

Matter of Martin CHAIREZ-Castrejon, Respondent
Matter of Vera SAMA, Respondent

Decided by Attorney General October 30, 2015

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

The Attorney General referred the decisions of the Board of Immigration Appeals to herself for review of an issue relating to the application of *Descamps v. United States*, 133 S. Ct. 2276 (2013), ordering that those cases be stayed and not be regarded as precedential or binding as to the issue under review during the pendency of her review.

BEFORE THE ATTORNEY GENERAL

Pursuant to 8 C.F.R. § 1003.1(h)(1)(i) (2015), I direct the Board of Immigration Appeals (“Board”) to refer to me the above-captioned cases for review of its decisions. The Board’s decisions in these matters are automatically stayed pending my review. *See Matter of Haddam*, A.G. Order No. 2380-2001 (Jan. 19, 2001). During the pendency of my review, the Board’s decisions, or portions thereof, that address the question set out below shall not be regarded as precedential or binding by Immigration Judges or the Board. To assist me in my review, I invite the parties to these proceedings and interested amici to submit briefs addressing the following issue:

What is the proper approach for determining “divisibility” within the meaning of *Descamps v. United States*, 133 S. Ct. 2276 (2013)? In particular, does *Descamps* require that a criminal statute be treated as “divisible” for purposes of the modified categorical approach only if, under applicable law, jurors must be unanimous as to the version of the offense committed?

The parties’ briefs shall not exceed 15,000 words and shall be filed on or before December 7, 2015. The parties may submit reply briefs not exceeding 6,000 words on or before January 8, 2016. Interested amici may submit briefs not exceeding 9,000 words on or before December 14, 2015. No amicus may file more than one brief in connection with the two cases I have directed the Board to refer to me today. 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
950 Pennsylvania Avenue, NW
Office of the Attorney General, Room 5114
Washington, DC 20530

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