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Deported Because of an Old Conviction? Facing Deportation Because of an Old Conviction? Have a Deportation Order Because of an Old Conviction? A New Supreme Court Case May Help You, But We Must File Before January 10, 2012.

In a recent Supreme Court decision, hundreds of thousands of already deported aliens (immigrants) or those currently in removal proceedings due to criminal convictions (guilty pleas or, quite possibly, convictions that resulted following a trial), may have the opportunity to either return to the United States and seek immigration relief or to seek an otherwise unavailable form of immigration relief if already in deportation proceedings.

In Judulang v. Holder, No. 10-694, December 12, 2011, the Supreme Court listened to the case of a Lawful Permanent Resident who had lived in the United States since 1974. The Legal Immigrant pleaded guilty to voluntary manslaughter in 1988, over ten years after his first entry into the United States. In 2005, the United States' Department of Homeland Security initiated removal/deportation proceedings against the immigrant after he was convicted of another crime.

The Government charged the permanent resident as being deportable for having committed an "aggravated felony," as defined in immigration law, a body of law commonly referred to as the Immigration & Nationality Act or the "INA." Federal immigration authorities argued that the immigrant was an aggravated felon because his 1988 voluntary manslaughter conviction fell within the definition of a "crime of violence," as written in the aggravated felony provision of the immigration law.

The hard working and long term permanent resident was facing deportation for a crime he had committed nearly fifteen years ago. The Immigration Judge denied the permanent resident any immigration relief, refusing him the opportunity to apply for deportation relief under Section 212(c) of the Immigration & Nationality Act. The Board of Immigration Appeals dismissed the immigrant's appeal and the Ninth Circuit Court of Appeals agreed with the Immigration Judge and the Board of Immigration Appeals.

The Supreme Court, however, decided to hear the legal immigrant's story and took a stand that shocked many. The Supreme Court broke new ground in holding that a class (composed of, possibly, hundreds of thousands of otherwise deportable aliens ((or aliens currently in deportation/removal proceeding or already ordered deported/removed)), who were deported as a result of a criminal conviction that is years old, have the opportunity to return to the United States and reargue their immigration case or, if the alien is currently in removal proceedings, the immigrant may now be able to assert a form of relief that was not otherwise available.

The basic requirements for 212(c) relief are that the alien who is in deportation

proceedings (1) had resided as a Lawful Permanent Resident for seven years calculated in reverse of either the date of the conviction or prior to the date that the immigrant applies for 212(c) relief; (2) be deportable as a result of a guilty plea or a conviction following a trial where the plea agreement or the conviction occurred before a certain date in the mid-1990s; and (3) where the good things in the alien's life outweigh the bad things in the individual alien's life.

"The Supreme Court essentially ruled that those who were not eligible for a certain form of easily available relief from deportation are now eligible for it. Also, if someone is now facing deportation because of a crime they committed years ago, a new avenue is now open for the person who is facing deportation to save him or herself from being forced to return to the country that person immigrated from," said Raymond Lahoud, an immigration law and deportation defense attorney from the Pennsylvania-based law firm Baurkot & Baurkot.

A person who has already been deported may file a Motion to Reopen his or her deportation proceedings and have another day before an immigration court. Immigrants who are now in removal proceedings may have the opportunity to ask the Immigration Judge for another, easier to secure, form of relief.

"Timing is important here as any motions related to this excellent Supreme Court decision," said Lahoud, "must be filed within a month of the decision. It is imperative that those who are facing deportation or have been already deported to contact an experienced deportation defense attorney."

If you, a family member or a friend are facing deportation or already have been deported as a result of a criminal conviction from years ago, contact the Law Offices of Baurkot & Baurkot at (484) 544-0022 for a free evaluation of your case.