

Lawsuit accuses DOJ's Executive Office of Immigration Review (EOIR) of endangering the lives of immigrants, advocates, and the public by continuing to make them meet filing deadlines, in violation of city and state public health orders and litigants' due process rights. Over 17,500 people have died from COVID-19 in New York State, and nearly 300,000 are infected.

NEW YORK, N.Y., April. 29, 2020 -- Today, Legal Services NYC filed a [federal lawsuit](#) in the U.S. District Court for the Southern District of New York against the Department of Justice's Executive Office of Immigration Review, the agency that oversees New York City Immigration Courts, for recklessly endangering the lives of immigrants, attorneys, and the public by continuing to require them to meet strict case filing deadlines in non-detained immigration cases amid COVID-19. The filing deadlines require plaintiffs in this case—two low-income immigrants with underlying health issues, an attorney with HIV/AIDS, and two non-profits—and many others like them to leave their homes to prepare large 100-page evidence documents at copy stores and offices, meet in person to review and sign affidavits, and physically go to the post office or NYC Immigration Courts to file or mail documents, putting their lives at risk. The lawsuit seeks a court order prohibiting EOIR from enforcing filing deadlines in non-detained New York City Immigration Court cases, or from taking any adverse actions against litigants who don't meet the deadline, until 45 days after New York's stay-at-home order is lifted.

"I'm scared of the Coronavirus," said **Sonia Monir, a Bangladeshi immigrant and plaintiff in the case**. "I have high blood pressure and diabetes, which makes me more susceptible. I don't want to take the subway or go to court because I could get the virus. I'm thinking about my safety and my daughter's safety."

"After transitioning from a career in healthcare to pursue the law, I never imagined myself in a position where I would be forced to choose between risking my health and the health of my clients in order to properly advocate for them, but that's exactly what's happening," said **Isabel Heine, a senior staff attorney in the immigration unit at Legal Services NYC**. "Multiple attorneys I know have contracted COVID-19 due to Immigration Court appearances. Meanwhile, our low-income clients, who are facing higher rates of death, homelessness, and food insecurity, are being forced to focus on their immigration cases during a global pandemic because of EOIR's refusal to postpone these filing deadlines. Enough is enough."

"Requiring vulnerable immigrants and their lawyers to risk their lives to meet arbitrary filing deadlines during a global health crisis is unconscionable," said **Rex Chen, Director of Immigration at Legal Services NYC**. "People are literally dying right now. Many of us are caring for elderly family members or others at risk. We asked the NYC Immigration Courts multiple times to postpone these filing deadlines, but they ignored our requests. We are left with no choice but to file a federal lawsuit to get an injunction to prohibit these senseless filing deadlines so we can protect the health and safety of immigrant New Yorkers and our staff. We hope advocates in other cities will follow our lead."

At last count, nearly 300,000 people in New York State have been infected with COVID-19 and over 17,500 have died. New York Governor Andrew Cuomo and NYC Mayor Bill de Blasio have issued numerous stay-at-home and social distancing orders. Gov. Cuomo estimated that anywhere from 40 to 80 percent of New Yorkers will be infected with COVID-19 by the time it runs its course.

Yet, despite the public health risk and advocates' multiple requests, the Department of Justice's EOIR continues to require litigants to meet filing deadlines in New York City Immigration Courts, forcing low-income immigrants and their representatives to risk their health by leaving their homes to prepare documents, discuss their case, and sign and mail documents—or risk deportation. The vast majority of immigrants and attorneys do not have access to the technology and equipment necessary to assemble large filings in their homes and many litigants are severely limited in their ability to discuss sensitive topics over the phone, such as domestic violence or abuse.

"Putting together evidentiary filings is difficult under normal circumstances but it is almost impossible now," said **Rebecca Press, Legal Director of UnLocal, Inc., a non-profit that provides legal representation to immigrants and a plaintiff in the case**. "Understanding the intimate details of your client's life is essential in preparing the best defense against deportation. Telephone conversations are simply inadequate substitutions for in-person connection and communication. And when you factor in the client's worry and fear surrounding the outcome of their case with the stress of living in the epicenter of an ongoing global pandemic, the depth of communication needed to present the best case possible simply vanishes. Postponing filings deadlines would go a long way in making sure clients are able to present their best possible case on one of the most important days of their lives."

Immigrants, many of whom are low-income and people of color, have been among the hardest hit by COVID-19. Nearly 34 percent of the COVID-related deaths in New York City are of Latinx residents and 28 percent are Black New Yorkers, according to the mayor. Low-income communities also lack the financial resources to obtain medical treatment for pre-existing condition and are thus at serious risk of life-threatening illness if they contract COVID-19.

Sonia Monir, a citizen of Bangladesh and a plaintiff in the case, has high blood pressure and diabetes and is afraid of

contracting COVID-19. Although her May 14, 2020 hearing was postponed, EOIR did not postpone her filing deadline of April 14, 2020. Unable to meet that deadline out of fear of contracting the virus, Sonia and her attorney now worry that the immigration judge won't accept evidence in her case when her hearing is rescheduled.

The lawsuit states that EOIR's refusal to postpone filing deadlines in the New York City Immigration Courts creates a "state-created danger" for litigants that violates their due process rights.

Read the filed complaint [here](#).