Removal defense (sometimes called removal defense immigration) refers to the legal proceedings and strategies used to prevent or contest the deportation or removal of an individual from the United States. Consulting a removal defense immigration attorney early can help you understand your options and prepare a thorough record.

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What Are Removal (Deportation) Proceedings?

Removal proceedings are legal processes initiated by the government to determine whether a non-citizen has violated immigration laws and should be removed from the country. These cases typically begin when an immigration authority

issues a Notice to Appear (NTA), which outlines the charges against the individual and specifies the reasons for potential deportation.

Presenting a Defense and Contesting Charges

- After being placed in removal proceedings, you may present arguments and evidence to the immigration court showing why you should be allowed to remain in the United States.
- Removal defense involves complex laws and procedures; many individuals seek assistance from immigration attorneys to navigate these processes and build a strong defense.
- Carefully review the charges and allegations in the NTA to determine whether to admit or contest the grounds of removability.
- A deportation defense immigration lawyer can advise on and file appropriate motions to suppress, terminate, dismiss, or reopen.

Relief Options

You may be eligible for one or more forms of relief depending on your situation.

Asylum and Withholding of Removal

- You may qualify based on past persecution or a well-founded fear of future harm in your home country.

Cancellation of Removal

- If you have remained in the U.S. for a long time before being placed in proceedings, you might qualify for cancellation of removal—even if you are not a lawful permanent resident (LPR).

42A vs. 42B Cancellation

42A (for certain LPRs)	42B (for certain non-LPRs)
Focuses on length of residence, LPR status, and certain criminal bars.	Typically requires continuous physical presence, good moral character, no disqualifying offenses, and exceptional and extremely unusual hardship to qualifying relatives.

How to Apply

- Your attorney will typically submit Form EOIR-42A or EOIR-42B with supporting evidence and testimony tailored to your case.

Termination, Dismissal, and Prosecutorial Discretion (PD)

- Contact an attorney to confirm you were not erroneously placed in removal proceedings; your counsel can file a motion to terminate or dismiss when appropriate.
- In certain situations, you can negotiate with DHS to dismiss proceedings via a prosecutorial discretion (PD) request.

Detention and Bond

If detained during removal proceedings and not considered an aggravated felon, you may qualify for bond. Your attorney can request a bond hearing and present evidence of community ties and factors related to flight risk and danger to the community.

How Lunel Law Assists

- Extensive experience representing people in removal proceedings.
- Review the NTA and charges; assess whether termination, dismissal, or PD is feasible.
- Prepare you for hearings, including the merits hearing.
- Prepare and file applications such as EOIR-42A or EOIR-42B with supporting evidence.

- Request bond when appropriate.
- If you need a removal defense attorney Atlanta residents can trust, contact us to discuss your options.
- Assistance available in Spanish.
- If you are searching for a removal defense attorney near you in Atlanta, our immigration deportation lawyer is ready to assist.


REMOVAL DEFENSE
Protecting Your Rights Against Deportation
Expert Legal Strategy
Court Representation
Know Your Rights
Lunel Law
Navigate Complex Immigration Law in the US

Frequently Asked Questions

I just received a Notice to Appear (NTA). What is it and what should I do next?

An NTA starts removal (deportation) proceedings and lists the government's charges and reasons it believes you are removable. Review every allegation and charge carefully with a removal defense immigration attorney as soon as possible. Your lawyer can help you decide whether to admit or contest the charges, identify defenses and relief, and prepare for your first hearing.

Can a lawyer stop deportation?

An attorney cannot guarantee a result, but a skilled removal defense immigration attorney can seek stays of removal, request bond, pursue relief such as asylum or cancellation, appeal adverse rulings, or request PD, which may stop or pause deportation depending on the facts.

What types of defenses or relief can I pursue?

Options depend on your facts. Common avenues include asylum and withholding of removal, cancellation of removal (42A for certain LPRs and 42B for certain non-LPRs), and procedural strategies such as motions to suppress, terminate, dismiss, or reopen. In some cases, you can request PD from DHS. If detained and not considered an aggravated felon, you may also seek bond.

Who is eligible for cancellation of removal?

– Non-LPRs (42B): Often require 10 years of continuous physical presence, good moral character, no disqualifying offenses, and exceptional and extremely unusual hardship to a qualifying U.S. citizen or permanent resident spouse, parent, or child.
– LPRs (42A): Focuses on length of residence, LPR status, and certain criminal bars.

How do I apply for cancellation of removal?

Work with counsel to prepare a complete application, including Form EOIR-42A or EOIR-42B, affidavits, country conditions,

and hardship documentation tailored to your qualifying relatives.

What happens if cancellation of removal is granted?

– Non-LPRs granted 42B generally obtain lawful permanent resident status.
– LPRs granted 42A typically retain or are restored to LPR status, and removal charges are cancelled.

What are the fees and overall costs?

Government costs can include filing and biometrics fees; attorney fees vary by complexity. Ask about the cancellation of removal fee components and overall removal defense attorney costs during your consultation to understand the budget and any payment options.

How long is the wait time, and what is the success rate for cancellation of removal?

Timelines and outcomes vary by court backlogs, evidence, and eligibility; no attorney can promise a specific success rate. Your case strategy should account for current local calendars and the strength of your supporting documentation.

Can my removal case be terminated, dismissed, or reopened?

Yes, in appropriate circumstances. If you were erroneously placed in proceedings or the charges are defective, your attorney can file a motion to terminate or dismiss. If circumstances or evidence change, counsel can evaluate a motion to reopen. Separately, you may ask DHS to dismiss the case via PD when warranted.

What happens at a bond hearing, and who may qualify?

If detained and not treated as an aggravated felon, your attorney can request a bond hearing. At that hearing, counsel presents evidence of your community ties and factors showing you are not a flight risk or danger. The immigration judge decides whether to set bond and at what amount based on the evidence and your circumstances.

How does Lunel Law assist clients in removal proceedings?

Lunel Law reviews the NTA and charges, assesses whether termination or dismissal is feasible (including PD requests), prepares and files applications such as EOIR-42A or EOIR-42B with supporting evidence, requests bond when appropriate, and prepares you for and attends your hearings, including the merits hearing. We serve Atlanta residents and also offer assistance in Spanish. To discuss options and costs, schedule a consultation.

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How an Attorney Can Help You Fight Deportation

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