



NAIJ - OCIJ Joint Safety Committee Meeting
October 2, 2020

NAIJ Question/Recommendation 1 - Buffalo Immigration Court - As phased reopening progresses, it is our understanding that an immigration court is to remain at each phase status for a minimum of two-weeks. We want to confirm that the first week that the U.S. Attorney in the Buffalo location certified that the DOJ agencies in the area could proceed to Phase 1, the Buffalo Immigration Court remained in the “gating” status, and that when the Buffalo Immigration Court moved to Phase 1 on June 29, 2020 that the Agency considered the Buffalo Immigration Court to already be in the second week of Phase 1. We also want to confirm that it is the U.S. Attorney in the specific location that makes the determination that the DOJ agencies (including EOIR) in the jurisdiction are cleared to move to Phase 2. According to the Agency, the Director has no decision-making authority to move the individual courts to the various phases. Rather, such determinations are made solely by the U.S. Attorney in consultation with JMD. Even if the Director (or an ACIJ) does not believe that an immigration court is in a location that could or should move from the gating period to Phase 1 or from Phase 1 to Phase 2, the Director (or an ACIJ) cannot contravene the directive from JMD/U.S. Attorney.

Agency Response: Decisions regarding which courts are entering Phase I and subsequent phases are made by the U.S. Attorney in the District in which the Immigration Court is located in consultation with JMD after reviewing the relevant state and local health data. There is no two-week waiting period between phases. Likewise, the determination to pause or go backwards in phases is made by the U.S. Attorney in the district in which the Immigration Court is located in consultation with JMD.

NAIJ Question/Recommendation 2 - Hartford Immigration Court - The Agency announced at the beginning of the week that the Hartford Immigration Court was moving to Phase 2. There was no communication from the ACIJ to the IJs at that court before Judge Santoro made a public announcement to all of EOIR. We request better communication regarding phased transitions so that affected judges are made aware directly. For example, we recommend advance notification to affected judges by their ACIJs and to the NAIJ, in accordance with the CBA, as soon as such information becomes available to the Agency. Presently, these changes to working conditions are being reported either simultaneously with notification to the public, or

close thereto. This advance notification is required under the CBA and will enable the affected employees additional time to prepare for their transition between reopening phases, which are changes to their working conditions.

Agency Response: Thank you for the recommendations. We have received the recommendations, and they have been reviewed by EOIR management.

NAIJ Question/Recommendation 3 - Dallas Immigration Court - NAIJ understands that the Dallas Immigration Court paused Phase 1 because the local U.S. Attorney (in consultation with JMD) made that determination. We understand that the Agency had no input with the U.S. Attorney/JMD or decision-making authority to independently “pause” Phase 1 for the Dallas Immigration Court. We recommend that there be better communication when phased reopening is paused. Tweeting that information from EOIR’s official twitter account to the general public is not sufficient - especially since many immigration judges do not have Twitter accounts because of bar rules and because EOIR’s own computer system will not let immigration judges access Twitter (much less EOIR’s official twitter account). For example, the Dallas ACIJ did not know that non-detained cases were suspended until the NAIJ local representative informed him and sent him a screenshot of the message posted on EOIR’s twitter account.

Agency Response: Thank you for the recommendation. The Agency takes all of NAIJ's recommendations seriously and is continually fine-tuning the processes in place to deal with this unprecedented pandemic.

- a. The same factors/criteria that was used to pause Phase 1 for the non-detained docket in Dallas should be used to pause detain cases. Why are those factors/criteria not being used/considered for the detain docket?*

Agency Response: The due process rights of those individuals detained at detention centers are paramount and so the Agency has continued to hold detained hearings during the pandemic. These hearings are being conducted safely and fairly utilizing face masks, social distancing, VTC equipment, and telephonic appearances.

