



IMMIGRANT
DEFENSE
PROJECT

KEY REMOVAL DEFENSES IN CRIMINAL CHARGE CASES

January 1, 2022

April 2022 (Post-Conviction Relief State Summary Chart)

November 2022 (Challenging Divisibility Resource)



KEY REMOVAL DEFENSES IN CRIMINAL CHARGE CASES

[January 1, 2022]

This Removal Defenses in Criminal Charge Cases resource summarizes key legal defenses and strategies that noncitizens and their legal representatives may pursue in removal proceedings in which the government is alleging removability or ineligibility for relief from removal based on crime-related charges. This resource does not cover every criminal removal ground and is by no means exhaustive. It is designed as a starting point for research of available legal arguments and strategies. Contrary authority is sometimes included in brackets. Some of the listed arguments and strategies may require going into federal court and may raise complicated federal court jurisdictional issues. For further guidance, contact the Immigrant Defense Project (IDP) at 212-725-6422. For updates, visit the IDP website at www.immdefense.org.

IDP fights for the rights of immigrants entangled in the unjust and racially biased criminal legal and immigration systems. Founded in 1997, IDP was started to combat an emerging human rights crisis: the targeting of immigrants for mass imprisonment and deportation. The crisis was driven by the passage of devastating immigration “reform” laws in 1996 that placed many immigrants at risk of detention and deportation for virtually any past contact with the criminal legal system.

Today, IDP’s work remains rooted in the principle that no one is disposable. We fight for the transformation of both the criminal legal and immigration systems by using a multi-pronged strategy that includes strategic litigation, advocacy, expert legal advice and training, community defense, and strategic communications.

This resource is an updated version of the IDP resource previously entitled Removal Defense Checklist in Criminal Charge Cases, which was supplemented and updated by IDP 2020 law interns Daniel Amar Peña and Lauren Wilfong and 2021 law interns Aaron Friedman and Bianca Rey, under the supervision of IDP Senior Counsel Manny Vargas. IDP expresses its deep appreciation to our interns for their invaluable work on this resource.

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KEY REMOVAL DEFENSES IN CRIMINAL CHARGE CASES:

[September 1, 2022]

Domestic Offense Charges Supplement Part III. I, J., K. and L.

This supplement expands on *Removal Defenses in Criminal Charge Cases* (January 1, 2022) to cover additional criminal grounds of removal related to domestic offenses. The resource is not exhaustive. It is designed as a starting point for research of available legal arguments and strategies. Contrary authority is sometimes included in brackets. Some of the listed arguments and strategies may require going into federal courts and may raise complicated federal court jurisdictional issues. For further guidance, contact the Immigrant Defense Project (IDP) at 212-725-6422. For updates, visit the IDP website at www.immdefense.org.

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This supplement to the book “Key Removal Defenses in Criminal Charge Cases” was researched and drafted by IDP 2022 law interns Sarah Corsico and Jencey Paz under the supervision of IDP Senior Counsel Manny Vargas. IDP expresses its deep appreciation to our interns for their invaluable work on this resource.

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