

Portions of this chart were originally created by Aaron Hall, Esq. of Joseph & Hall, P.C. It was updated by National Immigration Project legal intern Maria Juliana Guerrero, LL.M. 2026 at Georgetown University Law School, and reviewed by Supervising Attorney Victoria Neilson. It is current through February 18, 2026. The “case substance” column is generally pasted from the BIA’s own summary of the decision so it may not be fully accurate.

Trump 2.0 BIA/AG Precedent Decisions

Case	Date published or designated	Precedent Through	Case substance	Favorable to Noncitizen or DHS?	Attorney-represented?	Notes
BAEZA-GALINDO, 29 I&N Dec. 1 (BIA 2025)	1/31/25	BIA Decision	Proximity in time necessary but not sufficient to conclude that two crimes arise from a single scheme of criminal misconduct under section 237(a)(2)(A)(ii) of the INA.	DHS	Yes	
DE JESUS PLATON, 29 I&N Dec. 7 (BIA 2025)	1/31/25	Designated by AG	Evidence of post-conviction relief the respondent submitted in support of his motion to remand does not demonstrate that his conviction was vacated for a procedural or substantive defect in the underlying criminal proceedings and not for reasons of rehabilitation or immigration hardship.	DHS	Yes	
C-A-R-R-, 29 I&N Dec. 13 (BIA 2025)	3/17/25	BIA Decision	IJ not required to consider I-589 on merits if form incomplete, but may not deem I-589 incomplete or abandoned solely because it did not include a declaration.	DHS*	Yes	While this decision has favorable language about not terminating asylum cases for failure to file a declaration, IJs have weaponized it to pretermit asylum applications where any substantive question on the I-589 is not answered in great detail.
DOR, 29 I&N Dec. 20 (BIA 2025)	3/18/25	BIA Decision	Time of conviction is the relevant point for determining whether a respondent’s State conviction is for a controlled substance offense, not the time the respondent’s removability is adjudicated in immigration proceedings.	DHS	Yes	
ISKANDARANI, 29 I&N Dec. 26 (BIA 2025)	4/8/25	BIA Decision	When an IJ issues an oral decision, the 30-day appeal filing period is calculated from the date the decision is rendered and is unaffected by the subsequent mailing of a memorandum summarizing the oral decision.	DHS	Yes	
O-A-R-G-, 29 I&N Dec. 30 (BIA 2025)	4/16/25	BIA Decision	Where PSG defined by “former” status, IJ must ensure prosecutor’s conduct motivated by “former” status, not conduct when member of group.	DHS	Yes	
A-A-R-, 29 I&N Dec. 38 (BIA 2025)(amended)	4/24/25	BIA Decision	Based on the facts and evidence in this case, the applicant, a former MS-13 gang member, has not met his burden to show he will more likely than not be tortured in El Salvador based on the government’s state of exception policy.	DHS	Yes	
CHOC-TUT, 29 I&N Dec. 48 (BIA 2025)	5/2/25	Designated by AG	While an IJ may consider a State court’s decision as to dangerousness and the amount of bail that was set in criminal proceedings, an IJ does not owe a State court custody order deference in immigration bond proceedings.	DHS	Yes	

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F-B-G-M- & J-E-M-G-, 29 I&N Dec. 52 (BIA 2025)	5/12/25	Designated by AG	Electronic notification of a briefing schedule to an attorney is sufficient even if attorney does not access the document.	DHS	Yes	
M-S-I-, 29 I&N Dec. 61 (BIA 2025)	5/12/25	Designated by AG	The acquiescence standard for protection under the CAT differs from the unable-or-unwilling standard for asylum and withholding of removal; the potential for private actor violence coupled with a speculation that police cannot or will not help is insufficient to prove acquiescence.	DHS	Yes	
Q. LI, 29 I&N Dec. 66 (BIA 2025)	5/15/25	BIA Decision	Applicant for admission detained without a warrant while arriving in the U.S. is detained under section 235(b) and not eligible for bond.	DHS	Yes	
