into an agreement for representation of a Guatemalan national detained at the El Paso Service Processing Center Immigration Court (“El Paso SPC Immigration Court”) before Immigration Judge William L. Abbott (“hereinafter “IJ Abbot”). As part of my representation, I worked with my client’s family, who live close to my office, to obtain evidence and documents in support of my client’s claim, and I spoke to my client over the phone with the assistance of a Mayan Mam interpreter. By working with my client, his family and the documents they provided me, I was able to familiarize myself extensively with the facts of my client’s case in preparation for both the master and bond hearings.
3. My client and his family are Mam Mayan, one of the many indigenous tribes of Guatemala. My client’s family retained me in large part because I represent a great number of Mam Mayans in Oakland, California, where there is a thriving Mam Mayan population. Through my representation, I have become well informed regarding the history and current experience of indigenous people in Guatemala, the legal arguments and authority pertaining to their eligibility, as well as the challenges that they face before

the immigration system due to cultural and linguistic barriers. I work with several Mam interpreters who visit my office regularly to interpret for our many Mam Mayan clients.

4. As my home and my office in Oakland, CA are almost 1,000 miles from El Paso, Texas, I filed a motion with IJ Abbott requesting to appear telephonically on behalf of my client at my client's then upcoming Master Calendar Hearing (MCH). On May 24, 2018, IJ Abbott denied my motion, directing me to his standing order which states that "[s]ince 2007 the judges at the Service Processing Center in El Paso have not routinely allowed the appearance of attorneys by telephone." IJ Abbott stated that my significant distance from the immigration court was not an "extenuating circumstance" for the purpose of a telephonic hearing. Specifically, in what appeared to be a boiler plate denial without consideration of due process for my client, he stated that the "court does not routinely allow attorneys to appear by telephone" even though the court "is cognizant of the hardship this standing order may place upon a respondent who seeks to hire an attorney for representation from outside the El Paso metro area." As a result of being unable to appear telephonically, I hired a local immigration attorney to appear at both the MCH and subsequent bond hearing, ultimately costing \$1,000 in additional fees to the client and his family.
5. Upon entering the United States, my client was unable to communicate with U.S. Customs and Border Protection (CBP) officers. As a native speaker of Mam, he speaks neither Spanish nor English. Despite my client's inability to communicate without a Mam interpreter's assistance, the Form I-213, record of initial apprehension, purports that my client stated that he had no fear of returning to Guatemala and had come to the United

States to seek employment. This is not true; my client had a fear of returning to his home country and came to the United States to seek asylum as a result of ethnic and religious persecution.

6. My client speaks a Mayan Mam dialect particular to the region of Todos Santos. He speaks extremely limited Spanish: he only understands a few certain words, but cannot understand full sentences. His ability to make himself understood in Spanish is even more limited than his ability to comprehend it. During my conversations with my client by phone, we required the assistance of a Mam interpreter from Todos Santos, where my client is from. While I am fluent in Spanish, my client and I were not able to communicate without the assistance of the interpreter. Based on the foregoing, I am confident that my client would not be have been able to understand the questions included on the I-213, and he certainly would not be able to express himself in full sentences in the manner purported in the Form I-213, without the aid of a Mam interpreter.
7. On June 30, 2018, I submitted an exhibit package to the Immigration Court, in which we submitted letters from my client's lawful permanent resident (LPR) uncle and cousin (along with evidence of their status as LPRs) attesting to their intention to take my client in and ensure his appearance at all subsequent hearings. I also submitted medical records, police reports, and letters from my client's parents in Guatemala demonstrating his religious and ethnic persecution.
8. Despite this clear evidence, IJ Abbott found that my client was not credible and thus not eligible for release as a flight risk. IJ Abbot relied entirely on the erroneous statements

contained in Form I-213, despite my client's insistence that he did not make those statements and in fact could not even communicate with the CBP officers. Based on nothing other than the I-213 and my client's brief five-year prior residency in the United States, IJ Abbott determined that he did not believe that my client did not speak Spanish. IJ Abbott focused only on the fact that my client had lived in the United States previously, without due consideration of my client's low education level and the high-incidence of cultural isolation among indigenous communities that would explain why those years of residency did not build up his Spanish proficiency.

