Last updated 7/25/2005

DEPORTATION MAP

Detention & Starting a Deportation

Bureau of Immigration & Customs Enforcement (BICE) decides to initiate deportation proceeding. Holds immigrant at County Jail, Federal Detention Center, or Private Prison. Facility may be anywhere in the country. BICE issues Notice to Appear (charges), and holds immigrant until s/he granted bond, is ordered released, or deported.

Immigration Judge

Bond Hearing
If bond eligible, sets bond amount.

Master Calendar
Decides deportability, relief eligibility. May order release/ removal.

Individual Hearing
Hears applications for relief. Orders release/ removal.

Board of Immigration Appeals (BIA)

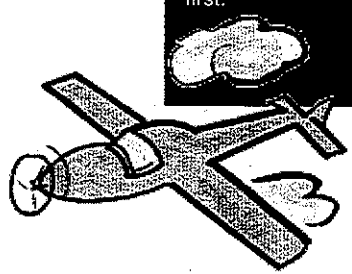
Reviews appeals of IJ decisions filed within 30 days. Issues final order of deportation.

District Court

Since the recently-passed REAL ID Act, this court may now only be able to hear *habeas corpus* petitions challenging detention, and not petitions challenging removal orders. The REAL ID Act is likely to be challenged.

Deportation

If immigrant has a final **administrative** order of deportation, and no stay of deportation, BICE may deport him/her. Home country (consulate) usually issues travel documents first.



Circuit Court of Appeals

Reviews appeals of removal orders, by way of petitions for review. Petitions for review must be filed within 30 days of BIA decision. This court also reviews appeals of federal district court decisions.

Home Country

Practices vary. Some governments regularly detain, torture, and/or monitor detainees. Homelessness and unemployment are common.

Supreme Court

Reviews Court of Appeals decisions that it chooses to accept (very few).

Map Key

- Department of Homeland Security
- Department of Justice
- Judiciary Branch Courts

Adapted from Deportation 101 (Families for Freedom & NYSDA Immigrant Defense Project)