

via email

March 23, 2020

Lauren Alder Reid
Assistant Director,
Office of Policy
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 2600
Falls Church, VA 2204529

Paul Ray, Acting Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
725 17th Street, NW
Washington, D.C. 20503

RE: Request to freeze the comment deadline for EOIR Proposed Rule on Fees: EOIR Docket No. 18-0101 due to the COVID-19 pandemic

Dear Assistant Director Reid and Acting Administrator Ray:

We, the undersigned organizations, write to respectfully request that the Department of Justice's Executive Office for Immigration Review (EOIR) freeze the comment deadline on the above-referenced proposed rulemaking until the federal government has lifted the national emergency related to the COVID-19 pandemic.

The recent, world-wide emergence of the novel coronavirus has been declared a pandemic by the World Health Organization.¹ On March 13, 2020, President Trump declared a national emergency.² President Trump and governors throughout the country have urged Americans to work from home, and schools have closed around the country. At the same time, immigration procedures have been changing on a daily basis, forcing immigration practitioners to keep up and inform clients of this ever-changing landscape. Most stakeholders are currently working from home and are unable to access hard copies of resources or background materials they may need to fully comment on the proposed rule. For stakeholders who wish to include client stories or other anecdotes, it may not be possible to access physical client files or contact information. As stakeholders learn to perform their jobs remotely, in many instances while providing childcare and/or assisting children to engage in online learning, it is unreasonable to expect the public to submit comments to these sweeping changes by March 30.

¹ World Health Organization, *WHO Director-General's Opening Remarks at the Media Briefing on COVID-19 - 11 March 2020*, <https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020>.

² White House, *Remarks by President Trump, Vice President Pence, and Members of the Coronavirus Task Force in Press Conference*, Mar. 13, 2020, <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-vice-president-pence-members-coronavirus-task-force-press-conference-3/>.

On March 5, 2020, many stakeholders submitted a letter requesting EOIR extend the comment period on this proposed rule from 30 days to 60 days, urging EOIR to allow more time for comments given the far-reaching consequences of the proposed changes and that EOIR had not changed fees in three decades.³ The organizations that signed that letter have not yet received a response.

The undersigned organizations reiterate the importance of stakeholders having ample time to carefully review the proposed rule and provide comprehensive feedback to the agency. It already would have been difficult to provide high-quality comments with only 30 days' notice. Now, with the added challenges posed by a novel virus that has upended normal life, it is unlikely that EOIR will receive the input from stakeholders that the Administrative Procedures Act requires for a rulemaking of this significance.

We thank you for your consideration of our request. Please contact Jill Marie Bussey at jbussey@cliniclegal.org or via phone at 240-353-5208 for any questions or concerns.

Sincerely,

ACRS

Advocates for Basic Legal Equality, Inc.

African Communities Together

African Services Committee

AILA

Alianza Americas

America's Voice

American Friends Service Committee

American Immigration Council

Americans for Immigrant Justice

Asian Americans Advancing Justice - Los Angeles

ASISTA

Bellevue Program for Survivors of Torture

Bonding Against Adversity

Boulder Valley Unitarian Universalist Fellowship Immigration Justice Task force

Brooklyn Defender Services

Cameroon American Council

Campesinos Sin Fronteras

Canal Alliance

Capital Area Immigrants' Rights (CAIR) Coalition

CARECEN - NY

Catholic Charities of Southern New Mexico

Catholic Legal Immigration Network, Inc.

Catholic Legal Services, Inc., Archdiocese of Miami

³ 90+ Organizations Join in Requesting 60-Day Comment Period to Respond to EOIR Fee Increases, Mar. 6, 2020, <https://cliniclegal.org/resources/federal-administrative-advocacy/90-organizations-join-requesting-60-day-comment-period>.

Catholic Migration Services
Center for Gender & Refugee Studies
Center for Law and Social Policy (CLASP)
Center for Victims of Torture
Center Global
Central American Legal Assistance
Children's Legal Center
Christian Reformed Church Office of Social Justice
Church World Service
CIMA (Center of Immigrant Advancement)
Coalition on Human Needs
Coalition to Abolish Slavery & Trafficking (Cast)
Colorado Immigrant Rights Coalition (CIRC)
Columbia Law School Immigrants' Rights Clinic
Congregation of Our Lady of Charity of the Good Shepherd. U.S. Provinces
Contra Costa Defenders Association
Cornell Law School Asylum and Convention Against Torture Appeals Clinic
Emerald Isle Immigration Center
Employee Rights Center
Franciscan Action Network
Free Migration Project
Her Justice
HIAS Pennsylvania
Human Rights First
Immigrant Legal Resource Center
Immigration Institute of the Bay Area
International Refugee Assistance Project
Keep Tucson Together
Kids in Need of Defense (KIND)
Lawyers' Committee for Civil Rights of the San Francisco Bay Area
Legal Aid Justice Center
Legal Aid Service of Broward County
Legal Services NYC
Long Beach Immigrant Rights Coalition
Lutheran Immigration and Refugee Service
Lutheran Social Services of New York
MADRE
Maine Immigrant Rights Coalition
MALDEF
Massachusetts Immigrant and Refugee Advocacy Coalition
Mississippi Immigrants Rights Alliance
Mobilization for Justice, Inc.
National Advocacy Center of the Sisters of the Good Shepherd
National Association of Social Workers - Texas Chapter
National Immigrant Justice Center
National Immigration Forum

National Immigration Law Center
National Partnership for New Americans
New York Immigration Coalition
New York Law School Asylum Clinic
NIWAP, Inc.
Northern Illinois Justice for Our Neighbors
Northern Manhattan Coalition for Immigrant Rights (NMCIR)
Oasis Legal Services
OCCORD (Orange County Communities Organized for Responsible Development)
Oxfam America
Pennsylvania Immigration and Citizenship Coalition (PICC)
Public Law Center
Rainier Immigration Law, PLLC
Rian Immigrant Center
Rocky Mountain Immigrant Advocacy Network
Safe Horizon Immigration Law Project
San Joaquin College of Law - New American Legal Clinic
Self-Help for the Elderly
Sisters of Mercy of the Americas - Justice Team
Social Justice Collaborative
South Carolina Appleseed Legal Justice Center
Southern California Immigration Project
Southern Poverty Law Center
Southwestern Law School Community Lawyering Clinic
Southwestern Law School Removal Defense Clinic; Southwestern Law School Pro Bono
Removal Defense Program
Stand Together Contra Costa
Tahirih Justice Center
TakeRoot Justice
The Florence Immigrant & Refugee Rights Project
The Leadership Conference/Education Fund
The Legal Aid Society
The Legal Clinic Hawaii
UnidosUS
United African Organization
West African Community Council
Whitman-Walker Health
World Relief