

The Supreme Court Update - April 22, 2025

by Ian Blodger, Jessica M. Leano, and Brock Huebner

The Supreme Court of the United States issued one decision today:

Monsalvo Velázquez v. Bondi, No. 23-929: The Court addressed whether the 60-day voluntary-departure deadline to leave the country rolls over to the next business day if the deadline falls on a weekend or legal holiday. Under 8 U.S.C. § 1229c(b)(2), the government may delay detention and deportation for up to “60 days” to allow those of “good moral character” to leave the country on their own terms. An immigration judge found Monsalvo removable but eligible for voluntarily departure within 60 days under § 1229c(b)(2). Monsalvo appealed that decision to the Board of Immigration Appeals, which rejected his appeal and granted him a new 60-day voluntary-departure period, which fell on a Saturday. Monsalvo served a motion to reopen his removal proceedings on Friday, the day prior to the 60th day, but filed the motion on Monday, the next business day. The Board held that Monsalvo’s voluntary-departure deadline expired on Saturday, and his motion filed on Monday was too late. Monsalvo sought review by the Tenth Circuit, which agreed with the Board that § 1229c(b)(2) refers to “calendar days” with no extensions for deadlines that fall on weekends or holidays.

In a 5-4 opinion authored by Justice Gorsuch, the Court reversed and remanded, holding that a voluntary-departure deadline that falls on a weekend or legal holiday extends to the next business day. Though the Board and Tenth Circuit interpreted “days” in § 1229c(b)(2) to mean calendar days, evidence suggested a specialized meaning in legal settings, where “days” is often understood to extend deadlines falling on holidays or weekends to the next business day. Among the evidence noted by Justice Gorsuch were other immigration regulations that exclude weekends and legal holidays if a deadline falls on one of those days. Justice Thomas, joined by Justice Alito and joined in part by Justices Kavanaugh and Barrett, filed a dissent. Justices Alito and Barrett filed dissents, joined by Justice Kavanaugh.

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

Related People

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