



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals

Chairman

5107 Leesburg Pike, Suite 2400
Falls Church, Virginia 22041

S-L 99-13

November 1, 2000

MEMORANDUM TO: Board Members

FROM: Paul W. Schmidt
Chairman

SUBJECT: Additional Streamlining Categories - Phase III

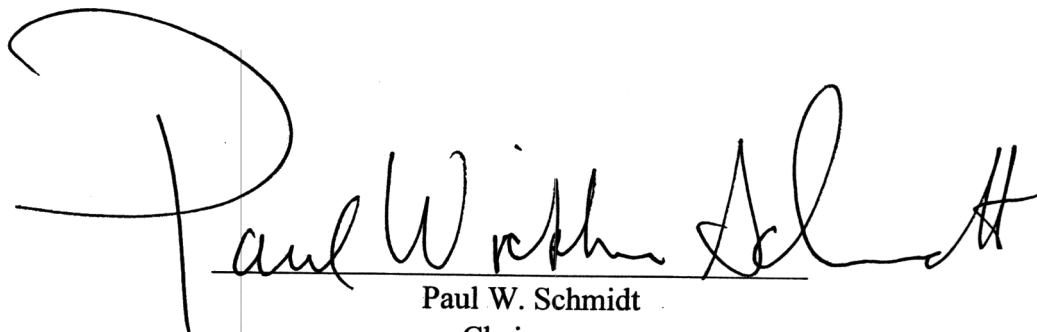
Affirmance Without Opinion

Pursuant to the authority provided in 8 C.F.R. § 3.1(a)(7)(i), I hereby designate the following categories of cases to be appropriate for affirmance without opinion by a single Board Member exercising the authority of the Board of Immigration Appeals in accordance with 8 C.F.R. § 3.1(a)(7):

Appeals from an Immigration Judge's order finding the respondent deportable or inadmissible where the underlying facts are not in dispute, there is no substantial question that the respondent is deportable or inadmissible and it is clear from the statute, regulation, or Board precedent that the respondent is ineligible for any form of relief requested on appeal. If the appeal presents multiple claims for relief, the respondent must be ineligible for all.

2. Appeals in which the respondent is ineligible for cancellation of removal under section 240A(a) of the Act because of undisputed failure to meet one or more of the elements specified in the statute.
3. Appeals involving claims for cancellation of removal under section 240A of the Act where there is no substantial question that the respondent has failed to establish sufficient continuous physical presence to meet the statutory requirement or is barred by application of 90-day or 180-day departure rules set forth in section 240A(d)(2) of the Act.

4. Appeals involving claims for cancellation of removal under section 240A of the Act where there is no substantial question that the alien is ineligible for relief under section 240A(c) of the Act.

A handwritten signature in black ink, reading "Paul W. Schmidt". The signature is written in a cursive style with a large, looping initial "P".

Paul W. Schmidt
Chairman