

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

STANDING ORDER 01-20: Special Procedures During the COVID-19 National Emergency

On March 17, 2020, the Federal Government issued a memorandum directing agencies to minimize face-to-face interactions with members of the public, which is posted at <https://www.whitehouse.gov/wp-content/uploads/2020/03/M-20-16.pdf>. To comply with directives from Federal, State, and County health officials and reduce the spread of COVID-19, the following procedures shall be implemented immediately and shall remain effective until rescinded by a superseding order of the Sacramento Immigration Court. This order is made pursuant to Immigration and Nationality Act § 240(b)(1)-(2) and 8 C.F.R. § 1003.10(b), 1003.21(b), 1003.25, 1003.29, 1003.31(c), 1003.40.

INDIVIDUALS WITH COVID-19 SYMPTOMS OR POSITIVE COVID-19 TEST

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. 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 paragraph is therefore unable to attend an upcoming hearing at which his or her presence is required, he or she shall promptly notify the Court.

FILING OF MOTIONS, APPLICATIONS, BRIEFS, EVIDENCE, AND OTHER DOCUMENTS

First class mail, express delivery services, or email sent in compliance with the guidelines posted at <https://www.justice.gov/eoir/filing-email> are strongly preferred over in-person submission of motions, applications, briefs, evidence, and any other documents, to reduce the risk of COVID-19 transmission.

Routine Filings; Prehearing Filings: Prehearing submissions remain due 15 days before the individual hearing, as usual. The parties are reminded that submissions filed less than 15 days prior to the individual hearing are untimely and will be excluded from the evidentiary record, unless the Court determines that there is good cause to excuse the late filing and that there is no undue prejudice to the opposing party.

Page Limit: For background/country conditions documents that do not relate to Respondent(s), their family, or others with whom they have a personal connection, a maximum of 150 pages may be submitted. The relevance of each background/country conditions document shall be set forth in the table of contents or by citation in the prehearing statement. A party wishing to submit more than 150 pages of such documentation must establish good cause in a written motion that identifies the documents sought to be submitted, why they are believed to be necessary, and what they show that is not already established by any prior submissions. The State Department's most recent Country Report on Human Rights Practices and Report on International Religious Freedom may be submitted, or made part of the record by motion, without counting against this page limit.

In-Court Filings: Until such time as this Standing Order is rescinded or superseded, documents physically submitted at a hearing will not be handled or considered by the Court at the hearing. In the case of a merits hearing, such filings will be considered in the adjudication of the matter only upon a showing that 1) There is good cause to excuse the late filing, 2) There is no undue prejudice to the opposing party, *and* 3) The document is necessary for the appropriate resolution of the case, and is not cumulative, inconsequential, or otherwise unnecessary.

Emergency Motions: In the case of an emergency motion (e.g., motion for stay of removal), counsel may call to alert the Court to the need to review and process the filing immediately; in such cases, filing the motion by email will greatly assist the Court in handling the motion expeditiously.

MOTIONS TO CONTINUE

It is unnecessary to file a motion to continue any individual hearing or any master calendar hearing scheduled before May 18, 2020; cases scheduled prior to this date are being reset by the Court. A motion to continue any hearing scheduled on or after this date shall contain a statement that the party seeking the continuance has communicated with the opposing party regarding the motion, and shall state the position of the opposing party. Motions to continue, including those based on the COVID-19 outbreak, must explain specifically why the continuance is necessary, and what efforts were made to prepare for the hearing before filing the motion to continue.

TEMPORAL LIMIT ON FILINGS

There is a three-month temporal filing limit on documents filed through email. Effective immediately, the Sacramento 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.

Documents rejected for not complying with the three-month temporal limit on filing may be filed by mail or through an overnight delivery service. Notwithstanding the three-month temporal limit on filings through email, parties are required to comply with all deadlines for filings, as specified in the Immigration Court Practice Manual ch. 3.1(b).

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.

Applications for asylum 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.

Limitations on page numbers:

Effective immediately, for parties using a 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.

This order supersedes the general electronic filing instructions.

SO ORDERED.

Loreto S. Geisse
Immigration Judge
Date:

David Neumeister
Immigration Judge
Date:

Print Maggard
Immigration Judge
Date:

Christopher Phan
Immigration Judge
Date:

Gilda Terrazas
Immigration Judge
Date:

Theresa Scala
Assistant Chief Immigration Judge
Date: