



When “It Should Be Easy” Isn’t: Why Understanding Removal Proceedings Matters

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My client, “Amy,” came to the United States more than 20 years ago.

Like many people, Amy did not have a perfect recollection of her immigration history. She shared that she first entered the United States without inspection or admission, had a brief interaction with immigration officials, was returned to Mexico, and later re-entered the United States without inspection or admission without incident. She could not recall whether she had been ordered deported, or whether she had received any official paperwork. Instead, she focused on building a life in the United States. She worked. She paid taxes every year using an ITIN. She stayed out of trouble. She raised a family.

Today, she is the primary caregiver to her adult U.S. citizen son, who has autism and requires 24/7 care. Her father is a lawful permanent resident. Most of her siblings are U.S. citizens or lawful permanent residents. By every outward measure, she looked like someone with strong ties to the United States and a compelling humanitarian story.



Before coming to our firm, she consulted with other attorneys and notarios¹ (notary publics) who told her the same thing *"You can easily get a work permit,"* and *"I can get you a green card because of your son."*

But immigration law is rarely that simple. When someone promises an easy solution without first investigating your immigration history, that is often a sign that they have not done the hard work your case deserves.

Why Past Encounters with Immigration Officials Matter

Whenever a client tells me they have had any interaction with immigration officials—at the border or inside the country—it raises an immediate red flag. Not because the case is hopeless, but because those encounters can carry legal consequences that follow someone for life.

At my client's initial consultation in October 2024, I was very clear with her. Based on what she shared, there was a real possibility that she had been formally removed during her first entry when she encountered immigration officials. If that were true, her later return to the United States could place her under what the law

¹ While a notary public in the U.S. is authorized only to witness the signature of forms, a notary public in many Latin American (and European) countries refers to an individual who has received the equivalent of a law license and who is authorized to represent others before the government. The problem arises when individuals obtain a notary public license in the U.S., and use that license to substantiate representations that they are a "notario publico" to immigrant populations that ascribe a vastly different meaning to the term. See American Bar Association, "About Notario Fraud," published Dec. 12, 2024 (https://www.americanbar.org/groups/public_interest/immigration/projects_initiatives/fightnotariofraud/about_notario_fraud/).



calls the permanent bar to lawfully entering the United States² and potentially expose her to reinstatement³ of a prior removal order.

That is not an easy conversation to have, but we have a duty to be honest and transparent with our clients. Too often, vulnerable noncitizens are told what they want to hear instead of what the law actually says.

I also told her what I tell all my clients: information is power. In a system as complex and unforgiving as U.S. immigration law, the most important first step is understanding your actual history, not what someone assumes or promises.

So we did what responsible immigration representation requires before creating a legal strategy: we investigated her history thoroughly. That meant filing Freedom of Information Act (FOIA) requests with multiple government agencies to uncover the full scope of her prior encounters.

² Most immigration bars are triggered when an individual leaves the U.S., even voluntarily. The three- and ten-year bars are applied to someone who spends time in the U.S. without authorization, accruing time in “unlawful presence,” and then leaves. Six months or less of unlawful presence triggers a three-year bar; someone who has more than six months of unlawful presence will be barred from reentering the U.S. for at least ten years. *See* [INA § 212\(a\)\(9\)\(B\)\(i\)](#). If an individual has spent at least a year in the U.S. without authorization *and* subsequently enters (or attempts to enter) the U.S. without authorization or if an individual is removed (deported) and re-enters or attempts to re-enter the U.S. without being admitted by immigration officials, the individual will be subject to a permanent bar, though the individual can request permission to reapply after ten years. *See* [INA § 212\(a\)\(9\)\(C\)\(i\)\(I\)](#).

³ The reinstatement statute applies to individuals who return to the U.S. without authorization after having been removed under a prior order of deportation, exclusion, or removal. Reinstatement orders can be issued anywhere in the United States and can be issued against noncitizens who have been living in the country for many years. *See* [INA § 241\(a\)\(5\)](#).



