

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

STANDING ORDER 20-01: 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the spread of COVID-19, the following procedures shall be implemented immediately and shall remain effective until rescinded by a superseding order of the Portland Immigration Court.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 both the guidelines posted at <https://www.justice.gov/eoir/filing-email> and the special rules below, are strongly preferred over in-person submission of motions, applications, briefs, evidence, and any other documents, to reduce the risk of COVID-19 transmission. Nothing here alters any deadline set by the Court for a specific case, or set by statute, regulation, or the Immigration Court Practice Manual, Chapter 3.1(b).

Special Rules for Email Filings:

Three-Month Email Filing Window: Email filings shall not be made for cases with a hearing date or court-ordered call-up date which is more than three months beyond the date of filing. The Court will reject documents filed via the temporary email box if filed more than three months before the next hearing date or call-up date, whichever is sooner. Those wishing to file documents more than three months in advance may do so via the U.S. Postal Service or an express delivery service. **Note: Form I-589 is exempt from this limitation and will be considered filed on the date of the Court's receipt of the email for purposes of the one-year asylum filing deadline.**

50-Page Limit for Email Filings: For email filings, supporting documentation/evidentiary filings are limited to 50 pages per case. A party wishing to file more than 50 pages of such materials shall file the Table of Contents by email, while filing the full set of documents (with the original Table of Contents) via U.S. mail or express delivery service no later than the date set for filing the documents with the Court.

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 hearing scheduled before May 18, 2020; cases scheduled prior to May 18 are being reset by the Court. A motion to continue any hearing scheduled on or after May 18 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.

IDENTIFICATION OF MATTERS APPROPRIATE FOR PROMPT ADJUDICATION

If either party believes that a matter is appropriately resolved either without a hearing or on a telephonic short matter calendar, that party shall confer with the opposing party. If an agreement is reached that the matter can be resolved in such a manner, either party may file notice with the Court, using language agreed to by both parties. The Court will then review the record and take action as appropriate.

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So ordered.

Richard Zanfardino
Immigration Judge
Date:

Mindy Hoeppner
Immigration Judge
Date:

Joren Lyons
Immigration Judge
Date:

Theresa Scala
Assistant Chief Immigration Judge
Date: