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AMERICAN IMMIGRATION COUNCIL

For Immediate Release

Board of Immigration Appeals Overturns Previous Ruling, Narrows Grounds for Deportation

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Washington D.C. - On Thursday, the Board of Immigration Appeals (BIA) modified its much-criticized interpretation of a law which wrongly expanded the number of immigrants subject to removal from the United States. The BIA's modification partially adopts the position of the American Immigration Council's [Legal Action Center](#), which argued in an [amicus brief](#) that a prior BIA decision ignored the intent of Congress when it interpreted the law to cover longtime U.S. residents in addition to more recent arrivals.

The case involved the circumstances under which noncitizens may be removed for committing so-called "crimes of moral turpitude." Under current law, immigrants may be deported for committing such a crime within five years of "admission" to the United States. In the prior decision, the BIA ruled the five-year clock may start when noncitizens are admitted at the border and restart if and when they later adjust to lawful permanent resident status from inside the country, thereby reopening the window for deportation.

Numerous federal courts, as well as the Department of Homeland Security, [disagreed](#) with the BIA's initial interpretation. In Thursday's [decision](#), the BIA reversed part of its previous ruling and held that the five-year clock does not restart for noncitizens who were previously admitted at the border before becoming permanent residents.

"The ruling is a win for fair administration and better interpretation of our immigration laws, a point the Board acknowledged by conceding its prior failure to focus on the language of the statute," said LAC staff attorney Emily Creighton, who co-authored the amicus brief with LAC senior staff attorney Mary Kenney.

As a result of the ruling, the BIA terminated removal proceedings against Alla Adel Alyazji, a Palestinian citizen who entered the United States on a temporary visa in 2001 and became a lawful permanent resident in 2006. Under its new standard, the BIA found that the relevant offense had not occurred within five years of the original entry. Mr. Alyazji was represented by Wayne Sachs of Philadelphia.

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