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Keeping Immigration Courts Open Creates an Unnecessary Risk to Public Health Across New York State Says Judges' Union

***“Meeting in Person, Under Crowded Conditions, is Completely Unacceptable,”
Hon. Ashley Tabaddor, president of NAIJ***

NEW YORK, NY – Immigration judges, attorneys, and corrections officer who work in immigration courts have recently tested positive for the COVID-19 virus in New York City, Ulster and Fishkill – and these locations are not unique. The National Association of Immigration Judges, representing the nation’s 440 judges who hear cases in U.S. Immigration Courts, said today that a survey of 69 immigration courts across the U.S. finds that just a few courtrooms are closed, while over 60 remain open for full or limited operations.

“Meeting in person, under crowded conditions, is completely unacceptable,” said the Hon. Ashley Tabaddor, a U.S. immigration judge in Los Angeles and president of the National Association of Immigration Judges.

“The federal government should be modeling best practices for containing the spread of this virus. The open Immigration Courts are an example of what not to do. Judges, attorneys, prosecutors and litigants are being forced to gather in courtrooms and buildings where there are confirmed cases of coronavirus and where people are visibly sick,” said Tabaddor. “We’re interacting with guards and detainees who are traveling back and forth from detention facilities – some run by private companies – where COVID-19 has been detected and confirmed.”

“The U.S. Department of Justice is risking the lives of litigants and court personnel and imperiling the public by facilitating the spread of a deadly disease. It’s time to close the courts and move to a full telework model for the emergency cases – now,” she added.

NAIJ members report numerous instances of exposure to COVID-10, including:

- At Varick Immigration Court, in New York City, several court personnel and counsel appearing before the court have tested positive and are experiencing severe symptoms. The court where all those affected work has closed temporarily, but is scheduled to re-open next week.

- In Fishkill and Ulster, New York, there are at least nine confirmed COVID-19 cases among correctional officers who transport detainees back and forth to court. The immigration court is temporarily closed.
- In Oakdale, Louisiana, the U.S. immigration court is still hearing cases from a nearby detention facility where five prisoners have died; an attorney and staff member have tested positive for COVID-19.
- In Dallas, the court remains open despite a confirmed case of COVID-19 in the adjoining office on the same floor of the federal building.
- Recently, an immigration attorney tested positive a day after appearing in a crowded Atlanta immigration courtroom.
- In cities with coronavirus hotspots such as Chicago, Detroit and Cleveland, courts remain open.

NAIJ members also report a widespread breakdown of conference call systems and software that are supposed to facilitate hearings by telephone. Calls are being dropped, and interpreters cannot hear witnesses, making it impossible to create an accurate record of important legal proceedings.

“Keeping courts open at this time, on a ‘business-as-usual’ mode of operations, is reckless and dangerous,” said Judge Tabaddor. “Not having functioning, modern technology so we can conduct remote hearings is simply embarrassing. Public and private organizations all over the world are adapting rapidly to remote work. What’s wrong at the U.S. Department of Justice?”

On March 15, immigration judges, prosecutors and defense attorneys issued [an unprecedented joint appeal](#) for “emergency closure of the nation’s Immigration Courts in adherence with current public health protocols.” Three weeks later, as coronavirus surges, the courts are still open.

“Judges and attorneys confront all kinds of disputes inside our courtrooms,” said Tabaddor. “When it comes to public health, we are all on the same side.”

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The National Association of Immigration Judges (NAIJ), founded in 1971, is a voluntary organization formed with the objectives of promoting independence and enhancing the professionalism, dignity, and efficiency of the Immigration Court.