BAIN, 29 I&N Dec. 72 (BIA 2025)	5/23/25	Designated by AG	Recency and repeated nature of the respondent's criminal history and the lack of a showing of rehabilitation means not deserving of grant of cancellation of removal as a matter of discretion.	DHS	No	
BELTRAND-RODRIGUEZ, 29 I&N Dec. 76 (BIA 2025)	5/23/25	Designated by AG	Respondent's release on bond would pose a danger to the community based on his dangerous behavior that subjected a person who was particularly vulnerable because of her age and her familial relationship to the respondent to unlawful sexual conduct.	DHS	Yes	
N-N-B-, 29 I&N Dec. 79 (BIA 2025)	5/23/25	Designated by AG	IJ applied the wrong legal standard for protection under the CAT, determining the respondent "could be" subject to torture instead of that he would "more likely than not" be tortured.	DHS	Yes	
D-E-B-, 29 I&N Dec. 83 (BIA 2025)	5/23/25	Designated by AG	A supplemental filing to a motion to reopen that raises claims that are fundamentally different from those raised in the original motion is treated as a separate motion.	DHS	Yes	
LOPEZ-TICAS, 29 I&N Dec. 90 (BIA 2025)	5/29/25	BIA Decision	Lack of time and place information on the notice to appear does not render untrue or incorrect a respondent's admissions and therefore is not a proper basis for granting a respondent's motion to withdraw pleadings.	DHS	Yes	
B-N-K-, 29 I&N Dec. 96 (BIA 2025)	6/6/25	BIA Decision	Pending application for Temporary Protected Status generally will not warrant a grant of administrative closure.	DHS	Yes	
E-Y-F-G-, 29 I&N Dec. 103 (BIA 2025)	6/6/25	Designated by AG	Grant of withholding of removal that is pending on appeal does not justify release on bond where the factors regarding flight risk weigh strongly against release on bond.	DHS	Yes	
ROQUE-IZADA, 29 I&N Dec. 106 (BIA 2025)	6/20/25	BIA Decision	Termination not warranted to permit a respondent to seek adjustment of status under the Cuban Refugee Adjustment Act before USCIS based on speculation that USCIS will grant the respondent parole under section 212(d)(5)(A).	DHS	Yes	
MAYORGA IPINA, 29 I&N Dec. 110 (BIA 2025)	6/26/25	BIA Decision	Virginia conviction for indecent exposure is a crime involving moral turpitude because the requirement of an "obscene display or exposure" necessarily involves a lewd intent.	DHS	Yes*	Respondent's counsel withdrew from representation after filing the appeal brief

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C-I-R-H- & H-S-V-R-, 29 I&N Dec. 114 (BIA 2025)	6/25/25	Designated by AG	While explicit persecutor statements on the protected ground are not required to establish nexus, there must be some showing of a connection between the persecutors' actions and the protected ground beyond speculation such that the alleged harm is not solely stemming from statistical likelihoods or unfortunate coincidence.	DHS	Yes	
A-A-F-V-, 29 I&N Dec. 118 (BIA 2025)	6/30/25	Designated by AG	Bisexual criminal deportee with visible gang tattoos found not to have established an individualized risk of torture in detention in El Salvador.	DHS	No	
E-Z-, 29 I&N Dec. 123 (BIA 2025)	7/2/25	Designated by AG	IJ's predictive findings on harm to be suffered in Russia on account of support for Ukraine too speculative to support relief under the CAT.	DHS	Yes	
GONZALEZ JIMENEZ, 29 I&N Dec. 129 (BIA 2025)	7/9/25	BIA Decision	Use of false social security numbers and providing false information on tax returns are negative discretionary factors.	DHS	Yes	
S-S-, 29 I&N Dec. 136 (BIA 2025)	7/8/25	Designated by AG	IJ erred in concluding that the respondent would more likely than not be tortured in Haitian detention where no finding his detention would be long term and where the record did not establish that the harsh conditions specifically intended to torture.	DHS	Yes	
C-M-M-, 29 I&N Dec. 141 (BIA 2025)	7/8/25	Designated by AG	Extensive and lengthy history of immigration law violations demonstrates significant flight risk that cannot be sufficiently mitigated by any monetary bond.	DHS	Yes	
