

Memorandum



BIA 09-06

Subject

CASE HOLD - Va. Code §§ 18.2-57; 18.2-57.2 - in context of crimes of violence

Date

May 29, 2009

To

Board Legal Staff

From

David Neal, Acting Chairman *DND*

The Board has been receiving cases turning on the issue of whether a conviction under Va. Code §§ 18.2-57 or 18.2-57.2 (general assault and battery; assault and battery against a family or household member) is one "of violence" (e.g. in the context of sections 101(a)(43)(F) or 237(a)(2)(E) of the Act). The Immigration Judges and the Board have reached inconsistent rulings on this subject. As a result, the Board is considering whether to publish a decision addressing these statutes.

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 involving either of these issues. If you find a case falling in this category, please bring it to the attention of your team leader or Senior Panel Attorney.