



**U.S. Department of Justice**

Executive Office for Immigration Review

*Board of Immigration Appeals*

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*5107 Leesburg Pike, Suite 2400  
Falls Church, Virginia 22041*

September 17, 2013

**BIA 13-03**

**MEMORANDUM TO:** Board Legal Staff

**FROM:** David L. Neal  
Chairman

**SUBJECT:** **CASE HOLD** – Retroactive Adoption Decrees

The Board is currently examining its holding in *Matter of Cariaga*, 15 I&N Dec. 716 (BIA 1976) (retroactive dates of decrees of adoption are not valid for immigration purposes). *See also Matter of Drigo*, 18 I&N 223 (BIA 1982). Due to recent federal court activity related to the issues in *Matter of Cariaga*, I have determined that it is appropriate to direct that the adjudication time limits be temporary suspended in cases that are impacted by the Board's holding in *Matter of Cariaga*. Accordingly, if you identify a case in which the dispositive issue involves what effect should be given to the retroactive dates of decrees of adoption for immigration purposes, please bring it to your team leader or Senior Panel Attorney.