

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
NEW YORK FEDERAL PLAZA IMMIGRATION COURT**

STANDING ORDER REGARDING THE COVID-19 PANDEMIC

Due to the COVID-19 pandemic and in the interest of public health and safety, the New York – Federal Plaza Immigration Court hereby issues the following Standing Order regarding COVID-19. This Order is effective immediately for all scheduled hearings, both detained and non-detained (once the Court resumes hearing non-detained cases), and shall remain in effect until further Order of the Court.

I. BUILDING SAFETY

At all times, the rules, restrictions and guidelines set forth by the General Services Administration (GSA) must be followed for admission to 26 Federal Plaza. At all times, the rules, restrictions and guidelines set forth by the Department of Justice (DOJ) must be followed for entry into DOJ-controlled areas, e.g. waiting rooms, courtrooms, etc.

II. TELEPHONIC APPEARANCES

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 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 in advance of the telephonic master hearing in accordance with Immigration Court Practice Manual (ICPM). For an example of acceptable written pleadings, see ICPM, Appendix L (April 10, 2020) at <https://www.justice.gov/eoir/page/file/1258536/download>.
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 in accordance with the time limits in the ICPM in advance of the telephonic master hearing. The Court will not accept any filings on the date of the telephonic master hearing.
5. While U.S. mail, overnight delivery service will be accepted, the parties are strongly encouraged to submit filings by way of e-mail, in accordance with the Court's 5/1/2020 *Standing Order Regarding Temporal and Page Limits for Documents Filed Via Electronic Mail* until the NYC Court is fully operational.

According to PM 20-13, EOIR will no longer accept email filings via NYFederalPlaza.Immigration.Court@eoir.usdoj.gov 60 days after the Court has resumed hearing non-detained cases.

B. INDIVIDUAL MERITS HEARINGS

1. The individual Immigration Judge, in his or her discretion, and upon consent of the respondent and DHS, 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 in advance of the telephonic merits hearing in accordance with the ICPM. No filings, other than rebuttal or impeachment evidence, will be accepted in Court on the date of the telephonic merits hearing. *See* ICPM, 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) in accordance with the time limits set by the ICPM in advance of the telephonic merits hearing.
5. While U.S. mail, overnight delivery service will be accepted, the parties are strongly encouraged to submit filings by way of e-mail, in accordance with the Court's 5/1/2020 *Standing Order Regarding Temporal and Page Limits for Documents Filed Via Electronic Mail* until the NYC Court is fully operational. According to PM 20-13, EOIR will no longer accept email filings via NYFederalPlaza.Immigration.Court@eoir.usdoj.gov 60 days after the Court has resumed hearing non-detained cases.
6. The parties may agree to request that the Court issue a decision based solely on the sworn application(s) and documentary evidence, consistent with *Matter of Fefe*, 20 I & N Dec. 116 (BIA 1989) and *Matter of E-F-H-L-*, 26 I&N Dec. 319, 322 fn. 3 (BIA 2014), *vacated on other grounds* 27 I&N Dec. 226 (A.G. 2018). If the parties reach such an agreement, they are encouraged to file a Joint or Unopposed Motion to Adjudicate Application Without Evidentiary Hearing on the Merits, in advance of any hearing. Such motion must include all required stipulations. If no such agreement is reached in advance of the hearing, the parties may make an oral motion at the outset of the 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 any affidavits or supporting declarations have 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. A statement from the parties regarding their respective positions on appeal;
- b. 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
- c. 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 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.

C. 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.
2. All parties appearing telephonically before the Court must further comply with the attached instructions for making telephonic appearances. *See* Appendix A.
3. An EOIR-28 must be submitted with every motion.
4. Proposed orders accompanying any motions must be submitted in triplicate.

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: August 13, 2020

Khalilah Taylor

KHALILAH TAYLOR
Assistant Chief Immigration Judge

Appendix A

Instructions for Telephonic Appearances before the NYC (26 Federal Plaza) 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:

Judge	Room Number
Noel Brennan	230-203-150
Lori Campanella	TBD*
Olivia Cassin	916-920-282
Amit Chugh	941-386-372
Raisa Cohen	295-664-868
Evalyn Douchy	347-160-428
Lisa Ehrens	968-714-616
Sam Factor	960-622-201
David Fraiden	TBD*
Lena Golovnin	999-400-469
Cynthia Gordon	870-795-912
Vivienne Gordon- Uruakpa	691-279-407
Dorothy Harbeck	162-308-718
Howard Hom	469-221-518
Carrie Johnson-Papillo	552-461-303
Amiena Khan	532-566-641

Judge	Room Number
Deborah Klahr	207-395-182
Theodora Kouris	768-792-629
Frederic Leeds	923-153-081
James Loprest	781-075-084
Maria Lurye	347-338-216
Michael McFarland	648-556-029
Barbara Nelson	487-482-565
Brian Palmer	600-591-335
Cathy Sagasse	135-225-209
Douglas Schoppert	529-624-453
Alice Segal	785-465-858
John Siemietkowski	214-224-600
Rantideva Singh	547-287-281
Oshea Spencer	343-984-264
Jem Sponzo	611-855-043
Khalilah Taylor	290-405-554 ¹
Scott Thomsen	TBD*
Donald Thompson	TBD*
Mimi Tsankov	748-337-446
Virna Wright	721 149 134
Randa Zagzoug	436-858-972

- A 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.

*The Court will issue an amended standing order when this information becomes available.

- 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.