

Interpreting in Immigration Court

Online Laboratory Manual - Spanish

(this manual is only available to students registered in the
Interpreting in Immigration Court Training Program)



By Néstor Wagner

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By Néstor Wagner

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Interpreting in Immigration Court

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Lecture 1 and before beginning
Lecture 2.**

Instructions

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**DO NOT MOVE ON TO LECTURE 2 UNTIL YOU CAN INTERPRET
ALL THE PRACTICES INCLUDED IN THIS SET.**

Practice 1 – Practice 2 – Practice 3

Simultaneous Practices

Master Calendar Hearing at:

- 130 words per minute (practice 1),
- 145 words per minute (practice 2) and
- 160 words per minute (practice 3).

Script of the Practice

Clerk: Case 332.

Judge: This is a continued preliminary hearing before immigration judge Sandra Kim at Los Angeles, California, on January 29th, 2016. 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 the respondent's son has cancer and the respondent had to go back to the respondent's birth country to take care of the son, who resides in there. Therefore, Your Honor, the respondent was unable to file an I-130 since the respondent did not get married yet.

Judge: I understand that the filing was not made, but the respondent 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.

Judge: You must come back on November 18th, 2016, at 8:30 a.m. If you fail to come back, I will hold the hearing and you could be ordered removed to your country of birth. Counsel, please make sure his fingerprints are up to date.

Counsel: Yes, Your Honor.

Judge: The interpreter will hand you a blue form, a change of address form. Make sure you file that form within 5 days from your change of address. Otherwise, Homeland Security may arrest you. Any questions?

Counsel: Nothing further, Your Honor.

Government: No, Your Honor.

Judge: Case is adjourned.

Practice 4 – Practice 5 – Practice 6

Simultaneous Practices

Master Calendar Hearing at:

- 130 words per minute (practice 4),
- 145 words per minute (practice 5) and
- 160 words per minute (practice 6).

Script of the Practice

Clerk: Case 279.

Judge: Before we go on the record, the respondent has two children, right?

Counsel: Yes, Your Honor.

Judge: What are their ages?

Counsel: 3 and 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 and actually did a god job, but there are some typos and I would hesitate to submit it today before I go over the application. Furthermore, I did not participate in the preparation of the application at all.

Judge: 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 her do the filing for you. You are paying her good money and her 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.

Counsel: Ok.

Judge: What about October 21st, 2016?

Government: That works for me.

Counsel: It is fine, Your Honor.

Judge: Also, I will waive the presence of the two children in the next hearing.

Judge: You must come back on October 21st, 2016, at 8:30 a.m. If you fail to come back, I will hold the hearing and you could be ordered removed.

Counsel: Yes, Your Honor.

Judge: The interpreter will hand you a blue form, a change of address form. Make sure you file that form within 5 days from your change of address. Otherwise, Homeland Security may arrest you. Any questions?

Counsel: Nothing further, Your Honor.

Government: No, Your Honor.

Judge: Case is adjourned.

Practice 7 – Practice 8 – Practice 9

Simultaneous Practices

Master Calendar Hearing at:

- 130 words per minute (practice 7),
- 145 words per minute (practice 8) and
- 160 words per minute (practice 9).

Script of the Practice

Clerk: Case number 828398130.

Judge: This is a continued preliminary hearing before immigration judge Sandra Kim at Los Angeles, California, on July 29th, 2016.

Judge: Counsel, there is a 440 motion pending to vacate a prior criminal conviction. I understand that the respondent has received an expungement, is that correct?

Counsel: Yes.

Judge: Homeland Security has submitted to this Court a copy of the respondent's criminal record and it shows that the aggravated felony, namely the crime of domestic violence against his estranged spouse, was not expunged as of last week. Do you have a more updated criminal background?

Counsel: No, I do not, Your Honor.

Judge: The fact of the matter is that the expungement is not relevant in this case. The respondent entered a guilty plea in criminal court and served 120 days in County jail. Under the Act, the respondent is removable because of the aggravated felony that I just referred to.

Counsel: Your Honor, may I be heard?

Judge: Go ahead, counsel.

Counsel: It is true that the respondent committed that aggravated felony. We do not contest that issue. Our point of view is that defendant is eligible for relief under Section 208 of the Act.

Judge: So, let me see if I understand your position, counsel. Your client concedes the aggravated felony conviction. However, he is now filing for Asylum under Section 208 of the Act. Is that correct?

Counsel: That is correct, Your Honor. And if I may add, we would request the setting of a Merits Hearing for a future date in order to rule on the application filed by the respondent.

Judge: Counsel, under what grounds did your client file an Application for Asylum?

Counsel: My client is a political refugee, Your Honor. He is not welcomed back in his country of birth because he fought against the current ruling party. When I say "he fought" I literally say that he fought during an attempt to overthrow that current government. He fought, in the streets, against forces loyal to the current government. If he returns to his country of birth, he would be killed. The government forces would also kill his family as well. Those are our grounds.

Judge: Anything from Homeland Security?

Government: No, Your Honor. I believe that we need to hold a Merits hearing to determine eligibility.

Judge: Fine. I will set the Merits hearing for December 14th, 2016, at 8 a.m. Anything else from either party?

Counsel: No, Your Honor. Thank you.

Government: No, Your Honor.

Judge: There being nothing else, this case is adjourned.

Practice 10 – Practice 11 – Practice 12 Simultaneous Practices

Definition of Master Calendar Hearing at:

- 130 words per minute (practice 10),
- 145 words per minute (practice 11) and
- 160 words per minute (practice 12).

Script of the Practice

Definition of a Master Calendar Hearing

A master calendar hearing (“MCH”) is a short, preliminary hearing on immigration matters -- the usual start of efforts to remove an immigrant from the United States. The respondent will meet with the Judge and the government attorney to figure out how the case will proceed. The Judge will schedule dates for the submission of written documents, and for an individual merits hearing (at which the substance of the applications or claims and/or defenses will be addressed in detail). If the respondent has an attorney, he or she will answer most of the Judge’s questions.

During a MCH, the Court will not address any legal claims or defenses of the case. The respondent will not be questioned about the case or immigration applications, and will not present any witnesses. The Judge will not make any rulings regarding legal issues in the case.

What Will Happen During the MCH

There will be many people present at the time of your MCH. People will have their MCHs scheduled in the same time block. When the Judge is ready for a case, he or she will call the respondent by the Alien Registration Number (“A-Number”) and name. The respondent (and his lawyer, if represented) will then come forward to speak to the Judge.

If the respondent does not feel comfortable using English, the respondent should not force himself to speak English. By attempting to communicate in a language that the respondent does not fully understand, the respondent can only hurt himself, in the likely event that the respondent misunderstands some aspect of the court proceedings. The respondent should tell the Judge that he needs an interpreter, and the Judge will provide one for free. If the respondent cannot understand the interpreter or he or she is not interpreting correctly, the respondent should alert the Judge, who will then look for another interpreter or reschedule the MCH for another date (when another interpreter is available). If an interpreter is provided, the respondent has to listen until he or she

finishes translating, and then answer in the respondent's native language. Respondents cannot bring their own interpreters.

A Judge will start the MCH by asking the respondent for brief identification information – name, address, native language, and any other languages in which the respondent is fluent. If the respondent brings an attorney, the attorney will be officially presented as the respondent's lawyer.

The Judge will also review the charges listed against the respondent in the Notice to Appear (NTA), and the respondent will have to deny or concede each charge.

Therefore, the respondent has to make sure that he reads the NTA very carefully before the MCH. The Judge should be notified if anything in the NTA is incorrect. If the respondent is applying for asylum, for example, the charges will typically include the following: the date when the respondent entered the U.S., his nationality, whether he entered without being inspected at the border by immigration officials, whether he overstayed his visa, whether he entered using false travel documents, and so forth. Respondent will always deny any charges of fraud.