9. As a result of IJ Abbott's ruling and reliance on an erroneous Form I-213, I had no choice but to tell my client that the probability that IJ Abbott would grant his asylum claim was very low, in light of the Board of Immigration Appeals' presumption that Forms I-213 are inherently reliable. IJ Abbott's negative credibility finding and denial of bond led me to believe that he would similarly deny my client's case on the merits. Consequently, my client decided to abandon his asylum application and IJ Abbott ordered my client removed.
10. I firmly believe that the local attorney I hired was competent. However, I strongly feel my client would have been even better served by my representation if I had been able to appear telephonically. I say this on account of my first-hand experience interviewing and preparing my client telephonically, preparing his case with his family, and reviewing the documents and evidence in his case. He also would have benefitted from my experience with Mam cases, and my sensitivity to the linguistic barriers such cases present. I strongly believe my client had a meritorious case and that, if he had been given the

opportunity to live with his family, who live within the jurisdiction of the Ninth Circuit, he would likely have succeeded on the merits of his case. I strongly believe that the determinative factor in my client being deported was his assignment in front of Judge Abbott and not the underlying merits of his case.

12-13-2018

Date



Alexandra Bachan, Esq.
Law Office of Alexandra Bachan
2648 International Blvd, Ste 702
Oakland, CA 94601

Appendix B3: Sworn Statement of Brooke Bischoff

Sworn Statement of Brooke Bischoff

1. I, Brooke Bischoff, am an attorney barred in the state of Texas. From August 2018 to January 2019, I represented six noncitizens detained at the Mexico-United States border in front of the Immigration Court at the El Paso Processing Center on a *pro bono* basis.
2. From my arrival to El Paso, TX in August of 2018 until January 23, 2019, I observed numerous judicial abuses at the El Paso Service Processing Center Immigration Court (“El Paso SPC Immigration Court”) specifically committed by Immigration Judge (“IJ”) Stephen Ruhle (“Ruhle”), and Immigration Judge (“IJ”) William L. Abbott (“Abbott”). These abuses consisted of issues related to general due process, bond hearings, and individual hearings.
3. Several times when I appeared before IJ Ruhle, the IJ made inappropriate, chastising comments to me and other attorneys, calling attorneys “useless;” stating that representation does not affect whether a respondent will be able to win their case; and saying that attorneys are submitting too much evidence to the court in asylum cases because they “charge clients by the page.” IJ Ruhle would regularly pre-adjudicate client’s cases and expressed opinions regarding the strength of the underlying merits case *before* submission of an application for relief, going so far as to state for the record that he would likely deny a respondent's case before an application had even been submitted.
4. On various instances, I have heard IJ Ruhle state that he refers to El Paso as “the bye-bye place” in front of respondents and counsel because so few asylum claims are granted by the Court at the El Paso Processing Center.

5. On one instance, on November 27, 2018, I appeared in front of IJ Ruhle as a Friend of the Court in order to ensure that a respondent whose case we had referred out for pro bono counsel was given adequate time to find an attorney. When I appeared, IJ Ruhle told me that there is no such thing as Friend of the Court. On that date, despite being told that I could not appear as a Friend of the Court, I stayed in the courtroom and observed as respondents went through their first master calendar hearing. During this group master calendar hearing, IJ Ruhle repeatedly indicated that respondents wishing to request asylum would likely face an extended wait and would likely not be successful in their claims. During this group master calendar hearing, IJ Ruhle also stated that because of his own hearing loss, he would need the respondents to speak loudly when they responded to him, and that if they failed to speak loudly enough for him to hear, he would find that they were not being cooperative in their claims for relief and may consider their claims abandoned.
6. In one instance, on October 11, 2018, I appeared with my client at a Master Calendar Hearing in front of IJ Ruhle and requested a bond hearing pursuant to the previously submitted bond motion. The IJ indicated that he had not read the bond motion and denied bond without considering the client's individual circumstances. I then orally requested a continuance of the Master Calendar Hearing in order to prepare and submit the client's I-589, the application for asylum, because I had been newly retained. IJ Ruhle immediately denied the request for a continuance and ordered my client removed for failure to submit the I-589. He then *sua sponte* reopened the case later the same day and gave counsel one week to prepare the asylum application. At the time of reopening, the

IJ, before he had even received or reviewed the application, said that he did not believe the case had a chance of success on the merits.

7. IJ Ruhle denied bond for all but one of my clients, despite each client having community ties inside the United States, credible claims for asylum, and no criminal record. IJ Ruhle's sole grant of bond was for a client who was a lesbian woman, which is understood generally by practitioners in front of the El Paso SPC Immigration Court to be one of the only categories of persons for which IJ Ruhle grants bond. I firmly believe that if my client had not mentioned her sexual identity when answering an unrelated question by IJ Ruhle, she would not have been granted bond.
8. In September 2018, I consulted with a potential client who had a strong claim for derivative citizenship. According to the respondent, however, IJ Ruhle said that if he tried to fight his case, the client would be detained for a year, and the IJ would ultimately deny his case anyway. These statements from IJ Ruhle convinced the potential client to not pursue his case and to request voluntary departure.
9. My clients have also been prejudiced by IJ Abbott's standing order regarding asylum claims. IJ Abbott's standing order that limits asylum applications to contain no more than 100 pages of exhibits prejudiced my clients by limiting the amount of evidence I can submit in support of an application for relief. Additionally, IJ Abbott's prohibition on supplementing the submission at a later date prejudiced my clients where documents being mailed from abroad were not received before the full 100-page submission in support of the asylum application were due. IJ Abbott's requirement that an asylum application and supporting evidence be submitted together undermined my ability to

submit supplementary evidence or evidence that is acquired or discovered at a later date. In one particular case, we had to exclude highly relevant and supportive country conditions that supported the Respondent's claim for relief.

