

**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
BATAVIA IMMIGRATION COURT  
BATAVIA, NEW YORK (DETAINED)**

**AMENDED STANDING ORDER OF THE BATAVIA IMMIGRATION COURT  
RELATING TO TELEPHONIC APPEARANCES AT INDIVIDUAL AND MASTER  
CALENDAR HEARINGS**

Due to the COVID-19 pandemic, the Batavia Immigration Court is implementing the below safety precautions to augment its previous standing order, which shall remain effective until further notice:

**IT IS HEREBY ORDERED** that, for the thirty (30) day period following the signing of this order, parties scheduled to appear for an individual or master calendar hearing before the Batavia Immigration Court may appear telephonically, without the need to file a motion for telephonic appearance. This permission is subject to the following caveats:

- 1) Any individual who wishes to appear telephonically 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 at the time the hearing is scheduled to be held. No additional filings will be accepted at 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.
- 2) Any party appearing telephonically 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.
- 3) If the Court is unable to reach counsel by telephone for the hearing, counsel will thereafter be required to appear in-person at any rescheduled hearing.

**IT IS FURTHER ORDERED** that in-person appearances, to the extent that they occur in the ensuing thirty (30) day period, shall remain subject to the following safety precautions promulgated through the standing order dated March 19, 2020:

- a) In-person appearances in the detained courtroom are limited to the following individuals: Respondent, Respondent's counsel, DHS counsel, Court interpreter, essential EOIR staff and security personnel. See ICPM § 4.9( a)(ii) ( citing 8 C.F .R. § 1003.27(b)).
- b) Any party that is displaying symptoms consistent with COVID-19 exposure, has been diagnosed with COVID-19, or has had contact with anyone who has been diagnosed with COVID-19 must notify the Court immediately by telephone and will not be allowed to appear in Court.

03/24/2020

Date

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Phillip Montante  
Assistant Chief Immigration Judge  
Buffalo, New York