

OUR PRACTICE

Protection and Removal

"Removal" refers to the decision of U.S. Customs and Border Patrol (CBP) refusing an alien permission to enter the United States, and the act of U.S. Immigration and Customs Enforcement (ICE) physically returning the alien to a foreign place. The grounds of removal are the reasons why that decision can be made and the types of relief that might avoid it. Removal proceedings are the process by which that decision is made and implemented. Both the reasons for and process of removal of aliens can be intensely complicated and subject to differing interpretations between the Department of Homeland Security (DHS), administrative appeals courts and federal courts, and there are even different interpretations within those bodies from time to time. These complexities give rise to strategies that make an experienced immigration lawyer essential to being admitted or remaining in the U.S. rather than being removed. We have those lawyers, and we can help.

- Refugees and Asylum
- Removal Proceedings

Baker Donelson's Immigration Group uses its knowledge of the detailed rules and interpretations about removal grounds in order to counsel clients how to avoid inadmissibility and deportability in the first place. This is particularly true concerning the avoidance of key periods of "unlawful presence" that trigger bars on reentry following departure, even for an immigrant visa interview. We work with criminal defense counsel (both within and outside our firm) to try to resolve criminal proceedings in a way that reduces the adverse immigration consequences. We help clients demonstrate how they are not removable, or how they are eligible for a waiver, in whatever context the issue arises, whether a consular visa application, a border or port inspection, or removal proceedings. We can help clients facing removal proceedings to wade through the procedural and substantive issues and chart a course to defend against removal, to request relief resulting in permanent residence, and to seek voluntary departure if necessary. Our attorneys are experienced and comfortable presenting testimony, evidence and arguments to judges in trials, and we are not hesitant to seek federal court review where appropriate. We have litigators in 13 of our offices, including Washington, D.C., Atlanta, Memphis and New Orleans – most of the immigration courts covering the entire Southeastern U.S. In matters far from our physical offices, we may recommend and work with local counsel to reduce expenses and leverage local knowledge of court personnel and practice while providing the benefit of our familiarity with the case and our breadth of experience. Even while removal proceedings go on, we consider other ways to obtain relief or return.