

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
KANSAS CITY IMMIGRATION COURT
KANSAS CITY, MISSOURI**

**STANDING ORDER 21-01 OF THE KANSAS CITY
IMMIGRATION COURT**

Due to the COVID-19 pandemic and in the interest of public health and safety, the Kansas City Immigration Court (Court) hereby issues the following Standing Order. Nothing in this Standing Order alters the Policy Memorandum (“PM”) 20-13 *EOIR Practices Related to the COVID-19 Outbreak* accessible [here](#), PM 21-03 *Immigration Court Hearings Conducted by Telephone and Video Teleconferencing* accessible [here](#), and PM 21-18, *Revised Case Flow Processing before the Immigration Courts* accessible [here](#). This Order is effective immediately and replaces any prior standing order on the subject for the Kansas City Immigration Court. The Order shall remain in effect until further order of the Court.

All parties should continue to monitor the EOIR website at <http://www.justice.gov/eoir> for the latest information on the Court’s operating status.

A. COURT OPERATIONS

1. In-person appearances in the courtroom are limited to the following individuals: Respondent, Respondent’s counsel, Department of Homeland Security (DHS) counsel, Court interpreter, essential Executive Office for Immigration Review (EOIR) staff, security personnel, and any other necessary individuals, as determined by the presiding judge. *See* ICPM § 4.9(a)(ii) (citing 8 C.F.R. § 1003.27(b)).
2. For non-detained merits hearings, the Kansas City Court will utilize a “partnered courtroom” approach, with the Immigration Judge, EOIR staff, and interpreters appearing in one courtroom, while respondents and witnesses appear in a different courtroom. Both courtrooms will be linked via video teleconference (VTC). DHS counsel and Respondent’s counsel or qualified representatives have the option of appearing in either courtroom. All parties are strongly encouraged to appear in-person and utilize this partnered courtroom approach.
3. For all detained hearings (master calendar and merits), the Kansas City Court will continue to follow the current practice, with Respondents appearing via VTC from various remote detained locations. For these detained hearings, DHS counsel, Respondent’s counsel or qualified representatives, and witnesses for either side have the option of appearing in the same courtroom as the Immigration Judge. VTC and telephonic options will continue to be utilized to the greatest extent possible, as determined by the presiding Immigration Judge.

4. As an alternative to the in-person appearance process discussed in Paragraph 2 above, DHS counsel, Respondent's counsel or qualified representatives, Respondent(s), and witnesses called by either side may request to appear remotely via Open Voice (telephonic) or via VTC with Webex, in accordance with the provisions of this Standing Order, pursuant to 8 C.F.R. § 1003.25(c), EOIR Policy Manual, Part II, Chap. 4.6, and PM 21-03.
5. Open Voice is an audio conferencing service. Webex is a secure video conferencing (VTC) platform. According to PM 21-03, VTC provides real-time transmission of audio and video between two or more locations and permits individuals to see, hear, and speak with each other as though they are at the same location. VTC hearings are held in Immigration Courts throughout the United States pursuant to congressional mandate at INA § 240(b)(2)(A)(iii); 8 U.S.C. § 1229a(b)(2)(A)(iii). Congress made no distinction between an in-person hearing and a hearing conducted by VTC, including no requirement for consent of the participants to conduct a VTC hearing. *See generally id.*
6. For any non-detained merits hearing, a timely "Motion to Appear Via Webex" *or* "Motion to Appear Via Open Voice" is required **at least five (5) business days** in advance of the hearing. This Motion shall be filed in person, by mail, or through an overnight delivery service with the Court. Parties should use ECAS if the case has been assimilated into the ECAS system. This Motion should specify if counsel wishes to appear via Open Voice *or* Webex, and shall indicate whether or not the party (*e.g.* Respondent(s)) or any witness(es) also seek(s) to appear remotely with counsel. If Respondent seeks to appear via Open Voice, the Motion shall also include a sworn affidavit or declaration from Respondent indicating that Respondent has been advised of the right to proceed in person or via VTC and waives that right. *See* 8 C.F.R. § 1003.25(c). In lieu of a sworn affidavit or declaration, Respondent shall provide consent to a telephonic hearing while on the record in Court.
7. For a request to appear telephonically by Open Voice, the Motion should list the names of all individuals (*i.e.* attorneys, parties, and witnesses) who seek to appear via Open Voice, with phone numbers for each person.
8. For a request to appear by Webex, the Motion should list the names of all individuals (*i.e.* attorneys, parties, and witnesses) who seek to appear via Webex, with email addresses for each person.
9. For appearances by Open Voice or by Webex, the parties are encouraged to file sworn written statements in lieu of testimony.
10. Instructions on how to appear via Webex can be found on the Kansas City Immigration Court's website at this [link](#).

