



Candidate's Handbook

Interpreting in Immigration Court

Final Test

SECTIONS OF THE TEST

1. **Simultaneous Interpreting**

This portion of the examination represents 50 percent of the test weight (60 scorable units – 70 possible points) and requires the candidate to listen to and simultaneously interpret two recorded master calendar hearings, one Court Orders and one Statement of Law.

There are 4 sections in the simultaneous interpreting portion of the examination as described below.

Section I – Master Calendar Hearing at 140 words per minute.

Duration: 2 minutes

Maximum Score: 08 points

Section II – Master Calendar Hearing at 160 words per minute

Duration: 2 minutes

Maximum Score: 12 points

Section III – Court Orders at 160 words per minute

Duration: 4 minutes

Maximum Score: 15 points

Section IV – Statement of Law at 160 words per minute

Duration: 4 minutes

Maximum Score: 15 points

2. Consecutive Interpreting

This portion of the examination represent 40 percent of the test weight (44 scorable units – 49 possible points).

The scripts are recorded at a normal, conversational pace that would be typical during a respondent’s or witness’ testimony.

There is no repetition allowed in either Section I or Section II of this portion of the examination.

There are 2 Sections in the Consecutive portion of this examination as described below.

Section I – Respondent’s Testimony

Duration: 14 minutes

Maximum Score: 25 points

Section II – Witness Testimony

Duration: 10 minutes

Maximum Score: 15 points

3. Sight Translation

This portion of the examination represents 10 percent of the test weight (20 scorable units – 19 possible points).

There are 2 Sections in the Sight Translation portion of the examination, as described below.

Section I – A Sight Reading from English into Spanish

Duration: 5 minutes

Maximum Score: 05 points

Section II – A Sight Reading from Spanish into English

Duration: 5 minutes

Maximum Score: 05 points

WHAT IS A SCORING UNIT

Scoring units are phrases that are selected because of their frequency in Immigration Court proceedings. Candidates must render them accurately and completely without altering any of the meaning or style of speech. Partial credit is provided when grading a scoring unit.

Scoring units are classified into three general categories and four specific types.

a. Frequency of Usage

80% of all the scoring units included in this examination correspond to frequency of usage. The units are selected based on typical phrases used in Immigration Court proceedings. Within this category, one can find the following specific types:

- i. Legal patterns used in immigration court, such as *“This is a continued preliminary hearing before immigration Judge Jane Doe at Miami, Florida, on March 18th, 2016, in the matter of John Doe II, case number A39289483”*
- ii. Formatted Questions used in Immigration court during testimony of a respondent and witness, such as *“Sir, you may take the stand. Counsel, you may begin with the examination.”*
- iii. Written Legal Patterns used in typical Immigration court documents interpreted by the immigration court interpreter. The following is an example of a written legal pattern *“If you fail to appear for this hearing and there are no exceptional circumstances beyond your control which caused your absence, a hearing may be held in your absence and an order of removal may be entered against you.”*

b. Grammar and Usage

15% of all the scoring units included in this examination correspond to grammar and usage. The units are selected based on the following specific types:

- i. Syntax/Verbs/Prepositions used in typical Immigration proceedings and which can change the message because of improper syntax, conjugation of verbs or usage of prepositions. An example of this specific type is shown below:

The example below is based on the following facts of the case. The respondent has an attorney. The witness also has an attorney. The witness is testifying. The following question is asked to the witness:

“Did you talk to his attorney?”

The interpreters interpret the above question into Spanish as:

“¿Habló con su abogado?”

The witness understands that the question refers to the witness’s attorney and answers:

“Sí.”

When in fact, the question was about the respondent’s attorney. The proper interpretation should have been:

“¿Habló con el abogado de la parte compareciente?”

c. Conservation of Register and Colloquialisms

5% of all scoring units included in this examination correspond to Conservation of Register and Colloquialisms. An example of this category is include below:

Judge: Was your criminal case dismissed?

Interpreter must keep the same register although the Spanish interpretation of the word “*to dismiss*” is very unusual and hard to understand – *sobreseer*.

