

Judges And Attorneys Alarmed As Kansas City Immigration Court Remains Open During Outbreak

By [Dan Margolies](#) • 3 hours ago



As federal and state courts cancel in-person proceedings amid concerns about the coronavirus outbreak, one court remains open for business, albeit not entirely as usual.

The immigration court in Kansas City, the only such court in Missouri, is

continuing to hold hearings for detained immigrants, although it's no longer conducting hearings for people not in custody.

But the confined space of its three courtrooms, located in an office building in Crown Center, don't realistically allow for the "social distancing" recommended by public health officials.

"It's a huge cause for concern," said immigration lawyer Matthew Hoppock, who practices in Shawnee, Kansas.

Attorneys, families and witnesses must appear in person unless the judge grants a telephonic hearing, Hoppock said. To get inside, people must go through the tight quarters of the security line.

"You're interacting with court staff, so the judge is sitting there in the courtroom and the government attorney is there. So you're in close quarters with people and I think it's genuinely a problem," he said.

Leaving the immigration courts open "when other state and federal courts have clearly recognized the risks is irresponsible," said Rekha Sharma-Crawford, a Kansas City immigration lawyer

"The administration's obsession for 'deportation at all costs' is putting real lives at risk," she said in an email to KCUR. "While hearings are limited, even that change required incredible public pressure and advocacy before EOIR (Executive Office for Immigration Review) finally gave in; it should never have required such an effort and common sense should have prevailed from the start."

Until Tuesday, the country's immigration courts – more than 60 in all – were conducting business as usual, holding hearings for detainees and non-detainees alike. But after an outcry from lawyers and judges, the Justice

Department, which oversees the immigration courts, said that hearings for immigrants not in custody would be indefinitely postponed.

EOIR, the Justice Department sub-agency that oversees the immigration courts, also announced the closure of immigration courts in Atlanta, Charlotte, Houston, New York and Sacramento. That came atop the closing of the immigration court in Seattle, which has been among the areas hardest hit by COVID-19.



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Due to EOIR's continuing evaluation of information from local, regional, state, and federal officials regarding the coronavirus pandemic, the agency is postponing non-detained hearings nationwide. As a result, the following immigration court locations are closed:

- Atlanta-W. Peachtree Street
- Charlotte
- Houston-S. Gessner Road
- Louisville
- Memphis
- New York City-Broadway
- New York City-Federal Plaza
- Newark
- Sacramento

These postponements and closures are effective March 18, 2020, through April 10, 2020. Detained cases will be heard as scheduled.

Those moves, however, have scarcely assuaged concerns – and growing anger – that any immigration courts remain open at all. And the anger isn't limited to lawyers representing immigrants; the judges, too, are alarmed.

"It's a public health disaster and these courts have no business being open right now. None of them," said Samuel Cole, a spokesman for the National Association of Immigration Judges, a union representing the nation's roughly 465 immigration judges. ([The Trump administration is seeking to decertify the union.](#))

Unlike other courts, immigration courts are not part of the judiciary branch. Instead, they come under the purview of the executive branch, which, under the Trump administration, has pursued highly restrictive immigration policies.

The policies include ending the Deferred Action for Childhood Arrivals (DACA) initiative, instituting a "zero tolerance" policy regarding illegal border crossings, limiting who qualifies for asylum, building barriers along the U.S. border with Mexico and restricting legal immigration based on their use of public benefits.

Laura Lynch, senior policy counsel with American Immigration Lawyers Association, a group that represents 15,000 immigration lawyers, said flatly that all of the nation's immigration courts need to be closed for at least the next two to four weeks.

"We are now facing a global pandemic and it's clear the Department of Justice is failing in its obligation to keep the community safe," Lynch said. "The independent courts have closed, and this is another reminder that (the immigration court) is not an independent court. These directives are coming from the White House and they seem to view prioritizing deportations at the expense of the health and safety of the community."

Two judges preside over the immigration court in Kansas City: Jayme Salinardi and Justin W. Howard. (A third is scheduled to join them soon.) Neither could be reached for comment through their clerks.

An EOIR spokeswoman did not immediately respond to a request for comment.

Immigration lawyers aren't just fearful of the risks people may incur in the courtroom. They also worry about the detainees themselves, who, though they typically appear in the courtroom via remote video, face heightened risks of exposure while awaiting their fates in jail.

Jessica Piedra, a Kansas City immigration lawyer, said that detainees should be let out of jail as long as the coronavirus outbreak continues because most of them do not represent a danger to their communities.

"We saw a heavy ICE (U.S. Immigration and Customs Enforcement) presence in Olathe the weekend before last and so we have lots of people that are detained, moms and dads, that are no danger to the community," Piedra said.

She said immigration officials were setting bond for individuals picked up in the Olathe sweep at \$15,000, "which they just can't do." Bond amounts for immigrant detainees are more typically set at \$5,000.

"We want to get those people out of detention, and the best solution for that would be if ICE would be more reasonable in setting the bond," Piedra said. "These are folks that have deep roots in our society and they're not going to run away. They need to get out of detention and back to their families."

ICE has taken some measures in response to the COVID-19 outbreak. In a letter to Congress Wednesday, ICE said it would focus enforcement on public safety risks and individuals subject to mandatory detention because they have criminal records.

“For those individuals who do not fall into those categories, ERO (Enforcement and Removal Operations) will exercise discretion to delay enforcement actions until after the crisis or utilize alternatives to detention, as appropriate,” it stated.

It said it would not carry out enforcement operations at or near health care facilities “except in the most extraordinary of circumstances.”

“Individuals should not avoid seeking medical care because they fear civil immigration enforcement,” the agency stated.

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