



Frequently Asked Questions July 30, 2021

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

Q) Even if I am vaccinated, do I have to wear a face covering if the immigration judge asks me to wear one?

A) EOIR will continue to coordinate with the Department of Justice's Justice Management Division to evaluate public health officials' guidance. As that guidance changes as related to face coverings in indoor public spaces, so might EOIR policies and procedures. Regardless of overall agency policies, however, immigration judges have the discretion to require face coverings for individuals in the courtroom, with deference to noted exceptions from public health officials. Please also see the agency's [Public Health Notice](#) for more information.

Q) Am I required to wear a face covering in EOIR waiting rooms?

A) Yes. If you do not have a face covering, please request one at the immigration court's front window. Building requirements vary and you may be required to have a face covering to access EOIR space. EOIR is aware that public health guidance varies as related to face coverings in indoor spaces.

Q) Can the immigration judge ask whether I or my client has been vaccinated?

A) Yes. If you or your client are not wearing a mask, an immigration judge or immigration court staff person 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 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.

Q) Will EOIR notify visitors if they may have come in close contact to a person who has a suspected or confirmed cases 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. 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 being used?

A) GSA is responsible for cleaning EOIR space and has instituted enhanced cleaning procedures, which are done on a daily basis and in compliance with both GSA and CDC guidelines. Please direct your questions regarding specific protocols and products to GSA.

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 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, or building requirements.

Q) Is it possible to add a section to the EOIR online case portal 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. 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) Will ECAS be mandatory for all parties? If so, when?

A) EOIR's position related to mandatory use of ECAS is part of its regulatory agenda, so we are unable to answer this question at this time. We published a Notice of Proposed Rulemaking last year and plan to publish a final rule as soon as practicable after consideration of all public comments we received.

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 and the respondent 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.

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 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 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 master calendar hearings. What is the status of master calendar hearings at my local immigration court?

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

Q) Why is the asylum (EAD) clock no longer visible in ECAS?

A) EOIR has no authority over and does not adjudicate applications for employment authorization, including applications based on a pending asylum application. U.S. Citizenship and Immigration Services (USCIS) remains the appropriate adjudicator of a noncitizen’s employment authorization applications. EOIR houses an EAD Clock within its case management system so USCIS may assist with adjudicating applications for noncitizen employment authorization based on a pending asylum application.

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/or 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](#).