

# Federal Court Actions

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## Federal Legal Remedies

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

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# Review of Final Orders

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

# Review of Final Orders

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- 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

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- 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

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# Actions for Injunctive, Equitable or Declaratory Relief

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- 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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[2020 A Practical Guide to Immigration Removal Proceedings eConference](#)

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)"