



U.S. Department of Justice
Executive Office for Immigration Review
Office of the Director

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December 8, 2021

Jason R. Malmstrom
Assistant Inspector General for Audit
U.S. Department of Justice
Office of the Inspector General
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Malmstrom:

This letter is in response to the recent survey conducted by the Office of the Inspector General (OIG), “Survey Results from DOJ Immigration Judges on Work Experiences During the COVID-19 Pandemic.” Thank you for the opportunity to review the survey results and provide our agency views prior to issuance on the OIG public website.

The Executive Office for Immigration Review (EOIR) appreciates the OIG’s efforts in surveying EOIR’s adjudicators—namely, our immigration judges (IJs), appellate immigration judges (AIJs), and administrative law judges (ALJs)—regarding the impact of the COVID-19 pandemic on their work experience. We were pleased to see such a robust response rate from our adjudicators—more than 50 percent—and we value the insights that they shared with you in the survey process. EOIR takes seriously the safety and security of all of our employees, as well as the parties, attorneys, and also visitors to the immigration court. We appreciate the survey responses provided by our adjudicators and look forward to using the survey results to further enhance the policies, procedures, and practices in place to protect all of our employees and stakeholders. Of particular interest, we note that large numbers of immigration judges reported enhanced work-life balance with the ability to telework. We also welcome the opportunity to learn about the positive experiences that many IJs have had using flexible and rotational schedules and *ad hoc* telework to accomplish their duties more effectively.

With respect to docket management in the immigration courts during the COVID-19 pandemic, the unprecedented nature of this event required the suspension of non-detained hearings as a necessary safety precaution. As pandemic conditions improved, non-detained hearings gradually resumed, resulting in all immigration courts being prepared to conduct non-detained hearings as of July 6, 2021. Because of the liberty interests at stake, detained hearings continued throughout the pandemic to ensure detained respondents received due process. In order to protect EOIR personnel coming into the courts, EOIR purchased and distributed PPE to court personnel,

including masks and hand sanitizer, and provided plexiglass shields in the courtrooms as a physical barrier to reduce the spread of the virus through respiratory droplets. EOIR also instituted social distancing restrictions, and placed court staff and IJs on weekly work rotations to enhance social distancing and balance the division of labor among immigration judges. In addition, EOIR developed and implemented COVID-19 safety protocols for dealing with possible COVID exposures. Although EOIR did not possess the necessary equipment to permit immigration judges to conduct remote hearings when the pandemic first struck, EOIR deployed WebEx technology to all immigration courts to support and enhance social distancing and, as supply chains permitted, procured specialized hardware to equip teleworking judges to conduct remote hearings.

While many courts and respondents experienced frustrations from pandemic disruptions, EOIR's safety measures served to protect our employees and the public, and enabled the important work of adjudicating cases to continue, to the extent possible under the circumstances. With the vast majority of the EOIR workforce now fully vaccinated, EOIR anticipates continued expansion of court operations at safe and reasonable levels.

Again, EOIR is committed to maintaining a safe workplace environment for our employees and stakeholders that is also flexible and dynamic in response to any new challenges that may arise. We appreciate your efforts to assist EOIR in identifying best practices and potential solutions to better equip our workforce and facilitate continuity of operations going forward. Should you or your staff require further information, please do not hesitate to contact us.

Sincerely,
**JILL
ANDERSON**
Jill Anderson
General Counsel

Digitally signed by
JILL ANDERSON
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