

3.1 Removal Defined

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Before 1996, immigration law provided for two types of processes to eject noncitizens from the U.S.—“deportation” (if a noncitizen was found to be deportable) and “exclusion” (if a noncitizen was found to be inadmissible). *See infra* § 3.2, Deportability vs. Inadmissibility. Laws passed in 1996 ended the distinction and created a single process called removal.

There are several ways the government can remove a noncitizen. Before being removed, many noncitizens receive an administrative hearing before an immigration judge with the Department of Justice, Executive Office for Immigration Review. *See* INA § 240, 8 U.S.C. § 1229a. The immigration judge must make findings of fact and determine whether the noncitizen is removable under immigration law. If the immigration judge orders a noncitizen removed and that order becomes final, U.S. Immigration and Customs Enforcement (ICE) will physically remove that individual from the U.S. For a discussion of other procedures for removing a noncitizen, see *infra* § 7.4B, Removal Proceedings.

Removal from the U.S. is the immigration consequence that will probably be of most importance to your client. For a discussion of priorities based on the client’s particular immigration status (e.g., lawful permanent resident, refugee, etc.), see *infra* Chapter 5, Determining Possible Immigration Consequences Based on Your Client’s Immigration Status.