BOARD OF IMMIGRATION APPEALS, FIFTH CIRCUIT AND SUPREME COURT CASES (2017-2018)

BIA CASES:

27 I&N Dec. 92 (BIA 2017)
Matter of Ali Mohamed MOHAMED, Respondent

Entry into a pretrial intervention agreement under Texas law qualifies as a "conviction" for immigration purposes under section 101(a)(48)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(48)(A) (2012), where (1) a respondent admits sufficient facts to warrant a finding of guilt at the time of his entry into the agreement, and (2) a judge authorizes an agreement ordering the respondent to participate in a pretrial intervention program, under which he is required to complete community supervision and community service, pay fees and restitution, and comply with a no-contact order.

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26 I&N Dec. 904 (BIA 2017)
Matter of Yovany CALCANO DE MILLAN, Beneficiary of petition filed by Jorge Arturo Millan, Petitioner

For purposes of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. No. 109-248, 120 Stat. 587, and section 204(a)(1)(A)(viii)(I) of the Immigration and Nationality Act, 8 U.S.C.§1154(a)(1)(A)(viii)(I) (2012), a United States citizen or lawful permanent resident petitioner has been "convicted" of an offense where either a formal judgment of guilt has been entered by a court or, if adjudication of guilt has been withheld, where:
(1) a plea, finding, or admission of facts established the petitioner's guilt and
(2) a judge ordered some form of punishment, penalty, or restraint on his or her liberty.

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26 I&N Dec. 912 (BIA 2017)
Matter of Kwan Ho KIM, Respondent

The crime of mayhem in violation of section 203 of the California Penal Code, which requires a malicious act that results in great bodily injury to another person, necessarily involves the use of violent force and is therefore categorically a crime of violence under 18 U.S.C. § 16(a) (2012).

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27 I&N Dec. 124 (BIA 2017)
Matter of Saif Ur REHMAN, Beneficiary of a visa petition filed by Younas Mohammad Chaudry, Petitioner

Where a petitioner seeking to prove a familial relationship submits a birth certificate that was not registered contemporaneously with the birth, an adjudicator must consider the birth certificate, as well as all the other evidence of record and the circumstances of the case, to determine whether the petitioner has submitted sufficient reliable evidence to demonstrate the claimed relationship by a preponderance of the evidence.

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26 I&N Dec. 922 (BIA 2017) Interim Decision #3886
Matter of Rogelio FLORES-ABARCA, Respondent

The crime of transporting a loaded firearm in violation of title 21, section 1289.13 of the Oklahoma Statutes is categorically a firearms offense under section 237(a)(2)(C) of the Immigration and Nationality Act, 8 U.S.C. § 1227(a)(2)(C) (2012), even though the term "transporting" is not included in the Act, because section 237(a)(2)(C) is broadly construed to encompass all types of firearms offenses.

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27 I&N Dec. 82 (BIA 2017) Interim Decision #3899
Matter of J-G-D-F-, Respondent

Burglary of a dwelling in violation of section 164.225 of the Oregon Revised Statutes is a crime involving moral turpitude, even though the statute does not require that a person be present at the time of the offense, provided that the dwelling is at least intermittently occupied.

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27 I&N Dec. 31 (BIA 2017) Interim Decision #3892
Matter of M-B-C-, Respondent

Where the record contains some evidence from which a reasonable factfinder could conclude that one or more grounds for mandatory denial of an application for relief may apply, the alien bears the burden under 8 C.F.R. § 1240.8(d) to prove by a preponderance of the evidence that such grounds do not apply.

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27 I&N Dec. 72 (BIA 2017) Interim Decision #3898
Matter of N-A-I-, Respondent

(1) An alien who adjusts status under section 209(b) of the Immigration and Nationality Act, 8 U.S.C. § 1159(b) (2012), changes his or her status from that of an alien granted asylum to that of an alien lawfully admitted for permanent residence, thereby terminating the alien's asylee status. Matter of C-J-H-, 26 I&N Dec. 284 (BIA 2014), clarified.

(2) The restrictions on removal in section 208(c)(1)(A) of the Act, 8 U.S.C. § 1158(c)(1)(A) (2012), do not apply to an alien granted asylum whose status is adjusted to that of an alien lawfully admitted for permanent residence pursuant to section 209(b) of the Act.

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27 I&N Dec. 40 (BIA 2017) Interim Decision #3893
Matter of L-E-A-, Respondent

(1) Whether particular social group based on family membership is cognizable depends on nature and degree of relationships involved and how those relationships are regarded by the society in question.

(2) To establish eligibility membership in a particular social group composed of family members, an applicant must not only demonstrate that he or she is a member of the family but also that the family relationship is at least one central reason for the claimed harm.

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