

Federal Court Actions

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Federal Legal Remedies

- Review of Final Orders
- Injunctive/Declaratory Relief
- Damages

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Review of Final Orders

- Petitions for review under INA § 242(b)-(d)
- Review of expedited removal orders under INA § 242(e)
- Suspension Clause

Review of Final Orders

- INA § 242(b)-(d)
 - Must be filed within 30 days of BIA decision
 - Must exhaust administrative remedies
 - Must be filed in circuit court where IJ completed proceedings
 - Must attach a copy of the BIA decision
 - Must be served on AG and ICE FOD
 - Must avoid the bars to judicial review

Review of Final Orders

- INA § 242(e)
 - Review of expedited removal orders
 - Severely limited review:
 - Is the person a noncitizen
 - Has the person been ordered removed
 - Does the person have LPR, refugee or asylee status which has not been terminated
- Suspension Clause
 - Meaningful opportunity for development of facts and review
 - Meaningful opportunity for review of interpretation and application of law

Actions for Injunctive, Equitable or Declaratory Relief

- Administrative Procedure Act (APA), 5 USC § 701 *et seq.*
- Mandamus, 28 USC § 1361
- Habeas, 28 USC § 2241
- Denial of rights and privileges as a national of the US, 8 USC § 1503

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[Changes to Asylum Policy and Federal Court Actions](#)

First appeared as part of the conference materials for the
2020 A Practical Guide to Immigration Removal Proceedings session
"Changes to Asylum Policy (approx. 1 hr)"