



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals

*Office of the Clerk
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June 20, 2013

MEMORANDUM TO: Amy Minton
Senior Legal Advisor

THROUGH: Donna Carr
Chief Clerk

FROM: Chrissy Burghard
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SUBJECT: Restricted Cases and
Board Decisions Accompanied
by an Immigration Judge Decision

Overview

This memorandum outlines the criteria used to specify what is considered a restricted case and when is an Immigration Judge (IJ) decision required to accompany a Board decision for reporting purposes at the Board. Details of the criteria for a restricted case and IJ decision requirement can be found in the section below.

Identifying Restricted Cases

A restricted case includes at least one of the following relationships between entities consisting of the Case Monitoring Description, IJ Application Description, Special Issue Description, Appeal Type, Appeal Issue Description, Case Type, Board Decision, Release Information, Battered Spouse or Child, Protective Order Motion filed with the IJ, Alien Name, Claimed Status, and Court App Code.

Reporting Criteria for Restricted Cases

Case Monitoring Description

Cancellation of Removal
Chinese Cases from Golden Venture
Forced Sterilization
Juvenile Case
Juvenile Has Turned 18 While In Proceeding
Protective Order
Unaccompanied Juvenile
Unaccompanied Juvenile-Asylum

IJ Application Description

212C; Waiver In RMV Proceed. Permitted by Case Law
Asylum
Asylum Withholding
Child
Coercive Population Control
EOIR42A
EOIR42B
HRFA - Asylum
HRFA - Child Abandoned
HRFA - Child Orphaned
HRFA - Child Without Parents
Request for a Medical Waiver
Request for Removal of Conditional Basis of LPR
Suspension/Cancellation Under NACARA
Waiver for a L.P.R. for Alien Smuggling
Waiver of Inadmissibility of a Refugee
Withholding - Convention Against Torture

Reporting Criteria for Restricted Cases

Special Issue Description

Asylum Case

Secure Access Case

CPC Notice Sent 11-16-99

CPC Notice Sent 3-29-02

CPC Notice Sent 7-20-00

CPC Notice Sent 8-18-98

St. Cyr Motion until April 2005

Appeal Type

Bond Appeal

Bond MTR

Bond MTR Rec

Bond MTR Rei

Bond MTR Reo

DD 212

DD Bond

DD Fines

DD Visa

Zero Bond Appeal

Reporting Criteria for Restricted Cases

Appeal Issues Description

Asylum Only

Asylum/Withholding

Asylum/Withholding/CAT

Battered Spouse/Child/VAWA

Bond

Cancellation - Sec 240A(a) LPR

Cancellation - Sec 240A(b) Non LPR

Cancellation - Sec 240(b)/Battered

Coercive Population (CPC)

Crewman

DD - Adoption, Child, Divorce, Fiancé, Fine, Marriage, Marriage Fraud, parent/Child, Revocation, Sibling, Son/Daughter, Step Relation, Waiver Sec. 212(D)(3), Widow(er), VP (Misc.)

Falun Gong

Marriage Fraud Act (216 Waivers)

Mental Competency

Particularly Serious Crime

Persecutor

Political

Protective Order [1003.46(E)]

Religion

Rescission

Stowaway/Asylum

Suspension

Terrorist/Material Support Bar DHS/CIS Exempt

Torture Convention (CAT) Only

Waiver - Sec. 212 (c)

Waiver - Sec. 212 (H)

Waiver - Sec. 212 (I)

Waiver - Smuggling

Withholding Only

Reporting Criteria for Restricted Cases

Case Type

AOC, CFR, CSR, DDC, EXC, REC, WHO

Board Decision

CPG

Release Information

X

Battered Spouse or Child

Y

Protective Order Motion Filed w/ the IJ

Motion Record Type = PO

Alien Name

Starts with J-

Claimed Status

Is not missing

Court App Code

42A, 42B, ASYL, ASYW, CPC, SUSP, WCAT

Board Decision and Appeal Issue Description

Board Decision = TER and Appeal Issue Description = Citizenship

Identifying Board Decisions Accompanied by an Immigration Judge Decision

A Board decision is accompanied by an IJ decision in all cases except those cases that include at least one of the following descriptions within entities consisting of the Appeal Type, Board Decision, and Appeal Issues Description.

Reporting Criteria for Board Decisions Accompanied by an Immigration Judge Decision

Appeal Type

Bond MTR Rec

Bond MTR Rei

Bond MTR Reo

Circuit Court Remand

DD 212, DD Bond

DD Fines

DD Visa

Interlocutory Appeal

MTR BIA

Board Decision

ABC, CON, DED, DEN, MBD, NJU, SUD, TPS, WDL

Appeal Issues Description

Lost Alien

Appeal Withdrawn

Moot Bond

Defective or Missing Transcript