

Trump Administration AG Certifications (03/11/22)

	Case Name	Certification Citation	Date of Decision	Decision Summary	Status
1	<a href="#"><u>Matter of A-B-</u></a>	<a href="#"><u>28 I&amp;N Dec. 199 (A.G. 2021)</u></a>	1/14/2021	<p>(1) <i>Matter of A-B-</i>, 27 I&amp;N Dec. 316 (A.G. 2018), did not alter the existing standard for determining whether a government is "unwilling or unable" to prevent persecution by non-governmental actors. The "complete helplessness" language used in <i>Matter of A-B-</i> is consistent with the longstanding "unable or unwilling" standard, as the two are interchangeable formulations.</p> <p>(2) The concept of "persecution" under the Immigration and Nationality Act, 8 U.S.C. §§ 1101(a)(42)(A), 1158(b)(1)(a), (b)(i), is premised on a breach of a home country's duty to protect its citizens. In cases where an asylum applicant is the victim of violence or threats by non-governmental actors, and the applicant's home government has made efforts to prevent such violence or threats, failures in particular cases or high levels of crime do not establish a breach of the government's duty to protect its citizenry.</p> <p>(3) The two-pronged test articulated by the Board of Immigration Appeals in <i>Matter of L-E-A-</i>, 27 I&amp;N Dec. 40, 43–44 (BIA 2017), is the proper approach for determining whether a protected ground is "at least one central reason" for an asylum applicant's persecution, 8 U.S.C. § 1158(b)(1)(B)(i). Under this test, the protected ground: (1) must be a but-for cause of the wrongdoer's act; and (2) must play more than a minor role—in other words, it cannot be incidental or tangential to another reason for the act.</p>	Vacated by <i>Matter of A-B-</i> , <a href="#"><u>28 I&amp;N Dec. 307 (A.G. 2021)</u></a> .
2	<a href="#"><u>Matter of Negusie</u></a>	<a href="#"><u>28 I&amp;N Dec. 120 (A.G. 2020)</u></a>	11/5/2020	The persecutor bar to withholding of removal does not include an exception for coercion or duress.	New referral on 10/12/21, <a href="#"><u>28 I&amp;N Dec. 399 (A.G. 2021)</u></a> , pending.
3	<a href="#"><u>Matter of A-C-A-A-</u></a>	<a href="#"><u>28 I&amp;N Dec. 84 (A.G. 2020)</u></a>	9/24/2020	BIA must examine de novo whether the facts found by the immigration judge satisfy all of the statutory elements of asylum as a matter of law; cannot accept parties' stipulations to elements of asylum; membership in a particular social group cannot be incidental, tangential, or subordinate to the persecutor's motivation.	Vacated by <i>Matter of A-C-A-A-</i> , <a href="#"><u>28 I&amp;N Dec. 351 (A.G. 2021)</u></a> .
4	<a href="#"><u>Matter of Reyes</u></a>	<a href="#"><u>28 I&amp;N Dec. 52 (A.G. 2020)</u></a>	7/30/2020	A crime is an aggravated felony under 8 U.S.C. § 1101(a)(43) if all of the means of committing a crime, based on the elements of the statute of conviction, amount to one or more of the offenses listed in that provision.	No change

