The New York City Council

City Hall
New York, NY 10007

Legislation Details (With Text)

File #:	Res 1404-2020	**Version:** *	**Name:**	Establishes protocols for the Executive Office of Immigration Review in times of public health crises, such as the SARS-CoV-2 outbreak.
Type:	Resolution		**Status:**	Filed (End of Session)
			In control:	Committee on Immigration
On agenda:	8/27/2020			
Enactment date:			**Enactment #:**	
Title:	Resolution calling on the United States Department of Justice to issue guidance that establishes protocols for the Executive Office of Immigration Review in times of public health crises, such as the SARS-CoV-2 outbreak.			
Sponsors:	Public Advocate Jumaane Williams			
Indexes:				
Attachments:	1. Res. No. 1404, 2. August 27, 2020 - Stated Meeting Agenda with Links to Files, 3. Hearing Transcript - Stated Meeting 8-27-20, 4. Minutes of the Stated Meeting - August 27, 2020, 5. Committee Report 9/17/20, 6. Hearing Testimony 9/17/20, 7. Hearing Transcript 9/17/20			

Date	Ver.	Action By	Action	Result
8/27/2020	*	City Council	Introduced by Council	
8/27/2020	*	City Council	Referred to Comm by Council	
9/17/2020	*	Committee on Immigration	Hearing Held by Committee	
9/17/2020	*	Committee on Immigration	Laid Over by Committee	
12/31/2021	*	City Council	Filed (End of Session)	

Res. No. 1404

Resolution calling on the United States Department of Justice to issue guidance that establishes protocols for the Executive Office of Immigration Review in times of public health crises, such as the SARS-CoV-2 outbreak.

By the Public Advocate (Mr. Williams)

Whereas, SARS-CoV-2 is the virus responsible for causing the new infectious disease known as COVID -19; and

Whereas, The first cases of humans infected with COVID-19 were identified in Wuhan, China in December 2019; and

Whereas, By June 2020, there were more than five million cases reported across the world and more than 300,000 deaths linked to the disease; and

Whereas, In New York City, there were more than 190,000 confirmed cases of COVID-19 and more than 16,000 confirmed deaths from the disease by June 2020; and

Whereas, In order to help slow the spread of the virus, New York Governor Cuomo signed the New York State on PAUSE executive order that, among other mandates, closed all non-essential businesses effective March 22, 2020; and

Whereas, This executive order led State and City government agencies to work remotely, where possible, and State courts either offered remote hearing options or postponed cases; and

Whereas, The U.S. Department of Justice' Executive Office of Immigration Review (EOIR) did not immediately issue a blanket policy on immigration court proceedings but rather delegated authority to each EOIR office throughout the United States, and on a case-by-case basis, specific judges made their own decisions about in-person hearings; and

Whereas, A lack of clear instructions and immediate options for filing documentation electronically meant that defendants and their attorneys, in addition to EOIR's own staff, put themselves at risk of contracting COVID-19 by continuing to attend in-person proceedings; and

Whereas, Official EOIR updates regarding court openings were regularly issued after business hours, solely in English, and on the social media platform Twitter; and

Whereas, In mid-March 2020, EOIR created a webpage on which court openings and closures appeared, as related to COVID-19; and

Whereas, In late March, EOIR also populated this webpage with other procedural updates, but as of June 2020, all this information is only available in English; and

Whereas, It was not until 11:55pm on March 17 that a notice was posted to Twitter that all non-detained cases were postponed, beginning, presumably at 12:00am on March 18, and it was not until March 31 that electronic filings were permitted for ongoing cases; and

Whereas, Advocates and public defenders representing clients before EOIR have expressed frustration

at the e-filing system's file size limit and EOIR itself tweeted that it "cannot provide technical support or confirm receipt of filings" when the system was initially made available nationally; and

Whereas, Court protocols informed by public health experts are critical to ensure due process for all individuals interacting with the immigration court system while lowering the health risk posed to all individuals interacting in person with this system; and

Whereas, These protocols must additionally be translated into multiple languages and be broadly disseminated; and

Whereas, New York City is home to more than three million immigrants who speak over 200 languages; and

Whereas, As of March 2020, the New York City-area EOIR court had more than 100,000 cases pending, including over 30,000 new deportation orders filed in 2019 alone, and

Whereas, As a matter of policy, New York City is committed to the due process rights of all New Yorkers, regardless of immigration status, and has enshrined this commitment by funding deportation defense attorneys through the City Council's New York Immigrant Family Unity Project, in addition to the provision of other legal services; and

Whereas, Anti-immigrant policies furthered by the Trump administration have made the current climate particularly hostile to immigrants everywhere, especially New Yorkers; and

Whereas, As New York City begins to re-open non-essential services, in tandem with New York State and Federal guidance, under the advice of public health experts, it is imperative that official guidance on immigration court re-openings be informed by public health professionals, disseminated through official channels, and in multiple languages, in a timely fashion; now, therefore, be it

Resolved, That the Council of the city of New York calls on the United States Department of Justice to issue guidance that establishes protocols for the Executive Office of Immigration Review in times of public health crises, such as the SARS-CoV-2 outbreak.

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6/30/2020