The respondent will then be able to tell the Judge what forms of relief he is seeking (for example, asylum, withdrawal of removal, voluntary departure, cancellation of removal, and adjustment of status). If the respondent is seeking asylum, he has to make sure to *also* apply for (1) withholding of removal, *and* (2) protection under the United Nations Convention Against Torture.

If the respondent is applying for asylum, the Judge will also ask him to designate a country of removal. Generally, respondents do not designate any country. The basis of any asylum application is that the respondent is too afraid to go back to his home country, so respondents usually *never* designate a home country. The Judge will then typically designate a home country as a country of removal, as a formality.

The Judge will set important dates for the case: (1) when to submit any pertinent applications (or their amendments or additional information); (2) another MCH if necessary; and (3) the individual merits hearing.

If the respondent is applying for asylum and accepts an "expedited removal" schedule, the individual merits hearing will be scheduled for within 180 days of when the respondent first submitted his asylum application. Note that this might not give the respondent sufficient time to prepare a detailed asylum application and strong supporting documents. If expedited removal is waived, however, the respondent will not be eligible for employment authorization while the application is going through the Immigration Court process. (If the respondent is detained, he will be placed in an expedited removal schedule, and will not be allowed to waive it.)

Note that the respondent must meet all of the deadlines that the Judge sets. Therefore, respondents ask for extensions of deadlines and/or for "continuances" (rescheduled hearings) if they think that the time proposed by the Judge does not give them sufficient time to present their arguments well. At the conclusion of the MCH, the respondent will be given another Notice, specifying the date for the next MCH or for the individual merits hearing.

Practice 13

Criminal Offenses - Vocabulary Practice

Interpret as soon as you hear each term. Repeat until you accurately delivery 90% of the vocabulary.

Script of the Practice

Armed Robbery
Arson
Assault
Assault and Battery
Assault with a Deadly Weapon
Battery
Breaking and Entering
Bribery
Burglary
Carjacking
Carrying Loaded Firearm
Carrying Concealed Weapon
Child Abuse
Child Endangerment
Child Molestation
Conspiracy
Cultivation and Sale of Marijuana
Discharging a Firearm
Domestic Violence
Drive by Shooting
Driving Under the Influence of Alcohol and/ or Drugs
Drug Dealing
Embezzlement
Exhibiting Deadly Weapon
Forced Entry
Fraud
Grand Theft
Hit and Run
Indecent Exposure
Involuntary Manslaughter
Kidnapping
Kidnapping for Ransom
Lewd Act With A Child

Manslaughter
Money Laundering
Murder
Murder in the First Degree
Petty Theft
Possession of a Controlled Substance
Possession of Dangerous Weapon
Possession of Drugs with Intent to Sell or Distribute
Possession of Narcotics
Rape
Receiving Stolen Property
Resisting Arrest
Robbery
Sexual Abuse
Sexual Battery
Statutory Rape
Theft
Trespassing
Vehicle Theft
Vehicular Manslaughter
Voluntary Manslaughter

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Practice 14 – Practice 15 – Practice 16 Simultaneous Practices

Rodriguez Bond Hearing at:

- 130 words per minute (practice 14),
- 145 words per minute (practice 15) and
- 160 words per minute (practice 16).

Script of the Practice

Clerk: Case 837201002.

Judge: This is a Rodriguez Bond Hearing before immigration judge Sandra Kim at Los Angeles, California, on April 27th, 2016.

Judge: Ms. Janice Dantes representing Homeland Security.

Judge: The respondent's attorney requested this custody redetermination hearing to determine if the respondent can be released on bond.

Judge: The respondent has been in custody for 9 months in the Adelanto Detention Facility and would like to be released on bond until his immigration matter is resolved.

Judge: The respondent has filed an application for asylum under Section 208 of the Act. A Master Calendar Hearing was held on December 8th, 2015, to decide on his removal. At that time, his counsel claimed that the respondent qualifies for relief in the form of an asylum. The respondent has been detained for all this time without any type of bond set in his case. In this Rod bond hearing, the Government must prove by clear and convincing evidence that the respondent is a danger to the community and a risk of flight. To show the detainee is a risk of flight, the government must show that the detainee is not likely to appear for future immigration hearings or for removal. To show the detainee is a danger, the government must show that the detainee's release would harm property or persons.

Judge: The Government has submitted the following exhibits:
Exhibit G1 – The respondent's criminal record
Exhibit G2 – An affidavit from the respondent's former spouse, who is a

LPR, indicating that the respondent has few, if any, ties to the community and that the respondent told her that he would not come back to court if he were to be released.

Exhibit G3 – A brief indicating the Government's position regarding the posting of any bond by the respondent.

Counsel: I am sorry, Your Honor, the respondent has not received any copy of the exhibits. May we have a copy, please?

Judge: Well, I do not have a clerk today. The Government should have sent you copies of the exhibits as part of discovery for this hearing. Government?

Government: We did, Your Honor. We sent it to the respondent's office at the address on record.

Judge: Did you receive those copies, Ms. Dantes?

Counsel: No. Your Honor.

Judge: All right, the attorney for the Government will give you the originals. Please go to the main office to make copies and come back. I will give you thirty minutes to copy the exhibits and to become familiar with them.

Counsel: Your Honor, I would need more time than thirty minutes.

Judge: Would you like me to reset this hearing?

Counsel: Under the circumstances, I do, Your honor.

Judge: This hearing is reset for May 26th, 2016. See you then. We are adjourned.

Practice 17
Consecutive Practice
Individual Merits Hearing – English into the Foreign Language

Please interpret this practice.

Record your interpretation and make sure you accurately render at least 90% of each segment.

Script of the Practice

Judge: Counsel, please state your appearances for the record.

US Government: Karla Romans representing the US Government.

Counsel: Sarah Lewis representing the respondent in this matter.

Judge: Can the respondent hear the interpreter clearly through the headphones?

Respondent: Sí.

Judge: Do you understand the interpreter?

Respondent: Sí.

Judge: If at any time, you have difficulty understanding the interpreter, please let me know immediately.

Respondent: Lo hare. Gracias.

Judge: You previously took an oath that the testimony you will provide in these proceedings will be the truth, the whole truth, and nothing but the truth, you are still under oath. Do you understand?

Respondent: Sí.

Judge: The attorney seated next to you has entered an appearance in your case. Do you want him to represent you in these proceedings?

Respondent: Sí.

Judge: Where are you currently living?

Respondent: En el 290 de la Collins, al norte, apartamento 1H, en Miami Beach, Florida.

Judge: You are being provided with a blue change of address form. If you do move at any time during these proceedings, you must complete a change of address form and file it with the court within five days of moving. Do you understand?

Respondent: Sí.

Judge: Counsel for the government, are the necessary biometric checks completed and current?

US Government: Yes, Your Honor.

Judge: Very well. Counsel you may begin with the examination of Mr. Doe.

Counsel: When did you come to the United States?

Respondent: Vine hace diez años con mi familia.

Counsel: When you say “my family”, can you please elaborate on who they are?

Respondent: Por supuesto. Vine con mi madre, mi padre, dos hermanas y mi hermanito de 8 años de edad.

Counsel: Did you come illegally into the United States?

Respondent: No. Vinimos con visa pero nos quedamos después de vencer el plazo permitido para permanecer en el país.

Counsel: Why did you come to the United States?

Respondent: Mi padre era perseguido por la policía porque él es un activista de los derechos humanos y el gobierno se la tenía jurada.

Counsel: What do you mean when you say “the Government had it in for him”?