10. On or about October 10, 2018, I took over representation of a client detained in the West Texas Detention Facility from a different attorney my organization. The West Texas Detention facility is located more than an hour and a half away from El Paso and the El Paso Immigration Court. On October 15, 2018, I submitted a written motion for a continuance in order to prepare my client for trial, as I would need to travel to Sierra Blanca, where the West Texas Detention Facility is located, in order to prepare her. In his written denial of my motion to continue, IJ Abbott reprimanded me and said my request was unethical and I should be afraid of being sued by my client for not being prepared for trial immediately. Because IJ Abbott denied my request for a continuance, I had to prepare my client via telephone over the weekend, which I believe was not as effective as preparing her in person.

11. It is generally understood by attorneys at the El Paso SPC Immigration Court that IJ Ruhle and IJ Abbott prevent or discourage counsel from asking direct examination questions to clients on the stand and that both IJs conduct the majority of direct examination, limiting or discouraging oral testimony from respondents. Despite the burden of proof resting on the respondent to demonstrate a well-founded fear of persecution, IJ Ruhle and IJ Abbott only accept written declarations and often sharply limit oral testimony from respondents; and unilaterally decide what claims for relief may be addressed in court through testimony, effectively controlling the narrative and limits

what sorts of claims for relief can be presented. Importantly, these limitations make it very difficult for counsel to establish a comprehensive record, undermining the strength of any subsequent appeal. These limitations also create significant obstacles for clients to satisfy their burden of credibility, as many clients are intimidated by IJ Abbott and IJ Ruhle's aggressive questioning and may respond in an incomplete fashion out of fear.

12. Additionally, there were also language and interpretation issues at the El Paso SPC Immigration Court. In one case where the respondent spoke an indigenous language, interpreters in her language were not provided during Master Calendar Hearings. At the first scheduled Individual Hearing, there was no interpreter present in her native language and the Individual Hearing had to be rescheduled. At a subsequent Individual Hearing, there was no interpreter available in her language, and the court had to use a relay interpreter from English into Spanish into the Respondent's indigenous language, which limited her ability to understand the proceedings. The general understanding amongst counsel is that anyone at the El Paso SPC Immigration Court who is not a Spanish speaker does not receive interpretation at a Master Calendar Hearing. This failure to provide interpretation is not only a violation of respondents' regulatory rights, but the confusion created by an uninterpreted court hearing provides significant, at times insurmountable, difficulties for speakers of indigenous languages
13. Based on my knowledge and experience, pro bono attorneys from outside of El Paso consistently face issues with being denied or discouraged motions for telephonic appearances for bond hearings. I represent clients in person and I generally do not have to request telephonic hearings.

14. I have discussed many of these issues with other practitioners in the El Paso area, and I believe that attorneys and clients who witness and experience these abuses believe that they or their clients will face retaliation if they file a complaint against IJ Abbott or IJ Ruhle.

03/20/2019

Date



Brooke Bischoff, Esq.
3511 Hixson Street
El Paso, TX 79902

Appendix B4: Sworn Statement of Anonymous #2

Sworn Statement of Anonymous

1. I am an attorney licensed in the state of Texas and an associate at a private firm. I am not willing to disclose the real name or identity of myself, my office, or my client, for fear of retaliation on future matters. In my capacity, over the past ten years, I have represented well in excess of a hundred clients in immigration court, and have appeared in front of Immigration Judges William L. Abbott (“IJ Abbott”), Michael S. Pleters (“IJ Pleters”) and Stephen Ruhle (“IJ Ruhle”) in the El Paso Service Processing Center (“El Paso SPC”).
2. In or around August 2018, I appeared in person in front of IJ Abbott representing a female client in conjunction of a Credible Fear Review. During this appearance, I believe that IJ Abbott treated my client disparately because of her gender. Based on my observations of IJ Abbott’s treatment of a male respondent, I perceived that IJ Abbott was more abrasive, short, and stringent when questioning my female client. Throughout the examination of my client, IJ Abbott displayed a general tone of disbelief and incredulity and often interrupted my client. I believe that IJ Abbott demonstrated this behavior because my client was a woman based on the different tone he adopted when examining a male respondent who was similarly undergoing a Credible Fear Review. He also stated my client looked like a young version of a Latina singer which I found incredibly strange and inappropriate.
3. In conjunction with that Credible Fear Review, I submitted evidence in support of my client’s case. In response, IJ Abbott added this evidence to the record but stated something to the effect of “I don’t know why you submit these materials.” He accepted my materials, and quickly thumbed through the pages. These comments and actions indicated that IJ Abbott did not actually plan on reviewing this evidence in furtherance of

his CFI review. Subsequently, IJ Abbott denied my client's CFI. My firm submitted a Request for Review, which was ultimately granted. My client was released and transferred venue.

4. Additionally, I believe that IJ Abbott's standing order limiting exhibits in support of applications for humanitarian relief, including asylum, to 100 pages is detrimental to access to due process for individuals. Demonstrating eligibility for relief under our nation's immigration laws requires significant and substantial evidence and an arbitrary limit on the submission of evidence does not further the ability of an individual to successfully present their claim for relief.

1/14/2019
Date

/s/ Anonymous
Anonymous

Appendix B5: Sworn Statement of Anonymous #3

Sworn Statement of Anonymous

1. I am pro bono attorney with a non-profit organization based in Santa Fe, New Mexico dedicated to providing legal representation to immigrants; and am licensed in the state of New York. I declare that the following is true and correct to the best of my knowledge and recollection under penalty of perjury of the federal laws of the United States. I will remain anonymous because I fear retaliation and strongly believe that my clients' cases will be negatively affected if my identity is disclosed. In the El Paso-area immigration courts, judges tend to act more favorably towards those practitioners they seem to like in making discretionary decisions. I have seen this favor play out in other colleagues' cases and it would be regrettable for my clients to be prejudiced by a judge's hostile attitude towards me.
2. I have appeared before judges at the El Paso Service Processing Center Immigration Court ("El Paso SPC Immigration Court") on approximately seven occasions between 2015 and 2018. Throughout these appearances, I witnessed judicial court misconduct and due process violations by different judges at the El Paso SPC Immigration Court. These observations included inappropriate comments; pre-adjudication of cases; and due process-related issues with Master Calendar Hearings and bond hearings.
3. In or around July 2015, I appeared at the El Paso SPC Immigration Court as a legal intern for [REDACTED] alongside one of their pro-bono attorneys before Immigration Judge William L. Abbott ("IJ Abbott"). The pro-bono attorney for [REDACTED] was arguing in support of a motion for competency

hearing for their client, an undocumented national from Nigeria, who experienced a significant mental breakdown while in detention.

4. During this breakdown, the client exhibited memory impairment in his inability to recognize his attorney during a legal visit, and on a separate occasion, perseveration (persistent repetition of words and phrases, such as “Jesus is God”) in his speech and disorientation, at one point reportedly flinging fecal matter in his cell. In response to the motion, IJ Abbott proceeded to make inappropriate comments and openly mocked the client’s mental state by calling the client “crazy” and laughing. I, much like everyone else in the courtroom, was shocked at IJ Abbott’s behavior, especially when IJ Abbott continued, looking around the courtroom while laughing, as if expecting everyone to join. The [REDACTED] attorney was, at the time, still new to practicing and was very obviously intimidated and uncomfortable. It is my belief that the attorney did not respond or acknowledge IJ Abbott's inappropriate behavior so as to not negatively prejudice her client.
5. On another occasion, around October 2018, I appeared at the El Paso SPC Immigration Court before Immigration Judge Stephen Ruhle (“IJ Ruhle”) for a special appearance. IJ Ruhle knew that my client had expressed credible fear and quickly flipped through the client’s case file. Shortly after providing a cursory glance over the case file, no longer than five seconds, IJ Ruhle made a comment similar to “Oh yeah, this case is not going to take long...” This comment, coupled with his demeanor, clearly showed that IJ Ruhle had already made a decision on my client’s case, without hearing any testimony or evidence on the case, that my client had no viable forms of relief. IJ Ruhle’s

pre-adjudication of my client's case violated my client's due process rights and negatively prejudiced their chances at relief. If IJ Ruhle is able to so quickly come to a decision for a respondent's case who *does* have representation, I can only imagine how prematurely he decides cases that are pro se. I would assume it would lead someone lacking any legal knowledge to self deport after being told that they have no viable form of relief.

6. As I have also familiarized myself with the Otero County Processing Center Immigration Court, I discovered that it is common knowledge among attorneys in El Paso that motions for bond are generally denied, except in exceptional circumstances. In my somewhat limited time practicing in the area, it has become my understanding that there is essentially a presumption among IJs that they will deny bond.
7. In one of these rare exceptions, while appearing before Immigration Judge Kathleen French ("IJ French") on December 18, 2018, IJ French granted my motion for bond. However, IJ French issued an expensive and exorbitant bond amount at \$10,000, which I found absurd given that \$1,500 represents the lowest statutorily possible bond amount. Moreover, my client posed no flight risk, had no non-immigration related criminal convictions, and a strong asylum case. I soon learned that the culture at the Otero Immigration Court regarding bond essentially involves being grateful for *any* bond, regardless of amount, because judges rarely grant bond.
8. Most recently, on January 16, 2019, I appeared at the El Paso SPC Immigration court for a Master Calendar Hearing where I observed Immigration Judge Michael S. Pleters ("IJ Pleters") disproportionately give the U.S. Department of Homeland Security ("DHS")

government attorneys a later call-up date, resulting in more time to submit all materials, but not give the same call-up date to the respondent—instead giving the respondent a sooner date. A call-up date represents a date by which a party must submit all evidence related to a case. IJ Pleter's differing call-up dates for the different parties demonstrated a bias where the DHS trial attorney received more time to prepare and submit evidence than the respondent, which clearly negatively prejudices the respondent counsel from having the same amount of time to prepare their case.

02/06/2018
Date

/s/

Anonymous

Appendix B6: Sworn Statement of Anonymous #4

Sworn Statement of Anonymous

1. I am an attorney barred in the state of New York and an associate at a private firm. I am not willing to disclose the real name or identity of myself, my office, or my client, for fear of retaliation from the Immigration Court on this, and future, matters.
2. Between September 2018 and January 2019, I appeared for a pro bono case representing a client who is an asylum seeker at the El Paso Service Processing Center Immigration Court (“El Paso SPC Immigration Court”) before Immigration Judge William L. Abbott (“hereinafter “IJ Abbott”). I am part of a team from my firm representing my client and I am the lead attorney for my client’s case. We undertook this representation through the Immigration Justice Campaign—a joint collaboration between the American Immigration Lawyers Association and the American Immigration Council and Annunciation House in El Paso, TX.
3. In appearing before IJ Abbott, I witnessed several due process violations that prejudiced my client—specifically, IJ Abbott’s standing orders to issue blanket denials for telephonic appearances and limiting exhibits to no more than 100 pages.
4. It is generally understood by attorneys at the El Paso SPC Immigration Court that IJ Abbott almost always denies motions for telephonic appearances. Although I was glad to appear in person on four separate occasions to meet with my client and to better understand the workings of the El Paso SPC Immigration Court, IJ Abbott’s consistent denial for telephonic appearances unnecessarily financially burdened my firm and increased barriers to represent my client.

5. I am an attorney based out of New York and the costs for travel from New York to Texas incurred by my firm have created an unnecessary and costly hardship. Indeed, the denial of my motion to telephonically appear approximately cost my firm \$5,000 in expenditures for travel and lodgings.
6. The denial of the motion to appear telephonically also increased the physical and emotional burden associated with representing my client, forcing travel in and out of El Paso to New York at either very early in the morning or very late at night; and making pro bono representation generally more burdensome and discouraging.
7. I believe IJ Abbott's standing order that limits applications for relief to contain no more than 100 pages of exhibits is prejudicial to respondents. Exhibits are the supplementary evidence and documents appended to asylum applications. This limitation negatively impacts specific clients who require more detailed documentary evidence. IJ Abbott's standing order prejudices respondents and creates a paradox for attorneys where they have the responsibility as counsel to include all relevant evidence yet are confined to only a 100-page exhibit.
8. Importantly, as my client is a rare language speaker, I need to provide sufficient documentation demonstrating the persecution that individuals, like my client, face because of their indigenous ancestry. The 100-page limit is counterproductive to this need.

