



## INDEX OF NOVEMBER 2012 EOIR FOIA PRODUCTION RE: VIDEO TELECONFERENCING

Production Page #	Document	Description	Date	Key Information Included
1-3	Department of Justice, Final Rule, Executive Office for Immigration Review; Stipulated Requests for Deportation or Exclusion Orders, Telephonic, Video Electronic Media Hearings	Final rule amending 8 CFR 3.25, "waiver of presence of the parties."	5/17/95	IJs may conduct hearing by video without the consent of the noncitizen.
4-9	Department of Justice, Final Rule, Executive Office for Immigration Review; Stipulated Requests for Deportation or Exclusion Orders, Telephonic, Video Electronic Media Hearings	Final rule amending 8 CFR 3.25, "waiver of presence of the parties."	5/17/95	IJs may conduct hearing by video without the consent of the noncitizen.
10	EOIR letter to San Francisco Immigrant Legal & Educational Network	Response from Assistant Chief Immigration Judge to advocates' letter concerning the video systems being installed at the San Francisco Sansome detained courtrooms.	5/30/12	Installation of VTC systems are part of a "headquarters driven, nationwide plan."

11-15	EOIR letter to Geoffrey Heeren, Legal Assistance Foundation of Metropolitan Chicago	Answers questions posed by Heeren about the Immigration Courts' use of video conferencing equipment throughout the country	3/3/05	Immigration courts began using VTC in 1995. IJs are permitted and encouraged to use VTC for both master calendar and merits hearings. EOIR policy does not distinguish between in person and VTC hearings. There are no set configurations for VTC hearings. Equipment varies by courtroom. IJs receive several forms of training. EOIR court administrator (or designee) must be available at all times when VTC hearings are conducted. EOIR has not conducted a formal study on the effectiveness of VTC, nor does it have statistics on the "demographic breakdown" of individuals whose cases were conducted by VTC .
16-26	Memorandum on Interim Operating Policies and Procedures Memorandum No. 04-06: Hearings Conducted through Telephone and Video Conference	Rescinding OPPM No. 04-04 and providing new guidance for hearings conducted through VTC	8/18/04	Rescinds earlier guidance (OPPM No. 04-04). IJ must create a clear record of where the hearing is taking place and identify the location of the parties and representatives. The IJ shall follow the circuit law governing the hearing location. The order or decision shall identify the location of the hearing and state that the hearing was conducted by telephone or video.
27-28	Questions Concerning Video-Teleconferencing	Letter from Geoffrey Heeren, Legal Assistance Foundation of Metropolitan Chicago to the Office of the Chief Immigration Judge	1/28/05	
29	Response to VTC Questions	Letter from Geoffrey Heeren, Legal Assistance Foundation of Metropolitan Chicago to Assistant Chief Immigration Judge thanking him for responding to questions	3/17/05	
31-35		List of VTC equipped courtrooms		

36-40	VTC Usage Report for 2008	List of VTC locations, unit name and type, total monthly usage for 2008	1/22/09	
41-45	VTC Usage Report for 2009	List of VTC locations, unit name and type, total monthly usage for 2009	3/3/10	
46-52	VTC Usage Report for 2010	List of VTC locations, unit name and type, total monthly usage for 2010		
53-59	VTC Usage Report for 2011	List of VTC locations, unit name and type, total monthly usage for 2011		
60-61	Network Capacity Analysis Sheet	Information about the network capacity of each location and recommendations for future changes		
62	Saipan Proceedings Completions			
63-68	Breakdown of Hearings by Hearing Location 1st Qtr FY10	Number of hearings by videoconference and % of hearings by videoconference by court	FY2010	
69-74	Breakdown of VTC by Hearing Location and Schedule Type 1st Qtr FY2010		FY2010	
75-79	Breakdown of Hearings by Hearing Location 2nd Qtr FY10	Number of hearings by videoconference and % of hearings by videoconference by court	FY2010	
80-85	Breakdown of VTC by Hearing Location and Schedule Type 2nd Qtr FY2010		FY2010	
86-91	Breakdown of Hearings by Hearing Location 3rd Qtr FY10	Number of hearings by videoconference and % of hearings by videoconference by court	FY2010	

