

Memorandum

BIA
11-01



Subject CASE HOLD LIFTED - Texas Unauthorized Use of a Vehicle	Date January 25, 2011
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To
Board Legal Staff

From
David L. Neal, Acting Chairman 

I am lifting the hold on cases presenting the issue of whether the crime of Unauthorized Use of a Vehicle (UUV), in violation of Texas Penal Code Ann. § 31.07(a), is an aggravated felony crime of violence under section 101(a)(43)(F) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(43)(F). I am doing so in light of *Serna-Guerra v. Holder*, 354 F.App'x 929 (5th Cir. 2009) (on remand from *Serna-Guerra v. Holder*, 129 S.Ct. 2764 (2009) and holding in unpublished decision that UUV is not an aggravated felony); *compare Brieva-Perez v. Gonzales*, 482 F.3d 356 (5th Cir. 2007) (holding that UUV properly classified as a crime of violence and thus aggravated felony) and *United States v. Galvan-Rodriguez*, 169 F.3d 217 (5th Cir.1999) (same).

Cases that were affected by this hold are in the process of being returned for adjudication. Further instructions will be forthcoming from your Senior Panel Attorney or Team Leader regarding the circulation of cases.