

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
NEWARK, NEW JERSEY**

**STANDING ORDER REGARDING TELEPHONIC APPEARANCES
FOR MASTER AND MERITS HEARING**

Due to the COVID-19 pandemic and in the interest of public health and safety, the Newark Immigration Court hereby issues the following standing Order regarding telephonic appearances for master and merits hearings. The following Order regarding telephonic appearances is effective immediately for all scheduled hearings, and shall remain in effect until further Order of the Court.

A. MASTER HEARINGS

1. All master calendar hearings for represented respondents will be conducted telephonically without the need for a motion for telephonic appearance to be filed in advance. A respondent is considered represented once counsel or an accredited representative files a Form EOIR-28 with the Court before the date of the scheduled hearing, 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. For any master hearings on the Court's juvenile docket, the Court waives the presence of any respondent who is in the care and custody of the Office of Refugee Resettlement (ORR) or who has been approved for participation in the Unaccompanied Refugee Minor (URM) program.
4. Counsel or accredited representatives for respondents are 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 (April 10, 2020)
5. 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 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; Immigration Court Practice Manual, Chap. 4.18; *Matter of Yewondwosen*, 21 I&N Dec. 1025 (BIA 1997).
3. Any party who wishes to appear telephonically does so with the understanding that any paper filings to be considered by the Court must be in the official Record of Proceedings (ROP) 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 ROP at the close of the hearing.
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 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 Regarding Documents Filed Via Electronic Mail*.
5. 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 Regarding Documents Filed Via Electronic Mail*.
6. Any party appearing telephonically waives the right to object to the admissibility of any documents offered in Court on the sole basis that they are unable to examine the document.
7. In cases where the parties have agreed to request that the Court issue a decision solely on the sworn application(s) and documentary evidence, the parties must file a **Joint or Unopposed Motion to Adjudicate Application Without Evidentiary Hearing on the Merits**. 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. *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). 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 decision. *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 \$500.00 and grant the maximum period of sixty (60) days to depart.

GENERAL PROVISIONS

1. Attorneys are encouraged to be succinct and to file only such documents that are relevant and probative. Attorneys are also encouraged to limit the filing of duplicative country condition reports and to file only such reports that are necessary and reasonable.
2. To ensure the quality of the record, the parties appearing telephonically shall be in a quiet private location. The call may never be placed on hold. The use of cellular phones or phones in public places are prohibited. Failure to respond when the case is called may result in the conclusion that counsel has failed to appear.

3. If the Court is unable to reach Counsel by telephone for the hearing, or counsel fails to respond when the matter is called, the Court may treat the failure to respond as failure to appear by counsel or accredited representative. Counsel or accredited representative will thereafter be required to appear in person at any rescheduled hearing. Scheduling simultaneous appearances in multiple locations does not excuse a failure to appear.

4. All parties appearing telephonically before the Court must further comply with the attached instructions for making telephonic appearances. *See* Appendix A.

An Immigration Judge may, in his or her discretion, halt any telephonic hearing, and the parties may be required to attend a future in-person hearing on a date to be determined. Further, 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 19, 2020

David Cheng
Assistant Chief Immigration Judge

Appendix A

Instructions for Telephonic Appearances before the Newark Immigration Court

Making Your Telephonic Appearance

You must call into the hearing at least 15 minutes before the hearing time.

In order to access the OpenVoice telephonic system, dial **1-888-585-9008**.

After dialing the main number, you will be prompted to enter the conference room number. To determine the appropriate conference room number for the Immigration Judge you are telephonically appearing before, please refer to the table below:

ACIJ David Cheng	413-028-400
Judge Alberto Riefkohl	995-524-125
Judge Arya Ranasinghe	804-581-973
Judge Ramin Rastegar	976-981-466
Judge Shana Chen	792-017-922
Judge Shifra Rubin	332-397-526
Judge Tamar Wilson	407-314-087
Judge Leo Finston	752-644-025
Judge Laura Pierro	810-713-588

When prompted, please enter the security code. The security code will be provided by the Court to the attorney of record or accredited representative in advance of the hearing. All attorneys and accredited representatives must ensure their contact information with the court is updated and accurate.

After entering the security code, you will be joined into the telephonic hearing and you will be asked to state your name. Please state your full name as it appears on your E-28 and the last three digits of the respondent's A# for whom you are telephonically appearing.

After check-in, **please mute your phone** and wait until your case is called. Your case will be called in the order in which the Court deems appropriate.

To mute and unmute your participant line, use the mute feature on your phone or please press * 2.

Once you enter the hearing, do not place the call on hold as it will be disruptive to the hearings.

If Court has commenced once you enter the hearing, do not interrupt. Your name will be announced upon entering the hearing and late appearances will be disruptive to hearings already commenced.

Once your matter is concluded, please disconnect from the line.