K-E-S-G-, 29 I&N Dec. 145 (BIA 2025)	7/18/25	BIA Decision	PSG defined by sex or by sex and nationality overbroad is insufficiently particular to be cognizable.	DHS	Yes	
FELIX-FIGUEROA, 29 I&N Dec. 157 (BIA 2025)	7/30/25	BIA Decision	IJ must apply realistic probability test where state drug definition broader than federal based on isomers.	DHS	No	
AKHMEDOV, 29 I&N Dec. 166 (BIA 2025)	8/4/25	Designated by AG	Failure to submit change of address notices with court helps justify flight risk finding	DHS	Yes	
GARCIA MARTINEZ, 29 I&N Dec. 169 (BIA 2025)	8/8/25	BIA Decision	Nondetained respondent represented by private counsel presumed to have ability to pay filing fees and fee waiver request reporting adult with zero income is presumptively invalid.	DHS	Yes	
SALAS PENA, 29 I&N Dec. 173 (BIA 2025)	8/13/25	Designated by AG	Bond applicant did not establish that he was not danger to community where pending cocaine trafficking charges	DHS	Yes	
G-C-I, 29 I&N Dec. 176 (BIA 2025)	8/19/25	BIA Decision	Nonresponsive or evasive testimony on corroboration supports adverse credibility determination.	DHS	Yes	
BURI MORA, 29 I&N Dec. 186 (BIA 2025)	8/18/25	Designated by AG	Respondent didn't establish exceptional and extremely unusual hardship based on economic detriment and family separation where the qualifying relatives will remain in the U.S. and treatment for their mental health conditions and developmental delays will not be affected by the respondent's removal. Note that one U.S. citizen child was autistic.	DHS	Yes	

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O-Y-A-E-, 29 I&N Dec. 190 (BIA 2025)	8/20/25	Designated by AG	Evidence of human rights abuses in Venezuela and past threats to the respondent do not establish an individualized risk of torture where the last threat occurred years before the respondent left the country and the respondent was otherwise unharmed following the threats.	DHS	Yes	
J-A-F-S-, 29 I&N Dec. 195 (BIA 2025)	8/28/25	BIA Decision	IJ should not continue hearing based on speculative assertion of new eligibility for relief.	DHS	Yes	
R-E-R-M- & J-D-R-M-, 29 I&N Dec. 202 (A.G. 2025)	9/2/25	AG Decision	Matter of L-E-A-, 28 I&N Dec. 304 (A.G. 2021), overruled.	DHS	N/A	
S-S-F-M-, 29 I&N Dec. 207 (A.G. 2025)	9/2/25	AG Decision	Matter of A-B-, 28 I&N Dec. 307 (A.G. 2021), is overruled, and immigration judges and the Board shall adhere to Matter of A-B-, 27 I&N Dec. 316 (A.G. 2018), and Matter of A-B-, 28 I&N Dec. 199 (A.G. 2021), in all pending or future cases. By extension, Matter of A-R-C-G-, 26 I&N Dec. 388 (BIA 2014), and any decision issued in reliance thereupon is also overruled.	DHS	N/A	
DOBROTVORSKII, 29 I&N Dec. 211 (BIA 2025)	9/5/25	BIA Decision	In bond proceedings, the existence of a valid, reliable, and credible sponsor is relevant to the determination of flight risk.	DHS	Yes	
YAJURE HURTADO, 29 I&N Dec. 216 (BIA 2025)	9/5/25	BIA Decision	235(b)(2)(A) dictates that IJs lack authority to hear bond requests or to grant bond to aliens who are present in the United States without admission.	DHS	Yes	
GARCIA-FLORES, 29 I&N Dec. 230 (BIA 2025)	9/8/25	Designated by AG	In assessing discretion, the IJ exceeded authority to consider the circumstances of the respondent's conviction by making an adverse credibility finding regarding the respondent's two child victims and in effect finding the respondent factually innocent of the crime.	DHS	No	
H-A-A-V-, 29 I&N Dec. 233 (BIA 2025)	9/11/25	BIA Decision	If the factual allegations underlying a claim for asylum, WOR, or CAT, viewed in the light most favorable to the respondent, do not establish prima facie eligibility for relief or protection, an Immigration Judge may pretermit the applications without a full evidentiary hearing on the merits of the claim.	DHS	Yes	
