



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals

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

April 18, 2002

J. Tracy Hong, Esquire
American Immigration Law Foundation
918 F Street, N.W.
Washington, DC 20004

Re: Board's Authority to Reopen Cases Sua Sponte in Light of *INS v. St. Cyr*

Dear Ms. Hong:

Thank you for your letter and brief dated March 29, 2002, where you make a case for the Board of Immigration Appeals to exercise its sua sponte authority to reopen the cases of lawful permanent residents who have been deported prior to the Supreme Court's ruling in *INS v. St. Cyr*, 121 S. Ct. 2271 (2001). The Board is re-examining many section 212(c) cases under the new legal standards laid out by the Supreme Court in *St. Cyr*.

We will keep your brief on file and inform you if we have an issue you describe before us. In the near future, we expect further guidance from the Department of Justice in the form of a regulation.

Once again, we appreciate your thoughtful discussion of recent case law regarding section 212(c) cases.

Sincerely,

A handwritten signature in cursive script that reads "Lori Scialabba".

Lori L. Scialabba
Acting Chairman

cc: Barry O'Melinn
Chief Appellate INS Counsel
5113 Leesburg Pike, #200
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