

The Supreme Court - April 29, 2021

Today, the Supreme Court of the United States issued the following decision:

Niz-Chavez v. Garland, No. 19-863: Congress has given the Attorney General discretion to allow qualifying nonpermanent resident aliens ordered to be removed from the United States, to instead remain in the country. One of the requirements a nonpermanent resident must meet is showing that they have been continuously present in the United States for at least 10 years. Under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996's ("IIRIRA") "stop-time" rule, time towards this 10 year requirement stops accruing "when the alien is served a notice to appear." 8 U.S.C. §1229b(d)(1). The IIRIRA further defines a notice to appear as "written notice . . . specifying" several things, including the nature of the proceedings against the alien, charges against the alien, the time and place at which the proceedings will be held, and other requirements. Here, the Government sent petitioner Augusto Niz-Chavez this required information in separately-issued documents two months apart, and took the position that the stop-time rule was triggered once Niz-Chavez was served with the second document. The Sixth Circuit agreed with the Government. Today, the Court reversed, holding that the IIRIRA's requirement that the Government serve "a notice to appear," requires the Government to serve all the statutorily-required information in a single document in order to trigger the stop-time rule. Justice Gorsuch issued the Court's opinion, joined by Justices Thomas, Breyer, Sotomayor, Kagan, and Barrett. Justice Kavanaugh dissented, joined by Chief Justice Roberts and Justice Alito.

View the Court's [decision](#).

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