- b. As NAIJ has repeatedly noted, technology exists that would allow detained hearings/bond proceedings to continue even if the immigration judges were not appearing from the physical immigration court. NAIJ is not suggesting that this would be a permanent solution but one of many temporary measures that EOIR could employ to protect the health and safety of its employees during the COVID-19 pandemic.*

Agency Response: Thank you for the recommendation. The Agency is exploring all technological options that are available and feasible.

NAIJ Question/Recommendation 4 - The Agency likely has significant budget savings due to the pandemic, including cost savings on interpreters, travel, transcription, training conferences, and others. NAIJ recommends repurposing a part of the funds to cover implementation of health and safety measures. For example, NAIJ recommends that the funds be used to: (1) deploy

temperature-taking at the points of ingress, (2) install plexiglass partitions, (3) increase the number of security guards, (4) provide face-shields to employees, and (5) purchase laptops for all immigration judges to facilitate telework. NAIJ recommends that COVID-blocking air filters be installed at the Immigration Courts.

<https://www.timesunion.com/news/article/PEF-calls-on-Cuomo-to-install-COVID-blocking-air-15390949.php>

Agency Response: Thank you for the recommendations. The Agency has already adopted many of them. For instance, we have begun procuring and deploying plexiglass partitions. We are providing face shields. We have deployed hundreds of laptops to Immigration Judges to facilitate telework.

NAIJ Question/Recommendation 5 - CDC Workplace Decision tree states that employers should: "Regularly communicate and monitor developments with local authorities and employees." Are local authorities being informed of potential COVID19 cases in EOIR courts/buildings? Why are the CDC guidelines re: "regularly communicating with employees" (including NAIJ) about developments not being implemented by the Agency?

Agency Response: The Agency disagrees that it is not regularly communicating with its employees.

NAIJ Question/Recommendation 6 - NAIJ is requesting copies of all of the reopening plans for each immigration court that has been announced as being cleared to move to Phase 1.

Agency Response: OCIJ is unable to share the reopening plans. We will take your request into further consideration.

NAIJ Question/Recommendation 7 - Face coverings - NAIJ requests clarification about when they can be removed in EOIR spaces. NAIJ recommends that EOIR monitor the latest science about the airborne transmission of COVID-19 in indoor spaces with closed ventilation that may affect where, when, and how face coverings should be worn, and issue guidance to EOIR staff based on the latest information and the CDC/local health department protocols.

Agency Response: The Agency continues to monitor the latest science regarding COVID-19 for further clarification regarding face coverings. Please consult the April 14, 2020 Memorandum from the Deputy Attorney General, entitled *Use of Face Coverings in Department of Justice Workplaces*, the Director's "Spotlight" from July 21, 2020, and Policy Memorandum 20-13.

NAIJ Question/Recommendation 8 - NAIJ recommends that the Agency engage Public Health Experts/Occupational Hygienists with in-depth knowledge about COVID-19 and up-to-the-minute information on the science and research that informs how to set up a safe workplace. That person (or persons) could advise EOIR about: screening for health conditions, workflow, density and distancing concerns, protective gear such as masks and shields, HVAC issues, scheduling, transportation (elevators/ stairs), etc.

Agency Response: Thank you for the recommendation. We have received the recommendations, and they have been reviewed by EOIR management.

NAIJ Question/Recommendation 9 - Is the U.S. Attorney "coordinating" with EOIR either at the local level with the ACIJs or at the HQ level with the Director when the U.S. Attorney for a specific location is making a determination about whether to certify Phase I?

Agency Response: The answer is no.

NAIJ Question/Recommendation 10 - And, if the U.S. Attorney is not coordinating with EOIR (as a DOJ agency in the various locales), why not?

Agency Response: Decisions regarding which courts enter Phase I and subsequent phases are made by the U.S. Attorney in the District in which the Immigration Court is located in consultation with JMD, after reviewing relevant state and local health data.

NAIJ Question/Recommendation 11 - Has EOIR reached out to the various U.S. Attorneys to give their input before the certification is issued?

Agency Response: EOIR continues to work with and rely on our counterparts within the Department on all aspects of the response to COVID.