2/21/19 _____
Date

/s/ _____
Anonymous

Appendix C: Summary of Interpretation and Language Issues at El Paso SPC

APPENDIX C – Interpretation and Language Issues at El Paso SPC

Date	Hearing	IJ	Language	Issue
Nov. 14, 2018 ¹	MCH	Abbott	Tibetan	Interpretation unavailable; hearing rescheduled.
Nov. 7, 2018 ²	Bond	Abbott	Spanish and Ixil	Interpretation unavailable
Nov. 7, 2018 ³	Bond	Abbott	Quiche	Interpretation unavailable
Oct. 31, 2018 ⁴	MCH	Ruhle	Portuguese	Technical difficulties with telephone interpretation.
Oct. 31, 2018 ⁵	MCH	Abbott	Ixil	Interpretation unavailable; hearing rescheduled.
Oct. 31, 2018 ⁶	MCH	Abbott	Quechua	Interpretation unavailable; hearing rescheduled.
Oct. 18, 2018 ⁷	Bond	Tuckman	Unknown	Court provided Spanish interpreter to indigenous language speaker.
Nov. 29, 2017 ⁸	Bond	Abbott	Brazilian	Interpretation unavailable; hearing rescheduled.
Nov. 29, 2017 ⁹	Bond	Abbott	French	Interpretation unavailable; hearing rescheduled.
Nov. 16, 2017 ¹⁰	MCH	Abbott	Quiche	Interpretation unavailable; hearing rescheduled.
Nov. 16, 2017 ¹¹	MCH	Pleters	Fulani	Interpretation unavailable; hearing rescheduled.
Nov. 15, 2017 ¹²	MCH	Ruhle	Kanjobal	Interpretation unavailable; hearing rescheduled.
Nov. 15, 2017 ¹³	MCH	Ruhle	Portuguese	Court provided Spanish interpreter who was not proficient in Portuguese.
Nov. 1, 2017 ¹⁴	Bond	Abbott	Romanian	Interpretation unavailable; hearing conducted in Spanish before respondent is identified as speaking Romanian.
Oct. 25, 2017 ¹⁵	MCH	Abbott	Chuj	Interpretation unavailable.
Oct. 25, 2017 ¹⁶	MCH	Abbott	Akatecco	Interpretation unavailable; indigenous speaker attempting to communicate in Spanish. Abbot states that “her Spanish was worse than his.”
Oct. 25, 2017 ¹⁷	MCH	Abbott	French	Interpretation unavailable; hearing conducted in English before respondent is identified as only speaking French.
Oct. 25, 2017 ¹⁸	MCH	Abbott	Multiple	Several respondents do not speak English or Spanish but IJ only provides information in those two languages.
<i>Source: UTEP/Hope Institute Asylum Observatory 2017 - 2018.</i>				

¹ Elisa Given, UTEP/Hope Institute Asylum Observatory. MCH. IJ Abbott. Nov. 14, 2018.

² Chilton Tippin, UTEP/Hope Institute Asylum Observatory. MCH. IJ Abbott. Nov. 7, 2018.

³ *Id.*

⁴ Chilton Tippin, UTEP/Hope Institute Asylum Observatory Master Calendar Hearing. IJ Abbtt. Oct. 31, 2018.

⁵ Chilton Tippin, UTEP/Hope Institute Asylum Observatory Master Calendar Hearing. IJ Abbott. Oct. 31, 2018.

⁶ *Id.*

⁷ Marina Villegas, UTEP/Hope Institute Asylum Observatory. MCH. IJ Tuckman. Oct. 18, 2018.

⁸ UTEP/Hope Institute Asylum Observatory. Bond Hearing. IJ Ruhle. Nov. 29, 2017. This court observation was created on Nov. 29, 2017 and likely was for an observation that took place on or around this date.

⁹ *Id.*

¹⁰ UTEP/Hope Institute Asylum Observatory. MCH. IJ Abbott. Nov. 16, 2017.

¹¹ Tood Resier, UTEP/Hope Institute Asylum Observatory. MCH. IJ PleTERS. Nov. 16, 2017.

¹² Maralyn Doering , UTEP/Hope Institute Asylum Observatory. MCH. IJ Abbott. Nov. 15, 2017.

¹³ *Id.*

¹⁴ Maralyn Doering, UTEP/Hope Institute Asylum Observatory. Bond. IJ Abbott. Nov. 1, 2017.

¹⁵ UTEP/Hope Institute Asylum Observatory. MCH. IJ Abbott. Oct. 25, 2017.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ UTEP/Hope Institute Asylum Observatory. MCH. IJ Abbott. Oct. 25, 2017.

Appendix D: Methodology for University of Texas at El Paso (UTEP) and Hope Border Institute Court Observation Project

APPENDIX D – COURT OBSERVATION METHODOLOGY

This complaint provides qualitative court observations to highlight or document questionable conduct by IJs. Student researchers from UTEP, led by Assistant Professor Jeremy Slack, and the Hope Border Institute, led by Policy Research Analyst Edith Tapia, conducted these court observations. Researchers recorded observations through the Asylum Observatory, an initiative established in 2017 whose goal to send court observers to bond hearings and Master Calendar Hearings and bond hearings in the El Paso SPC.

