ADOPTED

RESOLUTION

RESOLVED, That the American Bar Association encourages Congress and the Department of Justice to amend laws and regulations to ensure that noncitizens who have the statutory right to seek judicial review of orders of removal in the circuit courts of appeal are able to exercise that right without relinquishing the benefits or protections granted during their administrative immigration proceedings. Specifically, the Association urges:

(1) that Congress amend 8 U.S.C. §1252(b)(3)(B) and applicable regulations to establish an automatic stay of removal of a final administrative decision of the Board of Immigration Appeals until either (a) the expiration of the thirty-day period for filing a Petition for Review in the Court of Appeals having jurisdiction; or (b) a ruling by the Circuit Court on a motion for a stay of removal pending disposition of the appeal, whichever is earlier; and

(2) that the Department of Justice amend 8 C.F.R. §1240.26(i), which provides for automatic termination of a grant of voluntary departure upon the filing of a petition for review in the Court of Appeals, and to allow that the period of voluntary departure granted by the Board of Immigration Appeals, if any, should be stayed during any period of judicial review and reinstated following the decision of the Circuit Court.