



FOR IMMEDIATE RELEASE
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DOJ OIG Releases Report Examining EOIR's Use of Video Teleconferencing for Immigration Hearings

Department of Justice (DOJ) Inspector General Michael E. Horowitz announced today the [release of a limited-scope inspection and review of](#) the Executive Office for Immigration Review's (EOIR) use of video teleconferencing (VTC) for immigration hearings. The DOJ Office of the Inspector General (OIG) found that, while EOIR has expanded its use of VTC and other virtual platforms since the beginning of the coronavirus disease 2019 (COVID-19) pandemic, there continue to be important areas that it needs to address to ensure that proceedings can be conducted effectively and fairly.

The OIG's findings included the following:

- **VTC Audio and Video Experience.** During the OIG's initial on-site fieldwork in Brownsville, Texas, we found that the video and audio quality for Migrant Protection Protocols (MPP) hearings involving two-way connections between immigration courts and the Department of Homeland Security (DHS) Immigration Hearing Facility was generally adequate. However, for three-way hearings, during which the DHS trial attorney joined the virtual hearing from a third remote location, the video feed of the trial attorney was frequently interrupted and often of poor quality. We also identified several sources of audial distractions that impeded hearings held at the IHF, regardless of the type of hearing.
 - **Challenges to Respondents Understanding the Hearing Process.** Immigrants appearing before immigration judges (referred to as "respondents") virtually from the Brownsville IHF potentially had trouble at times following the hearing process and clearly differentiating the distinct roles of certain participants—particularly the immigration judge versus the DHS trial attorney—due in part to their positioning on the video monitor. Additionally, the video presentation outlining respondents' rights was difficult to understand at the Brownsville IHF.
 - **Virtual Hearing Best Practices.** We found that EOIR provides adequate training to new and existing immigration judges on how to fully utilize courtroom technologies, including VTC and digital recording software. However, guidance was inadequate on virtual hearing best practices such as limiting noise distractions, introducing all parties, camera positioning, and appropriate times for muting, especially for existing immigration judges. In response to our recommendations, EOIR has implemented training on these virtual hearing best practices.
 - **Courtroom Technology.** We found some limitations to courtroom technology. For example, EOIR is limited in its ability to remotely provide simultaneous interpretation for non-English speakers, which would allow for more efficient hearing proceedings and more complete interpretation for the respondent. Additionally, although EOIR is providing technology allowing more immigration judges
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to conduct hearings from remote locations, the majority of immigration judges can conduct hearings only from a physical courtroom.

- **Staff Experiences.** Immigration judges expressed support for remote hearings and believed that conducting hearings in a remote environment did not hinder their ability to preside over a fair proceeding. They believed that remote hearings allow for greater ability to manage dockets, improve efficiency and reduce costs, and adapt to pandemics or natural disasters that force the closure of immigration courts.

As virtual hearings expand, even with COVID-19 restrictions being lifted, EOIR will need to continue seeking mechanisms to ensure that these hearings are conducted fairly and efficiently. The OIG encourages EOIR to continue to be innovative in finding ways to ensure respondent access and understanding, full and complete interpretation, and public transparency in the virtual hearing environment. EOIR should also continue to coordinate with DHS to ensure that respondents in DHS-controlled settings, including those in the MPP program, are afforded the same rights they would receive in person in an EOIR immigration court.

The OIG made 12 recommendations to assist EOIR in expanding its use of VTC and other remote platforms. EOIR generally agreed with all of the recommendations.

Report: Today's report is available on the OIG's website at the following link: <https://oig.justice.gov/reports/limited-scope-inspection-and-review-video-teleconference-use-immigration-hearings>

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