Landers, 29 I&N Dec. 240 (BIA 2025)	9/17/25	BIA Decision	Circumstantial evidence of similarities in allegedly pro se filings and suspended counsel's involvement in the mailing of documents to the Immigration Courts and DHS can constitute clear and convincing evidence that counsel practiced law in violation of a disciplinary order of suspension.	DHS	No*	This is a pro se case, but the respondent is an attorney subject to disciplinary proceedings
McDonald, 29 I&N Dec. 249 (BIA 2025)	9/22/25	Designated by AG	The respondent's convictions for endangering the welfare of a child, combined with the respondent's conduct (sexual conduct) as described in the charging document and the victim's statement, demonstrate that the respondent does not warrant a favorable exercise of discretion.	DHS	Yes	

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J-A-, 29 I&N Dec. 253 (BIA 2025)	9/22/25	Designated by AG	Evidence that the Uzbek Govt. is pursuing charges of terrorist activity against the respondent, that he will be detained upon arrival, and isolated incidents of torture does not establish that he will more likely than not be tortured where there is insufficient evidence that he will be prosecuted for illegitimate reasons.	DHS	Yes	
FRIAS ULLOA, 29 I&N Dec. 259 (BIA 2025)	9/22/25	Designated by AG	Section 2C:35-5(b)(4) of the New Jersey Statutes Annotated is divisible by controlled substance, and applying the modified categorical approach, the respondent's record of conviction identifies the relevant substance as fentanyl, a federally controlled substance.	DHS	Yes	
COTRUFO, 29 I&N Dec. 264 (BIA 2025)	9/23/25	Designated by AG	The respondent's recent convictions involving unlawful sexual conduct with a minor, combined with the probation officer's report, show that the respondent is a danger to the community.	DHS	Yes	
L-A-L-T-, 29 I&N Dec. 269 (BIA 2025)	9/26/25	BIA Decision	Matter of E-A-G-, 24 I&N Dec. 591 (BIA 2008), reaffirmed. Perceived or imputed membership in a particular social group will only satisfy the PSG requirements if the underlying group of which the respondent is perceived to be a member is, standing alone, sufficiently cognizable. The respondent's proposed PSG, defined as "perceived Salvadoran gang members" is not cognizable within the meaning of the INA.	DHS	Yes	
J-H-M-H-, 29 I&N Dec. 278 (BIA 2025)	10/7/25	BIA Decision	In making findings of fact and conclusions of law, Immigration Judges exercise independent judgment and are not required to accept party stipulations. In this case, a joint motion to reconsider the denial of CAT protection.	DHS*	Yes	DHS actually stipulated to relief in this case so, technically the IJ and BIA went against DHS's stated position, but the noncitizen's order of removal was upheld so it is counted in the column that goes against the noncitizen
NEGUSIE, 29 I&N Dec. 285 (A.G. 2025)	10/22/25	AG Decision	Matter of Negusie, 28 I&N Dec. 120 (A.G. 2020), which held that the bar to asylum eligibility for noncitizens who have engaged or assisted in the persecution of another does not contain a duress exception, is now the operative opinion.	DHS	N/A	
J-A-N-M-, 29 I&N Dec. 287 (BIA 2025)	10/23/25	BIA Decision	Discretionary termination of an applicant's withholding-only proceedings is prohibited by 8 C.F.R. §1208.2(c)(3)(i).	DHS	No	
C-I-G-M- & L-V-S-G-, 29 I&N Dec. 291 (BIA 2025)	10/31/25	BIA Decision	If DHS claims that an asylum cooperative agreement bars a respondent from applying for asylum in the United States, the IJ should determine whether the safe third country bar applies prior to and separate from considering a respondent's eligibility for asylum. A respondent subject to the terms of an asylum cooperative agreement has the burden to establish by a preponderance of evidence that he or she will more likely than not be persecuted on account of a protected country or tortured in the relevant third country to avoid application of the safe third country bar for the respondent to be eligible for asylum in the United States.	DHS	Yes	