NAIJ Question/Recommendation 12 - Does the U.S. Attorney know that the certification is affecting EOIR's phased reopening?

Agency Response: Decisions regarding which courts enter Phase I and subsequent phases are made by the U.S. Attorney in the District in which the Immigration Court is located in consultation with JMD after reviewing the relevant state and local health data.

NAIJ Question/Recommendation 13 - If the U.S. Attorney is "coordinating" with EOIR leadership then NAIJ requests access to what HQ and/or the ACIJ is sharing with the U.S. Attorney as to the conditions being discussed which affect the health/safety of the immigration judges.

- a. *NAIJ Question/Recommendation - NAIJ recommends that the local ACIJ be given the authority to contact the local U.S. Attorney in order to coordinate reopening and the various phases that directly affect the local immigration court. The local U.S. Attorney might not be aware of the local immigration court's special needs and concerns that may be vastly different from the other local U.S. Department of Justice agencies whose circumstances are being considered.*

Agency Response to 13 and 13a: The Agency is confident that the local U.S. Attorneys, JMD, and the Department are taking into consideration all relevant factors when deciding to progress through the different phases.

NAIJ Question/Recommendation 14 - In the July 2, 2020 Director's Spotlight email, he directs employees with a temperature of 100.4 degrees or higher to remain home, and he further states that employees who have been "exposed" to individuals with COVID-19 "should" self-quarantine for 14 days. If there is an expectation that IJs/staff should not enter EOIR space if they have a self-reported temperature of 100.4 degrees or above, why are we not placing the same burden on visitors (respondents/attorneys) to the Court? The poster on EOIR's Operational Status website, which has been posted in immigration courts around the country, simply states that those with "symptoms or diagnosis of Covid19" should not enter EOIR's courts. However, there is no reference to temperature taking before entering EOIR's space. In addition to the information currently listed on the posters, NAIJ recommends revising the poster to include the same temperature criteria for employees in the public-facing posters.

Agency Response: Thank you for the recommendation. We have received the recommendations and they have been reviewed by EOIR management.

- a. NAIJ Question/Recommendation - In addition, the Public Health Practices notice being sent out with immigration court hearing notices do not include anything about temperature taking or not appearing in immigration Court if the individual has symptoms/diagnosis of Covid-19. NAIJ again recommends that the temperature taking criteria specifically noted by the Director in the July 2, 2020 Spotlight email be included in this Public Health Practices notice, along with the specific mandates from the Director's OPM-20-13 regarding specific categories of individuals that will not be allowed into EOIR-controlled space if the triggering event(s) occurred within the preceding 14 days.*

Agency Response: Thank you for the recommendation. We have received the recommendations and they have been reviewed by EOIR management.

NAIJ Question/Recommendation 15 - NAIJ recommends that EOIR purchase and distribute laptops to all immigration judges (both detained and non-detained) to facilitate telework and to limit the number of hours that an immigration judge is required to be present at a physical court location during the Covid19 pandemic. NAIJ further recommends allowing the immigration judges (detained and non-detained) the ability to telework once their in person hearings have concluded for the day. Such a policy would help to limit and mitigate the immigration judge's exposure to Covid19.

Agency Response: During Phase I, the Agency is encouraging telework to the maximum extent possible. Telework is currently unavailable to most detained Immigration Judges. However, ACIJs do have authority to grant weather and safety leave in appropriate circumstances.

NAIJ Question/Recommendation 16 - NAIJ requests that the Agency provide any and all specific and detailed health and safety protocols and criteria for resuming the MPP dockets on July 20, 2020. Such guidance should include whether and how individuals appearing for their scheduled in person hearings before immigration judges will be tested for Covid19, proposed compliance with physical distancing requirements, disinfecting protocols, etc.

Agency Response: At this time, the Agency does not have this information. Additional information will likely become available once DHS resumes MPP.

