

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
CHICAGO IMMIGRATION COURT**

**STANDING ORDER NUMBER TWO:
REGARDING TELEPHONIC APPEARANCES**

Due to the COVID-19 pandemic and in the interest of public health and safety, the Chicago Immigration Court hereby issues the following standing Order regarding telephonic appearances. This standing order supplements the Policy Memorandum 20-13 “EOIR Practices Related to the COVID-19 Outbreak” accessible [here](#). This Order is effective immediately for all scheduled, non-detained hearings, is released contemporaneously with Standing Order Number One, regarding Documents Filed Via Electronic Mail, and replaces any prior standing order pertaining to non-detained hearings in Chicago. The Order shall remain in effect until further Order of the Court.

A. MASTER HEARINGS

1. All non-detained master calendar hearings for represented respondents (family, adult, and juvenile) will be conducted telephonically without the need for a motion for telephonic appearance to be filed in advance. Similarly, either party may move for a future in-person hearing, and such motion will be considered by the Immigration Judge. A respondent is considered represented once counsel or an accredited representative files a Form EOIR-28 with the Court in accordance with 8 C.F.R. § 1292.4(a).
2. The Court hereby waives the presence of all represented respondents for master hearings in accordance with 8 C.F.R. § 1003.25(a).
3. Counsel or accredited representatives for respondents are strongly encouraged to file written pleadings at least fifteen (15) calendar days in advance of the telephonic master hearing. For an example of acceptable written pleadings, see the Immigration Court Practice Manual, Appendix L (June 11, 2020), accessible [here](#). Further, practitioners are encouraged to follow the Best Practices outlined in Policy Memorandum 20-13.
4. Unless otherwise ordered by the individual Immigration Judge, all filings, including but not limited to, applications, pretrial motions, briefs, and supplemental documents, must be filed at least fifteen (15) calendar days in advance of the telephonic master hearing. The Court will not accept any filings on the date of the telephonic master hearing. The parties are strongly encouraged to submit filings by way of U.S. mail, overnight delivery service, or e-mail, in accordance with the Court’s *Standing Order Number One Regarding Documents Filed Via Electronic Mail*.

B. MERITS HEARINGS

1. The individual Immigration Judge, in his or her discretion, and upon consent of the respondent, may conduct a telephonic merits hearing in accordance with 8 C.F.R. § 1003.25(c). For any merits hearing, a timely motion for telephonic appearance is required in advance of the hearing and must include a sworn affidavit or declaration from the respondent indicating that he or she has been advised of the right to proceed in person and waives that right. *See* 8 C.F.R. § 1003.25(c).
2. The parties are strongly encouraged to confer and reach stipulations as to facts and/or legal issues in advance of all hearings. *See* 8 C.F.R. § 1003.21; Practice Manual, Chap. 4.18; *Matter of Yewondwosen*, 21 I&N Dec. 1025 (BIA 1997).
3. Unless otherwise ordered by the individual Immigration Judge, all filings, including but not limited to applications, pretrial motions, briefs, and supplemental documents, must be filed at least fifteen (15) calendar days in advance of the telephonic merits hearing. The parties are strongly encouraged to submit filings by way of U.S. mail, overnight delivery service, or e-mail, in accordance with the Court's ***Standing Order Number One Regarding Documents Filed Via Electronic Mail***. No filings, other than rebuttal or impeachment evidence, will be accepted in Court on the date of the telephonic merits hearing. *See* Immigration Court Practice Manual, Chap. 3.1(b)(ii)(A) (June 11, 2020).
4. 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) at least fifteen (15) calendar days in advance of the telephonic merits hearing. The respondent is strongly encouraged to submit such filings by way of U.S. mail, overnight delivery service, or e-mail, in accordance with the Court's ***Standing Order Number One Regarding Documents Filed Via Electronic Mail***.
5. In cases where the parties have agreed to request that the Court issue a decision solely on the sworn application(s) and documentary evidence, and in accordance with the Best Practices as noted in Policy Memorandum 20-13, the parties must file a **Joint or Unopposed Motion to Adjudicate Application Without Evidentiary Hearing on the Merits** in advance of any hearing. The **Joint or Unopposed Motion to Adjudicate Application Without Evidentiary Hearing on the Merits** must include at a minimum the following:
 - a. A sworn affidavit or declaration from the respondent indicating:
 - 1) that the respondent has been advised of the right to proceed in person and waives that right;
 - 2) that any application or request for relief on which the respondent is proceeding and/or affidavit or supporting declaration has been read to the respondent in a language the respondent speaks and understands;
 - 3) that any application or request for relief and all documentary evidence is true, correct and complete to the best of the respondent's knowledge; and

- 4) that any other pending relief applications are withdrawn or to be held in abeyance. *See* 8 C.F.R. § 1003.25(c).
- b. A statement from the parties regarding their respective positions on appeal;
- c. A statement from DHS counsel regarding the status of requisite identity, law enforcement, or security investigations or examinations, and, if completed, the applicable expiration date in accordance with 8 C.F.R. § 1003.47(a); and
- d. If the respondent is applying for voluntary departure under INA §§ 240B(a) or (b), his or her counsel or accredited representative must clearly indicate in the Motion that he or she has explained to the respondent the conditions that attach to voluntary departure as set forth in 8 C.F.R. § 1240.26 and *Matter of Gamero*, 25 I&N Dec. 164 (BIA 2010). In addition, the Motion must also include a sworn affidavit or declaration from the respondent that he or she understands the conditions that attach to voluntary departure, and that he or she accepts such conditions should voluntary departure be granted in the exercise of the Court's discretion. *See id.* For the purposes of post-conclusion voluntary departure during the period this Standing Order is in effect, the parties should assume the Court would set the minimum bond of \$500 and grant the maximum period of sixty (60) days to depart.

GENERAL PROVISIONS

1. To ensure the quality of the record, the parties appearing telephonically are strongly encouraged to be available by landline telephone in a quiet private location. Failure to respond when the case is called may result in the conclusion that counsel has failed to appear.

Nothing in this Standing Order should be interpreted to supplant an Immigration Judge's authority to manage his or her cases.

IT IS SO ORDERED.

DATE: June 25, 2020

Sheila McNulty
Acting Deputy Chief Immigration Judge