

## SIGNIFICANT CASES

1/11/2016	X- v. U.S. Attorney General	Fifth Circuit grants Government Motion to Dismiss for lack of jurisdiction on second PFR filed after BIA granted partial remand below, clarifying Fifth Circuit will follow <i>Abdisalan v. Holder</i> , 774 F.3d 517 (9th Cir. 2014). Co-Counsel with Baker Botts
9/24/2015	X- v. U.S. Attorney General	Fifth Circuit remands to BIA for reconsideration of evidence in transgender withholding case
9/10/2015	Matter of X-	BIA Finds Iraqi's Past Experience of Working with Americans to Be Immutable Characteristic. Unpublished BIA decision remands petitioner's asylum claims, finding that the Iraqi citizen-respondent's past experience of having cooperated or worked with Americans or American entities in Iraq was, by its very nature, immutable. Courtesy of Geoffrey A. Hoffman. (Matter of X-, 9/10/15) AILA Doc. No. 15092300
1/10/2014	Matter of X-	BIA Reopens Case Sua Sponte Based upon INA 245(i) Claim The BIA found that based on the totality of the circumstances the case should be reopened and remanded for further proceedings. The case involved the application of 245(i) grandfathering, as well as other issues concerning application of new Board precedent decisions. Co-Counsel w/ Ira Kurzban.
11/19/2013	Matter of X-	BIA Remands Asylum Denial for Bipolar Individual from Ghana The BIA remanded, finding that individuals from Ghana who suffer from mental illness and are indigent and lack family support constitutes a cognizable particular social group and that the IJ erred in evaluating wellfounded fear of persecution. Courtesy of Geoffrey Hoffman. AILA Doc. No. 13111951
11/15/2011	Matter of X-	BIA Remands Mali FGM Asylum Claim The BIA found exceptional circumstances to permit respondent's late-filed asylum application, reversed the IJ's finding that DHS rebutted the wellfounded fear presumption, and found that the IJ failed to follow Matter of A-T-. Courtesy of Geoffrey A. Hoffman. AILA Doc. No. 11111548. AILA Doc. No. 11111548.
9/14/2011	Demirchyan v. Holder, 641 F.3d 1141 (9th Cir. 2011)	Ninth Circuit Holds Petitioner Does Not Need to File Notice of Appeal in Transferred Citizenship Case (Ninth Circuit held petitioner not required to file notice of appeal of the district court's decision on citizenship claim because court of appeals retains jurisdiction over petition for review after transfer under 8 U.S.C. § 1252(b)(5)(B)). CoCounsel with Ira Kurzban

11/8/2010	Matter of X-	BIA Remands for Consideration of Special Rule Cancellation Claim In an unpublished decision, the BIA remanded for the IJ to consider respondent's eligibility for special rule cancellation of removal under INA §240A(b)(2), where respondent testified that his U.S. citizen spouse was on probation for child abuse. Courtesy of Geoff Hoffman. AILA Doc. No. 10110868. AILA Doc. No. 10110868.
6/14/2010	Matter of X-	BIA Holds Matter of Lozada Substantially Satisfied Where Prior Attorney Now Deceased BIA granted a motion to reopen an in absentia order of deportation based on Matter of Lozada. BIA found Matter of Lozada substantially satisfied where prior attorney is now deceased. Unpublished decision courtesy of Geoffrey A. Hoffman. AILA Doc. No. 10061466.
6/14/2010	Carachuri-Rosendo v. Holder	Supreme Court Issues Decision on Second Drug Possession Conviction and Aggravated Felonies Supreme Court held second or subsequent simple marijuana possession offenses are not aggravated felonies under INA §101(a)(43) when the state conviction is not based on the fact of a prior conviction. (Carachuri-Rosendo v. Holder, 6/14/10). AILA Doc. No. 10061462. AILA Doc. No. 10061462. Co-Counsel with attorneys from O'Melveny & Myers LLP, Washington, D.C.
7/23/2009	Matter of X-	IJ Finds Applicant Was Improperly Placed in Proceedings Prior to Adjudication of Asylum Application IJ grants motion to terminate proceedings, persuaded that the asylum applicant was improperly placed in removal proceedings prior to the adjudication of a previously filed asylum application. Courtesy of Geoffrey Hoffman. AILA Doc. No. 09072363
1/5/2009	Matter of X-	BIA Reopens Proceedings for Ethiopian Asylum Seeker BIA reopens exclusion proceedings and remands to allow the applicant to reapply for asylum and withholding, and to seek CAT relief. BIA found material evidence of changed country conditions demonstrated prima facie eligibility for relief. Unpublished decision courtesy of Geoffrey A. Hoffman and Lacy Brinson of Kurzban Kurzban Weinger & Tetzeli. AILA Doc. No. 09010563.
9/17/2008	Matter of X-	CA11 Finds Rehabilitative Vacatur were Effective to Remove Non-Controlled Substance Convictions in 1997 Unpublished decision. The court granted petition for review and remanded case to the IJ for a factual determination as to whether "omnupon" is a

		<p>controlled substance. Court states that in 1997 rehabilitative vacatur was effective to remove the consequences of non-controlled substance convictions for immigration purposes. Courtesy of Geoffrey Hoffman and Ira Kurzban. AILA Doc. No. 08091760.</p>
7/9/2008	Matter of X-	<p>BIA Finds Error in Credibility Standard, Remands Allowing for New Evidence in Asylum Claim BIA concludes that IJ erred in applying the Real ID Act to a case where respondent filed asylum application prior to the effective date of the Act. Respondent able to amend asylum application and submit new evidence for a claim based on membership in a social group defined by a disability, in this case, deaf and mute children. Decision courtesy of Geoffrey Hoffman. AILA Doc. No. 08070960.</p>