



## **ROUND TABLE**

**of Former Immigration Judges**

September 1, 2020

The Round Table of Former Immigration Judges supports the efforts of the American Immigration Lawyers Association, NJ Chapter (AILA-NJ) to ensure that the Newark Immigration Court adopts proper health and safety measures for litigants and staff, while protecting the fundamental due process rights of those appearing before the Court.

As former Immigration Judges and Board of Immigration Appeals Judges, the Round Table is very troubled by the manner in which the Newark Immigration Court has reopened. Protecting due process, while also protecting the health and safety of everyone involved with the Court, should be the primary concerns of the Executive Office for Immigration Review.

However, it appears that EOIR has once again placed its desire for completion numbers ahead of other concerns, to the detriment of all those who appear at the Court.

On July 13, 2020, the Newark Immigration Court reopened for in-person hearings, after being closed for approximately three months on account of the COVID-19 pandemic. Both individual and master calendar hearings are being heard by six Immigration Judges at the Court, despite the fact that at least four people who either worked at or frequented the federal building have passed away from complications relating to COVID-19, and numerous attorneys, staff, and members of the public have contracted the virus as a direct result of visiting the building. On August 20, 2020, at 11:30 a.m., the Newark Immigration Court was forced to close on an emergency basis for “cleaning,” and it was only announced on the evening of August 23, a Sunday, that court would resume as scheduled on Monday morning, August 24.

Most of the federal, state, county and local courts in NJ have only reopened on a very limited basis for in-person hearings, although virtually all of them have implemented televideo hearings. In so doing, litigants' cases can progress, while ensuring that both their due process rights and their health and safety are protected, not to mention the health and safety of judges, prosecutors, court staff, interpreters, security personnel, and the public.

Not so the Newark Immigration Court. Immigration Judges, court staff, and interpreters are required to appear in person for all hearings. Attorneys from the Office of Chief Counsel are appearing telephonically for all hearings. Respondents and their attorneys have the option of either appearing in person for individual hearings, or appearing telephonically, only after the respondent signs a waiver of certain due process rights, in violation of court policies and federal regulations.

Continuance requests based on valid health concerns have been routinely denied, often with no reason provided. Cases are being removed from one judge's docket, and added to another judge's docket, within a period of ten days, without written notice to the respondents, their attorneys, or DHS. Sometimes the cases are being moved forward on the calendar, before a different judge, without any notice whatsoever. And yet, the judges are insisting on proceeding with the hearings, regardless of whether any notice has been provided, or whether either or both parties are actually ready to proceed.

Moreover, as former Immigration Judges, we are well aware of the fact that EOIR has the technology to handle its cases via televideo. There is no legitimate reason why this technology is not being used, especially because similar technology has been, and continues to be, used by virtually every other court in NJ. This is especially troubling because of reports that judges, interpreters, and staff are not being required to wear masks during hearings.

EOIR's push to move forward and complete as many cases as possible demonstrates that it has abdicated its responsibility to ensure that all parties are guaranteed a semblance of due process. Moreover, EOIR's complete disregard of the health and safety of not only litigants, but its own employees, is further testament of the agency's misguided priorities.

For all of the above reasons, the Round Table of Former Immigration Judges supports the efforts of AILA-NJ to ensure that hearings before the Newark Immigration Court are conducted with regard to both proper safety protocols, and fundamentals of due process.

Respectfully,

Steven Abrams, Immigration Judge, New York, Varick St., Queens Wackenhut, 1997-2013

Terry A. Bain, Immigration Judge, New York, 1994-2019

Sarah M. Burr, Assistant Chief Immigration Judge, Immigration Judge, New York, 1994-2012

Esmerelda Cabrera, Immigration Judge, New York, Newark, Elizabeth, NJ, 1994-2005

Jeffrey S. Chase, Immigration Judge, New York, 1995-2007

George T. Chew, Immigration Judge, New York, 1995-2017

Joan V. Churchill, Immigration Judge, Washington, DC, Arlington, VA, 1980-2005

Alison Daw, Immigration Judge, Los Angeles, San Francisco, 2006-2018

Bruce J. Einhorn, Immigration Judge, Los Angeles, 1990-2007

Noel A. Ferris, Immigration Judge, New York, 1994-2013

James R. Fujimoto, Immigration Judge, Chicago, 1990-2019

Gilbert Gembacz, Immigration Judge, Los Angeles, 1996-2008

John F. Gossart, Jr., Immigration Judge, Baltimore, 1982-2013

Paul Grussendorf, Immigration Judge, Philadelphia, San Francisco, 1997-2004

Charles M. Honeyman, Immigration Judge, New York and Philadelphia, 1995-2020

Miriam Hayward, Immigration Judge, San Francisco, 1997-2018

Rebecca Jamil, Immigration Judge, San Francisco, 2016-2018

William P. Joyce, Immigration Judge, Boston, 1996-2002

Edward Kandler, Immigration Judge, New York, San Francisco, Seattle, 1998-2013

Carol King, Immigration Judge, San Francisco, 1995-2017

Elizabeth A. Lamb, Immigration Judge, New York, 1995-2018

Margaret McManus, Immigration Judge, New York, 1991-2018

Charles Pazar, Immigration Judge, Memphis, 1998-2017

Laura Ramirez, Immigration Judge, San Francisco, 1997-2018

Lory D. Rosenberg, Appellate Immigration Judge, Board of Immigration Appeals, 1995-2002

Susan G. Roy, Immigration Judge, Newark, 2008-2010

Paul W. Schmidt, Chair, Appellate Immigration Judge, Board of Immigration Appeals; Immigration Judge, Arlington, 1995-2016

Ilyce Shugall, Immigration Judge, San Francisco, 2017-2019

Helen Sichel, Immigration Judge, New York, 1997-2020

Denise Slavin, Immigration Judge, Miami, Krome, Baltimore, 1995-2019

Andrea Hawkins Sloan, Immigration Judge, Portland, 2010-2017

Polly A. Webber, Immigration Judge, San Francisco, 1995-2016

Robert D. Weisel, Assistant Chief Immigration Judge, Immigration Judge, New York, 1989-2016