The Role of FOIA in Understanding Your Case

Since Amy could not recall whether the officials she encountered at the border were Immigration and Customs Enforcement or Custom and Border Protection agents; whether she had been issued a Notice to Appear; or whether she had been ordered officially removed, we filed FOIA requests with the following government agencies to obtain clarity regarding any potential law enforcement interaction or official paperwork found under her name:

- U.S. Immigration and Customs Enforcement (ICE), which handles immigration enforcement inside the United States and removal operations;
- U.S. Customs and Border Protection (CBP), responsible for encounters at ports of entry and the border;
- U.S. Citizenship and Immigration Services (USCIS), which processes immigration benefits;
- The Federal Bureau of Investigation (FBI), which maintains fingerprint-based background records; and
- The Office of Biometric Identity Management (OBIM), the Department of Homeland Security agency that maintains fingerprint and biometric data tied to immigration encounters.

These requests are often essential to understanding a person's true immigration history. However, FOIA is not as simple, or as safe, as many people assume.



Names are frequently misspelled by immigration officials, especially during border encounters. Dates of birth may be entered incorrectly or inconsistently. As a result, FOIA requests that rely only on a person's name and date of birth may return "no records," even when significant enforcement action occurred. That is why OBIM responses are often the most revealing: they are based on fingerprint data, not biographical information. Fingerprints do not change, and they do not depend how an official records names or dates on a form.

In this case, immigration officials had misspelled my client's name during her first encounter at the border. Because of that error, several FOIA requests searching by name returned no results. It was only through OBIM's fingerprint-based records that we confirmed what we had feared from the beginning: she had been apprehended during her first entry and formally ordered removed to Mexico. Without that investigation, someone might have filed an application assuming she had no formal removal order, placing her at risk of immediate enforcement consequences.

Because she later re-entered the United States after being formally removed, the law treated her situation very differently than someone who had only entered without inspection once. She was subject to the permanent bar and could face reinstatement of removal if encountered by immigration authorities.

It is also important to understand that the risks associated with filing FOIA requests have changed. Prior to the current Trump Administration, FOIA requests were generally considered low-hanging fruit, an investigative tool that did not place someone on the enforcement radar. Increasingly, however, we cannot discard the risk associated with filing FOIA requests and whether the information found in the requests could be used as a means to locate and apprehend individuals.

For that reason, we do not recommend filing FOIA requests on your own without first understanding the very real risk of exposure. Anyone considering filing FOIA



requests should speak with a qualified immigration attorney to assess whether, when, and how they should be filed safely. For example, a helpful strategy can be filing FOIA requests including only a safe mailing address, such as the attorney's.

A Hard Truth, And a Necessary One

During our follow-up meeting, we carefully walked through every ground of inadmissibility and removability that applied to her case. We discussed unlawful presence bars, the permanent bar, reinstatement of removal, and how those terms affected real life, not just their legal definitions.

My client told me that, since our first meeting, she had continued to hear from other lawyers and notarios who said they could help her, but none of them explained how. None of them asked detailed questions about her prior encounters. None of them suggested obtaining her immigration records. They offered conclusions without first gathering the facts.

There was no easy pathway to residency or citizenship for her. No shortcut. No guaranteed fix.

It was a painful conversation.

And yet, at the end of it, she thanked me.

For the first time in over 20 years, she fully understood her immigration situation. She understood the significance of her prior encounters with immigration officials and why her circumstances, despite looking similar on the surface, are legally



distinct from those of others she knows. Most importantly, she felt empowered. No one could take advantage of her vulnerability or confusion anymore.

Misinformation Causes Real Harm

As immigration attorneys, we hear far too many stories of vulnerable people being promised the impossible by notarios, consultants, and sometimes even licensed attorneys. Thousands of dollars are stolen from vulnerable noncitizens seeking legal advice in a complicated immigration system that they do not understand. False hope is sold. And when things fall apart, those “helpers” are nowhere to be found.

In a time when misinformation is rampant, the ability to understand your own case is a form of protection. Often, the harm does not come from outright fraud, but from advice given without a full understanding of the person’s immigration history.

What This Means for You

If you or a loved one has ever had contact with immigration officials, even briefly, do not assume it is irrelevant. Do not rely on promises that sound too easy. Ask questions. Ask for explanations. Ask why something is possible and how it would work under the law.

No one will ever care about your case more than you do. But with the right information, you can advocate for yourself wisely and avoid irreversible harm.

At Grossman Young & Hammond, we believe that responsible immigration representation begins with facts. That means doing the hard work of gathering

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records, understanding past encounters, and carefully assessing risk before filing anything.

Easy answers are tempting. But in immigration law, incomplete information can be dangerous.

The right guidance may not always offer a quick fix—but it will offer clarity, strategy, and protection.