

ADOPTED**AMERICAN BAR ASSOCIATION****COMMISSION ON IMMIGRATION****REPORT TO THE HOUSE OF DELEGATES****RECOMMENDATION**

1 RESOLVED, That the American Bar Association
2 supports the restoration of federal judicial review of
3 immigration decisions and urges Congress to enact
4 legislation:

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6 (a) To restore the U.S. Court of Appeals' authority
7 to review discretionary decisions of the Attorney
8 General under the abuse of discretion standard in
9 effect prior to 1996 legislation. Such legislation
10 should provide that courts apply a presumption in
11 favor of judicial review and specifically reject
12 attempts by the Attorney General to label additional
13 actions as discretionary and insulate them from
14 review;

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16 (b) To permit the courts of appeals to remand cases
17 to the Board of Immigration Appeals ("BIA" or

18 “Board”) for further fact finding under the standard
19 provided in the Hobbs Act for other agency actions
20 where the additional evidence is material and there
21 were reasonable grounds for failure to adduce the
22 evidence before the agency. See 28 U.S.C. §
23 2347(c); and

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25 (c) To amend the current 30-day deadline to file a
26 petition for review with the court of appeals to 60
27 days, with a provision for the petitioner to obtain an
28 extension of an additional 30 days for good cause or
29 upon a showing of excusable neglect.

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31 **FURTHER RESOLVED**, That the American Bar
32 Association urges the promulgation of regulations
33 requiring that a final order of removal include notice of
34 the right to appeal, the applicable circuit court, and the
35 deadline for filing an appeal.