

**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
PORT ISABEL IMMIGRATION COURT  
27991 BUENA VISTA BLVD  
LOS FRESNOS, TEXAS 78577**

**STANDING ORDER 21-01 OF THE PORT ISABEL IMMIGRATION COURT**

Due to the COVID-19 Pandemic, the Port Isabel Immigration Court will continue to implement the following safety precautions and procedures until further notice.

**IT IS ORDERED** that:

**1. INDIVIDUALS WITH COVID-19 SYMPTOMS OR POSITIVE COVID-19 TEST**

- a) Under no circumstances shall any individual experiencing symptoms consistent with COVID-19 infection enter the Court, including but not limited to the lobby, filing window, and courtrooms. Specifically, anyone currently experiencing ANY of the following symptoms – or having experienced any of the following in the prior 14 days – is prohibited from entering the Court and Court facilities:
- cough,
  - headache,
  - congestion or runny nose,
  - sore throat,
  - muscle or body aches,
  - fatigue,
  - nausea or vomiting,
  - diarrhea,
  - fever or chills,
  - shortness of breath or difficulty breathing,
  - new loss of taste or smell, or
  - other medically recognized symptoms of COVID-19.
- b) This prohibition applies regardless of whether those symptoms could be attributed to an ailment other than COVID-19. This same restriction applies to any individuals who have tested positive for COVID-19, unless they have been affirmatively advised by an appropriate medical professional that they are no longer contagious. If any individual described in this section is unable to attend an upcoming hearing at which his or her presence is required, then that person shall promptly file a motion to continue with the Court. In case of an emergency, the individual may call the Court's main number (956-254-5700) to provide notification of the illness, but must follow up thereafter by filing a motion to continue with the Court.

## **2. GENERAL GUIDANCE**

- a) The parties are encouraged to confer prior to scheduled hearing dates and reach stipulations as to fact/legal issues to facilitate the prompt disposition of cases. This is particularly important for bond determination hearings and the parties are encouraged to confer and reach agreement on the eligibility and the amount of a bond.
- b) In-person appearances in the courtroom are generally limited to the following individuals: Respondent's counsel, DHS counsel, Court interpreter, Immigration Judge, essential EOIR staff, and essential security personnel. Respondents will attend by video teleconferencing ("VTC") from another room with adequate VTC capabilities. *See* Policy Manual, Chap. II.4.7(b). Immigration Judges retain the authority to permit in-person appearances of Respondent as required for due process and/or unforeseen technological/logistical difficulties. *See* Policy Manual, Chap. II.4.9(a)(2) (*citing* 8 C.F.R. § 1003.27(b)).
- c) VTC will be utilized to the greatest extent possible and any necessary witnesses will be allowed to appear by telephone. *See* Policy Manual, Chap. II.4.7(b); 8 C.F.R. § 1003.25(c).
- d) The Court will require all parties to practice social distancing in the courtroom. There will be designated seats for each individual that appears and only a limited number of people will be allowed in the courtroom.
- e) All persons in Court must wear appropriate face coverings and maintain appropriate social distancing while in the courtroom.
- f) To ensure the quality of the record, anyone appearing by telephone or VTC shall be in a quiet, private location. With respect to telephonic hearings, the call may never be placed on hold. The use of car phones, speakerphones, or phones in a public place is prohibited.
- g) Any attorney appearing telephonically or via VTC waives the right to object to admissibility of any document offered in Court on the sole basis that they are unable to examine the document.
- h) If the Court is unable to reach counsel by telephone or VTC for the hearing due to counsel's unavailability, thereafter, counsel will be required to appear in-person at any rescheduled hearing.

## **3. MASTER CALENDAR HEARINGS**

- a) Any attorney representing any party may appear telephonically or via VTC for Master Calendar Hearings and Bond Hearings before the Port Isabel Immigration Court without prior approval and without filing a motion in advance. Though neither prior approval nor motion is required, Counsel shall provide notice to the Court at least two days prior to the hearing of the intent to appear telephonically. This section does not apply to attorneys whose telephonic hearing privileges have been previously revoked by a Port Isabel Immigration

Judge. Counsel whose telephonic privileges have been revoked will need to appear in person for Master Calendar Hearings and Bond Hearings.

- b) Any attorney who wishes to appear telephonically or via VTC for a Master Calendar Hearing or Bond Hearing does so with the understanding that any paper or electronic 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 EOIR Policy Manual. Absent a demonstration of good cause, the Immigration Judge may refuse any additional filings or documentation during the hearing if counsel does not appear in person and the decision of the Court will be based on the documents in the record at the close of the hearing.

#### 4. MERITS HEARINGS

- a) Attorney's Appearance: Upon timely motion, Respondent's counsel and DHS counsel may appear telephonically or via VTC for Merits Hearings. Respondent's counsel may, at their discretion, choose to appear with their client via VTC.
- b) Authorized Telephonic Merits Hearing: If counsel appear telephonically or via VTC to a Merits Hearing, then the following shall apply:
  - (i) Any attorney appearing telephonically or via VTC does so with the understanding that **any paper or electronic 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 EOIR Policy Manual. Absent a showing of good cause, the Immigration Judge may refuse any additional filings or documentation during the hearing if counsel does not appear in person and the decision of the Court will be based on the documents in the record at the close of the hearing.
  - (ii) Any attorney appearing telephonically or via VTC must file any relevant documents/evidence with the Court by the deadline set by the Immigration Judge. If no deadline is set, any documentation must be filed no later than three business days prior to the scheduled hearing.
  - (iii) If impeachment evidence is not submitted to the court prior to the hearing as set forth above, the Immigration Judge will make an individualized determination whether to allow the impeachment evidence and, if necessary, the case may be reset for an in-person hearing with safeguards.

#### 5. ELECTRONIC FILINGS

- a) The Executive Office for Immigration Review has established a temporary email account to facilitate electronic filings for all parties during the COVID-19 pandemic. The email address for the Port Isabel Immigration Court is [PortIsabel.Immigration.Court@usdoj.gov](mailto:PortIsabel.Immigration.Court@usdoj.gov). The instructions for using this email account are incorporated in this Standing Order and are

attached. Private attorneys must submit their request from an e-mail address that is on file with EOIR. DHS filings must be sent from a government email address.

- b) Page limit: For parties using the Court's temporary email account to file electronically, supporting documentation/evidentiary filings are limited to **fifty (50) single-sided pages or twenty-five (25) doubled-sided pages** in a particular case. If a party intends to file more than the permitted page limit, the party must electronically file the Table of Contents and separately submit the supporting documentation/evidentiary filings with the original Table of Contents by using the U.S. mail or an overnight delivery service no later than the date set for filing the documents with the Court. Hard copy submissions will be deemed filed on the date of receipt by the Court, as specified in the Policy Manual, Chap. II.3.1(a)(3).
- c) Do not send any Court filings or correspondence directly to the government e-mail accounts of Court staff, unless specifically directed to do so, as these filings and correspondence may be rejected by the Court. This will not constitute proper service on the Court.

This Order supersedes all previous Orders on the subject. Each Immigration Judge has the discretion to alter this standing order, as required by justice and due process, on a case by case basis. Requests for exceptions must be submitted to the presiding immigration judge via written motion.

Effective Date: February 3, 2021

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Jefferson B. Brown  
Assistant Chief Immigration Judge