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*****FOR IMMEDIATE RELEASE*****

Immigration Advocates Condemn Widespread Procedural Issues in NYC Immigration Court Impacting Immigrants' Due Process Rights

Advocates Demand Transparency and Improved Procedures in Immigration Court

(New York, NY) – Along with other legal service providers, The Legal Aid Society today condemned the New York City Executive Office for Immigration Review (EOIR) for various widespread procedural issues impacting Immigration Court hearings and clients' due process rights. In light of the COVID-19 pandemic and the public health need to take precautions to avoid unnecessary exposure to the coronavirus, providers are calling for more transparency and consistency from EOIR, including improved access to Immigration Judges' (IJ) legal assistants.

“While we acknowledge the tremendous stress that EOIR has been under during the pandemic and appreciate efforts made to protect the health and safety of our staff and clients, this cannot come at a cost to our client's due process rights,” said **Hasan Shafiqullah, Attorney-in-Charge of the Immigration Law Unit at The Legal Aid Society**.

The key issues impacting immigrant clients include:

- The manner of appearance in Major Calendar Hearings (MCH). In one instance, a Legal Aid staff member had a MCH in October 2021 before an Immigration Judge at 26 Federal

Plaza who indicated that all MCHs must be in person, despite the standing order and despite our staff's request to appear remotely. Confusion can lead to dire consequences, including removal entered in the absence of the client.

- Significant delays in obtaining decisions on pending motions. Motions to advance Individual Hearings (IHs) remain undecided for many months, which can be prejudicial to clients who are seeking advanced dates due to exigent circumstances.
- Numerous problems with the audibility of OpenVoice, an audio-only option for conducting hearings virtually. At one hearing, a Legal Aid staff attorney could not hear the U.S. Immigration and Customs Enforcement (ICE) government attorney at all. At another hearing, our staff attorney could hear only about two-thirds of what the ICE attorney said and about half of what the IJ said. The hearing was rescheduled to a later date, partly because of the audio problems and partly because neither the IJ nor the ICE attorney had their files for the case.

In a [letter](#) sent to EOIR on December 27, 2021, immigration legal service providers—including Legal Aid, Urban Justice Center Domestic Violence Project Central American Legal Assistance, UnLocal, Central American Refugee Center (CARECEN – NY), Safe Passage Project, Catholic Migration Services, and Legal Services—condemned these widespread procedural issues.

The letter states: *“We are acutely aware of the challenges EOIR has faced during the pandemic. Our clients and our staff have faced our own struggles in preparing for their Immigration Court hearings. We take pride in being zealous advocates. However, our ability to competently represent our clients requires more transparency and improved procedures within the Immigration Courts. We ask that you consider and remedy the challenges respondents are facing with these procedural issues. If EOIR continues to conduct hearings during this pandemic, then we ask that it be done in a manner that respects our staff's efforts and our clients' due process rights.”*

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