



AMERICAN IMMIGRATION COUNCIL

For Immediate Release

LAC Issues Practice Advisory on Returning to the United States After Prevailing in Litigation; Challenges “Departure Bar” in the First Circuit

January 8, 2013

Washington, D.C.—The Legal Action Center (LAC) is pleased to announce the issuance of a new practice advisory, [*Return to the United States After Prevailing on a Petition for Review or a Motion to Reopen or Reconsider*](#). The practice advisory offers practical and legal advice for individuals seeking to return to the United States after they have won a petition for review or a motion to reopen or reconsider. The advisory addresses the government’s 2012 return directive and describes steps a lawyer can take to try to obtain return under the directive. It also summarizes potential litigation options if the government refuses to facilitate or unreasonably delays return. The LAC issued this advisory jointly with the National Immigration Project of the National Lawyers Guild and the Immigrant Rights Clinic, NYU School of Law.

In a related development, the LAC, in collaboration with the National Immigration Project, continues to challenge the “departure bar” in federal courts of appeals, contesting the validity of regulations preventing immigrants from seeking reopening or reconsideration of their removal cases after they have been deported. To date, nine courts of appeals have struck down the regulation. Nonetheless, the immigration courts and the Board of Immigration Appeals continue to apply the bar in the two circuits that have not addressed the issue – the First and Eighth Circuits. We submitted an amicus brief in the First Circuit Court of Appeals on January 4, 2013.

Additional Resources:

All of the LAC’s Practice Advisories are available on our website at <http://www.legalactioncenter.org/practice-advisories>.

Read more about our challenges to the departure bar regulation at the [*Motions to Reopen from Outside the Country*](#) website.

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For questions, contact clearinghouse@immcouncil.org or call Seth Garfinkel at 202-507-7516.

www.americanimmigrationcouncil.org