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January 31, 2023

Senator Robert Menendez
528 Hart Senate Office Building
Washington DC 20510

Senator Cory Booker
359 Dirksen Senate Office Building
Washington DC 20510

Dear Senators Menendez and Booker:

On behalf of the Association of the Federal Bar of New Jersey (AFBNJ), I write to seek your assistance regarding a serious problem that exists relating to public access to the Peter W. Rodino Jr. Federal Building in Newark (Rodino Federal Building) which is adversely impacting individuals' ability to seek justice in immigration court and, more fundamentally, putting their health and safety at risk. Specifically, the wait times to enter the Rodino Federal Building have recently grown to such extreme lengths that individuals of all ages that are required to attend immigration court have been forced to wait extensive and unreasonable amounts of time to enter the Rodino Federal Building, often in bad weather and without any shelter to protect them. As described below, we respectfully request that you contact the General Services Administration (GSA) and urge its senior leadership to take immediate action to alleviate this access to justice and health and safety issue.

As background, the United States Department of Justice operates two immigration courts in New Jersey and the largest of those two is housed in the Rodino Federal Building. All those that seek to enter the Rodino Federal Building to attend immigration court or for any other reason, understandably, are required to undergo a thorough security check. As such, there is often a wait to enter the building. Unfortunately, since the immigration court's large-scale return to in-person proceedings in October 2022 following a switch to virtual proceedings caused by the Covid-19 pandemic, the wait time to enter the Rodino Federal Building has grown unreasonably long. We have received first-hand accounts from AFBNJ members and we are aware of press reports that describe wait times that regularly exceed one hour to enter the Rodino Federal Building. And by the nature of immigration proceedings, it is not just attorneys waiting in line. Instead, and most troubling, it is often families—including babies, the elderly and individuals with disabilities—that are forced to stand outside in the cold or the rain to wait to get inside the building. Exacerbating the difficulty that these people face is that the Rodino Federal Building has virtually no shelter to protect those waiting outside from the elements nor is there sufficient places for people waiting to sit.

It is unacceptable to subject attorneys and their clients to such conditions as a precursor to entering the Rodino Federal Building to attend required in-person immigration hearings and proceedings. The AFBNJ is concerned that, because of the long wait times, experienced immigration attorneys may be reluctant to accept cases that require appearances at the Rodino Federal Building. Not only do the long wait times have the potential to

impact access to justice, but they also pose a serious health concern to all who are required to appear for immigration hearings at the Rodino Federal Building, especially during extreme weather conditions that frequently occur in New Jersey.

We believe your assistance is needed now because despite being made aware of the problem, it does not appear that GSA is moving with sufficient speed to resolve the wait time problem at the Rodino Federal Building. Press reports indicate that the New Jersey State Bar Association wrote to a local GSA manager on December 19, 2022 and asked that a second entrance to the Rodino Federal Building be opened but we are unaware of any changes that have been made to date. Indeed, one of the AFBNJ's Officers was present at the Rodino Federal Building last week and personally observed a massive line that stretched from the main entrance on Walnut Street virtually all the way to Broad Street. As the worst of winter has still not arrived in New Jersey, we ask that you reach out to GSA and demand that it resolve this problem immediately.

We believe that there are two relatively simple changes that GSA can make at the Rodino Federal Building that would go a long way to alleviating the AFBNJ's concerns about individuals being forced to wait extensive periods of time to enter the building. First, and most impactfully, would be to add one or more additional public entrances to the building—at least during the morning rush when wait times tend to be the longest. We understand that there are a number of additional entry points to the Rodino Federal Building that are not typically used for public access. In light of the serious nature of the current problem and the risk to the health and safety of those seeking to enter the Rodino Federal Building, we would recommend that GSA take immediate action to open additional entrances to the Rodino Federal Building during busy periods to help speed entry into the building. Second, GSA should erect a temporary outdoor shelter to better protect those waiting to enter the Federal Building from the elements. We understand that the GSA recently set up such a temporary structure at the Jacob K. Javits Federal Building in Manhattan and we recommend that it do so here as well.

We thank you for taking our concerns about access to the Rodino Federal Building seriously and respectfully request that you reach out to appropriate individuals at GSA to discuss the problem and potential solutions identified above. If you have any questions, please do not hesitate to contact me at president@afbnj.org or (201) 242-4006.

Sincerely,

A handwritten signature in blue ink that reads "Ricardo Solano, Jr." with a stylized flourish at the end.

Ricardo Solano, Jr.
President