Researchers received training on basic tenets of asylum and participant observation. Using basic ethnographic techniques as well as a Rapid Appraisal (“RAP”) Methodology, researchers recorded their interactions with noncitizens in the detention center, as well as the interactions of judges, guards, asylum seekers, interpreters, and lawyers. In addition, each researcher completed a rubric for each individual seeking asylum observed. This rubric contained basic information such as date of arrival in the United States, country of origin, preferred language, whether or not they had legal representation, and if the individual claimed fear if removed. As not all information is spoken aloud in court, researchers were required to note which fields were missing.

This methodology stemmed from RAP techniques which seek to give an in-depth review of a situation with limited time or access.¹ Typically, researchers worked in pairs of two to three people to verify recorded information, ultimately producing one final set of observations for the rubric. This information was compiled along with the full field notes to produce data on the processing center and asylum seekers detained therein.² The observation court project began in summer of 2017 and has continued until the present at different rates of observations.³

¹ Beebe, James. 1995. "Basic concepts and techniques of rapid appraisal." *Human Organization*. 42-51.

² by Hope Border Institute. El Paso, Texas: Hope Border Institue. Borderland Immigration Council.

³ Throughout this complaint, the court observations are be cited using the name of the observer, the name of the project, the type of hearing involved, the IJ, and the date. All observations are for pro se respondents, unless otherwise noted.

Appendix E: Hearing Transcript Part I

1 No. It's a driver's license.

2 JUDGE TO [REDACTED]

3 Where is that now?

4 [REDACTED] TO JUDGE

5 The immigration people have it.

6 JUDGE TO [REDACTED]

7 Okay. Now, the DHS has it in their file. So, today is there anyone back in

8 Guatemala that still wishes to harm you should you return?

9 [REDACTED] TO JUDGE

10 Yes.

11 JUDGE TO [REDACTED]

12 You may qualify for something called asylum? Do you know what that is?

13 [REDACTED] TO JUDGE

14 Yes.

15 JUDGE TO [REDACTED]

16 Do you wish to apply?

17 [REDACTED] TO JUDGE

18 Yes. But can I make a question?

19 JUDGE TO [REDACTED]

20 Yes, sir.

21 [REDACTED] TO JUDGE

22 Can I still write -- get a bond -- a bond?

23 JUDGE TO [REDACTED]

24 You can request a bond hearing. We'll take into account a large number of
25 factors to determine whether a bond will be set in your case or not. And the majority of

[REDACTED]

[REDACTED]

1 factors that I take into account is the strength of the application for asylum that you
2 present. Do you wish to apply for asylum?

3 [REDACTED] TO JUDGE

4 No.

2 1

5 JUDGE TO [REDACTED]

6 You understand that, if you do not, there's a good chance you'll be removed from
7 the United States?

8 [REDACTED] TO JUDGE

9 Yes.

10 JUDGE TO [REDACTED]

11 Because you do not have a passport, you do not qualify for voluntary departure.
12 Now, this is because you do not have the ability to get on an airplane tomorrow. The
13 government's going to have to request a temporary passport from the Guatemalan
14 government. And that will take about 30 days. So, that's why you don't meet the
15 requirements for voluntary departure. So, is Guatemala the country you choose for
16 deportation?

17 [REDACTED] TO JUDGE

18 Yes.

19 JUDGE TO [REDACTED]

20 Sir, I've issued an order that you be deported to Guatemala as soon as possible.
21 I want to remind you that you do have the right to appeal my decision to a higher court if
22 you disagree with it.

23 [REDACTED] TO JUDGE

24 No.

25 JUDGE TO MS. OCHOA

[REDACTED]

[REDACTED]

Appendix F: Hearing Transcript Part II

U.S. Department of Justice
Executive Office for Immigration Review
United States Immigration Court

In the Matter of

File: [REDACTED]

[REDACTED] M. [REDACTED])
RESPONDENT)
IN REMOVAL PROCEEDINGS)
Transcript of Hearing)

Before WILLIAM L. ABBOTT, Immigration Judge

Date: [REDACTED]

Place: EL PASO, TEXAS

Transcribed by NATIONAL CAPITOL CONTRACTING

Official Interpreter: [REDACTED]

Language: SPANISH

Appearances:

For the Respondent [REDACTED]

For the DHS: JAMES DEVINE

1 JUDGE FOR THE RECORD

2 On the record. This is a removal proceeding in the matter of [REDACTED] Ixcoy
3 Herrera, [REDACTED]. Hearing today by Immigration Judge William Lee Abbott, El
4 Paso Detention Center, El Paso, Texas. Today's date is [REDACTED] Language
5 is Spanish. [REDACTED] [phonetic] is our interpreter today. [REDACTED] [phonetic] is
6 making an oral motion to substitute counsel for [REDACTED] [REDACTED] [phonetic].

