

## Removal Notice Must Specify Time And Place Of Proceeding To Stop Ten-Year Period To Cancel Removal Proceedings

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Once a nonpermanent resident has been in the U.S. for a ten-year continuous period, they can cancel removal proceedings under the [Illegal Immigration Reform and Immigrant Responsibility Act of 1996](#). That period is stayed if the resident receives a written notice to appear that specifies a time and place for the removal proceedings during the ten year period. A Brazilian citizen came to the U.S. in 2000 and overstayed his visa. In 2006, he received a notice to appear that did not specify a time or date for a hearing. Another notice was sent in 2007 with the missing information, but he never received it. When removal proceedings were instituted against him in 2013, he argued that he had fulfilled the ten-year period under the Act. The Government argued that the notice he received in 2006, without the hearing information, sufficed to stop the time. The Bureau of Immigration Affairs ruled that the notice did stop the accrual, and the First Circuit affirmed, granting the Bureau *Chevron* deference. The Court, in an 8-1 decision by Justice Sotomayor, reversed, holding that the requirements of the Act unambiguously mandated that the notice must have information about the time and place of the hearing to trigger the stoppage of time, and the Bureau's order was not entitled to *Chevron* deference. Justice Alito wrote in dissent that the Court should not have ignored *Chevron* and affirmed the Bureau's interpretation. A link to the opinion in *Pereira v. Sessions* is [here](#).

**TAGGED:** [scotus](#), [Removal Proceedings](#), [Illegal Immigration Reform and Immigrant Responsibility Act](#), [Bureau of Immigration Affairs](#), [Pereira v. Sessions](#)