

SIGNIFICANT CASES

5/7/2018	<i>Mohamed v. Nielsen</i>	District court issued an order stating that the immigration court must conduct a merits hearing no later than 90 days and that the government stipulated to the petitioner's eligibility to apply for cancellation of removal. Courtesy of Geoffrey Hoffman. (<i>Mohamed v. Nielsen</i> , 5/7/18). AILA Doc. No. 18050831
1/12/2018	<i>Peralta v. Garay</i>	2018 WL 396329 (S.D. Tex. 2018) (No jurisdiction under Hague Convention and the International Child Abduction Remedies Act (ICARA) where shared intent to move habitual residence to United States).
7/17/2017	<i>Matter of X-</i> (USCIS FOIA APPEAL)	FOIA Appeal for husband and wife granted, entered as refugees; cases were pending adjustment for several years; cases resolved with LPR cards issued after FOIAs.
6/12/2017	<i>Matter of X-</i>	BIA granted motion to reopen based on <i>Carachuri-Rosendo v. Holder</i> . Respondent was able to show misadvice from prior attorneys and argued equitable tolling, as well as the fact that the immigration judge had been inclined to grant cancellation in the exercise of discretion but for the previous aggravated felony determination. Consult. w/ Attorney Susham Modi of The Modi Law Firm.
2/9/2016	<i>X- v. USCIS</i>	Memorandum Opinion and Order denying Motion to Dismiss by the government where the Court found Plaintiff was not raising additional claims but alluding to issues which might arise in the Plaintiff's 1421 (c) hearing; case settled and naturalization was granted.
1/11/2016	<i>X- v. U.S. Attorney General</i>	Fifth Circuit grants motion to dismiss for lack of jurisdiction by government after a concession that issues were preserved following BIA grant of partial remand, 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	<i>X- v. U.S. Attorney General</i>	Fifth Circuit remands to BIA for reconsideration of evidence in transgender withholding case
9/10/2015	<i>Matter of X-</i>	BIA Finds Iraqi's Past Experience of Working with Americans to Be Immutable Characteristic.

		<p>Unpublished BIA decision remands petitioner's asylum claims, finding that the Iraqi citizen-respondent's past experience of having cooperated or worked with Americans or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</p>
8/1/2014	<i>Sanchez v. R.G.L.</i>	<p>761 F.3d 495 (5th Cir. 2014)(in Hague Convention case, the District Court was required to consider evidence of asylum proceeding on remand; Co-Counsel with Lee Teran and lawyers from the law firm, Will & Emery, LLP)</p>
1/10/2014	<i>Matter of X-</i>	<p>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.</p>
11/19/2013	<i>Matter of X-</i>	<p>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</p>
11/15/2011	<i>Matter of X-</i>	<p>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.</p>
9/14/2011	<i>Demirchyan v. Holder, 641 F.3d 1141 (9th Cir. 2011)</i>	<p>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</p>

		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	<i>Matter of X-</i>	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	<i>Matter of X-</i>	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	<i>Carachuri-Rosendo v. Holder</i>	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. (CarachuriRosendo 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	<i>Matter of X-</i>	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	<i>Matter of X-</i>	BIA Reopens Proceedings for Ethiopian Asylum Seeker BIA reopens exclusion proceedings and remands to allow the

		<p>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.</p>
9/17/2008	<i>Matter of X-</i>	<p>CA11 Finds Rehabilitative Vacatur was 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 "omnopon" is a 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	<i>Matter of X-</i>	<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>