



**U.S. Department of Justice**

Executive Office for Immigration Review

*Board of Immigration Appeals*

Chairman

5107 Leesburg Pike, Suite 2400  
Falls Church, Virginia 22041

September 29, 2015

**BIA 15-04**

**MEMORANDUM TO:** Board Legal Staff

**FROM:** David L. Neal   
Chairman

**SUBJECT:** CASE HOLD – Cancellation of Removal and Suspension of  
Deportation

Section 240A(e)(1) of the Immigration and Nationality Act states that the Attorney General may not cancel the removal and adjust status nor suspend the deportation of more than 4,000 aliens in any fiscal year. EOIR has procedures in place to ensure the agency stays within the statutory cap, but is currently reviewing ways to improve and refine those procedures. Given this review and the imminent beginning of a new fiscal year, the Board will temporarily suspend adjudication of certain cases involving applications for cancellation of removal and suspension of deportation.

**Which cases are subject to the HOLD?**

- Non-detained case appeals or motions
- Cases involving an application for:
  - § 240A(b) cancellation of removal and adjustment of status (Form EOIR-42B), or
  - suspension of deportation (Form EOIR-40), or
  - suspension of deportation or special rule cancellation of removal (Form I-881)

**What do I do if I identify a case that falls within this hold category, or I have any questions?**

Please bring such cases to your Team Leader or Senior Panel Attorney. If you have any questions or require further clarification, please contact your Team Leader or Senior Panel Attorney. If you and/or your supervisor have questions about this guidance, please consult Senior Legal Advisor Amy Minton.