



INTERNATIONAL FEDERATION OF PROFESSIONAL & TECHNICAL ENGINEERS AFL-CIO & CLC

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PAUL SHEARON
President

MATTHEW S. BIGGS
Secretary-Treasurer

March 22, 2020

Hon. Charles Schumer, Minority Leader
United States Senate
S-221 The Capitol
Washington, D.C. 20510

Hon. Dianne Feinstein, Ranking Member
Senate Judiciary Committee
331 Hart Senate Office Building
Washington, D.C. 20510

Hon. Patty Murray, Ranking Member
Senate Health, Education, Labor, and Pensions Committee
154 Russell Senate Office Building
Washington, DC 20510

Hon. Richard Durbin, Ranking Member
Senate Subcommittee on Border Security & Immigration
711 Hart Senate Office Building
Washington, DC 20510

Dear Leader Schumer, and Ranking Members Feinstein, Murray, and Durbin:

As officers of the National Association of Immigration Judges (NAIJ) and the International Federation of Professional and Technical Engineers (IFPTE), the parent union of NAIJ, we recognize your leadership in safeguarding public health and occupational safety in response to the COVID-19 pandemic and we urgently ask you to include a “sense of Congress” resolution in the next stimulus legislation that calls for the complete and temporary closure of all 68 Immigration Courts operated by the DOJ’s Executive Office for Immigration Review (EOIR).

In our joint statement with the union representing the ICE Office of the Principal Legal Advisor attorneys (AFGE Local 511) and the American Immigration Lawyers Association (AILA), issued on March 15, we cited Dr. Ashish Jha, Professor of Global Health at Harvard School of Public Health. NAIJ consulted with Dr. Jha and asked him to consider the Immigration Court as a workplace setting and the nature of our hearings in light of the current state of the COVID-19 infection in our country. In the face of inadequate national testing, Dr. Jha said it is irresponsible to do anything other than close our courts until sufficient testing has been conducted.

NAIJ, AFGE Local 511, and AILA – three organizations representing those working in the Immigration Courts unified in our call for the temporary emergency closing of the Immigration Courts – are also joined by public defenders in New York City and organizations advocating on behalf of immigrant populations. As we speak in a unified voice, we are learning of attorneys who represent respondents and at least one Immigration Judge who are self-isolating and showing symptoms. Further, DOJ has acknowledged the danger that hearings present to public health and has postponed hearings on the non-detained docket and closed 11 of the 68 courts. However, DOJ has failed to provide a rationale for keeping Immigration Courts open for hearings on the detained docket as well as Migrant Protection Protocol (MPP) hearings. The Department’s current response to the COVID-19 pandemic is disconnected from the needs and advice of community leaders and scientific experts.

The three organizations agree that critical court functions can be conducted through telework if the courtrooms are closed. Judges can address priority matters over the next two to four weeks through bond hearings conducted by telephone and email and with coordination between EOIR and CBP to ensure future hearings on the MPP docket resume in an orderly manner while public health officials and authorities assess, understand, and respond to the COVID-19 pandemic.

Therefore, we ask you to include a “sense of the Congress” resolution calling on DOJ to direct the EOIR Office of Technology to distribute and deploy the appropriate technology to Immigration Judges and support staff, close all Immigration Courts on a temporary emergency basis, and to institute remote telework policies so that Immigration Judges can resume proceedings on priority matters.

As we continue our call for the temporary emergency closure of the Immigration Courts in order to mitigate any further risk of COVID-19 transmission in our members’ workplace, we look to Congressional leaders as advocates for workers and public health. Thank you for your consideration. Should you have any questions, please do not hesitate to call IFPTE Legislative Representative Faraz Khan at 301-275-6038. NAIJ and IFPTE stand ready to assist in any way we can during this national emergency.



Hon. A. Ashley Tabaddor
President
NAIJ



Paul Shearon
President
IFPTE



Matthew Biggs
Sec.-Treasurer/Legislative Director
IFPTE

Enclosure:

NAIJ, AFGE Local 511, and AILA. (March 22, 2020). *As COVID-19 Rapidly Spreads, So Does Health Risk Created by Keeping the Nation’s Immigration Courts Open.* [Press Release]



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