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CAHUEC TZALAM, 29 I&N Dec. 300 (BIA 2025)	11/14/25	BIA Decision	The Immigration Judge erred in granting administrative closure to a respondent who failed to submit evidence of his prima facie eligibility for Special Immigrant Juvenile classification and the extended delay in the availability of a visa.	DHS	No	
K-S-H-, 29 I&N Dec. 307 (BIA 2025)	11/17/25	BIA Decision	A single attempt to report an incident of harm by private actors to local police, without further harm from the police themselves or evidence of their widespread collusion with the alleged persecutors, does not establish that the government, as a whole, is unable or unwilling to protect a respondent from persecution.	DHS	Yes	
B-S-H-, 29 I&N Dec. 313 (BIA 2025)	11/19/25	BIA Decision	Under the plain language of section of 8 U.S.C. §1229a(c)(7)(C)(iv)(III) , the extraordinary circumstances or extreme hardship waiver for motions to reopen only applies to temporal limitations for filing a motion to reopen to apply for relief under VAWA and not to the numerical limitation on such motions.	DHS	Yes	
W-F-, 29 I&N Dec. 319 (BIA 2025)	12/8/25	Designated by AG	The IJ erred in granting the respondent deferral of removal under CAT where the record contained anecdotal reports of bribery in Haitian prisons and generalized violence by gangs against travelers or outsiders.	DHS	Yes	
JIMENEZ-AYALA, 29 I&N Dec. 325 (BIA 2025)	12/8/25	Designated by AG	The respondent's criminal history of drug use and her exposure of her children to drugs outweigh the favorable factors in this case, including her claimed remorse and intention to avoid drug use in the future, and warrant a discretionary denial of cancellation of removal.	DHS	Yes	
J-C-A-G-, 29 I&N Dec. 331 (BIA 2025)	12/8/25	Designated by AG	The asylum applicant, who cooperated with United States law enforcement against the cartel, did not demonstrate a clear probability of torture where his fear is based on unsubstantiated statements from a coconspirator and generalized evidence of cartel violence.	DHS	Yes	
DUBON MIRANDA, 29 I&N Dec. 335 (BIA 2025)	12/8/25	Designated by AG	Due to respondent's inappropriate behavior with his stepdaughter, his criminal convictions for driving under the influence and disturbing the peace, the respondent has not satisfied his burden demonstrating that he is not a danger to the community in bond proceedings.	DHS	Yes	
KIM, 29 I&N Dec. 339 (BIA 2025)	12/8/25	Designated by AG	The IJ erred in determining that the respondent, who engaged in systemic criminal fraud for decades, warranted a favorable exercise of discretion for purposes of cancellation of removal based on recent expressed remorse and rehabilitative efforts while in prison.	DHS	No	
L-A-G-B-, 29 I&N Dec. 343 (BIA 2025)	12/8/25	Designated by AG	The IJ's predictive factual findings based on a series of suppositions regarding the harm the respondent would likely suffer in Panama do not support a grant of protection under CAT.	DHS	Yes	

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N-P-A-, 29 I&N Dec. 347 (BIA 2025)	12/8/25	Designated by AG	The respondent did not establish a well-founded fear of persecution based on a summons for his political activity and country conditions evidence that political activists are detained and severely harmed where a similar summons did not result in harm to respondent's son, and respondent lived for several years in Moldova without harm.	DHS	Yes	
LEMA MIZHIRUMBAY, 29 I&N Dec. 351 (BIA 2025)	12/8/25	Designated by AG	The respondent's repeated violations of workplace safety regulations are significant adverse factors that weigh against a favorable exercise of discretion for cancellation of removal.	DHS	Yes	