92-97	Breakdown of VTC by Hearing Location and Schedule Type 3rd Qtr FY2010		FY2010	
98-102	Breakdown of Hearings by Hearing Location 4th Qtr FY10	Number of hearings by videoconference and % of hearings by videoconference by court	FY2010	
103-108	Breakdown of VTC by Hearing Location and Schedule Type 4th Qtr FY2010		FY2010	
109-110	Video Hearings by Base City	Total video hearings for FY2009 and FY2010 by court		
111	Nationwide and Colorado (Denver) Proceeding Data FY 2010	Comparison of nationwide statistics on videohearings vs. Denver	FY 2010	Colorado had zero video hearing compared to 110,731 / 12% nationwide.
112-113	VTC Detained Hearings/Completions	Email from Lamont Taylor (EOIR) providing numbers of detaiend VTC hearings	6/29/11	Total number of detained VTC hearings increased from 70,262 in FY2009 to 71,470 in FY2010, but completions dropped by almost 2000.
114-133	Video Hearing Information	Data on Video Hearings (by Base City and FY), then broken down by: Master Calendar, Individual, Continuances, Detained Respondents, Non-Detained Respondents, Bond Decision of New Amount	FY 2009 - FY 2011	
134-136	str Codes, str Description	str Codes, str Description		
137-138	Letter	Letter from the American Immigration Law Foundation to EOIR regarding proposal to begin a "national video immigration court" to be housed at the EOIR's headquarters in Falls Church, Virginia.	6/2/04	Letter requesting an urgent meeting with EOIR Director to confirm reports that EOIR is beginning a "national video immigration court." Letter also requests that any such plan first be proposed in the Federal Register with full opportunity for comment, in compliance with the APA.

139-140	Response Letter	Response from EOIR to the American Immigration Law Foundation's letter regarding the establishment of the Headquarters Immigration Court (HQIC) at Falls Church, Virginia		Neither the opening of a new court nor the use of video-teleconferencing equipment warrants a public notice in the Federal Register. VTC hearings already are held in immigration courts throughout the United States pursuant to congressional mandate at 8 U.S.C. 1229a(b)(2)(A)(iii), Section 240(b)(2)(A)(iii) of the INA. The use of VTC equipment does not change the adjudicative quality of hearings or change decisional outcomes in cases.
141-142	Response Letter	Response from EOIR to American Bar Association's letter regarding the establishment of the Headquarters Immigration Court (HQIC) at Falls Church, Virginia.	6/18/04	See pages 139-140.
143	FAX Cover Sheet	LIRS fax cover sheet directed at Chuck Adkins-Blanch (EOIR) regarding background information for the videoconferencing discussion	9/8/00	
144-147	Due Process Concerns Arising from Video Conference Hearings	Description of CLINIC survey of practitioners throughout the United States who represented detained clients through video hearings	9/7/00	Every practitioner interviewed reported serious due process concerns including: translator problems, audio problems, interference with credibility determinations, elimination of confidentiality of attorney-client communication, inadequate notice of hearing and service of documents, and <u>problems reviewing evidence.</u>
148	Asylum Representation, DWN Meeting with EOIR Director Kevin Rooney	Professor Schoenholtz's findings regarding asylum applicants and representation	9/12/00	Being represented makes it 4-6 times more likely an asylum case will be granted.
149-150	"Reality TV..."	Email exchange among Immigration Court staff regarding an article written by a CLINIC lawyer which criticizes VTC	9/27/00	"While there are some valid points, the article contains numerous inaccuracies, generalizations, and complaints that have nothing to do with the use of video."

