

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
LOS ANGELES (NORTH), CALIFORNIA**

**STANDING ORDER: ESTABLISHING SAFE PROCEDURES
DURING THE COVID-19 NATIONAL EMERGENCY**

This Order establishes filing requirements and courtroom procedures pursuant to Immigration and Nationality Act (INA) §240(b)(1)-(2) and 8 C.F.R. § 1003.10(b), 1003.21(b), 1003.31(c), 1003.40.

This Order is effective immediately and shall remain effective until it is rescinded by a superseding order of the Los Angeles (North) Immigration Court.

IT IS HEREBY ORDERED that, effective immediately and continuing until further order of the Court:

I. Appearances Before the Court

- A. No attorney, interpreter, witness, or member of the public who is subject to the restrictions articulated in Policy Memorandum 20-10, Immigration Court Practices During the Declared National Emergency Concerning the COVID-19 Outbreak (Mar. 19, 2020) (as amended), is subject to an isolation or quarantine order from a government health official or a medical provider, or has had physical contact with anyone within the past fourteen (14) days who was diagnosed with COVID-19 may appear in the Los Angeles (North) Immigration Court because the public interest requires that removal proceedings be closed to individuals likely to spread COVID-19. If an individual fails to comply with these reasonable limitations, the Court shall comply with guidance from federal, state, and county health authorities and continue the hearing.
- B. Any attorney or qualified representative for any party may appear telephonically in cases before the Los Angeles (North) Immigration Court, without prior approval and without filing a motion in advance. Attorneys or qualified representatives who would like to appear telephonically, either with or without respondent(s), for a particular case should contact the Los Angeles (North) Immigration Court, at 213-576-4701 at least two (2) days in advance of the hearing and should provide: the A-number, the time and date of the scheduled hearing, and the best phone number to be reached for the hearing.
- C. 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 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. No additional filings will be accepted at the hearing if counsel or

the qualified representative 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.

- D. Any proceedings conducted in-person shall be limited to representatives who have filed a notice of appearance (Form EOIR-28), parties, witnesses, security officers, and any other necessary people, which will be determined by the presiding Immigration Judge, so long as no more than six (6) people are present in the courtroom. The court strongly encourages witnesses, family, and community members to provide telephonic testimony or submit letters or written declarations in lieu of appearing at hearings.

II. Filing of Applications, Briefs, Motions, and Evidence

- A. The filing of documents and evidence by U.S. Postal Service first class mail is strongly preferred and highly recommended.
- B. Motions to continue cases due to COVID-19 concerns should be filed with as much notice as possible, but may, on an **emergency** basis, be made to the Los Angeles (North) Immigration Court, by e-mail at:
LALosAngeles.Immigration.Court@USDOJ.GOV
- C. Opposing counsel must be served with any and all filings made with the Court, whether by email, the U.S. Postal Service, or overnight delivery service.
- D. Three-Month Temporal Limit on Filings through Email: Other than **emergency** filings, the Court is imposing a three-month temporal filing limit on documents filed through email. Effective immediately, the Court will reject documents filed via the temporary e-mail boxes if filed more than three months before the next hearing date or a court-ordered deadline (“call-up date”), whichever is earlier. Those wishing to file documents more than three months in advance may still do so; however, they must be sent to the court via the U.S. Postal Service or an overnight delivery service, not through the temporary e-mail box.
- E. **Applications for asylum (Form I-589) are exempt from the three-month temporal limit on filings through email, and will be considered filed on the date of receipt for purposes of the one-year filing deadline.**
- F. The subject of the email must contain the nature of the filing, the alien registration number, the date of the next hearing or any court-mandated deadline for the filing, and the initials of the Immigration Judge assigned to the case.

Example: A filer of a motion to continue with a case with alien registration number 012345678 and a hearing date of 06/30/2020 would input, "Motion to Continue - 012345678 - 06/30/2020" in the subject line of the email. If the filer knows the hearing is scheduled before Judge William A. Jones, the subject would be, "Motion to Continue - 012345678 - 06/30/2020 - WAJ"

- G. Effective immediately, for parties using the temporary email account to electronically file, supporting documentation/evidentiary filings are limited to fifty (50) pages in a particular case. If a party intends to file more than fifty (50) pages, 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 Immigration Court.

III. Motion to adjudicate applications without an evidentiary hearing

- A. A respondent may file a *Motion to Adjudicate Applications Without Evidentiary Hearing* with the Court. The Motion must be filed prior to any filing deadlines established by the Court to request that a written decision on the merits be issued based solely on the applications, declarations, and other evidence contained in the record of proceeding. The motion should indicate the position of the Department of Homeland Security, where practicable, and whether the respondent seeks voluntary departure under INA § 240B.
- B. The Department of Homeland Security shall have five (5) business days from the date of filing to respond or object, in writing, to the respondent's *Motion to Adjudicate Applications Without Evidentiary Hearing*.
- C. If the respondent has sworn to the contents of the application(s) under oath before an Immigration Judge, the court will issue a written decision, in appropriate circumstances, as soon as practicable. The Immigration Judge will automatically reserve the right to appeal to the Board of Immigration Appeals on behalf of both parties. If the respondent has not yet sworn to the contents of the application(s) for relief, the Court will schedule the respondent to appear for a master calendar hearing to swear to the contents of the application(s) for relief.
- D. The Court reserves the discretion to deny a *Motion to Adjudicate Applications Without Evidentiary Hearing* if it deems it necessary to examine the respondent or other witnesses, or for any other reason.

This order supersedes all prior Standing Orders of the Los Angeles (North) Immigration Court.

IT IS SO ORDERED.

Dated: APRIL 29, 2020


JEFFREY S. MILLER
ASSISTANT CHIEF IMMIGRATION JUDGE