Respondent: Me refiero a que el gobierno quería matar a mi padre y a mi madre por ser activistas. De hecho, ellos vinieron a nuestra casa muchas veces buscando a mi padre. Todos sabíamos que ellos querían arrestarlo y torturarlo.

Counsel: Who are you referring to when you say “they came”?

Respondent: Me refiero a las fuerzas especiales de la unidad de protección al gobierno.

Counsel: What is that unit about?

Respondent: La unidad de protección al gobierno se encarga de hacer redadas en contra de los que ellos llaman “enemigos”.

Counsel: What is the definition of an enemy?

Respondent: Cualquier persona que se opone al gobierno es un enemigo sin importar el grado de participación en la oposición, el gobierno los trata de la misma manera. Simplemente el gobierno los tortura y luego los matan.

Counsel: Did they ever get a hold of your father?

Respondent: No. La razón es que a mi padre le pasó un dato alguien en el gobierno que esta unidad lo estaba buscando para interrogarlo respecto a otros participantes del movimiento de oposición.

Counsel: And what did your father do?

Respondent: Él nos reunió a todos en la sala de nuestra casa, una noche fría, y nos dijo que nos íbamos del país. Nos dijo que él había podido obtener una visa de un amigo que trabajaba en la Embajada de los Estados Unidos y que nos íbamos el día siguiente a las 2 de la tarde.

Counsel: And did you leave your country to come to the United States the next day?

Respondent: Sí.

Counsel: The Government has showed evidence to the judge indicating that the Government who persecuted your family was no longer in power and that the new Government was more lenient with the opposition. What can you tell us about that?

Respondent: Esto no es verdad. Lo único que cambió fue el presidente, o mejor dicho el dictador. El gobierno sigue los mismos principios, ideales y tácticas cuando tratan con la oposición. Le aseguro que ese tipo de prueba es inexistente.

Counsel: Your Honor, we would like to submit a report prepared by the US State Department indicating that the situation in the respondent's country of birth is still very volatile and that there were no major changes in the policy implemented by this so called “new Government”.

Judge: This report is marked as exhibit R-29. Proceed.

Counsel: What would happen to you if you were to return to your country of birth in the next 6 months?

Respondent: Me matarían. Ya saben quién soy. Primero me torturarían para sacarme dónde está mi padre y luego me matarían. No tengo ninguna duda de eso.

Counsel: I have no more questions, Your Honor. Thank you.

Judge: You may step down. Let's take a five minute break before we continue with the next witness.

Practice 18

Criminal Offenses - Vocabulary Practice

Interpret as soon as you hear each term. Repeat until you accurately delivery 90% of the vocabulary.

Script of the Practice

Admitted into Evidence
Affidavit
Aider and abettor
Allegation
Appeal
Appearance
Appointment of Experts
Arraignment
Arrest
Arrest Warrant
Assumes Facts not in Evidence
Attest (to)
Attorney of Record
Bail
Bench Warrant
Beyond a Reasonable Doubt
Bond
Book (to)
Burden of Proof
Chambers
Change of Venue
Charge (verb)
Charge (noun)
Circumstantial Evidence
Complaint
Concurrent Sentence
Confiscation
Confront (verb)
Contempt of Court
Continuance
Conviction
Count
Court Appearance
Court Clerk
Criminal Record

Cross-examination
Defendant
Defense Attorney
Defense Exhibit A
Determination of Priors
Direct Examination
Dismiss
Disposition
District Attorney (DA)
Drop the Charges (to)
Enter a Plea (to)
Evidence
Examination of Witnesses
Exhibit
Expert Witness
Felony
For the Record
Guilty
Hearsay
Hung Jury
Indictment
Inmate
Judgment
Juvenile Court
Juvenile Offender
Leading Question
Mastermind
Misdemeanor
Mistrial
Motion
Motion to Set Aside
Motion for a change of venue
Motion to withdraw
No Contest Plea
Object (verb)
Objection Sustained
Objection Overruled
Off the Record
Opening Statement
Overrule
Own Recognizance (OR)
Parole
Parole Board
Parolee
Plea
Plea Bargain

Points and Authorities
Presumption
Probable Cause
Probation
Probation Officer
Proceedings
Prosecute (to)
Prosecution
Public Defender
Rap Sheet
Re-Direct Examination
Release (to)
Release on Bail
Restraining Order
Search and Seizure
Search Warrant
Section
Seizure
Serve a Sentence (to)
Set Bail
State Your Appearance
Statute of Limitations
Subpoena
Summary Probation
Summons
Suppress Evidence (to)
Suspect
Swear in (to)
Take the Oath (to)
Venue
Waive (verb)
Waive and Give up (to)
Witness
Witness' Box/Stand
Writ

Interpreting in Immigration Court

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Lecture 4.**

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Practice 19
Consecutive Practice
Individual Merits Hearing – English into the Foreign Language

Please interpret this practice.

Record your interpretation and make sure you accurately render at least 90% of each segment.

Script of the Practice

Judge: We are ready to proceed in this matter.

Judge: We are here today in this Merits Hearing to determine if the respondent in this case should be granted asylum based on religious persecution.

Judge: The respondent has been duly sworn. Counsel, you may begin with the examination.

Counsel: Thank you, Your Honor. To the respondent, why are you here in the United States?

Respondent: Estoy en este país porque tengo el derecho a practicar mi religión sin tener que preocuparme de ser torturado por profesar una religión diferente a la ordenada por el gobierno.

Counsel: What do you mean when you say “ordered by the Government”?

Respondent: A eso me refiero. En mi país, el gobierno le dice a uno que religión profesar o no profesar. De hecho, el gobierno no quiere que profesemos ninguna religión. Ellos quieren que nosotros no creamos en un Ser Supremo. Ellos simplemente quieren que nosotros trabajemos, no tengamos más de dos hijos y cumplamos con sus órdenes.

Counsel: What does the Government do to people who practice any religion in your country?

Respondent: Los torturan. Les queman el lugar donde rezan y torturan a la familia de uno para asegurarse que nadie profese ninguna religión.

Counsel: Were you, or any member of your family, ever persecuted because you practice your religion?

Respondent: Por supuesto. Nos siguieron después de una reunión que tuvimos con nuestra congregación y se metieron en nuestras casas a la fuerza. Ellos nos ataron y nos pidieron que escuchemos atentamente mientras nos decían que dejáramos de profesar nuestra religión porque la práctica de cualquier religión estaba prohibido en nuestro país.

Counsel: What else did they do to you and to your family?

Respondent: Fueron al lugar donde nos congregamos y lo incendiaron. Siguieron a otros miembros de la congregación y también los torturaron. Inclusive, ellos mataron a uno de los miembros de nuestra congregación.

Counsel: Did you continue practicing your religion after those threats?

Respondent: Sí. Nos reuníamos en mi casa, en el sótano.

Counsel: Did any member of the Government come to your home while you were gathered practicing your religion?

Respondent: Sí. En una ocasión tres hombres tocaron a la puerta y nos ordenaron que la abriéramos. Lo hicimos y ellos irrumpieron en la casa. Hicieron un cateo general de la casa e interrogaron a cada miembro de la congregación.

Counsel: And what happened then?

Respondent: Ya estábamos preparados para este tipo de intrusión. Todos negamos habernos reunidos con fines religiosos. Les dijimos que nos habíamos reunido por motivos laborales.

Counsel: Did they believe you?

Respondent: No creo pero al menos no nos torturaron o lastimaron.

Counsel: Did anything else happen after that, that forced you to leave your country of birth?

Respondent: Sí. Unos días después, dos patrullas de policía se estacionaron frente a nuestra casa. Cuatro hombres tocaron a la puerta y le mostraron a mi madre, mi padre y a mí una orden de arresto. Dijeron que estábamos arrestados por confabulación para derrocar al gobierno.

