

Memorandum



BIA 07-08

Subject Case Hold Lifted - Recidivist State Simple Drug Possession Offenses	Date December 18, 2007
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To

Board Legal Staff

From

Juan P. Osuna, Acting Chairman *JPO*

As the result of the publication of *Matter of Thomas*, 24 I&N Dec. 416 (BIA 2007) and *Matter of Carachuri-Rosendo*, 24 I&N Dec. 382 (BIA 2007), the existing hold (temporary suspension of the adjudication time limits) on cases that involve the issue of whether a second State drug possession offense committed after the first such offense has become final constitutes an aggravated felony notwithstanding that the second offense did not charge the alien as a recidivist is lifted. Cases that were placed in the designated cabinets have been returned for adjudication.