The interpreter cannot explain what dismiss is in the interpretation just to make sure the respondent understands the message. It is the Judge’s responsibility to lower the register so that the respondent understands. The interpreter does not have the legal training to explain legal concepts.

SCORING METHOD

Raters grade each scoring unit based on the rendition provided by the candidate. Partial credit is given to each scoring unit that is not 100% accurately rendered.

Each scoring unit has a value, which ranges from 0.50 to 3 points. At the end of a Section of the examination, the rater adds up all the points obtained by the candidate.

Depending on that final score for the Section, the rater will proceed as shown on the table below.

If the candidate's score for a given Section of the examination is: (shown in percentage)	Rater
70% or better	Records that score for that Section
From 68% to 69.9%	Determines the number of terms incorrectly rendered which are outside the scoring units (Cut-Off Deduction Number). If the number of incorrect terms rendered by candidate outside the scoring unit is equal or less than the Cut-Off Deduction Number, then rater assigns the minimum passing score for that Section, which is 70%. Otherwise, the rater keeps the raw score obtained by the candidate.

PASSING SCORE

Per current Interpreter Training Program (ITP) Final Exam Results Determination policy:

Each of three test components must score 70% for a successful pass of the ITP exam. ITP components include: (A) Simultaneous, (B) Consecutive Interpretation, and (C) Sight Translation. All tests will be at Language Speed of 140-160 WPM, this speed specifically applies to Simultaneous and Consecutive modes.

Rule	Component 1	Component 2	Component 3	Total	Results
Rule 1	≥ 70	≥ 70	≥ 70	≥ 70	Pass
Rule 2	≤ 70	≥ 70	≥ 70	≥ 70	Retake Component 1
Rule 3	≤ 70	≤ 70	≥ 70	≥ 70	Retake Component 1&2
Rule 4	≤ 70	≤ 70	≤ 70	≤ 70	Retake Entire Exam

The overall exam score of 70% or above is not a passing score unless the candidate scores 70% or above on each component.

Candidate is eligible for re-take of failed component(s) if the candidate scores between 65% and 69.9% on a given component. SOSi will pay.

Candidate is eligible for re-take of failed component(s) if the candidate scores below 65% on a given component. The candidate will pay. the candidate fails this exam. The candidate is recommended to take a formal interpreting program with laboratory practices.

SAMPLE FINAL TEST

The sample exam below includes brief portions of each Section. The actual Final Test or examination lasts 50 minutes and it is more extensive than the samples shown below.

Simultaneous Component

Section I

Master Calendar Hearings - 145 words per minute

Clerk: Case 332, Mario Solano, Spanish Language.

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

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

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

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

Counsel: That is correct, Your Honor.

Judge: I will set for a hearing in about 9 months. If the I-130 works out, then I will be happy to look at an adjustment. What about November 18th, 2016?

Counsel: That is fine, Your Honor.

Judge: Homeland Security?

Counsel: That is fine, Your Honor.

Section II

Master Calendar Hearings – 160 words per minute

Clerk: Case 553, Carlos Soto, Spanish language.

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

Counsel: Yes, Your Honor.

Judge: What are their ages?

Respondent: 3 y 7 años.

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

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

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

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

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

Counsel: But that is optional, right?

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

Section III

Court Orders – 160 word per minute

IT IS FURTHER ORDERED that the respondent's application for withholding of removal under section 241(b)(3) of the Act to El Salvador be denied.

IT IS FURTHER ORDERED that the respondent be granted voluntary departure, in lieu of removal, and without expense to the United States Government on or before May 15th, 2014.

IT IS FURTHER ORDERED that the respondent shall post a voluntary departure bond in the amount of \$ 5,000 with the Department of Homeland Security on or before March 20th, 2014

IT IS FURTHER ORDERED that, if required by the DHS, the respondent shall present to the DHS all necessary travel documents for voluntary departure within 60 days.

IT IS FURTHER ORDERED that, if the respondent fails to comply with any of the above orders, the voluntary departure order shall without further notice or proceedings vacate the next day, and the respondent shall be removed from the United States to El Salvador on the charges contained in the Notice to Appear.

