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To Whom it May Concern:

On behalf of the members of the Washington Chapter of the American Immigration Lawyers Association (AILA), we strongly urge the EOIR to immediately continue all hearings scheduled before the Seattle Immigration Court for the pendency of the Coronavirus outbreak in Washington State.

Given the spread of the Coronavirus in Washington State, King County Public Health has recommended limitations on large gatherings of individuals, including making sure attendees can properly distance themselves from others and encouraging older and vulnerable adults not to attend. The waiting room and courtrooms at the Seattle Immigration Court are exceptionally crowded during master calendar hearings, and it is impossible to properly distance oneself from other individuals, as is recommended by all public health experts.

Requiring attorneys and respondents to appear at these hearings in light of all public health warnings to the contrary is nothing short of irresponsible, and it puts all parties involved at risk, including members of the private bar, respondents, court staff, government attorneys, interpreters, and Immigration Judges. Further, many who appear before the Court either fall into high risk groups (older adults, individuals with underlying health conditions, individuals who are immunocompromised, and individuals who are pregnant) or live with individuals in these high risk groups. It is unacceptable to require these individuals to appear in these crowded spaces for hearings.

Posting closure notices on social media with less than 24 hours' notice, as has been done twice this week already, is likewise completely insufficient, especially if the Court ultimately intends to follow the 14-day quarantine recommendation following an exposure. The Court serves individuals from all over the state of Washington, and some attorneys and witnesses travel from other states to attend hearings. Many individuals arrive a day early for an 8:30 AM hearing, so posting a cancellation at 9 PM or 10 PM means that these individuals may have already traveled into the Seattle area.

We understand that the Court is allowing attorneys to make last-minute requests for telephonic appearances. However, with no way to confirm that such requests will be granted, attorneys are loathe to advise a client to not appear at a hearing. Further, such measures do nothing to protect pro se respondents, who will rightfully fear receiving an in absentia order should they fail to appear, even if they are sick or they fall into a high risk group (or care for someone who does).

We are mindful of the current backlog of cases at the Court, and we acknowledge that the continuation of all cases may have a negative impact on some respondents. However, we feel strongly that, given the current outbreak, there is no way to keep the Court open that would comply with current public health recommendations. We fully support the concerns raised by the National Association of Immigration Judges, as well as the concerns raised by our local trial attorneys through the AFGE Local 511 Union.

As a result of the Coronavirus outbreak, the Seattle School District has closed all schools for at least two weeks. The Federal District Court for the Western District of Washington has continued all civil and criminal matters scheduled for in-court appearances in Seattle and Tacoma, as well as all grand jury proceedings. We urge the Seattle Immigration Court to follow these examples, as well as the recommendations of the Centers for Disease Control and the King County Health Department, and immediately continue all hearings in order to protect its staff and the individuals who appear before the Court.

Sincerely,



Marsha Mavunkel, AILA-WA Chapter Chair
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On behalf of the AILA Washington chapter

cc: Theresa Scala, Assistant Chief Immigration Judge
Randall Bruns, Court Administrator, Seattle Immigration Court
Joseph Neifert, Court Administrator, Tacoma Immigration Court
Amanda St Jean, Regional Public Information Officer