

1. <https://www.justice.gov/eoir/page/file/1148916/download>
2. <https://www.justice.gov/eoir/page/file/1148916/download>
3. <https://www.justice.gov/eoir/file/1160866/download>
4. <https://www.justice.gov/eoir/page/file/1153866/download>
5. <https://www.justice.gov/eoir/page/file/1062991/download>
6. <https://www.justice.gov/eoir/page/file/1062991/download>
7. INA 103(a)(1); 8 CFR 1001.1(s) and 1003.10(b)
8. 83 FR 57368; 20 CFR 404.936 and 416.1436; 38 CFR 20.700; 42 CFR 405.1020
https://www.bva.va.gov/docs/Chairmans_Annual_Rpts/BVA2017AR.pdf (61% of hearings held by the Board of Veterans' Appeals were by VTC in FY 17)
https://www.ssa.gov/appeals/DataSets/06_Hearings_Held_InPerson_Video_Report.html (90,106 VTC hearings held by the Social Security Administration in FY 19 through March 29, 2019)
9. INA 240(b)(2)(A)(iii)
83 FR 57368 (“Moreover, there is no evidence that the use of VTC technology adversely affects the outcome of the decision making process. An internal report prepared in FY 2017 by our Office of Quality Review (OQR) showed there was not a significant difference in outcome or policy compliance for VTC and in person hearings.”)
<https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1217&context=nulr>
“. . .there was no statistically significant evidence that judges adjudicated deportation cases more harshly over a video screen”
“Curiously, however, when pressed to explain whether video actually interfered with their ability to win a specific claim on behalf of a client, most responded consistently with the results of the quantitative data. That is, attorneys confessed that they could not identify a case in which televideo adversely affected the outcome of their clients’ claims for relief. As one attorney succinctly explained, “I can’t think of any case that I’ve handled where I could say that [televideo] might have made a difference.” Another commented: “[I]f you have a decent case [for relief], you will still probably win it. I don’t think just because you’re doing it over video, that’s going to determine whether or not you win the case.””
Many other practicing attorneys made similar statements. *See, e.g.*, Interview #40 with Attorney, Mid-Size Law Firm (Oct. 22, 2013) (on file with author) (“I can’t honestly say

that I felt somehow unfairly treated because of that [video] arrangement.”); Interview #16 with Supervisory Attorney, Nonprofit Org. (Aug. 9, 2013) (on file with author) (“I would offer that a good attorney or a good judge is probably going to be as good on VTC as they are in person.”); Telephone Interview #22 with Partner, Small-Size Law Firm (Sept. 3, 2013) (on file with author) (“I don’t feel like my presentation really suffered [over video].”); Interview #8, *supra* note 117 (“Most of the cases that we end up getting, they win. So they win despite VTC, right, which is great.”); Interview #30 with Assoc., Small-Size Law Firm (Sept. 17, 2013) (on file with author) (“I think that if you are doing everything you are supposed to and you are well prepared, any inconvenience of the televideo is minimal.”).”

“However, after controlling for those same factors, these data failed to reject the null hypothesis regarding outcomes at trial on applications for relief: there was no statistically significant difference in relief rates across televideo and in-person adjudication.”

<https://www.justice.gov/eoir/page/file/1117301/download>

Raphael v. Mukasey, 533 F.3d 521, 531 (7th Cir. 2008) (“No court has ever held that Congress has violated the due process clause by authorizing removal hearings to proceed via video conference.”).

10. <https://www.justice.gov/eoir/file/1091801/download>

<https://www.justice.gov/eoir/file/1125596/download>

11.

<https://www.acus.gov/sites/default/files/documents/Administrative%20Judges%20Final%20Report%20Corrected%20-%20%20%289.24.18%29.pdf>

https://www.hhs.gov/sites/default/files/ocpm-adjudication-time-frames-case-prioritization-and-escalations_07-27-2018.pdf

AALJ v. Colvin, 777 F. 402 (7th Cir. 2015)

12. INA 208(d)(5)(A)(iii); INA 235(b)(1)(B)(iii)(III)

<https://oig.justice.gov/reports/2012/e1301.pdf>

<https://www.gao.gov/assets/690/685022.pdf>

H. Rept. 115-704 (May 24, 2018) (“The Committee notes with approval that EOIR has set new prioritization standards and court-based performance measures, as the Committees on Appropriations had directed.”).

H. Rept. 115-231 (Jul. 17, 2017) (“The Committee continues its direction from fiscal year 2017 that the Department should establish a goal that the median days pending of detained cases be no longer than 60 days and the median length for non-detained cases be no longer than 365 days.”).

14. 8 CFR 1003.10(b)

16. <https://www.gao.gov/assets/690/685022.pdf> (“Further, the number of total case completions per immigration judge decreased on average 5 percent per year over the 10-year period—from 1,356 per immigration judge in fiscal year 2006 to 807 per immigration judge in fiscal year 2015.”)

https://www.naij-usa.org/images/uploads/publications/Senate-Improving_Efficiency_and_Ensuring_Justice_in_the_Immigration_Court_System_5-18-11.pdf (“...in Fiscal Year (“FY”) 2010 Immigration Judges completed over 1500 cases per judge on average...”)

https://www.americanbar.org/content/dam/aba/publications/commission_on_immigration/coi_complete_full_report.authcheckdam.pdf (“Immigration judges, by comparison, are currently issuing over 1,000 decisions per judge each year.”)

https://www.americanbar.org/content/dam/aba/publications/commission_on_immigration/2019_reforming_the_immigration_system_volume_2.pdf
17. <https://www.justice.gov/eoir/page/file/1104851/download>
18. <https://www.justice.gov/eoir/page/file/991386/download>