11. Attorneys and accredited representatives who appear remotely acknowledge that paper or electronic filings must be filed in compliance with all deadlines set by the Court or, if none, in accordance with the filing deadlines set forth in the EOIR Policy Manual, accessible [here](#). Same-day filings are strongly discouraged. Subject to the discretion of the Immigration Judge, with good cause, impeachment and rebuttal evidence will only be allowed if received by the assigned Immigration Court by ECAS, mail or other shipping/delivery service, or in-person at the front window if the proponent can establish actual service of an identical copy on the opposing party (or, if the party is represented, the party's representative). Any party appearing remotely waives the right to object to admissibility of any document offered in Court on the sole basis that they are unable to examine the original document.
12. The parties are strongly encouraged to confer and reach stipulations as to facts and/or legal issues in advance of all hearings. *See* EOIR Policy Manual, Part II, Chap. 4.18; *see also Matter of Yewondwosen*, 21 I&N Dec. 1025 (BIA 1997); 8 C.F.R. § 1003.21.
13. Unless otherwise ordered by an Immigration Judge, all filings by the Respondent (whether represented or appearing without a lawyer), including but not limited to applications, pretrial motions, briefs, and supplemental documents, shall be filed at least thirty (30) calendar days in advance of the merits hearing. The parties are strongly encouraged to submit filings via ECAS, mail or other shipping/delivery service, or in-person at the front window. Same-day filings are strongly discouraged.
14. Unless otherwise ordered by an Immigration Judge, Respondent (whether represented or appearing without a lawyer), must file any changes, corrections, or amendments to all pending applications and/or to his or her declaration(s) at least thirty (30) calendar days in advance of the merits hearing. *Id.* Respondent is strongly encouraged to submit such filings by mail or overnight delivery service.

B. GENERAL PROVISIONS

1. To ensure the quality of the record, the parties appearing telephonically via Open Voice are strongly encouraged to be available by landline telephone in a quiet private location.
2. To ensure the quality of the record, parties appearing via Webex are strongly encouraged to utilize a stable, reliable internet connection in a quiet, private location. Parties must have a working understanding of how to use Webex prior to the hearing as to not impede or otherwise delay the case.
3. It is counsel's responsibility to timely appear for any hearing scheduled via

Webex or Open Voice. Failure to appear with counsel via Webex or Open Voice when the case is called may result in the conclusion that Respondent has failed to appear.

C. ADDITIONAL INSTRUCTIONS

1. All parties are advised that the Court's temporary e-mail account is pending deactivation in the very near future. From this date forward, all parties are instructed to utilize other established means of submitting filings and requests to the Court, such as ECAS, mail or other shipping delivery service, or in-person at the Court's front window.
2. All persons scheduled to appear before the Kansas City Immigration Court should allow additional time sufficient to clear security, check-in with Court staff, and arrive in the appropriate courtroom by the scheduled hearing time.
3. All visitors to the Kansas City Immigration Court are also required to observe any applicable social distancing guidelines to the maximum extent practicable, and to comply with any applicable signs or instructions from EOIR personnel regarding behavior while in Kansas City Immigration Court physical spaces. Visitors who fail to observe such guidelines or instructions may be denied access to or be asked to leave the Kansas City Immigration Court.

An Immigration Judge may, in his or her discretion, halt any telephonic or Webex 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: July 14, 2021

**Eric L. Dillow
Assistant Chief Immigration Judge
Kansas City Immigration Court**