Counsel: Did they take you all to jail?

Respondent: Sí.

Counsel: How long did you spend in jail?

Respondent: Alrededor de 8 meses.

Counsel: What happened while you were in jail?

Respondent: Nos torturaban casi todos los días. Nos dejaban en una celda aislada del resto y no nos daban nada para comer por días.

Counsel: Did you get depressed?

Respondent: ¿Qué le parece? Yo quería cometer un suicidio. Estaba desesperado. Padecí graves daños psicológicos y emocionales. Lloraba todo el día sin saber nada de mis padres y de otros familiares.

Counsel: What happened when you were released?

Respondent: Nos pusieron en libertad a todos al mismo tiempo. Una vez que nos encontramos en nuestro hogar, decidimos que no podíamos seguir viviendo en nuestro país.

Counsel: So, did you decide to leave your country by plane or by boat?

Respondent: Fuimos en automóvil a un país vecino y desde ahí abordamos un avión hacia los Estados Unidos.

Counsel: How long have you been in the United States?

Respondent: Ya hace casi 7 años.

Counsel: Do you think the conditions in your home country have changed to such an extent that you can all go back now and be allowed to practice your religion without being persecuted?

Respondent: Está mucho peor ahora. Ahora el gobierno poner a la gente en la prisión por muchos años y aún matan a aquellas personas que organizan reuniones con fines religiosos. Definitivamente está mucho peor.

Counsel: Your Honor, I have no further questions.

Practice 20 – Practice 21 – Practice 22

Simultaneous Practices

Master Calendar Hearing at:

- 130 words per minute (practice 20),
- 145 words per minute (practice 21) and
- 160 words per minute (practice 22).

Script of the Practice

Clerk: Case number 828398130.

Judge: This is a continued preliminary hearing before immigration judge Sandra Kim at Los Angeles, California, on August 3rd, 2016.

Judge: Counsel, you requested a cancellation of removal after you learned that the respondent was a legal alien back in 2010 and he lost his status for being absent for over 3 years. Is that correct?

Counsel: Yes, Your Honor.

Judge: Homeland Security has compared the biometrics and determined that the respondent was not the same person who in the past had legal status in this country. What do you have to say about that?

Counsel: Your Honor, I am not sure what type of biometrics DHS has submitted to this Court. I can assure you that the respondent was a legal alien in 2010. The Court can easily verify that the respondent was granted a change of status to legal resident after the respondent's wife filed an I-130 and the Court granted that application.

Judge: This is such an odd case. Do you have any explanation as to why we are facing this confusing situation?

Counsel: Your Honor, my client, the respondent in this case, has three different names. I attribute this confusion to that. DHS may have submitted the biometrics of someone else.

Judge: Or you may have submitted proof of legal residency that really belongs to someone else.

Counsel: With all due respect, Your Honor, I would never do that to the Court.

Judge: Be it as it may, we need more time to straighten things out in this matter.

Judge: Is the respondent in ICE custody?

Counsel: Yes, Your Honor.

Judge: Is he going to post bond?

Counsel: He wants to but DHS objects to that.

Judge: Let me reset this hearing for November 9th, at 8:30 am in this court. Meanwhile, I am going to order both parties to get together and share all the information they have regarding this case. We need to know if any exhibit submitted by either party corresponds to the respondent here or to someone else.

Judge: I will see all of you on November 9th. This case is adjourned.

Practice 23

Sight Translation Practice

Please interpret the document below into the Foreign Language. Record yourself and listen to your rendition. Look for accuracy in the transfer of the words and messages. Pay close attention to the style of delivery, such as tone of voice and flow in the rendition.

Script of the Practice

Advisement of Respondent's Rights

a. Counsel of Choice

You have the right to be represented, at no expense to the government, by counsel of your choice authorized to practice before this Court.

b. Free Legal Services

You may be eligible for free legal services. To help you determine if you might qualify, I am hereby providing you with a list which provides contact information of the persons who might be able to assist you.

c. Evidentiary Rights

During these proceedings, you will have a reasonable opportunity to examine and object to the evidence against you, to present evidence on your own behalf and to cross-examine witnesses presented by the government.

d. Appeal Rights

At the conclusion of these proceedings, the Court will decide whether or not you will be removed from the United States. Should you disagree with the Court's decision, you have the right to appeal to a higher tribunal called the Board of Immigration Appeals. To do so, you must file Form EOIR-26 within 30 calendar days after the date the Court enters its decision. If the final date for filing falls on a Saturday, Sunday, or legal

holiday, the time period for appeal shall be extended to the next business day. If the time period expires and no appeal has been filed, the decision of this Court becomes final. I am hereby providing you with a copy of your appeal rights which you should thoroughly review.

e. Right to Designate Country of Removal

If you are ordered removed from the United States, the country to which you will be removed will be one that you choose, except as otherwise required by law.

If you cannot be removed to the country of your choice, the Court designates in the alternative:

1. The country of which the alien is a subject, national, or citizen.
2. The country from which the alien was admitted to the US.
3. The country in which is located the foreign port from which the alien left for the US or for a foreign territory contiguous to the US.
4. A country in which the alien resided before the alien entered the country from which the alien entered the US.
5. The country in which the alien was born.
6. The country that had jurisdiction over the alien's birthplace when the alien was born.
7. The country in which the alien's birthplace is located when the alien is ordered removed. If impracticable, inadvisable, or impossible to remove the alien to each country described in the previous clause of this subparagraph, another country whose government will accept the alien into that country.

Interpreting in Immigration Court

**Please complete after finishing
Lecture 4 and before beginning
Lecture 5.**

Instructions

1. Read the script of the practice before you begin interpreting.
2. Identify the terms that you do not know and look them up in a dictionary.
3. Make sure you know all the terminology in the practice.
4. Play the practice and interpret it into the target language (opposite language).
5. Record your interpretation.
6. Listen to your interpretation making sure you deliver at least 90% of the original.
7. If the practice is also available at a higher speed, begin with the higher speed after you are satisfied with your interpretation of the practice at a slower speed.
8. Record your interpretation.
9. Listen to your interpretation making sure you deliver at least 90% of the original.
10. Follow all these instructions for each practice available in this set of practices.
11. If the practice involves vocabulary, interpret each word right after you hear it. Record yourself and check your accuracy. You must deliver at least 90% of all the words included in the practice.

**DO NOT MOVE ON TO LECTURE 5 UNTIL YOU CAN INTERPRET
ALL THE PRACTICES INCLUDED IN THIS SET.**

Practice 24 – Practice 25 – Practice 26
Simultaneous Practice
Court Orders

Court Orders at:

- 130 words per minute (practice 24),
- 145 words per minute (practice 25) and
- 160 words per minute (practice 26).

Script of the Practice

VOLUNTARY DEPARTURE

Pending before this court is also the respondent's request to depart the United States without expense to the Government in lieu of removal under section 240B(b) of the Act. To qualify for voluntary departure, the respondent must establish that he has been physically present in the United States for a period of at least one year immediately preceding the date the NTA was served; he is, and has been a person of good moral character for at least 5 years immediately preceding such application; he is not deportable under section 237(a)(2)(A)(iii) or 237(a)(4) of the Act; he establishes by clear and convincing evidence that he has the means to depart the United States and intends to do so; and he shall be required to post a voluntary departure bond. In addition, the respondent must be in possession of a travel document that will assure his lawful reentry into his home country.

Discretionary consideration of an application for voluntary departure involves a weighing of factors, including the respondent's prior immigration history, the length of his residence in the United States, and the extent of his family, business and societal ties in the United States.

