

# Memorandum



**BIA 09-08**

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| <b>Subject</b><br>CASE HOLD - <i>Negusie v. Holder</i> | <b>Date</b><br>August 26, 2009 |
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**To**  
Board Legal Staff

**From** *David B. Adams*  
David Neal, Acting Chairman

In *Negusie v. Holder*, 129 S.Ct. 1159 (2009), the Supreme Court directed that the Board address the scope of the persecutor bar; specifically, whether an involuntariness or duress exception exists to limit application of the bar. Until a decision is rendered by the Board in *Negusie*, cases that require resolution of this issue should be held to ensure consistency.

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 the *Negusie* issue. If you find a case falling in this category, please bring it to the attention of your team leader or Senior Panel Attorney.