

James McHenry
Director
Executive Office for Immigration Review
US Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

March 12, 2020

Dear Director McHenry,

On behalf of the 104 undersigned legal service providers representing immigrants in New York State, we are writing to express our extreme concern at the lack of guidance or proactive initiatives taken by the Executive Office for Immigration Review (EOIR) to safeguard the health and wellbeing of those interacting with the New York immigration courts in light of the current threat posed by the novel coronavirus outbreak.

As you know, New York's immigration courts are some of the busiest in the country, with hundreds of New Yorkers appearing for hearings in New York City, Buffalo, and Batavia every day. Given the high stakes of removal hearings, and the risk of being ordered removed simply for failure to appear even if due to ill health, we fear that, lacking clear guidance from your agency, Respondents will continue to appear in overcrowded courtrooms even if they exhibit symptoms, contrary to the US Government's recommendations as articulated by the Center for Disease Control. The virus is highly contagious, and forcing individuals who may exhibit symptoms to appear in over-crowded courtrooms, as New York's courtrooms tend to be, and in public spaces puts the health and safety of not only Respondents, their witnesses, and household members at risk, but also the legal representatives for all parties as well as your own agency's staff and corps of Immigration Judges. In addition, we are extremely concerned by recent reports that posters on proper handwashing and other preventative health measures were ordered removed from immigration court hallways.

Unfortunately, until your agency issues clear guidance on this subject, it is highly likely that Respondents, including those who are sick, will continue to appear in court out of fear of being ordered deported in their absence. This will no doubt contribute to the existing crisis and have an adverse effect on the local, state, and federal governments' attempts to stem the growing COVID-19 pandemic.

Consequently, we are asking that you develop the following policies immediately, in addition to any steps recommended by public health policy officials and medical professionals. These should be translated into multiple languages and widely publicized in order to reach pro se Respondents:

1. Procedures to request re-scheduling of hearings, and to receive timely responses, for Respondents who are exhibiting symptoms and/or whose legal representatives are exhibiting symptoms.
2. Procedures to request re-scheduling of hearings, and to receive timely responses, for individuals who are at high risk of contracting COVID-19 and who may not feel comfortable putting themselves at increased risk going into packed courtrooms, including the Respondents and/or their legal representatives.
3. A blanket policy allowing telephonic appearances for individuals who are sick or who are at risk, but who are nonetheless able to participate telephonically in a scheduled hearing.
4. Contingency plans affecting Respondent parents and/or their legal representatives, in the event that the New York City Department of Education, New York State Education Department, and/or other local school districts decide that schools must close to prevent further spread of the virus.
5. A notification system alerting Respondents and their legal representatives when an Immigration Judge may be out, and providing timely notice of case rescheduling.

Please note that as of the writing of this letter, the town of New Rochelle currently has a “containment zone” being implemented by the New York National Guard, at least three major universities around the State have chosen to close at least temporarily, multiple secondary schools have also chosen to close in attempts to contain the virus, and New York State as a whole is under a state of emergency. These measures will only likely continue to grow over the next several weeks, and it is imperative that the US Department of Justice not force immigrant New Yorkers to make an impossible choice between, on the one hand, safeguarding their health and the health of their household communities, and on the other hand exercising their due process rights to defend themselves against removal charges.

Very truly yours

New York Immigration Coalition
 Immigrant Advocates Response
 Collaborative
 African Services Committee
 AJ Singh Law PLLC
 American Immigration Lawyers Association
 - New York Chapter
 American Immigration Lawyers Association
 - New Jersey Chapter
 Ana Maria Bazan Law Firm P.C
 Andres Mejer Law Immigration Attorneys,
 LLC
 Association of Deportation Defense
 Attorneys (ADDA)
 Bhagwati and Associates, PLLC.

Brent & Powell
 Brooklyn Defender Services
 Bychok Law, PC
 CARECEN
 Casa de Esperanza
 Catholic Charities Community Services
 Catholic Migration Services
 Center for Family Representation
 Central American Legal Assistance
 Community Legal Advocates Of New York
 Congregation Beit Simchat Torah
 Cornell Law School Asylum Clinic
 Craig Relles, Esq.
 Dalbir Singh & Associates, PC
 Dobroshi & Desvarieux PC

Dryer Dryer & Alarcon P C
Elsy Segovia
Erie County Bar Association Volunteer
Lawyers Project, Inc. (VLP)
FRANK R LIU & ASSOCIATES LLC
Garcia Pantaleon & Associates, P.C
GMHC
Human Rights First
Immigrant & Refugee Services, Catholic
Charities Community Services
Immigrant and Non-Citizen Rights Clinic,
CUNY School of Law
Immigrant Justice Corps
Jadeja-Cimone Law PC
Journey's End Refugee Services
Kids in Need of Defense (KIND)
Kim, Song & Associates, PLLC
Knyazeva Law Firm PLLC
Kolken & Kolken
Laura Perez, Esq.
Law Firm of Kyce Siddiqi
Law Office Anthony J Scarpati PC
Law office of Alena Shautsova
LAW OFFICE OF ANTHONY J SCARPATI,
PC
law office of carla c prosper
LAW OFFICE OF DAVID K. S. KIM, P.C.
Law Office of Eric Horn, P.C.
LAW OFFICE OF JESSICA CHANIN
Law Office of Jose Perez PC
Law Office of Julia Binger
Law Office of Katya Plotnik
Law Office of Laurence Borten
Law Office of Liisa M. Hernandez, PLLC
Law Office of Maureen McCloskey
Law Office of Patricia M Pastor PLLC
Law office of Sophia Solovyova
Law Office of Usman B. Ahmad, P.C.
Law Office of Yee Ling Poon, LLC
Law Offices of David M. Sperling
Law Offices of Mark E Nerenberg, PC
Law Offices of Paul H. Lee, P.C.
Law Offices of Robert Tsigler

Legal Services NYC
Leslie I. Snyder P.A.
Linda G. Nanos, P.C.
Lutheran Social Services of New York
Migration Office of Catholic Charities DRVC
Mobilization for Justice, Inc.
Muscato and Shatkin LLP
Neighbors Link Community Law Practice
New York Civil Liberties Union
New York Gay and Lesbian Anti Violence
Project
New York Law School Asylum Clinic
New York Lawyers for the Public Interest
New York Legal Assistance Group
Northern Manhattan Coalition for Immigrant
Rights (NMCIR)
NY-Justice For Our Neighbors
Prisoners' Legal Services of New York
ROSENBERG & PRATT-HEWITT, LLP
Rothfelder Stern, L.L.C.
RSHM LIFE Center
Safe Horizon
Safe Passage Project
Sorrentino, Thomas and Sorrentino, Esqs.
TakeRoot Justice
The Bronx Defenders
The Door
The Law Firm of Ramon M Guerra
The Law Office of Kate E Chaltain, Esq.
P.C.
The Law Offices of Arlene L. Boas
The Legal Aid Society
The Legal Project
The Masliah Firm, PC
The Romero Firm
The Shulman law group
The Volunteer Lawyers Project of
Onondaga County, Inc.
UnLocal, Inc.
Urban Resource Institute
USHER LAW GROUP, P.C.
Zhu Law Office PLLC