



## Frequently Asked Questions May 17, 2022

Consistent with public health officials' guidance, the Executive Office for Immigration Review (EOIR) has implemented practices to help protect all people working in and visiting EOIR spaces throughout the country. We remain committed to practices that provide this critical information to all employees and visitors.

### **Q) What are the protocols for mask wearing?**

A) In compliance with the new CDC guidance, EOIR will regularly monitor [county-level data](#) in determining whether masking of employees and visitors is required. EOIR will utilize this data in determining the COVID-19 Community Level for a given EOIR building by looking at the COVID-19 Community Level for the county in which the building is located.

Where a state, county, or local government imposes more protective pandemic-related safety requirements, those requirements must be followed in Federal facilities within that locality.

### **Q) Can the immigration judge ask whether my client or I have been vaccinated?**

A) Yes. If public health and agency protocols permit certain individuals to be present in an EOIR space without a properly-worn face covering, and you or your client are not wearing a mask inside a courtroom, the presiding immigration judge may ask about your vaccination status to determine whether it would be appropriate to require mask wearing. Please remember that immigration judges may ask you to wear a face covering regardless of public health protocols and your vaccination status.

### **Q) Does EOIR plan to continue limiting visitors in immigration courtrooms and public spaces?**

A) The immigration judge has the discretion to limit attendance. At this time, we recommend only parties to the proceedings and witnesses appear in-person.

If you have concerns about an immigration judge's COVID-19 protocols, please contact the appropriate Assistant Chief Immigration Judge. Please also see the agency's [Public Health Notice](#) for more information.



**Q) Will EOIR notify visitors if they may have come in close contact to a person who has a suspected or confirmed case of COVID-19?**

A) To the extent possible, immigration court staff will notify individuals who may have come in close contact with a person with a suspected or confirmed case of COVID-19. For represented noncitizens appearing before EOIR, court staff will notify counsel of record. For unrepresented noncitizens appearing before EOIR, court staff will notify the noncitizen directly. Consistent with typical practice, parties to proceedings should ensure that their contact information is up-to-date.

**Q) How often are courtrooms and public waiting areas cleaned and what kinds of disinfectants are used?**

A) The General Services Administration (GSA) is responsible for cleaning EOIR spaces and cleans EOIR spaces each day in compliance with both GSA and Centers for Disease Control and Prevention (CDC) guidelines. EOIR does not have information regarding the specific cleaning products GSA uses.

**Q) If my client or I am sick on the day of our scheduled hearing, what should we do?**

A) Any person with symptoms of illness should not enter an EOIR space. Please notify the immigration court as soon as practicable so that staff may notify the immigration judge. Immigration court staff will provide further guidance. The immigration judge will be informed of the individual circumstance and the judge's legal assistant will follow the judge's instructions related to communication with the parties.

**Q) What can I expect when I arrive at the building for court?**

A) You should plan ahead for possible delays to get through screening at the entrance of the building. You should bring a face covering to ensure compliance with federal, state, local, building, or immigration judge requirements.

**Q) Is it possible to add a section to the EOIR Courts & Appeals System (ECAS) that would list motions received and pending/ granted/denied status, which would reduce follow-up calls to check on the status of motions?**

A) ECAS is constantly evolving and improving based on user feedback. We encourage you to submit this suggestion directly to the ECAS team at [ECAS.TechSupport@usdoj.gov](mailto:ECAS.TechSupport@usdoj.gov). Many recent improvements have been made as a result of user suggestions. You can also submit your ideas on the ECAS webpage under the "Contact" link.

**Q) May the respondent appear by video using their own device or is the respondent required to be in the attorney's office?**

A) If a hearing is scheduled to be held via Webex, either due to a party's motion or the court's scheduling, the respondent is generally able to appear from a location different from that of the attorney.



**Q) Can an attorney file a motion to appear via Webex when the respondent plans to appear in-person?**

A) Yes. A party may file a motion for the respondent or the representative to appear at a hearing by VTC through Webex without impacting the in-person presence of the other. Please remember the immigration judge has the discretion to require appearance in-person or via VTC.

**Q) Will the video recording of the Webex hearing be available to review?**

A) EOIR does not make a video recording of hearings including those held via Webex. Hearings (except bond redetermination hearings) are recorded, audio only, using the digital audio recording (DAR) system. Parties may listen to recordings of hearings by prior arrangement with immigration court staff. Parties and the general public may also seek copies of the DAR through [FOIA](#).

**Q) Will master calendar hearings conducted via Webex have groups of cases in one Webex session?**

A) One invitation will be sent to all parties scheduled for a master session. The immigration judge or court staff will place everyone in the “lobby” of Webex. When a case is called, the master calendar hearing will be conducted for that particular case.

**Q) Some immigration courts have not yet resumed a certain type of hearing. What is the status of hearings at my local immigration court?**

A) Please see the EOIR [Operational Status](#) webpage for information on the status of each immigration court.

**Q) At some courts, master calendar hearings are being held telephonically. Any date as to when that will end?**

A) EOIR continues to implement practices to help to protect all people working in and visiting EOIR spaces throughout the country. Accordingly, some master calendar hearings continue to be held telephonically. Please monitor EOIR’s [Operational Status](#) webpage and the relevant immigration court webpage.

**Q) Can we still request Webex hearings for the foreseeable future? Any date as to when this will end?**

A) At this time, EOIR is using Webex when the immigration judge determines it is appropriate for the case. Please monitor EOIR’s [Operational Status](#) webpage and/or the relevant immigration court webpage.

**Q) When will attorneys once again be allowed to review paper Records of Proceedings?**

A) Please contact the court for questions related to inspecting the official record of proceedings.

**Q) How can I find out about court closures?**

A) Please monitor the [Immigration Court Online Resource](#) and/or EOIR’s [Operational Status](#) webpage.