

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
PHILADELPHIA, PENNSYLVANIA**

**STANDING ORDER OF THE PHILADELPHIA IMMIGRATION COURT
RELATING TO TELEPHONIC APPEARANCES AT HEARINGS**

Due to the COVID-19 pandemic and in the interest of public health and safety, the Philadelphia Immigration Court hereby issues the following Standing Order regarding telephonic appearances.

This Order regarding telephonic appearances is effective immediately for all scheduled hearings, both detained and non-detained, and shall remain in effect until further Order of the Court.

This Order supersedes the Court's *Standing Order Relating to Telephonic Appearances at Hearings* issued June 11, 2020.

A. INDIVIDUAL CALENDAR (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. 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*. The acceptance of e-mail filings is subject to the Court maintaining an active electronic filing e-mail account, which is planned to continue for sixty (60) days following the Court's reopening on July 6, 2020. *See* Exec. Office for Immigration Review, PM 20-13 at 4, *Updating Practices Related to the COVID-19 Outbreak* (June 11, 2020), available at <https://www.justice.gov/eoir/policy-memoranda>. 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).
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 Regarding Documents Filed Via Electronic Mail***. The acceptance of e-mail filings is subject to the Court maintaining an active electronic filing e-mail account, which is planned to continue for sixty days (60) following the Court's reopening on July 6, 2020. *See* Exec. Office for Immigration Review, PM 20-13 at 4.

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, 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 that any affidavit or supporting declaration has been read to the respondent in a language that 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). The Motion must also include a sworn affidavit or declaration from the respondent that he or she accepts such 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.

B. MASTER CALENDAR 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 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 hearing 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 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 (April 10, 2020) at <https://www.justice.gov/eoir/page/file/1258536/download>.
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*. The acceptance of e-mail filings is subject to the Court maintaining an active electronic filing e-mail account, which is planned to continue for sixty days (60) following the Court's reopening on July 6, 2020. See Exec. Office for Immigration Review, PM 20-13 at 4.

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. If a cellular telephone is used the party must be in a quiet private location, and if the call is "dropped" the Court will have the discretion to deem the hearing concluded for the day or take other remedial action within the Court's discretion. Failure to respond when the case is called may result in the conclusion that counsel has failed to appear.

2. 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.

June 29, 2020

Date

THERESA HOLMES
SIMMONS

Digitally signed by THERESA
HOLMES SIMMONS
Date: 2020.06.29 16:55:30 -04'00'

THERESA HOLMES-SIMMONS
Assistant Chief Immigration Judge
Philadelphia, Pennsylvania

Appendix A

Instructions for Telephonic Appearances before the Philadelphia 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. The specific conference room numbers for each Philadelphia Immigration Judge will be forthcoming.
- 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.