



March 12, 2020

VIA ELECTRONIC MAIL

Yolanda English, Court Administrator
EOIR, Newark Immigration Court
970 Broad Street, Suite 1200
Newark, New Jersey 07102
yolanda.english@usdoj.gov

Hon. Carrie Johnson-Pompiello
Assistant Chief Immigration Judge
Carrie.johnsonpapillo@usdoj.gov

Jane Minichiello, Esq.
Office of Chief Counsel
jane.h.minichiello@ice.dhs.gov

RE: Protecting people at EOIR Newark from COVID-19

Dear Hon. Johnson-Pompiello, Ms. Minichiello, and Ms. English:

We are writing to urge you to immediately develop and implement proactive plans for the prevention and management of COVID-19 at the Newark immigration court.

We would like to receive a response as soon as possible to hear how you are protecting the health of the people (staff, Respondents, juveniles and attorneys) who must appear at your court.

Respondents have very limited interaction with the court outside of their hearing date, but would greatly benefit from a stated procedure as to how to handle their case in the event of a medical emergency. Without the active engagement of court and its administration, Respondents will be ignorant of the measures they need to take to ensure the public health and due process. For example, self-quarantine for symptomatic individuals or non-symptomatic persons who have come in contact with COVID-19 second hand so as to avoid further harming the public, the staff, the court and its employees at a hearing.

On March 9, 2020, Governor Murphy declared a state of emergency due to the outbreaks of COVID-19 in the state of New Jersey. On March 11, 2020, President Trump issued a proclamation that with some exemptions, suspends and limits the entry, as immigrants or nonimmigrants, of individuals who

were physically present within the Schengen Area during the 14-day period preceding their entry or attempted entry. On March 11, 2020, the World Health Organization made the assessment that COVID-19 can be characterized as a pandemic. There are now more than 118,000 cases in 114 countries, and 4,291 people have lost their lives. Thousands more are fighting for their lives in hospitals. In the days and weeks ahead, we expect to see the number of cases, the number of deaths, and the number of affected countries climb even higher. According to the WHO, pandemic is not a word to use lightly or carelessly. It is a word that, if misused, can cause unreasonable fear, or unjustified acceptance that the fight is over, leading to unnecessary suffering and death.

This is an urgent matter. Having an appropriate, evidence-based plan in place can help prevent an outbreak and minimize its impact if one does occur. Not having one may cost lives.

While the plan should be developed collaboratively by your agencies, some of the critical issues that must be addressed are:

Vulnerability of court visitors, employees and private bar attorneys: The plan must provide for additional precautions for those who are at high risk of serious illness if they are infected, such as pregnant people, people 60 and over, and people with chronic illnesses, compromised immune systems, or disabilities. We urge the court to consider adjourning these small group of cases on its own motion or at a minimum granting telephonic master appearances for this group of persons and their representatives.

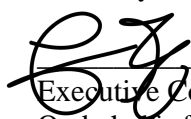
Notification of process for individuals under self-quarantine: the court must make available it's guidelines for allowing for continuances and or telephonic appearances on account of the national, international and statewide policy of self-quarantine.

Education of the people appearing before the court: for example, procedures setup to facilitate and minimize the impact of the court, it's staff, it's Respondents and the attorneys that represent them. Also, like the general population, they must be educated on the importance of proper handwashing, coughing into their elbows, and social distancing to the extent they can. Information about the spread of the virus, the risks associated with it, and prevention and treatment measures must be based on the best available science. This information must be available in multiple languages (Spanish and English).

Finally, we extend the support of our members all of whom have an interest in assisting the court during this worldwide crisis. Please count on us as allies in minimizing the impact on the court and the Respondents.

We respectfully request that you respond with your policy and plan for preventing an outbreak of COVID-19 as soon as possible.

Sincerely,



Executive Committee
On behalf of the members of the
New Jersey Chapter of AILA