



NEW JERSEY STATE BAR ASSOCIATION

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Sent via email mark.dremel@gsa.gov and Federal Express

Mr. Mark Dremel
U.S. General Services Administration
Field Office Manager: Newark
Peter Rodino Federal Building
970 Broad Street
Newark, NJ 97102

Dear Mr. Dremel:

On behalf of the New Jersey State Bar Association, which includes immigration attorneys among its 16,000 attorney members, I write in my capacity as President to seek your urgent and swift action to ameliorate the issue of extraordinarily long wait times to enter the Peter Rodino Federal Building at 970 Broad Street, Newark, New Jersey.

As you know, the Peter Rodino Federal Building is home to the Executive Office of Immigration Review (EOIR or Immigration Court), serving as the sole Department of Justice Immigration Court for non-detained foreign nationals in New Jersey. Moreover, the building is home to the Department of Homeland Security Immigration Customs and Enforcement (ICE), both Enforcement and the Office of the Principal Legal Advisor (OPLA), as well as the Department of Homeland Security United States Citizenship and Immigration Services (USCIS). It also houses the Social Security office. In practice, this means that on any given morning, the line contains refugees, expert witnesses, families with young children, senior citizens, attorneys, and others seeking various immigration benefits, such as Lawful Permanent Residency and United States Citizenship. For many of the foreign nationals waiting in line, it is likely that their hearing or interview in the Peter Rodino Federal Building will determine their future in the United States. For this reason, the immigration hearings that take place within this building are of the utmost importance.

For many years, the lines to enter the Peter Rodino Federal Building have been extremely lengthy, resulting in, at times, as much as a 60-minute wait time before entering. However, in the past few months, the line and wait times have gotten worse and are now completely untenable. Attorneys and litigants now routinely wait for *more than* one hour in lines that wrap around the building, so they can attend their court or administrative hearings. There is no respite from the cold, wind or rain. With winter here, attorneys and our clients, including infant children, those with disabilities and the elderly, are forced to stand in subfreezing temperatures and dreadful elements for hours just to get inside the Federal Building. Last week, on Dec. 13, 2022, there was a line that

wrapped around the building at 7 a.m., and the temperature was only 27 degrees.¹ On Dec. 15, 2022, the line was again over an hour long. It was 40 degrees and raining.

Despite the vital work happening inside the Peter Rodino Federal Building, the line outside makes it almost impossible for individuals and attorneys to timely and safely enter the building. Harried security officers, themselves disheartened by the sheer numbers of building entrants they must process and the lack of resources available to timely process them, yell disjointed, often conflicting instructions to the long line waiting outside. In rare circumstances, security officers permit licensed attorneys who plead with them to move to the front of the line to attend their hearings. Attorneys must allow an additional hour or more in their schedules to ensure they will be able to enter the building in time for their scheduled court or administrative hearings.

I. THE LINE DENIES EQUAL ACCESS TO JUSTICE AND IS A RISK TO HEALTH AND SAFETY

The excessive wait time in dangerously cold temperatures prevents equal access to justice and is a risk to people's health and safety. We understand that waiting in lines, and asking our clients to wait in lines, to enter federal or state buildings is necessary to ensure everyone's safety. However, we have reached a point that the line has become so unreasonable and indefensible that it is a violation of an individual's access to justice and his or her right to safety.

Because of the extreme wait times, clients arrive late for, or altogether miss their hearings despite arriving well in advance of scheduled hearings. Some immigration judges have begun to instruct litigants to arrive to court hours prior to their hearing time. Clients who are waiting to testify about serious and stressful topics are forced to brave outside temperatures well below freezing.

Excessive wait time also impedes equal access to justice because of the effect it has on attorneys' fees. The fees for appearing at the Peter Rodino Building will be markedly more expensive, and needlessly so, than fees for appearing at other USCIS Field Offices or Immigration Courts. In immigration removal proceedings, and USCIS administrative hearings, where respondents have no right to court appointed counsel, many clients will find it cost prohibitive to pay an attorney for appearances at the Peter Rodino Federal Building. An additional consequence may be that seasoned immigration attorneys will limit the cases they accept that require appearances at the Peter Rodino Building.

