



Candidate's Handbook

Interpreting in Immigration Court

Final Examination

SECTIONS OF THE TEST

1. **Simultaneous Interpreting**

This portion of the examination represents 50 percent of the test weight (60 scoring units – 70 possible points) and requires the candidate to listen to and simultaneously interpret, into the target language, two recorded master calendar hearings, one Court Order and one Statement of the 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 or Bond Hearing 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 scoring 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 scoring 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 the Target Language

Duration: 5 minutes

Maximum Score: 05 points

Section II – A Sight Reading from Other-than-English 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.

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 transfer the term *dismissed* into the target language even if the transfer is very technical in the target language.

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
<p>70% or better</p>	<p>Records that score for that Section</p>
<p>From 68% to 69.9%</p>	<p>Determines the number of terms incorrectly rendered which are outside the scoring units (Cut-Off Deduction Number – This number equivalent to half the number of scoring units). 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.</p>

PASSING SCORE

Passing Score

If the candidate scores 70% or better in the examination (this score is obtained by adding all the Sections of the examination taking into consideration their weight),

AND

The candidate's score in the simultaneous portion of the examination is at least 70%

AND

The candidate's score in the consecutive portion of the examination is at least 70%

Then the candidate passes this Final Examination.

Re-take Score

If the candidate scores between 60% and 69.9% in the examination (this score is obtained by adding all the Sections of the examination taking into consideration their weight), the candidate is allowed to re-take this examination within 30 days. The candidate will have to pay for the final examination in case the candidate wants to retake the final exam.

Failing Score

If the candidate scores 59.9% or less in the examination (this score is obtained by adding all the Sections of the examination taking into consideration their weight), the candidate fails this exam.

SAMPLE FINAL TEST

The sample exam below includes brief portions of each Section. The actual Final Examination lasts approximately 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, English 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 years old.

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

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

In the actual Final Examination, the respondent's testimony will be in a language other than English. Since this handbook is available for all languages, the respondent uses the English language to eliminate confusion.

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

Respondent: When I was 17 years old. I came in 2004, in June of 2004.

Counsel: Where did you come from?

Respondent: I came from Centeno, in El Salvador.

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

Respondent: I came with my mother.

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

Respondent: No. I left Centeno because my father wanted to kill me. He belongs to the Mara-Salvatrucha gang in El Salvador and he always wanted to kill me.

Counsel: Why did your father want to kill you?

Respondent: On one occasion, I was walking on the main street in Centeno and I witnessed a crime at the town square. I called the police and reported the crime. The police arrested a gang member who belongs to the same gang my father belongs to. From that moment on, he always wanted to kill me.

Counsel: What did your mother do about it?

Respondent: My mother sent us to the neighbor's house, but one time my father followed me and fired a couple of shots at me. That is when my mother decided to bring me to the US.

Section II

Witness' Testimony

In the actual Final Examination, the witness' testimony will be in a language other than English. Since this handbook is available for all languages, the witness uses the English language to eliminate confusion.

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

Witness: I met him in Perú when he was in the armed forces and I was his lieutenant. It was a long time ago.

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

Witness: Since 2001.

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

Witness: Yes. I came to the US first and then he came after me. We always kept in touch.

USG: Did you come here legally?

Counsel: Objection, relevance.

Judge: Overruled.

USG: You may answer, sir.

Witness: Yes, of course. My mother is an American citizen and he arranged everything for me to come to this country legally. I would have not left Perú otherwise.

USG: Did you help the respondent enter the US?

Witness: Yes. I bought his airplane ticket. I brought him here because he was having family problems and he was very depressed. He tried to kill himself using a double edge blade. I know that you think I brought him here to make him work in my company, but that argument has no leg to stand on.

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: Occasionally I gave him some money. I did not want him to become depressed again.

Sight Translation

Section I

English into Target Language

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

Other than English into English

This will be a document written in a language other than English and the test taker will have to transfer it into English.

*******END OF FINAL EXAMINATION*******