NAIJ Question/Recommendation 17 - If a state has a 14 day self-quarantine requirement - how does EOIR know when (or whether) a respondent or an attorney has complied prior to the date of the scheduled hearing? New York, Pennsylvania, Hawaii, New Jersey, Connecticut, Illinois have lists of travel restricted states. Individuals from those states are required to self-quarantine for a specified period of time upon entering the aforementioned states.

<https://www.nytimes.com/2020/07/10/travel/state-travel-restrictions.html>

If an immigration judge in a court in one of those states is required to take a “wait & see approach” rather than simply reset cases for all respondents or attorneys scheduled to appear who may be travelling from those restricted jurisdictions - how does that help EOIR prevent unnecessary (and potentially Covid19 infected) persons from entering EOIR space? Moreover, since EOIR has refused to institute a safety questionnaire protocol at the entrance to any/all buildings where immigration courts are located, these individuals will be in potential violation of PM 20-13, which specifically states that visitors are not allowed to enter EOIR-controlled space if he/she has been requested to self-quarantine by local health authorities. All of these self-quarantining restrictions in these states (see above) have been issued by local health authorities. NAIJ recommends that EOIR proactively address this issue in its stakeholder Covid19 guidance, and take all steps necessary to ensure that local health authority requirements are observed in advance of court hearings, and before such individuals enter the courtroom space.

Agency Response: Thank you for the recommendation. We have received the recommendations, and they have been reviewed by EOIR management.

NAIJ Question/Recommendation 18 - San Diego - Schools in San Diego County will not have in person instruction starting in August. Governor Newsom has rolled back phased reopening and reinstituted a semi shut-down order in 30 counties in CA - including San Diego county. NAIJ recommends that the Agency “pause” Phase 1 for the San Diego court and revert to the gating period.

Agency Response: The decision to pause is made by the local U.S. Attorney's office in consultation with JMD.

NAIJ Question/Recommendation 19 - Detention Facilities with large Covid19 outbreaks (like Eloy or Stewart) - What protocols are in place to decide when it is safe to have staff/IJs return to these facilities? What is the specific criteria for respondents/detention officers to be able to enter

courtrooms after positive Covid19 tests? Who specifically decides that an individual (respondent or detention officer) is cleared to return to EOIR courtrooms? How is that information conveyed to EOIR or the IJs? NAIJ recommends that the Agency adopt protocols for safe return of staff and IJs that standardizes time frames, data sharing, and evaluation criteria, and share this information with NAIJ in a timely manner.

Agency Response: If a facility that is not controlled by EOIR has an outbreak, such as Eloy or Florence, there are quarantines, and the courts have removed staff and judges and conducted remote hearings from other locations if necessary. The ACIJs in these locations are in communication with the facilities and make recommendations to OOD about reopening based on the quarantine, and the cleaning and other relevant factors. Likewise, when a COVID incident is reported in any court, EOIR promptly gathers the facts and determines close contacts. In detention settings, EOIR may be notified for informational purposes of an outbreak that was limited to a specific cohort or pod of detainees who have been isolated and never entered EOIR space.

NAIJ Question/Recommendation 20 - Atlanta - Ted Turner - Tweet from EOIR-CLAD that the Federal Protective Service (FPS) was “cleaning” and that was the reason for the immigration court closure today (7/14/20). Is FPS now in charge of cleaning? What incident led to the shutdown of the Atlanta-Ted Turner immigration court on July 14, 2020? NAIJ recommends that the Agency engage competent cleaning authorities to conduct decontamination and cleaning to avoid the spread of infection. Further, NAIJ recommends that protocols being employed by the FPS to ensure a safe and healthy work environment be shared with the NAIJ.

Agency Response: The incident was not related to COVID-19. There was a protest. Some protestors broke windows. FPS was cleaning up the broken glass. FPS does not perform COVID cleaning duties.

NAIJ Question/Recommendation 21 - Health and Safety Recommendation - To reduce the number of high contact surfaces in the immigration courts, NAIJ recommends that EOIR install automatic paper towel and soap dispensers and automatic faucets and toilets in all shared restrooms.

Agency Response: Thank you for the recommendation. We have received the recommendations, and they have been reviewed by EOIR management.

