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VIA EMAIL

The Honorable William Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Administrative Chief Immigration Judge Kevin Mart,
Acting Court Administrator Paul Friedman
Varick Immigration Court
201 Varick Street, 11th Floor
New York, NY 10014

Assistant Chief Immigration Judge Philip J. Montante, Jr.
Batavia Immigration Court
4250 Federal Drive, Room F108
Batavia, NY 14020

Assistant Chief Immigration Judge Carrie C. Johnson-Papillo
Ulster Immigration Court
750 Berne Road, PO Box 800
Napanoch, NY 12458

Re: New York Immigration Court Operations During COVID-19 Outbreak

Dear Attorney General Barr, Honorable Judges, and Mr. Friedman:

I write to support efforts to protect practitioners, staff, and the public at New York State immigration courts amid the expanding COVID-19 outbreak. Organizations that provide free legal representation to indigent non-citizens at these courts, including those that make up the New York Immigrant Family Unity Project (NYIFUP), Prisoners' Legal Services of New York, and the ECBA Volunteer Lawyers Project, have reported that some of its members have COVID-19 symptoms or have been exposed to an individual with COVID-19. These organizations requested measures to reduce the risk of exposure to the virus, and while EOIR has

taken some steps to reduce hearings and court traffic for non-detained cases, current policies still require extensive in-person interaction in cases involving detained individuals.

During this national public health emergency, it is incumbent upon us all to mitigate the spread of this novel virus. Court administrations at the state and federal level have instituted protocols that allow court business to continue but also safeguard the public health, including closing non-essential parts of the court and adjourning new trials. A similar approach is appropriate and warranted in immigration courts.

I therefore ask that you *at a minimum* adopt the proposals put forth by NYIFUP providers at all immigration courts in New York State. These proposals include adjourning master calendar hearings, presumptively permitting telephonic appearances for bond and individual hearings, and presumptively permitting extensions and continuance requests. Especially in courts where respondents appear in person and where witnesses must travel from out of town, these measures are necessary to minimize human contact. I also request that you institute a means for practitioners to submit these motions electronically. Currently, practitioners are required to submit these motions in person at the court or through the mail via post offices. Requiring these in-person or by mail submissions not only causes delays in submitting these important requests, it also unnecessarily jeopardizes the health of those involved.

These are unprecedented times. It is imperative that all agencies adjust policies and practices to protect the health and welfare of our community. I implore you to take these critical steps here.

Sincerely,



Letitia James
New York State Attorney General