

# Memorandum



BIA 07-01

Subject CASE HOLD - Asylum Bar Based on Material Support to Terrorist Organizations	Date January 22, 2007
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To  
Board Legal Staff

From  
Juan P. Osuna *JPO*  
Acting Chairman

On January 11, 2007, the Departments of Justice, State, and Homeland Security jointly announced a change in policy that would expand the use of waivers for certain aliens who might otherwise be statutorily barred from asylum and withholding under the Immigration and Nationality Act or the Convention Against Torture, because he or she was found to be inadmissible under section 212(a)(3)(B)(i)(I) of the Act, for having engaged in terrorist activities within the meaning of section 212(a)(3)(B)(iv)(VI)(cc), by providing material support to a designated terrorist organization. The Board is awaiting guidance from the Department concerning implementation of any policy that could affect the Board's decisions.

Accordingly, pursuant to 8 C.F.R. § 1003.1(e)(8)(iii), I am directing that the adjudication time limits be temporarily suspended in individual cases where the Immigration Judge found, or DHS is arguing, that the respondent is barred from asylum on the basis of having provided material support to a terrorist organization. If you come across a case with this issue, please bring it to the attention of a Team Leader or Senior Panel Attorney so that the adjudication clock can be promptly stopped, and the record may be placed in designated cabinets.