WARNING TO THE RESPONDENT: Failure to depart as required means you could be removed from the United States, you may have to pay a civil penalty of \$1000 to \$5000, and you would become ineligible for voluntary departure, cancellation of removal, and any change or adjustment of status for 10 years to come

Also, if you fail to depart as required, and then fail to comply with the removal order, you could also be fined \$500 for each day of noncompliance. Section 274D of the Act (for 212 and 237).

In addition, if you are removable for being deportable under section 237 of the Act, and you fail to comply with your removal order, you shall face additional fines and/or could be imprisoned for up to 4 and in some cases up to 10 years.

Section IV

Statement of Law – 160 words per minute

The Legal Immigration Family Equity Act (“LIFE Act”) permits adjustment of status for certain aliens who would otherwise be ineligible to adjust their status under INA Section 245(a). LIFE Act, Pub. L. No. 106-553 (Dec. 21, 2000), and the LIFE Act Amendments, Pub. L. No. 106-554 (Dec. 21, 2000). Under section 245(i) of the Act, adjustment of status was available to alien crewmen, aliens continuing or accepting unauthorized employment, aliens admitted in transit without visa, and aliens who entered without inspection. INA Section 245(i)(1)(A)(i)-(ii). This law sunset on January 14, 1998, but was revived under the LIFE Act, which extended INA Section 245(i) to April 30, 2001.

INA Section 245(i) is now expired except for those aliens who already grandfathered. To seek adjustment under INA Section 245(i), the alien must pay a penalty (currently \$1,000) and file a Form I-485 with Supplement A. 8 C.F.R. Section 1245.2(a)(3)(iii). To be grandfathered under INA Section 245(i), the alien must be the beneficiary of either a labor certification under INA Section 212(a)(5)(A) or a petition under INA Section 204 (including I-140, I-130, I-360, I-526) that was filed on or before April 30, 2001. A beneficiary can adjust status based on an immigrant visa petition or labor certification that was approved after April 30, 2001, so long as his petition or application for certification was “properly filed” (postmarked or received by the Department) on or before April 30, 2001, and “approvable when filed.” 8 C.F.R. Section 1245.10(a)(2). “Approvable when filed” means the qualifying petition or application was properly filed, meritorious in fact, and non-frivolous (“frivolous” being “patently without substance”). 8 C.F.R. Section 1245.10(a)(3). If the labor certification or petition was filed after January 14, 1998, the applicant must have been physically present in the U.S. on December 21, 2000. INA Section 245(i); 8 C.F.R. Section 1245.10; LIFE Act Section 1502(a)(1)(B), Pub. L. No. 106-553. If the original beneficiary of an application for labor certification was subsequently replaced by another alien on or before April 30, 2001, only the substituted beneficiary would be considered a grandfathered alien.

Consecutive Component

Section I

Respondent's Testimony

Counsel: Mr. Perez, when did you come to the United States?

Respondent: Cuando tenía 17 años. Vine en 2004, en junio de 2004.

Counsel: Where did you come from?

Respondent: Llegué de Centeno, en El Salvador.

Counsel: Who did you come to the United States with?

Respondent: Vine con mi madre.

Counsel: What about your father? Did he also come with you?

Respondent: No. Yo me fuí de Centeno porque mi padre me quería matar y porque la Mara Salvatrucha me la tenía jurada. Mi madre me dijo que si seguía viviendo en Centeno mi vida corría peligro.

Counsel: Why did your father want to kill you?

Respondent: Desde que nací, mi padre me pegaba. Especialmente cuando él estaba borracho. Se enloquecía y comenzaba a pegarme a mí y a mi madre. Destruía todas las cosas que estaban en la casa.

Counsel: What did your mother do about it?

Respondent: Mi madre nos enviaba a la casa de una vecina hasta que mi padre se calmara. Cada vez que llegaba de la casa de la vecina, veía a mi madre con golpes en la cara y en el cuerpo. Pobrecita ella tan abnegada a sus hijos.

Counsel: Do you have any siblings?

Respondent: Tengo dos hermanos y tres hermanas.

Counsel: Where are they?

Respondent: Todos se fueron a vivir a México y yo con mi madre fuimos los únicos que vinimos a los Estados Unidos.

