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**\*\*\*FOR IMMEDIATE RELEASE\*\*\***

***Legal Aid, Immigration Advocates Send Letter to DOJ and DHS  
Demanding End to Policy that Violates Immigrants' Due Process  
Rights and Leads to Preemptive, Unlawful Deportations***

(NEW YORK, NY) - **The Legal Aid Society** - along with 32 other immigration legal services providers, law school clinics, and advocacy organizations nationwide - today [sent](#) a [letter](#) to the United States Department of Justice (DOJ) and Department of Homeland Security (DHS) demanding an end to the practice of deporting detained noncitizens before they are afforded adequate time and opportunity to file petitions for review or seek judicial stays of removal — a policy that is in direct violation of immigrants' due process rights.

U.S. Immigration and Customs Enforcement (ICE) frequently executes the removal orders of detained individuals mere hours or days after the Board of Immigration Appeals (Board) issues its final decision in a case. For a detained individual it is often impossible to review a Board decision, file a petition for review, and obtain a judicial stay on such an expedited time frame.

The letter states:

*ICE's policy of executing removal orders before noncitizens can meaningfully access the federal courts is both harmful and contrary to law. Without access to judicial stays, individuals with meritorious appeals are needlessly separated from their families in the United States. Those with fear-based claims may be subjected to persecution or torture in countries of removal.*

The letter requests that the Executive Branch implement a policy of staying final orders for 30 days following the issuance of a Board decision, a policy that is consistent with the Immigration

and Nationality Act (INA) and will ensure that detained noncitizens have access to judicial stays, an essential aspect of meaningful judicial review.

“The current policy of deporting immigrants before they have had any meaningful opportunity to appeal the Board’s decision is a blatant violation of due process rights,” said **Julie Dona, supervising attorney of the Federal Practice in the Immigration Law Unit at The Legal Aid Society**. “It is often nearly impossible for a detained person to obtain a judicial stay in the short time between when the Board makes a decision about their case and when ICE begins the process of forced removal. DOJ and DHS must take immediate action to end this harmful policy and implement an automatic 30-day stay to ensure that individuals are able to actually reach the courthouse steps before they suffer the profound and potentially permanent consequence of deportation.”

“The opportunity to seek judicial review and a judicial stay of removal are critical to preventing unlawful deportations,” said **Trina Realmuto, executive director of the National Immigration Litigation Alliance**. “We call on the Administration to adopt policies that ensure that noncitizens have a full and fair access to these important statutory and constitutional rights.”

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*The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 145 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. <https://www.legalaidnyc.org>*