There are no other issues raised by the DHS that will further negatively affect the respondent's eligibility for this minimal form of relief. The Court finds the respondent statutorily eligible and deserving of this relief in the exercise of discretion. Accordingly, the following order(s) are entered:

ORDERS

IT IS HEREBY ORDERED that the respondent's application for asylum be denied.

IT IS FURTHER ORDERED that the respondent be removed from the United States to El Salvador, or in the alternative to Mexico, on the charges contained in the Notice to Appear.

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.

Interpreting in Immigration Court

**Please complete after finishing
Lecture 5 and before beginning
Lecture 6.**

Instructions

1. Read the script of the practice before you begin interpreting.
2. Identify the terms that you do not know and look them up in a dictionary.
3. Make sure you know all the terminology in the practice.
4. Play the practice and interpret it into the target language (opposite language).
5. Record your interpretation.
6. Listen to your interpretation making sure you deliver at least 90% of the original.
7. If the practice is also available at a higher speed, begin with the higher speed after you are satisfied with your interpretation of the practice at a slower speed.
8. Record your interpretation.
9. Listen to your interpretation making sure you deliver at least 90% of the original.
10. Follow all these instructions for each practice available in this set of practices.
11. If the practice involves vocabulary, interpret each word right after you hear it. Record yourself and check your accuracy. You must deliver at least 90% of all the words included in the practice.

**DO NOT MOVE ON TO LECTURE 6 UNTIL YOU CAN INTERPRET
ALL THE PRACTICES INCLUDED IN THIS SET.**

Practice 27 – Practice 28 – Practice 29
Simultaneous Practice
Statement of the Law and Court Orders

Statement of the Law and Court Orders at:

- 130 words per minute (practice 27),
- 145 words per minute (practice 28) and
- 160 words per minute (practice 29).

Script of the Practice

The respondent is a 27 year old, single, male. The United States Department of Homeland Security brought these removal proceedings against the respondent under the authority of the Immigration and Nationality Act. Proceedings were commenced with the filing of a Notice To Appear with the Immigration Court. See Exhibit 1.

REMOVABILITY

The respondent admits the allegations contained in the Notice to Appear and concedes he is removable as charged. The Court therefore finds that removability has been established by clear and convincing evidence.

The respondent designated his country of birth as the country of removal should that become necessary. The respondent applied for relief from removal in the form of cancellation of removal for a lawful permanent resident. The respondent's application for cancellation of removal is contained in the record at Exhibit 1. Prior to admission of the application the respondent was given the opportunity to make any necessary corrections to the application, and then swore or affirmed before this court that the application as corrected was all true and correct to the best of his knowledge.

STATEMENT OF THE LAW

To be eligible for cancellation of removal under Section 240A(a) of the Immigration and Nationality Act, an alien must demonstrate that he has been lawfully admitted for permanent residence for not less than five years, has resided in the United States continuously for seven years after having been admitted in any status, and has not been convicted of an aggravated felony.

In addition to satisfying these three statutory eligibility requirements, an applicant for relief under Section 240A (a) of the Act must establish that he warrants such relief as a matter of discretion. The general standards developed in *Matter of Marin*, 16 I&N Dec. 581 (BIA 1978) for the exercise of discretion under Section 212(c) of the Act are applicable to the exercise of the discretion under Section 240A(a). See *Matter of C-V-T*, 22 I&N Dec. 7 (BIA 1998). An Immigration Judge, upon review of the record as a whole, must balance the adverse factors evidencing the alien's undesirability as a permanent resident with the social and humane considerations presented in his or her behalf to determine whether the granting of relief appears in the best interest of this country. The applicant for cancellation, however, need not first meet a threshold test of showing unusual or outstanding equities. See *Matter of Sotelo*, 23 I&N Dec. 201 (BIA 2001).

As was explained in *Matter of C-V-T*, *supra*, factors pertinent to the exercise of discretion under section 212(c) are equally relevant to the exercise of discretion under section 240A(a) of the Act. For example, favorable considerations include such factors as family ties within the United States, residence of long duration in this country (particularly when the inception of residence occurred at a young age), evidence of hardship to the respondent and his family if deportation occurs, service in this country's armed forces, a history of employment, the existence of property or business ties, evidence of value and service to the community, proof of genuine rehabilitation if a criminal record exists, and other evidence attesting to a respondent's good character. Among the factors deemed adverse to an alien are the nature and underlying circumstances of the grounds of exclusion or deportation (now removal) that are at issue, the presence of additional significant violations of this country's immigration laws, the existence of a criminal record and, if so, its nature, recency, and seriousness, and the presence of other evidence indicative of a respondent's bad character or undesirability as a permanent resident of this country. In some cases, the minimum equities required to establish eligibility for relief under section 240A (a) (for instance, residence of at least 7 years and status as a lawful permanent resident for not less than 5 years) may be sufficient in and of themselves to warrant favorable discretionary action. However, as the negative factors grow more serious, it becomes incumbent upon the alien to introduce additional offsetting favorable evidence.

With respect to the issue of rehabilitation, a respondent who has a criminal record will ordinarily be required to present evidence of rehabilitation before relief is granted as a matter of discretion. However, applications involving convicted aliens must be evaluated on a case-by-case basis, with rehabilitation a factor to be considered in the exercise of discretion. A showing of rehabilitation is not an absolute prerequisite in every case involving an alien with a criminal record. *Matter of C-V-T*, *supra*.

SUSTAINING BURDEN AND CREDIBILITY

The provisions of the "REAL ID Act of 2005" apply to the respondent's application as it was filed on or after May 11, 2005. Section 240(c)(4)(B) and (C) of the Act state as follows:

(B) **SUSTAINING BURDEN-** The applicant must comply with the applicable requirements to submit information or documentation in support of the applicant's application for relief or protection as provided by law or by regulation or in the instructions for the application form. In evaluating the testimony of the applicant or other witness in support of the application, the immigration judge will determine whether or not the testimony is credible, persuasive, and refers to specific facts sufficient to demonstrate that the applicant has satisfied the applicant's burden of proof. In determining whether the applicant has met such burden, the immigration judge shall weigh the credible testimony along with other evidence of record. Where the immigration judge determines that the applicant should provide evidence which corroborates otherwise credible testimony, such evidence must be provided unless the applicant demonstrates that the applicant does not have the evidence and cannot reasonably obtain the evidence.

(C) **CREDIBILITY DETERMINATION-** Considering the totality of the circumstances, and all relevant factors, the immigration judge may base a credibility determination on the demeanor, candor, or responsiveness of the applicant or witness, the inherent plausibility of the applicant's or witness's account, the consistency between the applicant's or witness's written and oral statements (whenever made and whether or not under oath, and considering the circumstances under which the statements were made), the internal consistency of each such statement, the consistency of such statements with other evidence of record (including the reports of the Department of State on country conditions), and any inaccuracies or falsehoods in such statements, without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant's claim, or any other relevant factor. There is no presumption of credibility, however, if no adverse credibility determination is explicitly made, the applicant or witness shall have a rebuttable presumption of credibility on appeal.

ORDERS

ORDER: The respondent's application for cancellation of removal under section 240A(a) of the Act is granted / denied.

(If denied): **FURTHER ORDER:** It is ordered that the respondent be removed from the United States to his country of birth on the charge(s) contained in the Notice to Appear.

APPEAL RIGHTS: Both parties have the right to appeal the decision in this case. Any appeal is due in the hands of the Board of Immigration Appeals on or before 30 calendar days from the date of service of this decision.

Practice 30 – Practice 31 – Practice 32
Simultaneous Practice
Statement of the Law and Court Orders

Statement of the Law and Court Orders at:

- 130 words per minute (practice 30),
- 145 words per minute (practice 31), and
- 160 words per minute (practice 32).

Script of the Practice

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.

