



IMMIGRATION ATTORNEYS ON THE FRONTLINES IN THE COVID-19 CRISIS

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Since [USCIS still requires paper submissions](#) by mandated deadlines and the immigration courts in detention centers still function, the COVID-19 crisis has compelled immigration attorneys to take more risks than others, and many are performing essential services on behalf of clients like first responders, medical personnel and delivery people. If some people in certain occupations do not take risks to help others in a crisis, then everything collapses.

While some attorneys have had the privilege of working from home but effectively crank out cases, other attorneys have been compelled to step out of their home to represent detained clients in immigration court, and until last Tuesday, March 17, at adjustment and naturalization interviews. Not all work can be 100% remote, and some filings comprising hundreds of pages may still have to be assembled in the office. Legal support staff have stepped out of their homes to assemble the case and file it in time with the USCIS and just before the client falls out of status or misses the asylum deadline.

Those living in large cities like NYC may still be taking the subway to help their clients as it may be their only mode of transportation. An empty subway car is probably less risky than travelling in a taxi or Uber as one can maintain the recommended six feet of social distance. Whatever valiant efforts that are being made by attorneys and their staff on behalf of clients' unique circumstances in these perilous times must be saluted until such time that the government comes to its senses and halts immigration hearings and automatically extends all deadlines by 3 months.

The USCIS and other agencies have made [some modest concessions](#) such as not insisting on wet signatures, but that is not enough when the submission must still be on paper rather than electronically. The submission must also be

accompanied by a check rather than through a credit card or ACH payment. Because of the significant number of such filings, key operations cannot be handled remotely, and these include sorting out mail from the USCIS and other agencies, organizing and assembling the filings, scanning and making extensive copies and shipping out packages through Fedex or US mail. The USCIS has put the immigration bar in an awful place. They are forced to risk their health and safety to process cases, and even suffer sanctions under state laws for violating restrictions, or fail in their duty towards their clients.

To add further insult to injury, the DOJ has kept open the immigration courts in immigration detention centers. [ICE requires attorneys](#) to provide their own protective gear to visit clients in detention. It would be in the interests of all to release noncitizen detainees. There is no reason to detain noncitizens in removal proceedings during the COVID-19 period unless they are not a flight risk or a threat to public safety. Noncitizens who have already been convicted and completed their sentences and facing removal proceedings need not be in detention. If they were US citizens, they would not be incarcerated and so noncitizens, even lawful permanent residents, are doubly penalized if they remain incarcerated and are at greater risk of contracting COVID-19 and spreading it. We also learned that the New York Varick Street Immigration Court has closed today because of a case of coronavirus further confirming that immigration detention and the courts within should cease at this time.

Various calls to extend deadlines and provide other ameliorative relief by the [American Immigration Lawyers Association](#) and the [Alliance of Business Immigration Lawyers](#) have gone unheeded. Is this foot dragging deliberate as a result of Trump's known hostility towards immigrants or is it because a bureaucracy cannot get its act together fast enough? The failure to act while other federal agencies have acted, such as IRS extending the tax deadline, is unconscionable. The quickest way to eradicate the disease is for all to be united, whether citizen or noncitizen, and all prior prejudices by this administration towards immigrants have to be put on the back burner, or better still, completely incinerated. President Trump is not doing much to help the cause by referring to COVID-19 as the Chinese Virus. This only [inflames tensions](#) against not just Asian Americans but against all people who are perceived to be "foreign", and abrogates from the historic role that presidents in the past have played to heal and unite the nation.