



## Association of Deportation Defense Attorneys

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March 17<sup>th</sup>, 2020

Electronic Mail to: [H.Kevin.Mart@usdoj.gov](mailto:H.Kevin.Mart@usdoj.gov); [Paul.Friedman@usdoj.gov](mailto:Paul.Friedman@usdoj.gov)

Attn: Administrative Chief Immigration Judge Kevin Mart &  
Court Administrator Paul Friedman  
Executive Office of Immigration Review  
201 Varick Street, 11<sup>th</sup> Floor  
New York, NY 10014

Dear ACIJ Mart and Mr. Friedman:

The Association of Deportation Defense Attorneys, Inc., is an organization of approximately 150 immigration attorneys whose practices involve the defense of non-citizens in deportation-removal proceedings. Nearly all of our members are experienced practitioners who appear before the New York City Immigration Courts on a daily or weekly basis. Many of our members are over 60 years of age and are in the group of individuals most at risk of suffering serious health effects, including death, if they are infected by COVID-19.

Given the current COVID-19 pandemic, our Courts face an unprecedented crisis, one which impacts our Judges, court staff, the Office of the Chief Counsel, our clients, the attorneys who appear before the Immigration Courts, our families, friends, and the community around us. Travel from our homes, to the courts, to our offices, and then back to our homes, subjects all whom we encounter to needless risk. Continuing to require our members, clients, and other members of the court community to appear in court, under the current circumstances, is simply unacceptable and reckless. While the courts remain open it is impossible for us to reconcile our duty to our clients with our greater duty to the safety of our community and to our families. Keeping the Courts open fosters the spread of this virus and places lives at risk.

Given the scope and urgency of this crisis; given the C.D.C.'s recommendation that individuals remain in their homes to avoid accelerating the spread of this virus; and given the C.D.C. and World Health Organization's directive that we remain in our homes in order to prevent the spread of this virus, we request that:

1. All post Bond hearing detained master calendar hearings be administratively adjourned for at least 30 days. In the alternative, we request the Chief Judge issue an order permitting any attorney requesting to appear telephonically for a detained master or bond

hearing, within the jurisdiction of the NYC Immigration Courts, to appear telephonically, upon delivery to the Court of a letter requesting to do so, provided such notice is delivered to the Court by 12:00 p.m. on the afternoon preceding the hearing. We request an email address be provided to us where we may send such notices.

2. An order be issued by the Chief Judge adjourning all individual hearings – *whether on the detained or non-detained dockets* – for at least 60 days, pending further assessment of the status of this pandemic;
3. ICE review the custody status of all individuals currently being held at the detention facilities serving the New York City Immigration Courts, with a presumption in favor of granting release under bond, or supervision, except in cases involving convictions for violent felony offenses, or where the individual has extensive warrant activity. Doing so will greatly relieve the pressures on the detained docket of the Immigration Court. It will also help minimize the spread of this virus among the detainees, detention center staff, and ICE officers, since the detainees are held in close quarters.
4. During the pendency of this emergency, ICE should be encouraged to refrain from holding and detaining individuals for removal proceedings, except for exceptional cases, i.e., those involving persons with convictions for violent felony offenses.
5. All deadlines for filings with the court which were due during the past 15 days, or which may fall due within the next 60 days, be extended an additional 60 days from when they were originally due. Many of our members have already closed, or will soon close, their offices. Our priority must be to take steps designed to prevent the transmission of this virus.

The current emergency makes it virtually impossible, and dangerous, for us to request our clients travel to our offices to meet with us to prepare their submissions. We also have a duty to our office staff not to subject them to a hazardous work environment: it is for that reason that many of us have already closed, or greatly curtailed, the operation of our offices. Even those who wish to remain open may be unable to comply with their current deadlines, as their staff may refuse to come to work until this crisis has abated.

By affirmatively extending these deadlines, we will relieve pressure on the practitioners and their staff. It will further the goal of limiting travel to offices by attorneys, their staff and clients, and so avoid non-urgent, close contact between individuals.

Affirmatively extending these deadlines will also spare our judges from being inundated with motions to extend filing deadlines or accept late filed submissions. It will likewise spare the Court from having to process, and the Judges from having to adjudicate, a flood of such applications. Affirmatively extending these deadlines will allow our Judges to dedicate their time to the merits of the cases before them,

While we understand that the Chief Judge does not set ICE's enforcement priorities, we hope the EOIR will discuss with ICE the impact of its enforcement and detention decisions upon the courts and our community during this crisis. We look forward to hearing from you.

Respectfully Submitted,



George A. Terezakis, Esq.  
Co-Chair, Association of Deportation Defense Attorneys

cc:

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