



NEW JERSEY STATE BAR ASSOCIATION

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August 21, 2020

The Honorable Phil Murphy
Governor of New Jersey
Office of the Governor
Post Office Box 001
Trenton, New Jersey 08862

Re: In-Person Hearings in the Newark Immigration Court

Dear Governor Murphy:

Thank you for your leadership during these tumultuous times, as we continue to grapple with the effects of the coronavirus. The NJSBA believes the health and safety of our citizens is paramount. In that regard, the New Jersey State Bar Association (NJSBA) supports the American Immigration Lawyers Association, New Jersey Chapter (AILA-NJ), in efforts to ensure in-person non-detained hearings are halted in the Newark Immigration Court until they can be conducted in a manner that protects the health and safety of all participants. The NJSBA urges you to call on the Executive Office of Immigration Review (EOIR) to instead allow proceedings to be conducted virtually, via videoconference, to allow the preservation of the rights of all involved.

Despite the ongoing pandemic and the potential risks faced by individuals participating in in-person hearings with many individuals present in the courthouse at one time, the EOIR recently reopened the Newark court to hear non-detained cases, only to have to shut down again on an emergent basis. Attorneys who have appeared in person in Court have reported that safety protocols such as wearing a mask at all times, monitoring of the elevator usage to ensure social distancing, and cleaning of desks and other items in between hearings are not being followed, placing all courthouse users at risk.

Litigants who elect to proceed with a telephonic hearing are being required to waive a number of rights, including one's due process right to a full and fair hearing. This is untenable. While it is important for hearings to proceed in a timely manner, the health and safety of everyone involved in the court proceedings—as well as the residents of New Jersey as a whole—is of paramount importance. Attorneys and litigants should not be forced to choose between their health and protection of due process rights.

Accordingly, the NJSBA supports AILA-NJ's efforts and urges you to call on EOIR to allow non-detained hearings to be conducted by videoconference until such time as the health and safety of all participants can be adequately protected.

Thank you again for your leadership and for your consideration.

Very truly yours,

A handwritten signature in black ink, reading "Kimberly A. Yonta". The signature is written in a cursive, flowing style.

Kimberly A. Yonta, Esq.
President

cc: George Helmy, Chief of Staff, Governor's Office
Matt Platkin, Esq., Chief Counsel, Governor's Office
Angela Scheck, NJSBA Executive Director
Domenick Carmagnola, Esq., NJSBA President-Elect