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5	<a href="#">Matter of O-F-A-S-</a>	<a href="#">28 I&amp;N Dec. 35 (A.G. 2020)</a>	7/14/2020	Defining “torture” as only if inflicted or approved by a public official or other person “acting in an official capacity” and “under the color of law.” 8 C.F.R. § 1208.18(a)(1).	No change
6	<a href="#">Matter of A-M-R-C-</a>	<a href="#">28 I&amp;N Dec. 7 (A.G. 2020)</a>	6/17/2020	The Attorney General referred the decision to himself to review the correct legal standard for the serious nonpolitical crime bar and the persecutor bar; and whether the Board applied the correct standard for determining whether a respondent’s <i>in absentia</i> trial suffered from due process problems.	Pending
7	<a href="#">Matter of R-A-F-</a>	<a href="#">27 I&amp;N Dec. 778 (A.G. 2020)</a>	2/26/2020	Defining “torture”: <p>(1) must be “be specifically intended to inflict severe physical or mental pain or suffering” and doesn’t include negligent acts or harm stemming from a lack of resources. 8 C.F.R. § 1208.18(a)(5).</p> <p>(2) To constitute "torture," an act must also be motivated by "such purposes as obtaining from him or her or a third person information or a confession, punishing him or her for an act he or she or a third person has committed or is suspected of having committed, or intimidating or coercing him or her or a third person, or for any reason based on discrimination of any kind." 8 C.F.R. § 1208.18(a)(1).</p>	No change
8	<a href="#">Matter of Thomas &amp; Thompson</a>	<a href="#">27 I&amp;N Dec. 674 (A.G. 2019)</a>	10/25/2019	Narrowed applicability of state-court orders altering a criminal alien’s sentence to immigration proceedings.	No change
9	<a href="#">Matter of Castillo-Perez</a>	<a href="#">27 I&amp;N Dec. 664 (A.G. 2019)</a>	10/25/2019	Evidence of two or more DUI convictions establishes presumption that alien lacks good moral character under 8 U.S.C. § 1101(f) and presumptively establishes that alien’s application for discretionary relief under 8 U.S.C. § 1229b(b) should be denied.	No change
10	<a href="#">Matter of L-E-A-</a>	<a href="#">27 I&amp;N Dec. 581 (A.G. 2019)</a>	7/29/2019	Reversed BIA finding that respondent had established membership in “particular social group” under 8 U.S.C. § 1101(a)(42)(A) based on membership in a family unit).	Vacated by <a href="#">Matter of L-E-A-</a> , <a href="#">28 I&amp;N Dec. 304 (A.G. 2021)</a> .

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11	<a href="#"><u>Matter of M-S-</u></a>	<a href="#"><u>27 I&amp;N Dec. 509 (A.G. 2019)</u></a>	4/16/2019	Overruled <i>Matter of X-K-</i> , 23 I&N Dec. 731 (BIA 2005); holding that an alien who is transferred from expedited removal proceedings after establishing a credible fear or persecution or torture is ineligible for release on bond.	No change
12	<a href="#"><u>Matter of S-O-G- &amp; F-D-B-</u></a>	<a href="#"><u>27 I&amp;N Dec. 462 (A.G. 2018)</u></a>	9/18/2018	Limited ability of immigration judges to terminate or dismiss removal proceedings.	No change
13	<a href="#"><u>Matter of L-A-B-R-, et al.</u></a>	<a href="#"><u>27 I&amp;N Dec. 405 (A.G. 2018)</u></a>	8/16/2018	Defined good-cause standard for granting continuance of removal proceedings under 8 C.F.R. § 1003.29; limited immigration judges' ability to grant continuances.	No change
14	<a href="#"><u>Matter of A-B-</u></a>	<a href="#"><u>27 I&amp;N Dec. 316 (A.G. 2018)</u></a>	6/11/2018	Overruled <i>Matter of A-R-C-G-</i> , 26 I&N Dec. 338 (BIA 2014), which recognized domestic violence as basis for asylum); imposed heavier burden of proof on asylum applicants.	Vacated by <i>Matter of A-B-</i> , <a href="#"><u>28 I&amp;N Dec. 307 (A.G. 2021)</u></a> .
15	<a href="#"><u>Matter of Castro-Tum</u></a>	<a href="#"><u>27 I&amp;N Dec. 271 (A.G. 2018)</u></a>	5/17/2018	Limited immigration judge and BIA authority to administratively close proceedings.	Vacated by <i>Matter of Cruz-Valdez</i> , <a href="#"><u>28 I&amp;N Dec. 326 (AG 2021)</u></a> .
16	<a href="#"><u>Matter of E-F-H-L-</u></a>	<a href="#"><u>27 I&amp;N Dec. 226 (A.G. 2018)</u></a>	3/5/2018	Vacated BIA administrative closure of removal proceedings, <i>Matter of E-F-H-L-</i> , 26 I&N Dec. 319 (BIA 2014), and directed recalendaring where basis for administrative closure (adjudication of Form I-130) was withdrawn with prejudice.	No change