From: (h)(6).

(b)(5)

To: OPLA HQ Personnel; OPLA Field Personnel

**Subject:** Broadcast Message: Implementing Niz-Chavez v. Garland, 141 S. Ct. 1474 (2021)

**Date:** Thursday, June 3, 2021 9:16:22 AM

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## Disseminated on behalf of Ken Padilla and Adam V. Loiacono. . .

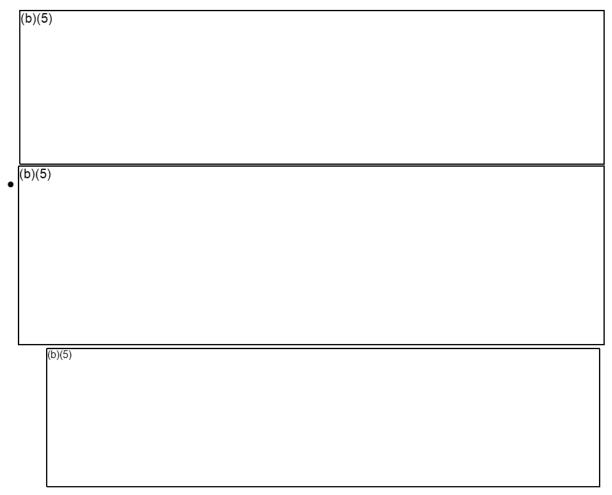
On April 29, 2021, the U.S. Supreme Court issued *Niz-Chavez v. Garland*, 141 S. Ct. 1474 (2021), holding that the two-step process whereby DHS serves a Notice to Appear (NTA) that does not include the time and/or place of a respondent's initial master calendar hearing, and EOIR later serves a notice of hearing (NOH) providing that information, does not trigger the stop-time rule for purposes of cancellation of removal under section 240A(d)(1) of the Immigration and Nationality Act (INA). The Court concluded that the language of the stop-time rule describes a single document, to wit, "a notice to appear," INA § 240A(d)(1) (emphasis added), that must contain *all* the information listed in INA § 239(a)(1). 141 S. Ct. at 1480-81.

The Court analyzed the statutory language at INA § 240A(d)(1), which provides that the stop-time rule is triggered when a noncitizen "is served a notice to appear" as defined in INA § 239(a)(1). Section 239(a)(1) in turn defines "a 'notice to appear" as written notice that includes, *inter alia*, the time and place of the noncitizen's hearing. The Court found that Congress's use of the indefinite article "a" in both statutory provisions indicates that it intended that a single document, referred to as an NTA, trigger the stop-time rule. While the Court acknowledged the Government's policy argument regarding administrative inconvenience, it found that it did not justify departing from the statutory language.

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Thank you,

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