NAIJ Question/Recommendation 22 - Health and Safety Recommendation - To further reduce the number of high contact surfaces, NAIJ recommends replacing keypads with touchless PIV card readers at secure points of entry.

Agency Response: Thank you for the recommendation. We have received the recommendations, and they have been reviewed by EOIR management.

NAIJ Question/Recommendation 23 - MPP cases - temperatures, and mask directives

- a. *NAIJ Question/Recommendation - According to the MPP guidance posted on EOIR's Operation Status website, "All DHS personnel participating in the processing of MPP aliens, aliens arriving to attend MPP hearings, and visitors entering the IHFs, will have their temperatures checked prior to entering any DHS facility. Aliens displaying a fever of over 100.4 degrees Fahrenheit will have their court hearing rescheduled. At the IHFs in Laredo and Brownsville, any visitor displaying a fever of over 100.4 degrees Fahrenheit will not be able to enter the facility. DHS personnel displaying a fever of over 100.4 degrees Fahrenheit will be managed according to agency-specific protocols." NAIJ supports the use of temperature checks to aid in slowing the spread of the COVID-19 virus. Why are individuals participating in MPP hearings subject to temperature checks when individuals participating in non-detained hearings in EOIR-controlled spaces are not subject to those same checks?*

Agency Response: Individuals that are participating in the MPP program and subject to temperature checks, are in DHS custody and are being transported to a facility by DHS. That is why they have their temperatures checked.

- b. *NAIJ Question/Recommendation - In addition, the posted MPP guidance states: "For the entirety of the hearing process, all DHS and DOJ personnel and aliens will be required to wear face masks that are consistent with CDC guidance and subject to any applicable policies of either Department. This requirement will apply to the immigration hearing facilities (IHFs) in Laredo and Brownsville. All visitors will also be required to wear face masks while they are in the facilities." Why are "masks" being required for all persons participating in MPP hearings when only "face coverings" are required for EOIR-controlled spaces under the Director's PM 20-13?*

Agency Response: What does NAIJ believe is the distinction between a face mask and face covering?

NAIJ Question/Recommendation 24 - Interpreters

- a. *NAIJ Question/Recommendation - Immigration judges located at least at two courts received an undated memorandum from former CIJ Santoro entitled, "Interim Guidelines for Utilization of Interpreters." The memorandum is addressed to "all" immigration court personnel but reports from the field indicate that not all of the immigration judges at the courts have received this memorandum. When was this memorandum issued? Why has it not been distributed to all immigration court personnel? NAIJ recommends the undated and unsigned memorandum from former CIJ Santoro be rescinded.*

Agency Response: I provided you with a copy of the memorandum.

- b. *NAIJ Question/Recommendation - Face Shields for Interpreters in Courtrooms - In addition to the "Interim Guidelines for Utilization of Interpreters," Given that the CDC does not currently recommend the use of face shields as a substitute for masks (see*

below), what data/science was used to make the decision that interpreters would be allowed to use face shields without masks in courtrooms? Who made that decision? What happens when the respondents, DHS, and private bar request to use face shields without masks? In addition, the CDC repeatedly notes that masks and social distancing are not either/or propositions - their guidance specifies that both measures are needed (simultaneously) in public spaces. NAIJ recommends that EOIR not allow the use of face shields as a substitute for masks in EOIR space.

Agency Response: The Director of EOIR approved the use of face shields because of the unique positions interpreters occupy in our courts. Their position requires them to simultaneously interpret everything said by the judge, the attorneys, the respondents, and witnesses. Face shields allow interpreters to do their jobs more effectively than face coverings while still providing protection to the occupants of the court.

