

EOIR Provides AILA with Information on New Port Courts

On Monday September 9, 2019, AILA National submitted questions to EOIR concerning the rollout of DHS and DOJ's [new port courts](#). On Wednesday, September 11, AILA obtained approval to share EOIR's responses which are in the **red text** below.

Answers are attributable to an EOIR official.

- Where are the new facilities along the border where DOJ is hearing MPP cases?

DHS has expanded MPP to hearing locations in Laredo, TX, and Brownsville, TX.

- Are these facilities joint CBP/DOJ facilities or joint ICE/DOJ facilities?
 - What is the timeline for opening these facilities? When is the first hearing in each facility scheduled?
 - Which immigration court will have operational jurisdiction over these cases?
 - Will EOIR provide on the ground personnel at these facilities? If so, please identify which positions.

They are DHS facilities. The first hearings will begin this week. San Antonio is the administrative control court for Laredo, and Harlingen is the administrative control court for Brownsville.

- Will immigration judges (IJs) be hearing cases in person at these facilities or via video teleconferencing (VTC)?
 - Will DOJ have staff on site to facilitate these hearings?
 - How will evidence in the possession of respondents be transmitted to IJs?
 - Where will the DHS trial attorney and respondent's attorney be located?
 - Will information about the IJ assigned to the hearing be made available ahead of time, such as through the 1-800 number?
 - Will there be in-person interpreters? If not, how will access to interpreters be guaranteed?
 - Will IJs be providing advisals to MPP respondents or will EOIR be substituting the new video advisals?
 - Will there be meeting rooms at these facilities for attorney/client preparation?
 - Will witnesses or family members be permitted to appear in these facilities or will they be required to travel to the immigration judge's location?
 - Where will Respondent's counsel submit evidence required for asylum applications (e.g., I-589, E-28's, supporting evidence, etc.)?
 - Will Respondent's counsel be allowed to enter these facilities during business hours?
 - What are the expected business hours or hearing hours for the cases heard at these facilities? (i.e. note to check on early morning/evening and weekends).
 - Will the facilities be open to the public, unless there are privacy concerns expressed by the clients?

Hearings at the new facilities will be by VTC. The hearings are scheduled to begin at either 8, 8:30, or 9 am. The video advisals have not been rolled out in San Antonio or Harlingen, though they may be in the future. If the NTA has been filed with the court, the 1-800 number information should be updated normally as it is with other cases. Counsel for respondents should file evidence with the administrative control court. Depending on the hearing type, the language, and interpreter availability, interpreter services may be provided telephonically or in-person (including in-person interpretation provided via VTC). By regulation the hearings are open to the public subject to some exceptions, though DHS controls access to its facilities and determines conditions of access. Questions about meeting rooms and access by representatives, witnesses, family, etc. should go to DHS.

- Are the San Diego and El Paso Immigration Court non-detained dockets being shut down completely in September and October so all judges can be detained to MPP cases on the border?
 - How long does EOIR anticipate this shutdown will last?

Detained cases take priority over non-detained cases, and non-detained cases may be rescheduled to accommodate detained cases as needed. How long MPP will last is a question for DHS.

- Buzzfeed reported that DHS officials expect about 150 immigration judges from across the US to handle MPP cases.
 - How many IJs will be detailed to these cases?
 - Will the judges be from all over the country?
 - How are these IJs chosen?
 - Which dockets will be affected? How many cases will be postponed due to the prioritization of MPP cases?
 - Please provide a list of IJs that are being detailed to hear MPP cases, both in person and via VTC.

Depending on case volume and docket availability, IJs from any immigration court may hear MPP cases. Otherwise, MPP cases will be heard by IJs at video teleconferencing (VTC) centers or by supervisory IJs. Questions about the number of facilities being built should go to DHS.

- Is DOJ planning to open up additional facilities along the border to adjudicate MPP cases? Where? What is the timeline? How many of these soft-sided facilities is DHS expecting to erect?

These facilities are operated by DHS, and these are all questions for DHS.