151-157	Fax Cover Sheet; Reality TV for Immigrants: Representatign Clinets in Video Conference Hearings	Fax to Judge O'Leary from Judge McGoings, CLINIC article mentioned on pgs. 149-150	9/27/00	
158	Asylum Representation, DWN Meeting with EOIR Director Kevin Rooney	Professor Schoenholtz's findings regarding asylum applicants and representation	9/12/00	Being represented makes it 4-6 times more likely an asylum case will be granted.
159-162	Due Process Concerns Arising from Video Conference Hearings	Description of CLINIC survey of practitioners throughout the United States who represented detained clients through video hearings	9/7/00	Every practitioner interviewed reported serious due process concerns including: translator problems, audio problems, interference with credibility determinations, elimination of confidentiality of attorney-client communication, inadequate notice of hearing and service of documents, and <u>problems reviewing evidence.</u>
163	FAX Cover Sheet	LIRS fax cover sheet directed at Chuck Adkins-Blanch (EOIR) regarding background information for the videoconferencing discussion	9/8/00	
164-166	Letter	Letter from American Bar Association to Chief Immigration Judge regarding concerns about video hearings	12/9/03	Identifies concerns specific to use of VTC in Port Isabel Service Processing Center in Texas. Requests re-evaluation of VTC and use of in person hearings for individual calendar hearings.
167-164	Fax cover sheets; Proposed video hearings for the Borward Transitional Center Court	Letter from the South Florida Chapter of AILA to Chief Judge requesting that EOIR not go forward with VTC in Broward Transitional Center	12/23/13	

172	Use of Video Conferencing for Immigration Hearings at the Broward Transitional Center (BTC) Center in Pompano Beach, Florida	Letter to Cheryl Little, Executive Director Florida Immigrant Advocacy Center, Inc. from EOIR responding to Dec. 22, 2003 letter in opposition to VTC at Broward		Following the Haitian Boatload in December, 2002, and the demolition of the VTC courtroom at Krome in January, 2003, judges were sent to Broward Transitional Center (BTC) to conduct hearings. It was never perceived that this arrangement would be permanent. Thus, with the completion of the new VTC courtroom at Krome, plans are now underway to resume VTC hearings between BTC and Krome (master and bond hearings by VTC and individual hearings will be on site).
173-184	Letter	Letter to Chief Judge Michael Creppy from non-profit organizations, expressing concern over the expanded use of video-conferencing technology in removal proceedings	3/26/04	Immigration Court practitioners report the following problems: technical problems with video-conferencing equipment; translation challenges; interference with right to counsel; pro se respondents lack understanding of the proceedings ; and interference with a Judge's ability to make a fair credibility finding.
185	Response Letter	Letter from Chief Immigration Judge, Michael J. Creppy to Christina DeConcini, CLINIC, in response to the letter (pgs. 173-184) objecting to the use of VTC	5/10/04	Relying on INA 240(b)(2)(A)(iii), EOIR believes that VTC may be used in any immigration court proceedings. VTC technology has improved over the past ten years since EOIR started using it. EOIR has equipment in over half of the immigration courts, view its use as an "overwhelming success," and intends to expand the program.
186-187	Response Letter	Response letter to the American Immigration Law Foundation from Michael F. Rahill, Assistant Chief Immigration Judge, regarding concerns about VTC in Detroit, Michigan	2/10/05	The court does not see any reason to stop conducting hearings by video conferencing. They believe the technology works well and that the hearings provided are fair to all parties.

188-189	Letter	Letter from the American Immigration Law Foundation to EOIR regarding reported problems with video conferencing technology at the Michigan Immigration Court.	1/4/05	Reports from immigration attorneys in Michigan indicate that the current use of video conferencing technology is compromising the rights of immigration detainees to a fair hearing. The five major areas of concern are: client confidentiality; closed hearings; attorney access; evidence problems; and interpretation difficulties.
190	Telephonic interpreters for master calendars	EOIR staff emails regarding telephonic interpreters for video hearings	1/12/05	AILA complained about the quality of telephonic interpretation during Detroit cases heard by video conferencing. The court administrator and the two judges agreed that there is a problem.
191	Attorney Access	Email between EOIR staff regarding attorney access to clients who are appearing via video from a detention facility	1/12/05	"[I]t is not the policy of ICE not to allow attorneys at the facilities for a hearing." The Monroe and Calhoun Detention sites will be contacted to let them know attorneys will be allowed access for hearings.
192	AILA Letter	Email between EOIR staff regarding AILA letter	1/12/05	The e-mail acknowledges some telephonic interpreter problems.
193	Notice from Calhoun County Correctional Center	Information about attorney visits	1/25/05	Attorneys are encouraged to contact the facility before coming, for either visiting or attending court.
194	Notice from Monroe County Correctional Center	Information about attorney visits	1/25/05	Attorneys must contact the facility "BEFORE COMING," for either visiting or attending court.
195-303	Videoconferencing in Removal Hearings	Letters to EOIR; and a report by the Legal Assistance Foundation of Metropolitan Chicago and the Chicago Appleseed Fund entitled, "Videoconferencing in Removal Hearings: A Case Study of the Chicago Immigration Court"	8/2/05	The report provides data that observers gathered from 110 master calendar hearings observed in 2004. Observers witnessed problems related to access to counsel, the presentation of evidence, and interpretation. In addition, one in five hearings had technical problems.