To be eligible to adjust to lawful permanent resident status under INA Section 245(i), the alien must show that he is not inadmissible from the United States or that all grounds of

inadmissibility have been waived. INA Section 245(i)(2)(A); The Board has clarified that INA Section 245(i) implicitly waives only the ground of inadmissibility under INA Section 212(a)(6)(A)(i) (unlawful entry).

The LIFE Act also allows for adjustment of status for aliens who filed before October 1, 2000, for class membership in one the “late amnesty” lawsuits—i.e., *Catholic Social Services, Inc. v. Meese*, vacated sub nom., *Reno v. Catholic Services, Inc.*, 509 U.S. 43 (1993); *League of United Latin American Citizens (“LULAC”) v. INS*, vacated sub nom., *Reno v. Catholic Services, Inc.*, 509 U.S. 43 (1993); or *Zambrano v. INS*, vacated, 509 U.S. 918 (1993). LIFE Act, Sections 1104 and 1503, Pub. L. No. 106-553, 106-554; 8 C.F.R. § 245a.10 - 245a.22. In order to qualify, the alien must have entered the U.S. before January 1, 1982, and resided continuously in the U.S. in an unlawful status since that date through May 4, 1988. He must also have been continuously present in the U.S. from November 6, 1986 through May 4, 1988, must not have been convicted of a felony or of three or more misdemeanors in the U.S., and must not have been a persecutor. An alien is not considered to have failed to maintain continuous physical presence in the U.S. by virtue of brief, casual, and innocent absences from the U.S. Further, the alien must demonstrate that he is admissible except for grounds of inadmissibility under INA Section 212(a)(5) and 7(A). The Attorney General may waive certain other provisions of section 212(a) of the Act under INA Section 245A(d)(2)(B), although not those provisions relating to crimes involving moral turpitude, multiple criminal convictions, or others enumerated in 8 C.F.R. Section 245a.18(c)(2). The alien may also apply for a waiver of inadmissibility under section 212(a)(9)(A) and (C) of the Act. Further, he must be registered or be registering under the Military Selective Service Act, if so required, and have or demonstrate basic citizenship skills.

The application period for a “late amnesty” filing for adjustment began on June 1, 2001 and ended on June 4, 2003, during which time an alien had to file with the Department of Homeland Security a Form I-485: Application to Register Permanent Residence or Adjust Status. 8 C.F.R. Sections 245a.11, 245a.12. However, under the terms of settlement agreements reached with the Department, the filing deadline for certain legalization applicants under the terms of *Catholic Social Services* and *LULAC* was extended until December 31, 2005.

The Department has jurisdiction over all applications for the benefits of LIFE Legalization under the “late amnesty” lawsuits. An alien who is in exclusion, deportation, or removal proceedings, or who has a pending motion to reopen or motion to reconsider, and who is prima facie eligible for adjustment of status under LIFE Legalization, may request that the proceedings be administratively closed or that the motion filed be indefinitely continued, in order to allow the alien to pursue a LIFE Legalization application with the Department. With the concurrence of the Department, if the alien appears eligible to file for relief under LIFE Legalization, the Immigration Court or the Board, whichever has jurisdiction, shall administratively close the proceeding or continue the motion indefinitely.

The Family Unity provisions of the LIFE Act apply to “late amnesty” applications. LIFE Act, Section 1504, Pub. L. No. 106-554; An alien currently in the U.S. may obtain Family

Unity benefits if she establishes that she is the spouse or unmarried child under the age of 21 of an eligible alien at the time the Family Unity application is adjudicated; she entered the U.S. before December 1, 1988, and resided in the U.S. on that date; and, if applying for Family Unity benefits on or after June 5, 2003, she is the spouse or unmarried child under the age of 21 of an alien who has filed a Form I-485. An alien is ineligible for Family Unity benefits if she has committed one of several offenses, including being convicted of a felony or three or more misdemeanors, and having engaged in persecution of others.

Interpreting in Immigration Court

**Please complete after finishing
Lecture 6.**

Instructions

1. Read the script of the practice before you begin interpreting.
2. Identify the terms that you do not know and look them up in a dictionary.
3. Make sure you know all the terminology in the practice.
4. Play the practice and interpret it into the target language (opposite language).
5. Record your interpretation.
6. Listen to your interpretation making sure you deliver at least 90% of the original.
7. If the practice is also available at a higher speed, begin with the higher speed after you are satisfied with your interpretation of the practice at a slower speed.
8. Record your interpretation.
9. Listen to your interpretation making sure you deliver at least 90% of the original.
10. Follow all these instructions for each practice available in this set of practices.
11. If the practice involves vocabulary, interpret each word right after you hear it. Record yourself and check your accuracy. You must deliver at least 90% of all the words included in the practice.

Practice 33
Simultaneous Practices

Master Calendar Hearing at 160 words per minute.

Script of the Practice

Clerk: Case number 828398130.

Judge: This is a continued preliminary hearing before immigration judge Sandra Kim at Los Angeles, California, on July 29th, 2016.

Judge: Counsel, there is a 440 motion pending to vacate a prior criminal conviction. I understand that the respondent has received an expungement, is that correct?

Counsel: Yes.

Judge: Homeland Security has submitted to this Court a copy of the respondent's criminal record and it shows that the aggravated felony, namely the crime of domestic violence against his estranged spouse, was not expunged as of last week. Do you have a more updated criminal background?

Counsel: No, I do not, Your Honor.

Judge: The fact of the matter is that the expungement is not relevant in this case. The respondent entered a guilty plea in criminal court and served 120 days in County jail. Under the Act, the respondent is removable because of the aggravated felony that I just referred to.

Counsel: Your Honor, may I be heard?

Judge: Go ahead, counsel.

Counsel: It is true that the respondent committed that aggravated felony. We do not contest that issue. Our point of view is that defendant is eligible for relief under Section 208 of the Act.

Judge: So, let me see if I understand your position, counsel. Your client concedes the aggravated felony conviction. However, he is now filing for Asylum under Section 208 of the Act. Is that correct?

Counsel: That is correct, Your Honor. And if I may add, we would request the setting of a Merits Hearing for a future date in order to rule on the application filed by the respondent.

Judge: Counsel, under what grounds did your client file an Application for Asylum?

Counsel: My client is a political refugee, Your Honor. He is not welcomed back in his country of birth because he fought against the current ruling party. When I say "he fought" I literally say that he fought during an attempt to overthrow that current government. He fought, in the streets, against forces loyal to the current government. If he returns to his country of birth, he would be killed. The government forces would also kill his family as well. Those are our grounds.

Judge: Anything from Homeland Security?

Government: No, Your Honor. I believe that we need to hold a Merits hearing to determine eligibility.

Judge: Fine. I will set the Merits hearing for December 14th, 2016, at 8 a.m. Anything else from either party?

Counsel: No, Your Honor. Thank you.

Government: No, Your Honor.

Judge: There being nothing else, this case is adjourned.

Practice 34
Consecutive Practice
Individual Merits

Please interpret this practice.

Record your interpretation and make sure you accurately render at least 90% of each segment.

Script of the Practice

Judge: Counsel, please state your appearances for the record.

US Government: Karla Romans representing the US Government.

Counsel: Sarah Lewis representing the respondent in this matter.

Judge: Can the respondent hear the interpreter clearly through the headphones?

Respondent: Sí.

Judge: Do you understand the interpreter?

Respondent: Sí.

Judge: If at any time, you have difficulty understanding the interpreter, please let me know immediately.

Respondent: Lo hare. Gracias.

Judge: You previously took an oath that the testimony you will provide in these proceedings will be the truth, the whole truth, and nothing but the truth, you are still under oath. Do you understand?

Respondent: Sí.

Judge: The attorney seated next to you has entered an appearance in your case. Do you want him to represent you in these proceedings?

