

Case Law Updates: The Good, the Bad, ... and the Ugly

The University of Texas School of Law
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1

Supreme Court & select BIA

2

Diana Ross and the Supremes

Santos-Zacaria v. Garland, 143 S. Ct. 1103 (2023)

- exhaustion of administrative remedies; INA § 242(d)(1); jurisdiction; statutory scheme as a whole; Congressional language in the INA; claims processing rule; remedy of right

Dubin v. United States, 143 S. Ct. 1557 (2023)

- identity theft; definition of use; in relation to; statutory titles; importance of the word “aggravated”; statutory interpretation; presumption against over including criminal conduct



Diana Ross and the Supremes (cont.)

Pugin v. Garland, 143 S. Ct. 1833 (2023)

- relating to obstruction of justice; INA § 101(a)(43)(S); aggravated felony; relating to; dictionaries; Congressional intent

United States v. Texas, 143 S. Ct. 1964 (2023)

- State standing; prosecutorial discretion; redressability; historical analysis; humanity

United States v. Hansen, 143 S. Ct. 1932 (2023)

- 8 U.S.C. § 1324(a)(1)(A)(iv); First Amendment; freedom of speech; facial challenge; criminal solicitation; criminal facilitation

Diana Ross and the BIA?

Matter of C-G-T-, 28 I&N Dec. 740 (BIA 2023)

- one-year deadline; gay men in the Dominican Republic; reasonableness of reporting harm to police; reporting harm as child; sexual identity as immutable; statement of persecutor

Matter of Garcia, 28 I&N Dec. 693 (BIA 2023)

- venue; forum; choice of law; regulatory interpretation; INA § 242(b)(2); 8 C.F.R. § 1003.14(a); 8 C.F.R. § 1003.20(a); comparing hardship case to other cases

5

5

Diana Ross and the BIA?

Matter of Morales-Morales, 28 I&N Dec. 714 (BIA 2023)

- 8 C.F.R. § 1003.38(c); *Matter of Liadov*; untimely notice of appeal; claims processing rule; equitable tolling

Matter of Chen, 28 I&N Dec. 676 (BIA 2023)

- deficient NTA; plain language; stop-time rule; final order of removal; prima facie showing; fundamental change in law – Niz Chavez

6

6

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