



AMERICAN IMMIGRATION COUNCIL

For Immediate Release

**LAC Urges Fifth Circuit to Permit Removal Cases to
Continue from Outside the United States**

December 15, 2011

Washington, D.C.— The Legal Action Center, along with the National Immigration Project of the National Lawyers Guild (NIPNLG), filed an *amicus* brief yesterday urging the Fifth Circuit Court of Appeals to reject the departure bar, a regulation that the Board of Immigration Appeals (BIA) interprets as barring it from reviewing cases after a person has left the United States. In this case, *Lari v. Holder*, the petitioner filed a timely motion to reconsider his removal order. Just three weeks later – before the BIA adjudicated the motion – the Department of Homeland Security deported him. The BIA then dismissed the motion, finding that it lacked authority to consider the petitioner’s claims now that he was outside the United States. The Legal Action Center and NIPNLG argue that the BIA’s rule unlawfully deprives noncitizens of their right to an adjudication of their removal case.

The Legal Action Center and NIPNLG have coordinated litigation on issues related to post departure review nationwide. Read more about the LAC and NIPNLG’s efforts on the LAC’s [website](#). To date, six circuit courts have found the departure regulation unlawful.

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