NAIJ Question/Recommendation 25 - We observe that there is a marked lack of consistency in the reporting protocols being employed at the various courts as regards notifications to the judges and the Joint Safety Committee. By way of example, recently, there were COVID incidents at all of the following Immigration Courts: Chicago, Honolulu, San Francisco - Montgomery Street, and Dallas. At the Dallas Immigration court, the employee was last in court on July 10th. Prior to that date, two of the individual's children tested positive for COVID-19. On July 13, Judge Kimball was notified. Yet, there was late notice to the Dallas court staff and immigration judges (not until July 23, 2020), the court was not cleaned, and it remained open. By way of comparison, when there was a COVID-19 incident at the Chicago Immigration Court, the immigration judges were notified and the court was closed in an abundance of caution. As for an incident of COVID exposure at the San Francisco- Montgomery Street Immigration Court, NAIJ JSC committee members were notified about the incident, which we consider proper. However, the NAIJ JSC committee members were not notified about the other incidents at the other courts.

Agency Response: The Agency goes to great lengths to notify the employees of a court when we must close because of COVID-19. However, each situation is dynamic and continually evolving as we receive more or additional information our response changes. Furthermore, because of the current operational environment notifications might need to be made in a number of different ways. For a court in Phase I, 2, or 3, it might be necessary to send an email to the impacted court staff. On other occasions, when we have minimal staff scheduled to be present at a given court, a phone call or a text message will suffice.

NAIJ Question/Recommendation 26 - We recommend that notifications be consistent as follows:

- a. In accordance with CDC, and local state/city/county rules regarding contact tracing;*
- b. To any overseeing health departments;*
- c. To all immigration judges at the affected court promptly via email;*
- d. To the Joint Safety Committee members promptly via email; and*

- e. To all staff and affected community members, etc., promptly; and
- f. To all EOIR personnel via email, with the reason for the closure consistent with notifications about other kinds of court closures

Agency Response to 26 a - f: Thank you for the recommendations. We have received the recommendations, and they have been reviewed by EOIR management.

*NAIJ Question/Recommendation 27 - Why has Detroit Immigration Court moved to Phase I if the U.S. Attorney's Office for the Eastern District is closed to the general public? According to the information listed on the website for the U.S. Attorney for the Eastern District, "Due to the national emergency relating to the COVID-19 epidemic, the physical space that houses the U.S. Attorney's Office for the Eastern District of Michigan will be unavailable to the public until further notice. The work of the office, however, continues remotely and you may contact staff via email, or telephonically." Moreover, the Operating Status for the Eastern District of Michigan is stated as follows (as of August 12, 2020): "Although limited operations continue, all District Court locations within the Eastern District of Michigan are closed to the public at this time due to the COVID-19 pandemic." In addition, the Eastern District Court has stated that "In light of the continuing COVID-19 public health emergency, all civil hearings and most criminal hearings in the United States District Court for the Eastern District of Michigan will be conducted either by **teleconference or videoconference** until further notice."*

Agency Response 27: EOIR follows the reopening decisions of the Executive Office for United States Attorneys and the Justice Management Division. On June 26, 2020, EOUSA announced that the Eastern District of Michigan receive approval to enter Phase I. EOIR followed suit and the Detroit Immigration court entered Phase I. We are not in a position to comment on how the U.S. Attorney's office in Detroit has implemented Phase I.

NAIJ Question/Recommendation 28 - Given the escalating COVID-19 outbreaks/transmission rates in Honolulu, Baltimore, and Chicago, NAIJ recommends that Phase I be paused for Honolulu, Baltimore, and Chicago.

Agency Response: Decisions regarding which courts enter Phase I and subsequent phases are made by the U.S. Attorney in the District in which the Immigration Court is located, in consultation with JMD after reviewing the relevant state and local health data.

NAIJ Question/Recommendation 29 - Closures of El Paso, Otero, and Houston (1801 Smith Street) Immigration Courts - On August 10, 2020, CLAD tweeted that the Houston (1801 Smith Street) location would be closed on August 11, 2020. On August 12, 2020, CLAD tweeted that the El Paso and Otero Immigration Courts were closed. NAIJ understands that all three court closures were COVID-19 related. Why were EOIR-wide email notifications not sent out notifying all EOIR personnel of these closures and the reason for the closures as EOIR does when immigration courts are closed due to civil unrest, hurricanes, power outages, water main breaks, etc.?

