

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
SAN FRANCISCO, CALIFORNIA**

STANDING ORDER OF THE SAN FRANCISCO IMMIGRATION COURT

REGARDING WEBEX

All parties should continue to monitor the EOIR website at <https://www.justice.gov/eoir> for the latest information on the Court's operating status.

IT IS HEREBY ORDERED that effective immediately:

1. All attorneys and qualified representatives for all parties scheduled to appear before the San Francisco Immigration Court for a hearing may appear via Webex. This is in accordance with 8 C.F.R. § 1003.25(c), Immigration Court Practice Manual Chap. 4.6 and OPPM 21-03.

2. Webex is a secure video conferencing platform. According to OPPM 21-03
 - a. VC provides real-time transmission of audio and video between two or more locations and permits individuals to see, hear, and speak with each other as though they are at the same location. VC hearings are held in Immigration Courts throughout the United States pursuant to congressional mandate at 8 U.S.C. 1229a(b)(2)(A)(iii), section 240(b)(2)(A)(iii) of the Immigration and Nationality Act. Congress made no distinction between an in-person hearing and a hearing conducted by VC, including no requirement for consent of the participants to conduct a VC hearing.

3. If an attorney chooses to appear via Webex under this order, counsel MUST FILE a “Motion to Appear Via Webex” in person, by mail or through an overnight delivery service with the Court. The motion should list the parties to appear via Webex including any witnesses and all email addresses. Furthermore, the Respondent and any witnesses testifying through Webex must appear from the office of Respondent’s legal counsel or DHS counsel. Additionally, the parties are encouraged to file sworn written statements in lieu of testimony.

4. If an attorney chooses to file a “Motion to Appear Via Webex”, it is counsel’s responsibility to have reliable internet service. Furthermore, all parties must have a working understanding of how to use Webex prior to the hearing so as to not cause a delay in the case. All such motions shall include email addresses of those seeking to appear via WebEx.

5. It is also counsel’s responsibility to timely appear for any hearing scheduled via Webex. If counsel fails to appear timely via Webex, counsel may be required to appear in person at any rescheduled hearing. If Respondent fails to appear with counsel via Webex it may result in the conclusion that the Respondent has failed to appear.

6. Any party appearing via Webex does so with the understanding that any paper filings to be considered by the Court must be in the official record of proceeding in accordance with any deadlines set by the Court or, if none, in accordance with the filing deadlines set forth in the Immigration Court Practice Manual. Untimely filings will be excluded from the evidentiary record, unless the Court determines that there is good cause to excuse the late filing. The filing of rebuttal or impeachment evidence is governed by ICPM chap. 3.1(b)(ii)(A) (June 11, 2020). If either party will be filing rebuttal or impeachment evidence, they must ensure that the opposing party is properly served. Any party appearing via Webex waives the right to object to the admissibility of any document offered in Court on the sole basis that

they are unable to examine the document. Unless otherwise ordered by the individual Immigration Judge, the Respondent must file any changes, corrections or amendments to all pending applications and or to his or her declaration(s) in accordance with the time limits set by the Immigration Court Practice Manual in advance of the Webex hearing.

7. A "Motion to Appear Via Webex" shall be filed as soon as possible in order to assure appropriate scheduling. If a "Motion to Appear Via Webex" is GRANTED, the parties will receive the court's order along with instructions on how to appear via Webex. If a "Motion to Appear Via Webex" is DENIED, the parties should be ready to proceed in person or file any alternative motions.

Nothing in this Standing Order should be interpreted to supplant an Immigration Judge's authority to exercise their independent judgement and discretion over his or her cases. This Order will remain in full force and effect until and unless modified by any future order. This standing order does not modify prior standing orders including those involving telephonic hearings.

IT IS SO ORDERED

Date: _____

William Hanrahan

Assistant Chief Immigration Court

San Francisco Immigration Court