

Memorandum



BIA07-06

Subject	Date
Case Hold - <i>Matter of C-Y-Z-</i> and <i>Matter of S-L-L-</i>	September 6, 2007

To
Board Legal Staff

From
Juan P. Osuna *JPO*
Acting Chairman

The Attorney General has recently referred to himself for review the decision of the Board of Immigration Appeals in *Matter of* (b) (6) (BIA February 24, 2006) (unpublished), in which he will examine the issue of whether section 601(a) of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), codified at 8 U.S.C. § 1101(a)(42), is ambiguous or silent on the availability of refugee status for spouses or partners of individuals who have been subjected to forced abortion or sterilization. The Attorney General will also consider whether the Board's interpretation of section 601(a) as set forth in *Matter of C-Y-Z-*, 21 I&N Dec. 915 (BIA 1997) (an alien whose spouse was forced to undergo an abortion or sterilization procedure can establish past persecution on account of political opinion and qualifies as a refugee within the definition of section 101(a)(42) of the Act), and *Matter of S-L-L-*, 24 I&N Dec. 1 (BIA 2006) (affirmed and clarified holding in *Matter of C-Y-Z-*, as well as declined to extend *C-Y-Z-* to traditional or customary marriages), is correct.

Accordingly, pursuant to 8 C.F.R. § 1003.1(e)(8)(iii), I am directing that the adjudication time limits be temporarily suspended in cases, which turn on the question of whether our holding in *Matter of C-Y-Z-* or *Matter of S-L-L-* are controlling. However, since the Court of Appeals for the Second Circuit has overruled *Matter of C-Y-Z-*, and *Matter of S-L-L-*, cases arising out of the Second Circuit are not subject to the hold. See *Lin v. U.S. Dept. of Justice*, ___ F.3d ___, 2007 WL 2032066 (2d Cir. July 16, 2007). In the Second Circuit, please continue to apply *Lin v. U.S. Dept. of Justice*, *supra*. Moreover, cases which may be resolved without reliance on the holdings in *Matter of C-Y-Z-* or *Matter of S-L-L-*, are not to be placed on hold. For example, cases in which the Board affirms an Immigration Judge adverse credibility determination would not subject to the hold.

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.