304-313	Videoconferencing in Removal Proceedings	Letters to Chicago Appleseed Fund and The Legal Assistance Foundation of Metropolitan Chicago from Judge Michael J. Creppy, Chief Immigration Judge, in response to their report (pgs. 195-303)	8/31/05	EOIR challenges the methodology and findings of the report.
314-319	Reply Letter	Letter from Chicago Appleseed Fund and The Legal Assistance Foundation of Metropolitan Chicago to Judge Michael Creppy in reply to his letters (pgs. 304-313)	11/1/05	The letter notes the lack of transparency and points out recommendations in the report that EOIR has not addressed. It requests a meeting to discuss ongoing concerns.
320	Letter	Letter to EOIR from the Legal Assistance Foundation of Metropolitan Chicago thanking them for the meeting about the use of video hearings in Chicago.	3/16/06	Items discussed: the adequacy of the remote Broadview courtroom; the difference between videoconferencing where the respondent is with his attorney versus videoconferencing where the two are separated; and the possibility of instituting simultaneous interpretation in cases involving videoconferencing.
321-346	Teleconferencing in Asylum Removal Hearings: Effective Processing or Assembly-Line Justice? The use of Teleconferencing in Asylum Removal Hearings	Article in the Georgetown Immigration Law Journal	Winter 2008	The article examines the use of video teleconferencing ("VTC") in asylum removal hearings and argues that VTC roughly doubles to a statistically significant degree the likelihood that an applicant will be denied asylum.
347-351	VTC Problems Acknowledged at the BIA	Board of Immigration Appeals decisions citing technical problems during the video hearings	2/16/12	
352	Monthly Volume of VTC Trouble Tickets Opened in the 2-Year Period Ending January 2011	Chart showing number of VTC Trouble Tickets between Feb. 2009 and Jan. 2011		December 2010 had the highest number (36) and March 2009 the lowest (8). It fluctuated in between.

353-365	Monthly Volume of VTC Trouble Tickets Opened in the 2-Year Period Ending September 2009	Chart showing number of VTC Trouble Tickets between Oct. 2007 and Sept. 2009	10/1/09	July 2009 had the highest number (30) and October 2007 and December 2007 tied as the lowest with 3 occurrences. All of the problems are identified as hardware problems. And most are described as being closed.
366-374	Conducting MultiSite Calls	PowerPoint with instructions on how to work with Tandberg video equipment		
375-383	How to Adjust & Use the Camera	PowerPoint with instructions on how to adjust and use the Tandberg video equipment		
384-393	How To Setup & End a Video Call	PowerPoint with instructions on how to setup and end a video calling using the Tandberg video equipment		
394-406	How to Use the Directory	PowerPoint with instructions on how to use the directory on the Tandberg video equipment		
407-409	Garza-Moreno v. Gonzales	Decision in Garza-Moreno v. Gonzales, 489 F.3d 239 (6th Cir. 2007)	6/5/07	This case was a petition for review of a removal order, which was entered following a video hearing. Petitioner claimed the video equipment was unreliable, but the court found that he failed to establish the equipment was defective.

410-415	Raphael v. Mukasey	Excerpt of decision in Raphael v. Mukasey, 533 F.3d 521 (7th Cir. 2008)	7/2/08	<p>This is a petition for review of removal order, which was entered following a video hearing. The petitioner argues that her due process and statutory rights were violated because the IJ conducted the hearing by video. The court first rejected petitioner's facial challenge to the video hearing. With respect to the as applied challenges, the court found (1) the video hearing did not violate her right to legal representation; and (2) the video hearing interfered with her statutory right to examine evidence. As a result, remand was appropriate. The court encouraged the IJ to reconsider petitioner's request for an in person hearing.</p>
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