



AMERICAN IMMIGRATION LAWYERS ASSOCIATION

South Florida Chapter

PRESIDENT

Christine J. Alden
Buchanan Ingersoll & Rooney PC
One Biscayne Tower
Two South Biscayne Boulevard,
Suite 1500
Miami, FL 33131-1822
305.347.4080 (o)
christine.alden@bipc.com

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maggie@ariasandpereira.com

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Elina Santana
elina@srlawpa.com

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karla@lammersimmigration.com

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kpadron@cclsmiami.org

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rsroig@sanchezroiglaw.com

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Saturday, March 14, 2020

ACIJ Elisa M. Sukkar
One Riverview Square
333 S. Miami Avenue, Suite 700
Miami, FL 33130

Submitted via email

Dear Assistant Chief Immigration Judge Sukkar:

On behalf of the South Florida Chapter of the American Immigration Lawyers Association (“AILA South Florida”) Board and the Executive Office of Immigration Review (“EOIR”) Liaison Committee (“Committee”), we write to request that EOIR immediately implement procedures for the prevention and management of COVID-19 at the Miami Immigration Court, Krome Detention Center, and Broward Transitional Center.

The World Health Organization has declared COVID-19 a pandemic, which is defined as a disease that is prevalent over a whole country or the world. There are currently over 70 diagnosed coronavirus cases in Florida and counting, while many other are under public health monitoring.

CDC guidance provides that older adults and people who have serious chronic medical conditions including heart disease, diabetes, and lung disease are at higher risk for getting very sick or dying from COVID-19. The CDC advises that these higher risk people take precautions such as avoiding crowds and close contact with others. Where there is COVID-19 spreading in the community, the CDC recommends that these higher risk individuals take extra measures including increasing the distance between themselves and others. As seen in Italy, the number of diagnosed cases can balloon rapidly without proper precautions.

On March 13, President Trump declared a national emergency to help prevent the spread of COVID-19. Florida’s Governor, Ron DeSantis, recommended that local municipalities and private entities limit or postpone mass gatherings. On March 11, Miami-Dade Mayor Carlos Gimenez declared a state of emergency as the county faced its first discovered case of COVID-19. The county has also taken preemptive steps, cancelling mass gatherings such as the Miami-Dade County Youth Fair, the Miami Open tennis tournament, the MIA 5K run, and



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all major events at the American Airlines Arena. The Mayor is also recommending that smaller gatherings be reconsidered if they are not essential. The Miami Herald has reported that Miami Mayor Francis Suarez has tested positive for COVID-19, after an event with Brazil's President Bolsonaro last weekend.

On March 13, Miami Dade County Public Schools, Broward County Public Schools and the Palm Beach School District closed schools beginning Monday, March 16, leaving many without childcare.

Given the increasing pandemic and how easily this virus spreads, we ask that all non-detained Master Calendar and Individual Hearings be rescheduled to a future date, once the health concerns have passed. On any given day hundreds of individuals attend court and are required to sit in packed courtrooms waiting to be called for their hearing. Having all these people in such close proximity to one another puts everyone at risk of contracting this highly contagious and deadly virus.

The AILA South Florida Board, Membership and the Liaison Committee are deeply concerned that Respondents, including those who are sick and those who may be asymptomatic, will continue to appear in court due to fear of being ordered removed *in absentia*. This can contribute to the crisis and have an adverse effect on the local, state, and federal governments' attempts to stem the growing COVID-19 pandemic. AILA South Florida and the Liaison Committee understand that this decision will be made by leadership in Falls Church and Washington D.C. However, in the interim and for the safety and best interests of everyone in our community including Immigration Judges, court staff, Office of Chief Counsel counsel, private attorneys, and Respondents, we propose the following local measures be immediately implemented:

1. Reasonable and timely adjudication of Motions to Continue, for both Master Calendar and Individual Hearings;
2. Reasonable and timely adjudication of Motions for Telephonic Appearance of Respondent's Counsel, waiving the presence of the Respondent(s);
3. Timely communications of any cancellations of dockets to eoir@ailasouthflorida.org; and
4. Alternatives for filing with the court, such as a temporary email or fax.

These measures are necessary in order to create space for distancing and reduce the number of individuals within crowded court and waiting rooms. [Harvard Medical School](#) explains that COVID-19 spreads mainly from person to person when people are in close contact with one another and it can also spread from a surface or object that has the virus. Additionally, Harvard Medical School explains that COVID-19 has been reported to have spread from individuals who are asymptomatic. This poses a high risk of exposure to everyone in confined courts and waiting rooms. Adopting these proposed local measures will allow EOIR to address the health concerns of Respondents, attorneys, the Office of Chief Counsel, and the Court staff itself, as well as protect the well-being of all of our families and loved ones.

AILA South Florida has communicated with the Office of the Principal Legal Advisor (OPLA) and was informed that decisions on non-opposition to Motions to Continue or to Appear



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Telephonically during this coronavirus emergency will be made case-by-case, but that they do intend to be very flexible on these motions.

Additionally, AILA South Florida is in full support and agreement with the National Association of Immigration Judges (NAIJ) and the March 12 letter from Immigration Judge Ashley Tabaddor, President of the NAJ, that called for the Department of Justice to postpone initial hearings for non-detained Respondents as well as a common sense approach to mitigate the potential spread of COVID-19 in the detained setting. AILA South Florida has learned of preventative measures taken at the Immigration Courts in Seattle, Boston, Los Angeles, Newark, New York City, Sacramento and San Francisco, and believe similar action should be taken in Miami.

The landscape surrounding COVID-19 is rapidly evolving. The health and well-being of our community should be the top priority. In an abundance of caution and out of respect for guidance from government and healthcare leaders, we ask that proper measures be put in place at the Miami Immigration Court, Krome Detention Center and Broward Transitional Center to protect our community including the Immigration Judges, court staff, Office of Chief Counsel, Respondents and their attorneys.

We respectfully request a response by Tuesday, March 17, 2020. Should you have any additional questions or concerns, please contact Christine Alden, President of AILA South Florida at christine.alden@bipc.com or (954) 629-7547 or Adonia Simpson, Chair of the AILA South Florida EOIR Liaison Committee at asimpson@aijustice.org or (785) 766-4954.

Sincerely,

AILA South Florida and the EOIR Liaison Committee