Respondent: Sí.

Judge: Where are you currently living?

Respondent: En el 290 de la Collins, al norte, apartamento 1H, en Miami Beach, Florida.

Judge: You are being provided with a blue change of address form. If you do move at any time during these proceedings, you must complete a change of address form and file it with the court within five days of moving. Do you understand?

Respondent: Sí.

Judge: Counsel for the government, are the necessary biometric checks completed and current?

US Government: Yes, Your Honor.

Judge: Very well. Counsel you may begin with the examination of Mr. Doe.

Counsel: When did you come to the United States?

Respondent: Vine hace diez años con mi familia.

Counsel: When you say “my family”, can you please elaborate on who they are?

Respondent: Por supuesto. Vine con mi madre, mi padre, dos hermanas y mi hermanito de 8 años de edad.

Counsel: Did you come illegally into the United States?

Respondent: No. Vinimos con visa pero nos quedamos después de vencer el plazo permitido para permanecer en el país.

Counsel: Why did you come to the United States?

Respondent: Mi padre era perseguido por la policía porque él es un activista de los derechos humanos y el gobierno se la tenía jurada.

Counsel: What do you mean when you say “the Government had it in for him”?

Respondent: Me refiero a que el gobierno quería matar a mi padre y a mi madre por ser activistas. De hecho, ellos vinieron a nuestra casa muchas veces buscando a mi padre. Todos sabíamos que ellos querían arrestarlo y torturarlo.

Counsel: Who are you referring to when you say “they came”?

Respondent: Me refiero a las fuerzas especiales de la unidad de protección al gobierno.

Counsel: What is that unit about?

Respondent: La unidad de protección al gobierno se encarga de hacer redadas en contra de los que ellos llaman “enemigos”.

Counsel: What is the definition of an enemy?

Respondent: Cualquier persona que se opone al gobierno es un enemigo sin importar el grado de participación en la oposición, el gobierno los trata de la misma manera. Simplemente el gobierno los tortura y luego los matan.

Counsel: Did they ever get a hold of your father?

Respondent: No. La razón es que a mi padre le pasó un dato alguien en el gobierno que esta unidad lo estaba buscando para interrogarlo respecto a otros participantes del movimiento de oposición.

Counsel: And what did your father do?

Respondent: Él nos reunió a todos en la sala de nuestra casa, una noche fría, y nos dijo que nos íbamos del país. Nos dijo que él había podido obtener una visa de un amigo que trabajaba en la Embajada de los Estados Unidos y que nos íbamos el día siguiente a las 2 de la tarde.

Counsel: And did you leave your country to come to the United States the next day?

Respondent: Sí.

Counsel: The Government has showed evidence to the judge indicating that the Government who persecuted your family was no longer in power and that the new Government was more lenient with the opposition. What can you tell us about that?

Respondent: Esto no es verdad. Lo único que cambió fue el presidente, o mejor dicho el dictador. El gobierno sigue los mismos principios, ideales y tácticas cuando tratan con la oposición. Le aseguro que ese tipo de prueba es inexistente.

Counsel: Your Honor, we would like to submit a report prepared by the US State Department indicating that the situation in the respondent's country of birth is still very volatile and that there were no major changes in the policy implemented by this so called “new Government”.

Judge: This report is marked as exhibit R-29. Proceed.

Counsel: What would happen to you if you were to return to your country of birth in the next 6 months?

Respondent: Me matarían. Ya saben quién soy. Primero me torturarían para sacarme dónde está mi padre y luego me matarían. No tengo ninguna duda de eso.

Counsel: I have no more questions, Your Honor. Thank you.

Judge: You may step down. Let's take a five minute break before we continue with the next witness.

Practice 35
Simultaneous Practice
Court Orders

Court Orders at 160 words per minute.

Script of the Practice

VOLUNTARY DEPARTURE

Pending before this court is also the respondent's request to depart the United States without expense to the Government in lieu of removal under section 240B(b) of the Act. To qualify for voluntary departure, the respondent must establish that he has been physically present in the United States for a period of at least one year immediately preceding the date the NTA was served; he is, and has been a person of good moral character for at least 5 years immediately preceding such application; he is not deportable under section 237(a)(2)(A)(iii) or 237(a)(4) of the Act; he establishes by clear and convincing evidence that he has the means to depart the United States and intends to do so; and he shall be required to post a voluntary departure bond. In addition, the respondent must be in possession of a travel document that will assure his lawful reentry into his home country.

Discretionary consideration of an application for voluntary departure involves a weighing of factors, including the respondent's prior immigration history, the length of his residence in the United States, and the extent of his family, business and societal ties in the United States.

There are no other issues raised by the DHS that will further negatively affect the respondent's eligibility for this minimal form of relief. The Court finds the respondent statutorily eligible and deserving of this relief in the exercise of discretion. Accordingly, the following order(s) are entered:

ORDERS

IT IS HEREBY ORDERED that the respondent's application for asylum be denied.

IT IS FURTHER ORDERED that the respondent be removed from the United States to El Salvador, or in the alternative to Mexico, on the charges contained in the Notice to Appear.

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.

Practice 36
Simultaneous Practice
Statement of the Law and Court Orders

Statement of the Law and Court Orders at 160 words per minute.

Script of the Practice

The respondent is a 27 year old, single, male. The United States Department of Homeland Security brought these removal proceedings against the respondent under the authority of the Immigration and Nationality Act. Proceedings were commenced with the filing of a Notice To Appear with the Immigration Court. See Exhibit 1.

REMOVABILITY

The respondent admits the allegations contained in the Notice to Appear and concedes he is removable as charged. The Court therefore finds that removability has been established by clear and convincing evidence.

The respondent designated his country of birth as the country of removal should that become necessary. The respondent applied for relief from removal in the form of cancellation of removal for a lawful permanent resident. The respondent's application for cancellation of removal is contained in the record at Exhibit 1. Prior to admission of the application the respondent was given the opportunity to make any necessary corrections to the application, and then swore or affirmed before this court that the application as corrected was all true and correct to the best of his knowledge.

STATEMENT OF THE LAW

To be eligible for cancellation of removal under Section 240A(a) of the Immigration and Nationality Act, an alien must demonstrate that he has been lawfully admitted for permanent residence for not less than five years, has resided in the United States continuously for seven years after having been admitted in any status, and has not been convicted of an aggravated felony.

In addition to satisfying these three statutory eligibility requirements, an applicant for relief under Section 240A (a) of the Act must establish that he warrants such relief as a

matter of discretion. The general standards developed in *Matter of Marin*, 16 I&N Dec. 581 (BIA 1978) for the exercise of discretion under Section 212(c) of the Act are applicable to the exercise of the discretion under Section 240A(a). See *Matter of C-V-T*, 22 I&N Dec. 7 (BIA 1998). An Immigration Judge, upon review of the record as a whole, must balance the adverse factors evidencing the alien's undesirability as a permanent resident with the social and humane considerations presented in his or her behalf to determine whether the granting of relief appears in the best interest of this country. The applicant for cancellation, however, need not first meet a threshold test of showing unusual or outstanding equities. See *Matter of Sotelo*, 23 I&N Dec. 201 (BIA 2001).

