

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
LOS ANGELES (VAN NUYS) CALIFORNIA

**VNS 20-01 STANDING ORDER ON RESUMPTION OF NON-DETAINED HEARINGS
FOR PHASE 1:**

Due to the COVID-19 pandemic and in the interest of public health and safety, the Los Angeles - Van Nuys Immigration Court hereby issues the following Standing Order regarding telephonic appearances and other business with the Immigration Court. This Standing Order supplements and expands upon EOIR Policy Memorandum 20-13 “EOIR Practices Related to the COVID-19 Outbreak” accessible on the Agency’s website. This Standing Order is effective immediately for all scheduled, non-detained hearings, and is released contemporaneously with the Standing Order “REGARDING DOCUMENTS FILED VIA ELECTRONIC MAIL.” Both orders, in tandem, supersede any previous Standing Orders for the Los Angeles-Van Nuys Immigration Court. These orders shall remain in effect until further Order of the Court.

A. MASTER HEARINGS

All non-detained hearings designated as a “master” calendar hearing will continue to remain suspended until further notice. Any questions regarding the status of the case as either “master” or “individual” may be clarified through reviewing the hearing notice issued for the case or contacting the Agency’s 1-800 number at (800) 898-7180. Information on cases can also be obtained via the agency website.

B. MERITS HEARINGS

1. In order to minimize the number of individuals called to court at any one time, judges will rotate on a weekly basis and limit the number of merits hearing per morning and afternoon session. Not every Immigration Judge will be on site at the court per day. Rotations will be by teams of judges—such schedules of the weeks when a particular Immigration Judge will be presiding over hearings will be made available by contacting the Van Nuys Immigration Court at (818) 904-5200;

2. Any attorney or qualified representative for any party may appear telephonically in cases before the Van Nuys Immigration Court, without prior approval and without filing a motion in advance. Attorneys or qualified representatives who would like to appear telephonically for a particular case should contact the Van Nuys Immigration Court, at (818) 904-5200 at least two

(2) days in advance of the hearing and should provide: the A-number, the time and date of the scheduled hearing, and the best phone number to be reached. Twenty-four (24) hours before the hearing, Counsel will be contacted by the court staff with instructions to call in to Court for the scheduled hearing through our Open Voice Conferencing System. See Appendix A;

3. 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; Practice Manual, Chap. 4.18; *Matter of Yewondwosen*, 21 I&N Dec. 1025 (BIA 1997);

4. Respondents will be required to appear for their hearings unless their presence is waived by the Immigration Judge. The presence of individuals under the age of 18 that are part of removal proceedings with other family members will be waived for their hearings unless they have separate applications from the principal Respondents and their testimony is necessary. This will also ensure social distancing and assist in minimizing the number of individuals called to Immigration Court;

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 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 Number One Regarding Documents Filed Via Electronic Mail. No filings except at the discretion of the Judge, other than rebuttal or impeachment evidence, will be accepted in Court on the date of the merits hearing. See Immigration Court Practice Manual, Chap. 3.1(b)(ii)(A) (June 11, 2020);

6. 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 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 Number One Regarding Documents Filed via Electronic Mail.

C. SPECIAL CIRCUMSTANCES

1. The parties are encouraged to notify the Court, by way of a motion to advance, of any pending matter that is ready for an immediate merits hearing;

2. In cases where the parties have reached an agreement for a final resolution of a case, i.e. grant or denial of a particular application(s) for relief, the parties must file a Joint or Unopposed Motion to that affect. Any remaining adjudicated applications will be deemed withdrawn unless otherwise indicated;

3. In cases where the parties have agreed to request that the Court issue a decision solely on the sworn application(s) and documentary evidence, and in accordance with the Best Practices as noted in Policy Memorandum 20-13, 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 or by VTC 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 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). In addition, 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.

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.

Dated:

October 20, 2020

Scott Laurent
Assistant Chief Immigration Judge
Van Nuys, California

APPENDIX A

Los Angeles (Van Nuys) Immigration Court Judge Listings and Instructions for Telephonic Appearances:

To make a telephonic appearance using the Court's telephonic conferencing system, you must call 15 minutes prior to the hearing time. In order to access the Open Voice telephonic system, dial **1-888-585-9008**. After dialing the main number, you will be prompted to enter the conference room number related to the Immigration Judge you are appearing before. Please see below for the Immigration Judge's initials and Open Voice Conference Room number:

Brian Burke (BB2)

David Burke (DB) (570-660-650)

Carlos Maury (CEM)

Tara Naselow-Nahas (TNN) (590-790-352)

A Ashley Tabaddor (AAT) (860-667-121)

Scott Laurent (SDL) (800-290-721)

Arlene Dorfman (ARD) (918-752-659)