Agency Response: Question/Recommendation 29 is still pending review with the Agency.

NAIJ Question/Recommendation 30 - Honolulu Immigration Court - NAIJ is aware that an EOIR employee in the Honolulu immigration court has recently tested positive for COVID-19. Why has the court not been closed for cleaning? What protocols were followed in Honolulu once the ACIJ was aware of the positive COVID-19 case? Was an email sent out to the local employees? Was the local health department notified?

Agency Response: The incident was reported to the COVID-19 incident mailbox and reviewed by EOIR. The individuals who came in close contact to the individual who tested positive were notified and advised to self-isolate for 14 days. GSA was notified of the incident and all cleaning decisions adhered to CDC guidance.

NAIJ Question/Recommendation 31 - Maximize Telework Options for Immigration Judges - Distribution of Laptops - Given the limited number of laptops currently available at the immigration courts, why are EOIR interpreters/staff at some locations being given priority over immigration judges? For example, at the Dallas Immigration Court, one of the Spanish interpreters, who has been on weather and safety leave for several months, was provided a laptop. However, not every immigration judge at the Dallas location has been provided with a laptop. Until there are laptops available for all EOIR employees, NAIJ recommends that the Agency prioritize laptops for immigration judges and distribute the limited resources accordingly.

Agency Response: The Agency is making every attempt to maximize telework where practicable. If NAIJ is aware of non-detained IJs who do not have laptops, please let us know.



U.S. Department of Justice

Executive Office for Immigration Review

Office of the Chief Immigration Judge

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MEMORANDUM

TO: All Immigration Court Personnel

FROM: Christopher A. Santoro
Acting Chief Immigration Judge

SUBJECT: Interim Guidelines for Utilization of Immigration Court Interpreters and Contract Interpreter Ordering

The health and safety of OCIJ personnel and the public coming to our immigration courts is of utmost importance. As we increase our hearings, we must take appropriate measures to maximize social distancing and minimize person-to-person contact. This memorandum provides guidance to the immigration judges and court personnel for working with staff and contract interpreters.

For ease of reference, we have attempted to summarize this guidance by providing the following “Do’s” and “Don’ts”:

Utilization of Immigration Court Interpreters

In the courtroom:

Do’s

- Do allow interpreters to go into the courtroom ahead of everyone else to sanitize the simultaneous interpretation (SI) equipment and test it before the start of the hearing. Contract interpreters may also take this opportunity to place their Certification of Interpretation (COI) form on the bench.

- Do allow interpreters to use their own 3.5mm jack microphone for the SI transmitter to minimize the spread of germs between interpreters.
- Do allow interpreters to wear masks and gloves if they wish.
- Do be patient with interpreters who ask for more repetitions due to mask-wearing participants as the mask may muffle sound and make it harder to understand people.
- Do allow interpreters to use the SI equipment as a way to maximize distance between the interpreter and parties.

Don'ts

- Do not allow interpreters to sit next to the respondents or family members.
- Do not ask interpreters to go to the back of the gallery to interpret.
- Do not allow interpreters to perform simultaneous interpretation without the use of the SI equipment.
- Do not conduct a hearing unless full and complete interpretation is provided (unless waived).
- Do not conduct a hearing when the simultaneous mode of interpretation is employed but the interpreter fails to use the SI equipment.

Security and window processes for contract interpreters:

Do's

- Do allow interpreters to bring their own hand sanitizer/wipes/personal protective equipment with them (subject to any facility-imposed restrictions).
- Do allow contract interpreters to go to their courtrooms with minimal interaction after checking in at the window. NOTE: contract interpreters must make visual contact with a court staff member who will record their arrival.
- Do allow interpreters to wait in their courtrooms for cases to start (where possible) instead of having them wait in lobbies.
- Do release interpreters and allow them to leave immediately after cases are complete when the court is reasonably sure their services will no longer be needed. Alternatively, allow them to be on-call from their vehicles or in an empty courtroom as needed.