As was explained in *Matter of C-V-T*-, *supra*, factors pertinent to the exercise of discretion under section 212(c) are equally relevant to the exercise of discretion under section 240A(a) of the Act. For example, favorable considerations include such factors as family ties within the United States, residence of long duration in this country (particularly when the inception of residence occurred at a young age), evidence of hardship to the respondent and his family if deportation occurs, service in this country's armed forces, a history of employment, the existence of property or business ties, evidence of value and service to the community, proof of genuine rehabilitation if a criminal record exists, and other evidence attesting to a respondent's good character. Among the factors deemed adverse to an alien are the nature and underlying circumstances of the grounds of exclusion or deportation (now removal) that are at issue, the presence of additional significant violations of this country's immigration laws, the existence of a criminal record and, if so, its nature, recency, and seriousness, and the presence of other evidence indicative of a respondent's bad character or undesirability as a permanent resident of this country. In some cases, the minimum equities required to establish eligibility for relief under section 240A (a) (for instance, residence of at least 7 years and status as a lawful permanent resident for not less than 5 years) may be sufficient in and of themselves to warrant favorable discretionary action. However, as the negative factors grow more serious, it becomes incumbent upon the alien to introduce additional offsetting favorable evidence.

With respect to the issue of rehabilitation, a respondent who has a criminal record will ordinarily be required to present evidence of rehabilitation before relief is granted as a matter of discretion. However, applications involving convicted aliens must be evaluated on a case-by-case basis, with rehabilitation a factor to be considered in the exercise of discretion. A showing of rehabilitation is not an absolute prerequisite in every case involving an alien with a criminal record. *Matter of C-V-T*-, *supra*.

SUSTAINING BURDEN AND CREDIBILITY

The provisions of the "REAL ID Act of 2005" apply to the respondent's application as it was filed on or after May 11, 2005. Section 240(c)(4)(B) and (C) of the Act state as follows:

(B) **SUSTAINING BURDEN-** The applicant must comply with the applicable requirements to submit information or documentation in support of the applicant's application for relief or protection as provided by law or by regulation or in the instructions for the application form. In evaluating the testimony of the applicant or other witness in support of the application, the immigration judge will determine whether or not the testimony is credible, persuasive, and refers to specific facts sufficient to demonstrate that the applicant has satisfied the applicant's burden of proof. In determining whether the applicant has met such burden, the immigration judge shall weigh the credible testimony along with other evidence of record. Where the immigration judge determines that the applicant should provide evidence which corroborates otherwise credible testimony, such evidence must be provided unless the applicant demonstrates that the applicant does not have the evidence and cannot reasonably obtain the evidence.

(C) **CREDIBILITY DETERMINATION-** Considering the totality of the circumstances, and all relevant factors, the immigration judge may base a credibility determination on the demeanor, candor, or responsiveness of the applicant or witness, the inherent plausibility of the applicant's or witness's account, the consistency between the applicant's or witness's written and oral statements (whenever made and whether or not under oath, and considering the circumstances under which the statements were made), the internal consistency of each such statement, the consistency of such statements with other evidence of record (including the reports of the Department of State on country conditions), and any inaccuracies or falsehoods in such statements, without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant's claim, or any other relevant factor. There is no presumption of credibility, however, if no adverse credibility determination is explicitly made, the applicant or witness shall have a rebuttable presumption of credibility on appeal.

ORDERS

ORDER: The respondent's application for cancellation of removal under section 240A(a) of the Act is granted / denied.

(If denied): **FURTHER ORDER:** It is ordered that the respondent be removed from the United States to his country of birth on the charge(s) contained in the Notice to Appear.

APPEAL RIGHTS: Both parties have the right to appeal the decision in this case. Any appeal is due in the hands of the Board of Immigration Appeals on or before 30 calendar days from the date of service of this decision.

Practice 37

Sight Translation Practice

Please interpret the document below into the Foreign Language. Record yourself and listen to your rendition. Look for accuracy in the transfer of the words and messages. Pay close attention to the style of delivery, such as tone of voice and flow in the rendition.

Script of the Practice

Failure to Appear

Your next hearing is scheduled for July 17th, 2014, at 8 a.m. 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. Furthermore, you may become ineligible for 10 years after the date of the order of removal for voluntary departure under INA - 240B, cancellation of removal under INA - 240A, and for adjustment of status and change of status under INA -- 245, 248, and 249. Exceptional circumstances which may excuse your absence are those such as:

1. You have a serious illness.
2. Your spouse, child, or parent has a serious illness or has died.
3. You, your child or parent has suffered battery or extreme cruelty, *but not* circumstances less compelling.

Practice 38
Consecutive Practice
Individual Merits

Please interpret this practice.

Record your interpretation and make sure you accurately render at least 90% of each segment.

Script of the Practice

Counsel: When did you come to this country?

Respondent: Vine a los Estados Unidos en 2008 con mi familia.

Counsel: Did you also come with your parents?

Respondent: Mis padres fallecieron en un accidente automovilístico en el año 2014, el 3 de enero de 2014. Desde entonces yo vivo con un amigo.

Counsel: Are you currently studying? Are you going to college?

Respondent: No puedo ir a la Universidad porque tengo que trabajar para poder vivir.

Counsel: Is it true that you were arrested on three occasions in the last 2 years?

Respondent: Sí. Es verdad que me arrestaron tres veces pero yo no tenía la intención de cometer esos delitos.

Counsel: What were you arrested for?

Respondent: La primera vez me arrestaron por hurto menor. La segunda vez por posesión de una sustancia regulada y la tercera vez por intento de robo.

Counsel: Were you found guilty in all three charges?

Respondent: Me hallaron culpable las tres veces. Pasé 15 días en la cárcel por el delito de hurto menor, 4 meses por la posesión de una sustancia regulada y 6 meses por el intento de robo.

Counsel: Are you currently going to school?

Respondent: Actualmente asisto a una escuela vocacional porque no tengo que estar ahí todo el día y tengo tiempo para ir a trabajar.

Counsel: Do you work anywhere?

Respondent: Claro que sí. Trabajo en un restaurante, trabajo como ayudante de cocina.

Counsel: What do you do in the restaurant?

Respondent: Lavo los platos y todo los utensilios usados en la cocina. También le ayudo al cocinero a preparar las hamburguesas y las papas fritas. Yo voy a la escuela vocacional para aprender a ser cocinero profesional.

Respondent: Sin embargo, me está tomando mucho tiempo porque la escuela es muy cara y no tengo los medios económicos para pagarla. Entonces, no me queda otra opción que tomar una clase por semestre.

Counsel: But if you only take one class per semester, it will take you an awful length of time to complete the program, is that correct?

Respondent: Sí, me va a llevar mucho tiempo. Soy consciente de eso, ¿pero qué otra alternativa tengo?

Counsel: What are the grounds for filing an application for asylum?

Respondent: Tramité la solicitud de asilo porque no puedo regresar a mi país.

Counsel: Why?

Respondent: Porque mis padres eran manifestantes en contra del gobierno actual.

Counsel: Were you a demonstrator against the current government?

Respondent: Claro que no, pero mis padres eran unos de los manifestantes más conocidos en mi país. Ellos salían en la televisión extranjera todo el tiempo. A mi padre lo arrestaron por tratar de derrocar al gobierno actual.

Counsel: How will the government know that you have come back to your country?

Respondent: Ellos sabrán inmediatamente que llegué al país. Ni bien ponga un pie en mi país, ellos me arrestarán y me torturarán.

Counsel: But people belong to different political parties in your country. What is wrong with that?

Respondent: Claro que no tiene nada de malo ser miembro de un partido político pero mi familia no sólo pertenecían a un partido político. Ellos trataron de derrocar al gobierno actual.

Counsel: Is there any possibility that you can return to your country of birth?

Respondent: No hay ninguna manera que yo pueda volver a mi país. Ninguna.

Counsel: So, if the Judge orders you removed, where would you go?

Respondent: Le pediría ir a otro país pero no al mío.

Counsel: Is there anything you would like to tell the judge?

Respondent: Yo sólo le quiero decir al juez que me deje en este país. Yo considero a este país como mí país. He vivido aquí varios años y me considero un ciudadano más.

Counsel: Thank you. I have no more questions.

Respondent: De nada.