

Chicago Appleseed Fund for Justice

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FOR IMMEDIATE RELEASE

August 2, 2005

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Chicago Appleseed Fund for Justice and the Legal Assistance Foundation of Chicago Publish Unprecedented Study on Videoconferencing in Immigration Hearings

Groups find substantial problems with the use of videoconferencing in hearings

CHICAGO – Today, Chicago Appleseed Fund for Justice and the Legal Assistance Foundation of Metropolitan Chicago (LAF) released their joint study, “Videoconferencing in Removal Proceedings: A Case Study of the Chicago Immigration Court.” Citing numerous problems caused by videoconferencing, the groups called for the Executive Office of Immigration Review (EOIR), the agency in charge of immigration judges nationwide and under the Department of Justice, to issue a moratorium on the use of videoconferencing in immigration removal hearings. Chicago Appleseed and LAF suggest recommendations for improving the system during the moratorium.

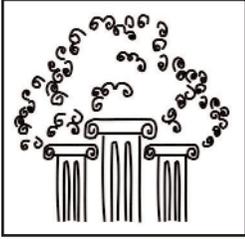
“The use of videoconferencing marginalizes an already vulnerable group of people,” stated Malcolm C. Rich, Executive Director of the Chicago Appleseed Fund for Justice. “In America, everyone is accorded basic civil rights. This poor use of technology dehumanizes the detainees, stripping away many of their substantive rights to a due process hearing.”

The Chicago Immigration Court began its use of videoconferencing for detained immigrants in removal hearings in 2002, and contends that the practice increases efficiency and effectiveness. “So much is at stake in these deportation proceedings,” noted Diana White, Deputy Director of Special Projects, Legal Assistance Foundation of Metropolitan Chicago. “We are not opposed to technology in the courtroom. We are opposed to the poor use of this technology, and the horrible impact it can have on an immigrant’s life.”

After examining over one hundred hearings, the study found videoconferencing riddled with problems such as technological malfunctions and/or failure, lack of proper language interpretation, little or no ability for detainees to communicate with their counsel, and problematic presentation of evidence. Having immigrants appear by television from a small room at a suburban detention center, while the immigration judge, the trial attorney, and the lawyer (if any) are in a downtown courtroom, raises serious concerns.

U.S. Representative Jan Schakowsky stated “The concerns this study raises about teleconferencing deserve careful consideration. Due process is a fundamental right in the United States, and all immigrants should be able to expect equal treatment and a fair hearing when they appear before the court. I want to thank the Chicago Appleseed Fund for Justice and the Legal Assistance Foundation for their work on this critical issue.”

“Sowing the Seeds of Justice”



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Szymon, a recent detainee and U.S. resident since 1991, gave firsthand testimony of his experience with videoconferencing, “I thought I would see the judge at my hearing. I had no warning that my proceedings would be held by videoconferencing...I couldn’t see the American flag on the television screen, and I didn’t feel like I was in a real courtroom at all.”

Attorney Gordon Waldron, a member of the study’s advisory board, noted “Immigration attorneys are given a Hobson's choice: they can either appear at the remote site with their client or in the court with the judge and trial attorney for the government. If they appear with the judge, they can't confer with their client or pass exhibits to them. If they appear with their client, it is difficult to effectively cross-examine witnesses, review and present exhibits, and make a convincing argument to the judge.”

Chicago Appleseed Fund for Justice and the Legal Assistance Foundation of Metropolitan Chicago believe a moratorium on the use of videoconferencing is required until the system functions better. The report contains recommendations for improving the process, such as implementing better technology and training for those who will use it, better interpretation systems a way for detainees to seek an in-person removal hearing if desired, and adequate notice to immigrants that hearings will take place through videoconferencing.

A full copy of the report is available online at www.chicagoappleseed.org and www.lafchicago.org.

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