7 JUDGE TO MS. [REDACTED]

8 Does the respondent have any objection to the change of attorney?

9 MS [REDACTED] TO JUDGE

10 No.

11 JUDGE TO MR. DEVINE

12 DHS?

13 MR. DEVINE TO JUDGE

14 No, your honor.

15 JUDGE FOR THE RECORD

16 Motion is granted. Respondent – sorry. The government is represented by
17 James Devine [phonetic], esquire. So, I believe we are scheduled to file an application
18 for asylum today. It is the final setting for that. I hope you're ready to do so.

19 [REDACTED] TO JUDGE

20 Yes, your honor. It's right here.

21 JUDGE TO [REDACTED]

22 Is that the application?

23 [REDACTED] TO JUDGE

24 Yes, your honor.

25 JUDGE TO [REDACTED]

1 Well, you -- fine. I think you've got enough supporting documentation there?

2 [REDACTED] TO JUDGE

3 Well, your honor, we always need [indiscernible]. And I've got some more stuff
4 on the way. Let's see.

2 4

5 JUDGE TO [REDACTED]

6 Well, this is the closed -- the case closes for you today.

7 [REDACTED] TO JUDGE

8 Your honor, I understand that. But just if anything else comes up, due
9 process-wise --

10 JUDGE TO [REDACTED]

11 Due process --

12 [REDACTED] TO JUDGE

13 I mean, we are hoping --

14 JUDGE TO [REDACTED]

15 -- is an opportunity not a privilege. So, believe me, if you don't submit it with your
16 application of this size, we will not hear that information.

17 [REDACTED] TO JUDGE

18 Yes, your honor. We would --

19 JUDGE TO [REDACTED]

20 Now there is a potential for new evidence to be generated between the time of
21 today and the hearing date sometime in [REDACTED]. And of course, if it was completely
22 unavailable because it didn't exist prior to today, I'll consider additional evidence
23 submitted. But --

24 [REDACTED] TO JUDGE

25 Yes, your honor. We're waiting on our ICE medical records is one thing in

[REDACTED]

[REDACTED]

1 particular that was unable to be obtained by today.

2 JUDGE TO [REDACTED]

3 That's not evidence that didn't exist.

4 [REDACTED] TO JUDGE

5 We were unable to get it from the government, your honor.

6 JUDGE TO [REDACTED]

7 [REDACTED] there's a reason why I issued pre-trial order.

8 [REDACTED] TO JUDGE

9 Yes, your honor. We did our very best to comply.

10 JUDGE TO [REDACTED]

11 There we go. We'll -- just let's work with what we have.

12 [REDACTED] TO JUDGE

13 Yes, your honor. Thank you.

14 JUDGE TO MS. [REDACTED]

15 So, Ms. [REDACTED], your attorney has filed an application that probably is the size of a
16 file cabinet. I want to say that it's probably nine inches thick.

17 JUDGE TO [REDACTED]

18 Please understand when you throw things against the wall and you expect them
19 to stick, I am not that kind of person. So, I'm going to basically go through your
20 application and pick about three or four things that I think that are important. And we'll
21 be talking about that sometime in March. The rest of the application I'll most likely
22 ignore. Unless the respondent's attorney brings it up on direct examination that it is
23 specifically relevant to your case. I really just despise in reality situations where
24 individuals put background information that has nothing to do with you. So, you need to
25 target your audience better. And that being said, I don't know what is potentially

Appendix G: Summary of Availability of El Paso SPC Standing orders

APPENDIX G – Availability of El Paso SPC Standing Orders

As part of research in support of the American Immigration Council’s complaint on due process-related practices in the El Paso Service Processing Center Immigration Court (“El Paso SPC”), researchers at Masa Group (advocacy@masadc.com) made several efforts to obtain copies of standing orders from El Paso SPC Immigration Judges (IJs).

On November 14, 2018, a researcher called the El Paso SPC, connected with a secretary named Danny; and was informed that the standing orders are never given out over the phone, electronically, or and sometimes not even in person. The researcher was re-directed to the U.S. Executive Office for Immigration Review (EOIR) Public Access office, which does not house local IJ standing orders—signifying a confusion about standing order policies at the El Paso SPC.

During the week of February 11th, 2019, the same researcher called the El Paso SPC again at to try and obtain the standing orders. The clerk, an individual named “Tony,” was not aware of any processes to provide standing orders to outside parties and stated he would talk to the IJs and obtain copies of the standing orders and either email or physical mail copies.

On February 19, 2019, a researcher followed up with Tony, the clerk, from previous outreach. The clerk stated that the standing orders could not be released to the general public and could only potentially be released to attorneys who were registered with EOIR.

Ultimately, we obtained the standing orders from a local practitioner.