

What Happens I Receive a Notice of Removal/Deportation Proceedings?

If Immigration and Customs Enforcement (ICE) determines that you have violated an immigration law, they will initiate removal or deportation proceedings. Your case will first be referred to the Office of the Chief Counsel, the sector responsible for prosecuting immigration cases. The Chief Counsel will send you a Notice to Appear, stating the reason for removal and any allegations in support. The notice will also provide the date, time, and place for your hearing. Make sure that you have your address updated with court at all times. Failure to appear at any of the following hearings discussed could result in severe consequences.

After the Notice to Appear is issued the Immigration Court will issue a Notice of Hearing. This document is intended to notify both the alien and the Chief Counsel of the date, time, and place of the hearing. If you do not appear at your hearing, the presiding judge will issue an order of removal because you failed defend yourself. If for some reason you do not attend your hearing, you will have to convince the judge to reopen your removal proceedings. I would advise seeking the help of a Phoenix immigration lawyer if you failed to appear at your hearing.

The next step in the process is that you must appear at the first hearing known as the Master Calendar Hearing. The Master Calendar Hearing is an informal proceeding where the judge will call you up for a couple minutes and explain to you the reasons why ICE seeks to deport you. If you find yourself at the Master Calendar Hearing without representation, you may want to ask the judge for an extension to hire counsel. However, the U.S. government will not pay for your representation so that may influence whether you will seek counsel or not. At the next Master Calendar Hearing you must inform the court of the legal basis for remaining in the U.S. You or your attorney will submit all petitions and applications for relief at this time, and the judge will schedule an Individual Hearing date.

The final step in the process is the Individual Hearing. The Individual Hearing is similar in form to any trial you have seen on T.V. It is much more formal than the Master Calendar Hearing. Normally you will take the stand and have to testify under oath to questions your attorney will ask you. After your attorney has finished asking questions the attorney for the government will ask you questions about what you have testified to. If you have any witnesses, you will call them to the stand to testify. After you and all of your witnesses have testified, the attorneys have the opportunity for closing arguments. Following closing arguments the judge will make a decision. If you lose the case, you will have to decide whether or not to appeal your case to Board of Immigration Appeals.

The rules and procedures in removal proceedings are quite complex and that is why it is in your best interests to seek the advice of an experienced Phoenix immigration lawyer.

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