



AMERICAN IMMIGRATION COUNCIL

For Immediate Release

LAC Urges Eighth Circuit to Reject Departure Bar to Review

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Washington, D.C.— The Legal Action Center, along with the National Immigration Project of the National Lawyers Guild (NIPNLG), filed an *amicus* brief last week urging the Eighth Circuit Court of Appeals to reject the departure bar, a regulation that bars the Board of Immigration Appeals (BIA) from reviewing cases after a person has left the United States. In this case, *Macharia v. Holder*, No. 11-1962, the Department of Homeland Security (DHS) deported the person while his appeal of an immigration judge's denial of a motion to reopen his case was still pending. By applying the departure bar, the Board of Immigration Appeals permitted DHS, a party to the case, to exert unilateral control over the litigation. This impermissibly interferes with the respondent's statutory right to seek administrative and judicial review and to pursue reopening.

The Legal Action Center and NIPNLG have coordinated litigation on issues related to post departure review and adjudication of BIA cases nationwide. Read more about the LAC and NIPNLG's efforts on the LAC's [website](#). To date, five circuit courts have found the motion to reopen departure regulation unlawful.

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