

Matter of A-M-R-C-, Respondent

Decided by Attorney General June 17, 2020

U.S. Department of Justice
Office of the Attorney General

BEFORE THE ATTORNEY GENERAL

Pursuant to 8 C.F.R. § 1003.1(h)(1)(i), I direct the Board of Immigration Appeals (“Board”) to refer this case to me for review of its decision. To assist me in my review, I invite the parties to this proceeding and interested amici to submit briefs on points relevant to the disposition of this case, including:

1. Would the delay in my referral of this case cause the respondent to suffer any “prejudice from any inability to prove his defenses,” *Costello v. United States*, 365 U.S. 265, 283 (1961), or otherwise prevent me from reviewing the Board’s decision in this matter?
2. Did the Board err in determining as a matter of its discretion that there was not probable cause that the respondent had committed a “serious nonpolitical crime”? 8 U.S.C. § 1158(b)(2)(A)(iii). In making such a determination, did the Board correctly conclude that the crime of which the respondent had been convicted in absentia was not “disproportionate to the objective” or “of an atrocious or barbarous character”? *Deportation Proceedings for Joseph Patrick Thomas Doherty*, 13 Op. O.L.C. 1, 23 (1989) (internal citation omitted).
3. Did the Board err in determining that the persecutor bar at 8 C.F.R. § 1208.13(c)(2)(i)(E) did not apply to the respondent’s asylum claim?
4. Did the Board apply the correct legal standard in concluding that the respondent’s in absentia trial suffered from due process problems even though the Department of State had found that the trial had satisfied due process?

The parties’ briefs shall not exceed 15,000 words and shall be filed on or before July 17, 2020. Interested amici may submit briefs not exceeding 9,000 words on or before July 31, 2020. The parties may submit reply briefs not exceeding 6,000 words on or before July 31, 2020. All filings shall be accompanied by proof of service and shall be submitted electronically to AGCertification@usdoj.gov, and in triplicate to:

United States Department of Justice
Office of the Attorney General, Room 5114
950 Pennsylvania Avenue, NW
Washington, DC 20530

All briefs must be both submitted electronically and postmarked on or before the pertinent deadlines. Requests for extensions are disfavored.