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## PRACTICE AREAS

### BUSINESS

L-1 Visas

H-1B

H-1B Transfers

Visas

TN Visas (NAFTA)

Special Visas for Other Countries

Australia

Chile / Singapore E-1

E-1 Visas

E-2 Visas

PERM Labor Certification

### HOSPITALS /HEALTHCARE

H-1C Visas

H-1B Visas for Doctors

### FAMILY

Spouse / Fiancee Visas

Permanent Residence for Family  
Within U.S.

Naturalization / Citizenship

### AMNESTY

THURSDAY, JANUARY 28 2010

## E-Newsletter

[Click here](#) to sign up for our newsletter.

## Removal Proceedings

If an alien violates US immigration or other laws, they may be forced to leave the United States and return to their home country. This is known as deportation. The legal process to determine whether a foreign national or legal permanent resident will be deported is known as removal proceedings.

Some of the more common reasons why a person may be deported include:

- Entering the US illegally
- Helping others enter the US illegally
- Overstaying the departure date of a nonimmigrant visa
- Working without authorization
- Entering into a fraudulent marriage to gain legal residence
- Using fraudulent means to enter the US, including stolen or false documentation
- Conviction for a drug crime or aggravated felony

Removal proceedings are initiated by an official from the Department of Homeland Security, which will deliver a Notice to Appear to the alien. The Notice to Appear lists the charges against the alien, the date, time and location of the hearing before the Immigration Judge and the right to counsel. The Department of Homeland Security also will file the notice with the Executive Office for Immigration Review (EOIR), which is responsible for hearing immigration cases. In certain situations, the alien may be detained while his or her case is being heard before the



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Immigration Judge and not released until a decision is made.

The alien will be required to attend two proceedings before the Immigration Judge at the EOIC: the master calendar proceeding and the individual hearing. During the master calendar proceeding, the Immigration Judge will make sure the alien understands the charges against him or her and provide a list of attorneys available to represent the alien. The attorneys may be working pro bono (for free) or at reduced rates.

At the individual hearing, the government will present its case against the alien and argue why he or she should be removed from the country. The alien has the right to examine the evidence against him or her, cross-examine government witnesses and present his or her own evidence. Following the individual hearing, the Immigration Judge will determine whether or not the alien is deportable, usually by issuing an oral decision.

The alien and the government may appeal an Immigration Judge's decision to the Board of Immigration Appeals (BIA). There is a limited amount of time to file the appeal. Following a negative decision by the BIA, the alien may appeal the decision to the appropriate federal circuit court of appeals. However, the grounds for appellate review of BIA decisions have been limited in recent years. Finally, following an unfavorable decision by the appellate courts, the last appeal an alien may make is to the US Supreme Court.

Aliens subject to removal proceedings may waive the right to counsel, but given the complexity of US immigration laws and the consequences of deportation, having an experienced attorney who understands this area of the law may mean all the difference. For more information on defending against removal proceedings, contact an experienced immigration attorney in your area.

## Getting Ready To Apply for a Visa

To read and print out a copy of the checklist, please follow the link below.

[Getting Ready to Apply for a Visa](#)

**DISCLAIMER:** This site and any information contained herein are intended for informational purposes only and should not be construed as legal advice. Seek competent counsel for advice on any legal matter.