



March 31, 2020

Hon. Brian Higgins
U.S. House of Representatives
726 Exchange Street
Buffalo, New York 14210

Re: Buffalo and Batavia Immigration Courts

Dear Congressman Higgins,

I write to you on behalf of the National Association of Immigration Judges (NAIJ), the labor union which represents immigration judges. I am an Immigration Judge in the Buffalo court, and the NAIJ local representative for both the Buffalo and Batavia courts. For the following reasons, I respectfully request that you demand that both of these courts be temporarily closed, due to the coronavirus. This request is made solely in my capacity as an NAIJ representative.

By way of background, the NAIJ has been persistently advocating the temporary closure of all immigration courts nationally. Enclosed is a copy of our joint March 22, 2020 press release with the American Immigration Lawyer's Association (AILA) (the pre-eminent bar association for lawyers representing immigrants) and the ICE Professionals Union and Local 511 of the American Federation of Government Employees (the labor union which represents government prosecutors in Immigration Court) making this request. To date, while hearings have ceased at all non-detained courts, those courts remain open for filing of documents and telephone inquiries. However, all hearings continue in detained courts.

The Buffalo court is a "hybrid" court, conducting both non-detained and detained hearings. Two of our judges have detained dockets, and conduct their hearings via VTC with immigrants detained at the Richwood Correctional Center in Louisiana. The Batavia court, staffed by two judges, conduct hearings for detainees housed in the Batavia Federal Detention Facility.

The Executive Office for Immigration Review (EOIR) is the parent agency for the Immigration Courts. EOIR is a component of the U.S. Department of Justice (DOJ). In order to minimize the danger posed by the coronavirus, both the Buffalo and Batavia courts are allowing attorneys for both parties to appear telephonically for hearings.

NAIJ welcomes this policy, as well as the temporary cessation of all non-detained hearings. However, under the current public health emergency, this is simply not enough. Instead of abiding by New York's "shelter in place" decree, court staff must work. By doing so, they are placing at risk their health, the health of their fellow employees, as well as the health of their families and other persons who they come in contact with. Especially at the Batavia court, the court's limited office space makes it difficult to practice social distancing. And while attorneys in Batavia are excused from appearing in person, the detainees appear in person in court. That places our Batavia judges, as well as any in person interpreters, at a heightened risk.

Our concern is not only for our judges and court staff. It is also for our valiant health care workers, who are fighting a heroic battle to save the lives of all those suffering from COVID-19 who are entrusted to their care. We believe that EOIR must do more to assist those who are on the front lines of this battle, by doing all it can to limit the number of persons infected with the disease.

As indicated in the press release, we believe that the court should continue with detained hearings, on an emergency basis only. One example would be bond hearings, which give detainees an opportunity to secure bond resulting in their release from detention.

Thank you for your consideration of this request. Please feel free to contact me at _____ if you have any questions about it.

Very truly yours,

Walter H. Ruehle
Immigration Judge, Buffalo, New York
NAIJ Local Representative, Buffalo and Batavia Courts

Cc: Ashley Tabador, President, NAIJ