

GAO@100 Highlights

Highlights of [GAO-21-104404](#), a report to congressional addressees

Why GAO Did This Study

Each year, EOIR issues decisions for hundreds of thousands of cases of foreign nationals charged as removable under U.S. immigration law. Approximately 500 immigration judges at 66 immigration courts nationwide determine whether these individuals are removable from the U.S. and, if so, whether they are eligible for any requested relief from removal. During the COVID-19 pandemic, EOIR faced unprecedented challenges adapting its operations to continue its mission.

GAO was asked to review EOIR's management of court operations during the COVID-19 pandemic. This report examines, among other things, (1) EOIR's modifications to court operations and related guidance and (2) EOIR's engagement with court stakeholders.

GAO reviewed EOIR's policies and guidance during the pandemic; and interviewed EOIR headquarters officials and staff at six immigration courts selected to include different dockets and caseloads, among other factors. GAO interviewed stakeholders, such as private bar attorneys representing foreign nationals and attorneys representing the government, proximate to these six courts. GAO also analyzed EOIR caseload data to determine any changes during the pandemic.

What GAO Recommends

GAO is making four recommendations, including that EOIR issue guidance on mask-wearing requirements tailored to the courtroom setting, and regularly engage with court stakeholders. EOIR concurred with the recommendations.

View [GAO-21-104404](#). For more information, contact Rebecca Gambler at (202) 512-8777 or gamblierr@gao.gov.

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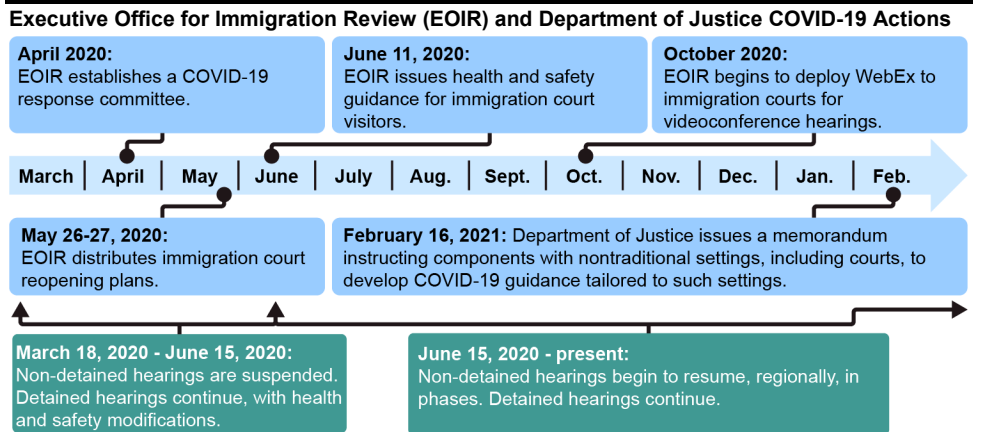
COVID-19

Improvements Needed in Guidance and Stakeholder Engagement for Immigration Courts

What GAO Found

The Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR) took steps to modify immigration court operations and guidance to respond to COVID-19. For instance, EOIR implemented health and safety measures at immigration courts, such as requiring social distancing. From mid-March 2020 until mid-June 2020, EOIR also temporarily suspended hearings for individuals not in immigration detention. Immigration courts took other steps to reduce the number of people physically present in EOIR space, such as rotating immigration judges' and staffs' schedules. EOIR data indicate its courts delayed nearly 600,000 hearings from March through October 2020 due to court closures.

Senior EOIR officials told GAO that EOIR expected all those present in a courtroom to wear masks for the duration of a hearing. However, EOIR did not issue mask-wearing guidance tailored to courtrooms—nontraditional office settings, according to DOJ—that articulated this expectation because officials said that DOJ's existing guidance applies to all EOIR space. GAO identified several instances in which judges did not always require or wear masks in their courtrooms. Issuing tailored guidance could help EOIR better ensure that court staff and visitors understand expectations during hearings, particularly as public health guidance evolves.



Sources: EOIR and Department of Justice documentation and interviews. | GAO-21-104404

EOIR did not regularly engage with stakeholders during the COVID-19 pandemic. Stakeholders told GAO that the pandemic highlighted long-standing limitations in EOIR's stakeholder engagement. For example, from fall of 2017 through April 2021, EOIR generally ceased holding regular stakeholder meetings. Stakeholders said these meetings historically provided opportunities for two-way communication with EOIR, which was increasingly important during the pandemic. Stakeholders noted challenges engaging with EOIR on their concerns regarding modifications to court hearing schedules and health and safety matters, such as EOIR's process to respond to COVID-19 exposures. Taking steps to regularly engage with court stakeholders could help EOIR address their concerns about its response to the pandemic and maintain positive relationships in the future.