



U. S. Department of Justice

Civil Division

Office of the Assistant Attorney General

Washington, D.C. 20530

April 25, 2012

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Dear Advocates:

Enclosed is a letter sent today to the Clerk of the United States Supreme Court regarding the government's facilitation of the return of aliens who have been removed from this country prior to a favorable ruling for them in the courts. This issue specifically relates to the statement in *Nken v. Holder*, 556 U.S. 418, 435 (2009), that removal alone would not cause an alien irreparable injury because "those who prevail can be afforded effective relief by facilitation of their return, along with restoration of the immigration status they had upon removal."

The letter describes, among other things, the steps the government has taken to ensure that aliens who prevail on judicial review are able to timely return to the United States. These steps include issuance of a directive affirming U.S. Immigration and Customs Enforcement's commitment to facilitate return, designation of its Public Advocate as an initial point of contact for aliens seeking help in facilitating return, notice of this process to aliens and the general public, and dissemination of this information to embassies and consulates around the world.

If you are aware of anyone who has been removed from this country and later prevailed in the court of appeals and should be entitled to return, but whose return has been impeded, please contact the ICE Public Advocate, who can be reached at (202) 732-3100 or via email at [EROPublicAdvocate@ice.dhs.gov](mailto:EROPublicAdvocate@ice.dhs.gov), with the information described in Appendix D to the attached letter. As stated in the directive and process referred to above, the Public Advocate will serve as the initial point of contact for the determination of whether it is appropriate to facilitate return.

Sincerely,

A handwritten signature in blue ink that reads "Stuart F. Delery".

Stuart F. Delery  
Acting Assistant Attorney General

Enclosure

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