

Pick a Type Practice Pointers

Title Matter of W-Y-U-, 27 I&N Dec. 17 (BIA Apr. 18, 2017)  
[Summary and Practice Pointers]

Court/Board BIA

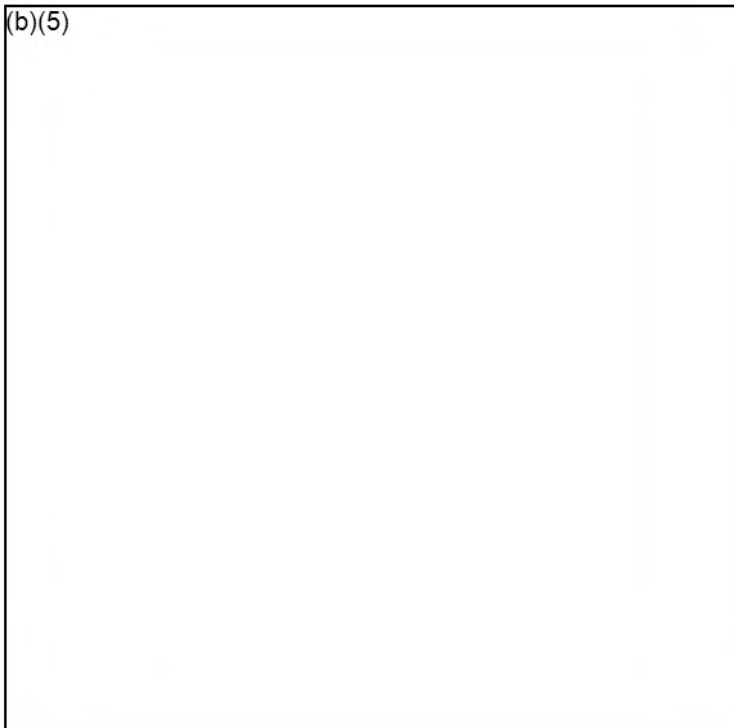
Topic Jurisdiction and BIA/IJ Authority Issues

Body UPDATE: This decision was **overturned by the Attorney General** in Matter of Castro-Tum, 27 I&N Dec. 271 (A.G. May 17, 2018) (A206 842 910 – PHI).

On April 18, 2017, the Board of Immigration Appeals (Board) issued *Matter of W-Y-U-*, 27 I&N Dec. 17 (BIA 2017), which clarified its decision in *Matter of Avetisyan*, 25 I&N Dec. 688 (2012), by holding that the primary consideration for an Immigration Judge (IJ) in evaluating whether to administratively close or recalendar proceedings is whether the party opposing administrative closure has provided a persuasive reason for the case to proceed and be resolved on the merits. The Board also held that, in considering administrative closure, an Immigration Judge cannot review whether an alien falls within the enforcement priorities of the Department of Homeland Security (DHS), which has exclusive jurisdiction over matters of prosecutorial discretion.

(b)(5)

(b)(5)



Practice Pointers

(b)(5)

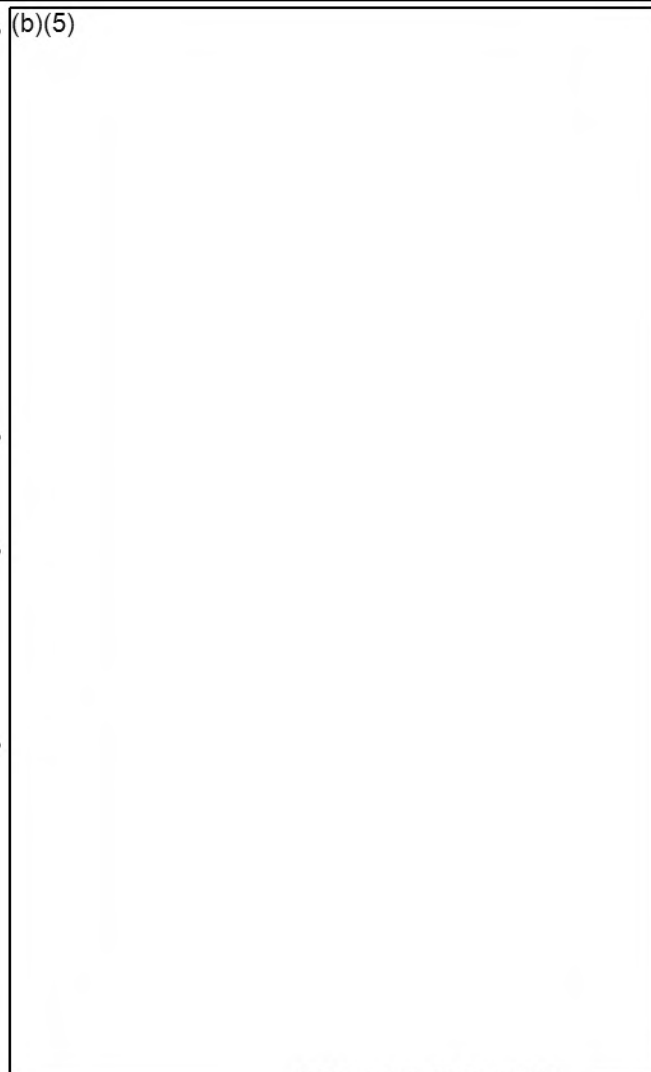


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Should you have any questions regarding this decision and its application, please do not hesitate to contact us via the [ILPD-E](#) or [ILPD-W](#) email boxes.

Effective Date 4/18/2017

Reviewed

Expires 4/18/2019

Rating (0-5) ☆☆☆☆☆ | 0

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