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March 18, 2020

The Honorable James McHenry
Director
Executive Office for Immigration Review
U.S. Department of Justice
5107 Leesburg Pike, 18th Floor
Falls Church, VA 22041

Dear Director McHenry,

I write today to urge you to heed current public safety recommendations and temporarily close all immigration courts.

We are in the midst of a global pandemic. To date, COVID-19 has infected at least 201,672 people worldwide, with at least 6,496 known cases within the United States.¹ The pace of infection has rapidly increased; more than 1,100 of the confirmed diagnoses have been announced over the past few days.² We need to take immediate action to stem the spread of, and exposure to, this disease.

Across the country, state and local officials have ordered schools to close and large gatherings to cease; in some regions, officials have limited the use of public transportation.³ The Centers for Disease Control and Prevention is urging the public to practice “social distancing” by limiting social interactions, and is recommending that gatherings of fifty people or more be canceled or postponed.^{4,5} President Trump has further asked the public to avoid gatherings of more than ten people.

¹ Washington Post Staff, *Mapping the spread of coronavirus in the U.S. and worldwide*, Wash. Post (Mar. 18, 2020), <https://www.washingtonpost.com/world/2020/01/22/mapping-spread-new-coronavirus/?arc404=true>.

² Mitch Smith et al., *Tracking Every Coronavirus Case in the U.S.: Full Map*, N.Y. Times (Mar. 16, 2020), [nytimes.com/interactive/2020/us/coronavirus-us-cases.html](https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html).

³ Jennifer Calfas, *Coronavirus Forces New Travel Curbs, Bans on Large Gatherings*, Wall St. J. (March 12, 2020); <https://www.wsj.com/articles/coronavirus-forces-new-travel-curbs-as-high-profile-cases-rise-11584007336>; Justin George, *Metro to reduce transit service in response to the coronavirus outbreak*, Wash. Post (Mar. 13, 2020), <https://www.washingtonpost.com/transportation/2020/03/13/metro-reduces-transit-service-response-coronavirus/>.

⁴ Anya van Wagtendonk, *NIH’s Fauci calls for “dramatic diminution” of personal interactions to fight coronavirus*, Vox (Mar. 15, 2020), <https://www.vox.com/policy-and-politics/2020/3/15/21180579/dr-fauci-coronavirus-guidance-meet-press-this-week>.

⁵ Centers for Disease Control and Prevention, *Interim Guidance for Coronavirus Disease (COVID-19)*, CDC.gov, (Mar. 16, 2020) <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/mass-gatherings-ready-for-covid-19.html>.

Immigration courts host dozens of visitors and personnel each day, including immigrant respondents, immigration judges, attorneys, translators, clerks, and others. The continued operation of in-person immigration hearings presents a significant public safety risk.

I welcome the Department of Justice's recent closure of the Seattle Immigration Court and its decision to postpone non-detained master calendar hearings in all other cities, but these actions are insufficient. It is irresponsible to continue to hold immigration court proceedings during this pandemic, particularly without any health and safety precautionary measures in place.

In a display of unity yesterday, the National Association of Immigration Judges, the American Federation of Government Employees Local 511 (the Immigration and Customs Enforcement Professionals Union), and the American Immigration Lawyers Association collectively called for courts to close to protect public safety.⁶

It is our responsibility to halt measures and policies that jeopardize the health and safety of our communities and prolong this crisis. Accordingly, I ask that you listen to the advice of public health officials and immigration court professionals, and order the immediate closure of immigration courts nationwide. Thank you for considering this request and I look forward to your quick response.

Sincerely,



Edward J. Markey
United States Senator

⁶ AILA, *Position on Health and Safety of the Immigration Courts During the COVID-19 Pandemic*, (Mar. 15, 2020), <https://www.aila.org/advo-media/aila-correspondence/2020/ijs-prosecutors-and-attorneys-call-for-nationwide>.