Section II

Witness' Testimony

USG: Mr. Santos, where did you meet the respondent for the first time?

Witness: Yo era un Teniente Coronel de la Armada de Perú, en el año 2001, y él era uno de los cadetes encargados de la operación de artillería pesada.

USG: For how long have you known the respondent, Mr. Saladillo?

Witness: Desde el 2001 hasta la fecha.

USG: So after coming to the United States, you kept in touch with him, is that right?

Witness: Sí. Yo vine primero y luego llegó él.

USG: Did you come here legally?

Counsel: Objection, relevance.

Judge: Overruled.

USG: You may answer, sir.

Witness: Pues claro que sí. Mi madre es ciudadana americana y yo tuve la residencia en seis meses después de que mi madre me llamara.

USG: Did you help the respondent enter the US?

Witness: Yo le regalé el pasaje de avión para venir a visitarme. Él tenía su visa de turista. Entró legalmente a los Estados Unidos. Su pregunta parece implicar que yo lo traje ilegalmente a este país. Si ese es el propósito de su pregunta, mi respuesta es un contundente no.

USG: Let me ask you a direct question then to make sure we understand what the DHS alleges in this case. Did you support him while he was in the United States illegally?

Witness: De vez en cuando le prestaba dinero pero eso no se puede considerar que yo lo mantenía. Lo ayudaba porque él no podía trabajar aquí por no tener los documentos correspondientes. Eso es todo.

Sight Translation

Section I

English into Spanish

NOTICE TO RESPONDENTS GRANTED VOLUNTARY DEPARTURE

You have been granted the privilege of voluntarily departing from the United States of America. The Court advises you that, if you fail to voluntarily depart the United States within the time period specified, a removal order will automatically be entered against you. Pursuant to section 240B(d) of the Immigration and Nationality Act, you will also be subject to the following penalties:

1. You will be subject to a civil penalty of not less than \$1,000 and not more than \$5,000; and
2. You will be ineligible, for a period of 10 years, to receive cancellation of removal, adjustment of status, registry, voluntary departure, or a change of nonimmigrant status.

The Court further advises you that:

You have been granted pre-conclusion voluntary departure.

1. If you file a motion to reopen or reconsider during the voluntary departure period, the period allowed for voluntary departure will not be stayed, tolled, or extended, the grant of voluntary departure will be terminated automatically, the alternate order of removal will take effect immediately, and the penalties for failure to depart voluntarily under section 240B(d) of the Act will not apply. 8 C.F.R. §§ 1240.26(b)(3)(iii), (e)(1).
2. There is a civil monetary penalty if you fail to depart within the voluntary departure period. In accordance with the regulation, the Court has set the presumptive amount of \$3,000 (or _____ instead of the presumptive amount). 8 C.F.R. § 1240.26(j).

Section II

Spanish into English

Declaración Jurada de Mario Domínguez

Por este medio me permito responder las preguntas que me envió el Juez de Inmigración Ronald Porter. Mis respuestas son bajo pena de perjurio y advierto que conozco las penas a las que se expone toda persona que declara falsos.

Con respecto a la primera pregunta incluida en su pliego de preguntas, mi respuesta es que yo nunca estuve implicado en ningún delito que involucre las drogas. Ni en el tráfico, ni en la distribución, ni en la venta de ninguna sustancia regulada. Esta presunción es totalmente falsa. Yo conozco el origen de esa presunción pero me reservo la explicación para cuando me apersono en el juzgado de Inmigración correspondiente.

Con respecto a la segunda pregunta incluida en su pliego de preguntas, mi respuesta es que yo nunca intenté asesinar a nadie. Actualmente estoy arrestado por ser uno de los sospechosos del delito mencionado por Su Señoría, pero es solamente una sospecha y hasta la fecha no se ha probado nada en mi contra. Estoy ansioso esperando la fecha de mi juicio para poder probar mi inocencia.

Con respecto a la tercera pregunta incluida en su pliego de preguntas, mi respuesta es que yo no pertenezco a ninguna pandilla como lo menciona el Gobierno Federal. Sólo pertenezco a un club de fútbol y a un grupo que anda en motocicleta los fines de semana.