Don'ts

- Do not require contract interpreters to interpret at the window. (Window interpretation needs may be met by calling one of the telephonic interpretation service providers.)

- Do not provide a sign-in/out log outside of the window as doing so may result in the sharing of pens.

General – for Court Administrators:

Do's

- Do ensure there are hand sanitizer and disinfectant wipes for the interpreters to use to sanitize the SI equipment.
- Do make sure the SI equipment is working properly to minimize unnecessary handling in an attempt to fix issues.
- Do identify, in advance, a location for interpreters to await being called for additional cases.
- Do order lapel microphones for the interpreters to use with the SI equipment: <https://www.listentech.com/shop/product/lavalier-microphone/>
- Do make sure the court has a supply of disposable ear pad covers. These may be purchased from Listen Tech: <https://www.listentech.com/shop/product/replacement-cushions-for-stereo-headphones-10/>

Don'ts

- Do not allow contract interpreters into court staff common areas.

Ordering of Contract Interpreters

Courts should keep the following in mind when placing contract interpreter orders:

Do's

- Do maximize grouping hearings on the same day by the same language, ideally requiring only one interpreter to cover the entire day's hearings. Hearing start times should be staggered.
- Do order and utilize both scheduled and unscheduled telephonic interpreters to the greatest extent possible, especially when hearings are not expected to be long. Doing so will minimize the number of individuals coming into the court and decrease the likelihood that germs might be transmitted.
- Do utilize the assigned interpreters as efficiently as possible. For example, order a single Spanish interpreter to cover Judge ABC's morning case(s) and Judge XYZ's afternoon case(s), ideally with less than a 2-hour break in between. This will again minimize the number of different individuals coming to the court.

Adherence to these guidelines will and promote the safety and health of our staff and visitors. If you have any questions, please contact your assistant chief immigration judge or the Language Services Unit.




U.S. Department of Justice
Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

April 14, 2020

MEMORANDUM FOR DEPARTMENT OF JUSTICE EMPLOYEES

FROM: THE DEPUTY ATTORNEY GENERAL 
SUBJECT: Use of Face Coverings in Department of Justice Workplaces

My gratitude goes out to all employees for continuing to serve the Department and the Nation with such dedication and perseverance during these challenging times.

As the Attorney General has previously stated, the health and safety of our personnel are of paramount importance. To that end, the Centers for Disease Control and Prevention (CDC) currently recommends wearing cloth face coverings in public settings, especially in areas of significant community-based transmission of COVID-19 (but not to use facemasks meant for healthcare workers). The use of face coverings may help to slow the spread of COVID-19.

Consistent with this recommendation, effective as promptly as possible, all individuals are to wear cloth facemasks or coverings to the extent practicable within common area Department facilities and workspaces—particularly in traditional office-like settings. The Department is currently prioritizing the acquisition and issuance of personal protective equipment (PPE) for the Bureau of Prisons' medical needs, for law enforcement functions, and for employees whose duties involve face-to-face contact with the public or other DOJ employees. Employees who have not been issued or do not have their own PPE should fashion face coverings from common materials, such as clean t-shirts or bandanas, that can cover the nose and mouth area. Individuals may remove a face covering when working in a private office, cubicle or workspace where *at least* six feet of social distance can be maintained. Individuals also may need to lower their face covering in order to pass through security checkpoints. As a reminder, the Department's maximum telework posture remains in effect for those whose responsibilities enable them to do so.

This memorandum is not intended to alter or supersede any component-specific guidance applicable to workplaces that are not a traditional office setting, such as courts, prisons, detention facilities, and law enforcement operations. Components with such facilities have already directed their workforce to follow guidance that is appropriately tailored to relevant locations and circumstances, consistent with applicable workplace safety requirements and recommendations, and that component guidance should be followed.

I thank you for your compliance with this memorandum and again offer my deep appreciation of your continued commitment to the important work of the Department. Let's continue to work to keep each other, and the public, safe.