¹ Since the start of the COVID-19 pandemic, there has been a separate line outside the Peter Rodino Federal Building for those foreign nationals who are waiting to report to ICE. Those foreign nationals never enter the building because ICE officers come outside to perform routine checks. On Tuesday, Dec. 13, 2022, by 6:30 a.m., there was a long line of foreign nationals waiting in this separate line to complete their check-in with an ICE officer. An NJSBA member attorney who was there at this time advises that, after an hour, by 7:30 a.m., the ICE check-in line remained unchanged, and no ICE officer had descended from the 11th floor to begin to process those foreign nationals. Again, it was 27 degrees. If ICE reverts to pre-pandemic procedures of performing check-ins inside on the 11th floor, those foreign nationals would also be waiting to enter the building, further exacerbating the line wait time.

The wait time also creates a health risk to New Jersey residents. The sick, disabled, the elderly, and the very young are forced to stand in interminable lines. Even in pleasant weather, forcing an elderly, sick, child litigant, or a parent holding an infant, to stand for this amount of time, without access to food or facilities, is unreasonable and dangerous. Forcing them, or any other person, to stand for this amount of time in subzero temperatures, often without having adequately prepared for the wait, is dangerous. Those in line are faced with an impossible choice: seek respite from the line by stepping away to sit down, use the facilities, or find warmth, or miss their immigration hearing.

Reasonable accommodations to ease these wait times and to ensure safe and equal access to justice should be the absolute minimum of what is provided on a daily basis at a federal building.

II. GSA SHOULD IMMEDIATELY OPEN THE SECOND ENTRANCE AND EMPLOY OTHER REASONABLE SOLUTIONS

We are prepared to work with GSA to find a solution to this problem prior to 2023, when the temperatures will drop further, and the conditions will become more dangerous.

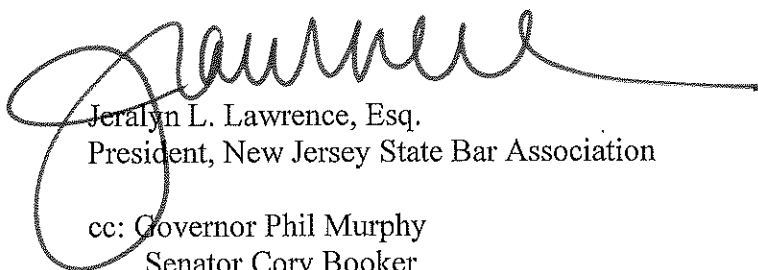
First, GSA should immediately deploy whatever resources are necessary to ensure that the second visitor entrance, and the other two magnetometers, are open and functional each day. There are two visitor entrances to the Peter Rodino Federal Building on Walnut Street, each equipped with two magnetometers. There are two additional employee entrances, one on Broad Street and on Orchard Street, that each are also equipped with a magnetometer. For all non-employees, only one of the entrances (the entrance on Walnut Street closer to Broad Street) has been open in 2022, while the other visitor entrance is completely unused. Opening both Walnut Street entrances prior to the morning and midday rush would immediately cut the line in half. Whatever inconveniences the agency faces in ensuring that the second visitor entrance is open pale in comparison to the harm experienced by individuals and attorneys waiting in these dangerously long lines.

Second, GSA should consider erecting a temporary outdoor structure to shelter those in line from the cold and elements exactly as the GSA has done in New York City at The Jacob K. Javits Federal Building at 26 Federal Plaza. Similar to the Peter Rodino Federal Building, the Jacob K. Javits Federal Building houses EOIR, ICE, and USCIS for the five New York boroughs. Its outdoor temporary structure ensures that building entrants are protected from the elements while waiting to enter through the magnetometers. Newark should immediately erect a similar structure.

Consistency in agency practices is a hallmark of due process and fundamental fairness. Individuals and attorneys should be able to rely on standardized, safe practices when appearances are required in federal buildings. No person should have to wait in hour-long lines in the freezing temperatures to enter a building. This dangerous and unjust practice, which has become the status quo at the Peter Rodino Federal Building must end immediately.

The NJSBA looks forward to working with the GSA for a solution to this problem. We welcome the opportunity to schedule a call with you and relevant stakeholders to address this issue immediately.

Very truly yours,



Jeralyn L. Lawrence, Esq.
President, New Jersey State Bar Association

cc: Governor Phil Murphy
Senator Cory Booker
Senator Robert Menendez
John Thompson, USCIS District Director, New Jersey (*sent via email to john.thompson@uscis.dhs.gov*)
Gerard Yapaola, USCIS Chief of Staff (*sent via email to gerard.yapaola@uscis.dhs.gov*)
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