



## U.S. Department of Justice

Executive Office for Immigration Review

*Immigration Court*

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100 Montgomery Street, Suite 800  
San Francisco, CA 94104

March 26, 2015

### Via U.S. and Electronic Mail

Dear Ms. Sallomi,

I received your letter dated March 20, 2015. I believe that the issues you identified in the letter are not present, but to ensure that there are no concerns or misunderstandings going forward, EOIR has taken steps to address access to the San Francisco Immigration Court.

As an initial matter, let me clarify that contrary to what you represented in your letter, I have never instructed or directed any security personnel to bar vigil participants from entering the building at 100 Montgomery Street nor have I ever barred anyone from the immigration courtrooms because they were vigil participants.

To reiterate in my email to you dated November 19, 2014, immigration hearings are generally open to the public, with certain exceptions as listed in the regulations at section 1003.27 of the 8 CFR. Should a respondent with a case before the immigration court specifically wish to have someone attend his/her immigration hearing, the respondent may do so, again subject to the applicable rules and regulations. Please note, access to the building itself is determined by Allied Barton security personnel, who are contracted to maintain security at the lobby entrance by Equity Office, the building's management company. Again, any concerns regarding a decision to deny any individual's entry into the building is best directed to them.

That said, we have discussed the matter with building management and have explained our position – in the event a respondent specifically requests an individual, including a vigil participant, to attend his/her immigration hearing, the individual is permitted to be in the courtroom, subject to the applicable rules and regulations.

In that regard, let me also correct a misstatement of the regulations. Contrary to how it was cited in a footnote within your letter, section 1003.27(a) of the 8 CFR, entitled "Public access to hearings", states "Depending upon *physical facilities*, the Immigration Judge may place reasonable limitations upon the number in attendance at any one time..."(emphasis added) Physical facilities refers to the courtroom, not the building; so for example, in the event the immigration judge determines that the number of people present in the courtroom exceeds the maximum capacity established by law, s/he may place reasonable limits on the number of people permitted to remain in the courtroom.

Please be advised that any vigil participant asked by a respondent to attend an immigration hearing will be subject to the same reasonable limitations on attendance as all other persons present in the courtroom. I note that we make every effort to manage the flow of people attending hearings so that all are efficiently and safely accommodated. Currently, the courts' dockets are such that in upwards of 2200 people per week attend hearings, and EOIR has had to closely manage the number of persons in the courtrooms so as to insure timely attention to all respondents with scheduled cases.

Sincerely,



Maria Jauregui  
Court Administrator

cc: Print Maggard, Assistant Chief Immigration Judge  
✓ cc: Julia Mass, Senior Staff Attorney, ACLU  
cc: Alexia Shahvekilian, Equity Building Management  
cc: Christopher Wilson, Federal Protective Service