

En Banc Court Reverses Adverse Holding, Says Immigrants Can Pursue Cases from Outside U.S.

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Washington, D.C.- Today, an en banc panel of the U.S. Court of Appeals for the Tenth Circuit rejected the government's attempt to bar noncitizens from seeking to reopen their cases from outside the United States. This is the seventh appellate court to find the "departure bar"—a regulation barring noncitizens from pursuing their cases after departure or deportation—unlawful and is a step forward in protecting the right to a fair immigration hearing. The [decision](#) [1] is particularly significant because the Tenth Circuit had been the only court at odds with the majority. The court had granted rehearing en banc to reconsider its prior decision.

Despite the overwhelming rejection of the departure bar, the government continues to defend the regulation and apply it to cases outside the circuits that have invalidated the bar. The American Immigration Council's Legal Action Center (LAC) and the National Immigration Project of the National Lawyers Guild (NIPNLG), which filed amicus briefs in the Tenth Circuit and argued before the court, renew their call for the agency to strike this unlawful regulation.

Read more about the LAC and NIPNLG's challenges to the departure bar on our website, [Motions to Reopen from Outside the Country](#) [2].

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[1] <http://www.legalactioncenter.org/sites/default/files/docs/lac/Contreras-Bocanegra-en-banc-decision-1-30-12.pdf>

[2] <http://www.americanimmigrationcouncil.org/.../litigation/motions-reopen-outside-country>

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