

22-674 CAMPOS-CHAVES V. GARLAND

DECISION BELOW: 54 F.4th 314

LOWER COURT CASE NUMBER: 20-60262

QUESTION PRESENTED:

The Immigration and Nationality Act provides that a noncitizen who does not appear at a removal hearing shall be ordered removed in absentia, but only if she was provided "written notice required under paragraph (1) or (2) of section 1229(a)." 8 U.S.C. §1229a (b)(5)(A). The Act authorizes rescission of an in absentia order if the noncitizen "did not receive notice in accordance with paragraph (1) or (2) of section 1229(a)." *Id.* §1229a (b)(5)(C)(ii).

Paragraph (1) of section 1229(a) requires a single notice document that contains all the information specified in the statute, including the "time and place" of proceedings. See *Niz-Chavez v. Garland*, 141 S. Ct. 1474, 1480-1485 (2021). Paragraph (2) requires notice of the "new time and place" "in the case of any change or postponement in the time and place of such proceedings."

The question presented is:

If the government serves an initial notice document that does not include the "time and place" of proceedings, followed by an additional document containing that information, has the government provided notice "required under" and "in accordance with paragraph (1) or (2) of section 1229(a)" such that an immigration court must enter a removal order in absentia and deny a noncitizen's request to rescind that order?

CONSOLIDATED WITH 22-884 FOR ONE HOUR ORAL ARGUMENT.

CERT. GRANTED 6/30/2023