

**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
CHARLOTTE, NORTH CAROLINA**

**CHL-20-01: STANDING ORDER FOR VIRTUAL  
APPEARANCES AT INDIVIDUAL HEARINGS**

**IT IS HEREBY ORDERED** that, for the thirty (30) day period following the signing of this order, counsel for Respondent (“Counsel”) and counsel for the Department of Homeland Security (“DHS”) scheduled to appear for any individual hearing before the Charlotte Immigration Court (“Court”) may, for good cause shown, appear via supported video teleconferencing or telephone (hereinafter “virtual appearance”). Respondent **must** appear in person for any scheduled individual hearing absent exceptional circumstances, but may, subject to law and regulations, request to appear virtually.<sup>1</sup> Parties **must** file a motion requesting virtual appearance no less than fifteen (15) days prior to any scheduled individual hearing. Motions for Virtual Appearance will be considered subject to the following:

- 1) Counsel must attest that Counsel fully discussed with Respondent the effect of a virtual appearance. Counsel must attest that in his/her professional opinion, Counsel can fully and effectively represent Respondent’s interests via a virtual appearance.
- 2) Respondent must attest that Respondent fully discussed with Counsel the effect of a virtual appearance. Respondent must attest that Respondent can be fully and effectively represented by Counsel via a virtual appearance and affirmatively waive Counsel’s in-court appearance. Should Respondent fail to attest to the above, Counsel will be required to appear in person.
- 3) Counsel or DHS who appear telephonically do so with the understanding that any filings must be in the Court’s official record of proceedings at the time of the scheduled hearing unless a later filing deadline is permitted by law, regulations, or guidelines. Call-up dates for the filing of supporting documents as set by the Court remain in effect. The decision of the Court on the merits of any application will be based on the documents admitted into evidence at the close of the individual hearing.
- 4) If the Court is unable to reach Counsel or DHS by telephone for an individual hearing, Counsel or DHS will thereafter be required to appear in person at all individual hearings.
- 5) Telephonic appearances for witnesses will be considered on a case by case basis for good cause shown, subject to existing law and regulation. Witness affidavits are encouraged in the alternative. Witnesses appearing in person will be required to remain outside the courtroom until called to provide testimony. Witnesses appearing in person are required to wear a face

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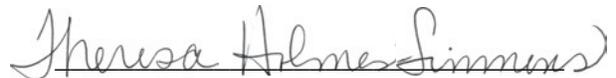
<sup>1</sup> See *EOIR Practices Related to the Covid-19 Outbreaks*, Policy Memorandum 20-13.

covering unless they have a medical condition that prevents them from wearing a face covering.

- 6) Respondent, Counsel, and DHS appearing in person before the Court are required to wear a face covering unless they have a medical condition that prevents them from wearing a face covering, or Respondent is under two years of age.
- 7) To the extent permitted by law and regulation, the number of persons present in the courtroom for an individual hearing will be limited. In the best interests of the health and well-being of all involved and to the extent permitted by law and regulation, only Respondent, Counsel, and DHS should enter the courtroom. Absent good cause, family members, friends, personal interpreters, counsel staff members, observers, general public, and others as determined by the Court, will not be allowed to enter the courtroom unless an appropriate Motion to Attend has been filed with the Court no less than fifteen (15) days in advance of the hearing. However, should Respondent be a child, or an adult declared incompetent, a legal guardian may accompany Respondent in court.

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**DATE**



**THERESA HOLMES-SIMMONS**

U.S. Assistant Chief Immigration Judge  
Charlotte, North Carolina

**THERESA HOLMES  
SIMMONS**

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