PALMA-OLVERA, 29 I&N Dec. 355 (BIA 2025)	12/8/25	Designated by AG	The IJ erred in determining that the respondent, who had two convictions of driving while intoxicated, had overcome the presumption that he lacked good moral character for cancellation of removal, based on his care for his son and history of employment.	DHS	No	
RODRIGUEZ PENA, 29 I&N Dec. 358 (BIA 2025)	12/8/25	Designated by AG	The IJ erred in concluding that the respondent is not a danger to the community where the respondent threatened to kill someone, reacted negatively to law enforcement intervention, and used an alias to evade arrest.	DHS	No	
L-T-A-, 20 I&N Dec. 362 (BIA 2025)	12/18/25	BIA Decision	For purposes of the firm resettlement bar, evidence that a respondent had a legal right to enter, live, work, and own property indefinitely in the country of proposed resettlement demonstrate that respondent was offered "some other type of permanent resettlement."	DHS	Yes	
TEPEC-GARCIA, 29 I&N Dec. 371 (BIA 2025)	12/19/25	BIA Decision	The IJ does not err in terminating proceedings without prejudice when DHS does not present evidence of removability in advance of the hearing.	Noncitizen	Yes	
GHANBARI, 29 I&N Dec. 376 (BIA 2025)	12/19/25	Designated by AG	The IJ erred in determining that the respondent did not provide material support to a terrorist organization and was not subject to mandatory detention under 8 U.S.C.A. § 1226(c)(1)(D).	DHS	Yes	
E-M-F-S-, 29 I&N Dec. 379 (BIA 2026)	1/9/26	BIA Decision	Death threats alone rarely rise to the level of persecution and only do so if they are objectively credible and issued by a person or persons with the immediate ability to carry them out.	DHS	Yes	
LAPARRA-DELEON, 29 I&N Dec. 389 (BIA 2026)	1/9/26	Designated by AG	Matter of Laparra, 28 I&N Dec. 425 (BIA 2022) is reinstated. It held that service of a statutorily compliant notice of hearing is sufficient written notice to support the entry of an in absentia order of removal even if the respondent was served with a noncompliant notice to appear.	DHS	Yes	
D-G-B-L-, 29 I&N Dec. 392 (BIA 2026)	1/15/26	BIA Decision	The serious nonpolitical crime bar to asylum and withholding of removal does not include a duress exception.	DHS	Yes	

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M-C-C-, 29 I&N Dec. 401 (BIA 2026)	1/9/26	Designated by AG	The respondent willfully misrepresented a material fact by omitting reference to his military service during the Bosnian War on his refugee application because the omission cut off a line of inquiry that predictably would have disclosed facts relevant to his eligibility for refugee status.	DHS	Yes	
S-M-H-, 29 I&N Dec. 412 (BIA 2026)	1/21/26	BIA Decision	The written warnings on the respondent's initial asylum application provided the respondent with statutorily notice of the consequences of filing a frivolous application, irrespective of the absence of oral warnings by an Immigration Judge. Matter of X-M-C-, 25 I&N Dec. 322 (BIA 2010), clarified.	DHS	Yes	
LAURENT CASTRO, 29 I&N Dec. 419 (BIA 2026)	1/23/26	Designated by AG	The IJ erred in continuing removal proceedings rather than entering an in absentia removal order where the respondent did not appear at a hearing, was properly served with notice of the missed hearing, and DHS provided evidence of the respondent's removability.	DHS	No	
E-A-S-O-, 29 I&N Dec. 422 (BIA 2026)	1/30/26	BIA Decision	Matter of N-A-M-, 24 I&N Dec. 336 (BIA 2007), framework is the proper rubric for determining whether a crime is particularly serious and there is no presumption that a single misdemeanor conviction is not for a particularly serious crime. Matter of Juarez, 19 I&N Dec. 664 (BIA 1988), overruled.	DHS	Yes	
G-M-I-, 29 I&N Dec. 431 (BIA 2026)	2/4/26	BIA Decision	The relevance and the reliability of an expert witness' opinions are significantly undercut when those opinions are informed by anecdotal or inaccurate facts or data.	DHS	Yes	
YADAV, 29 I&N Dec. 438 (BIA 2026)	2/5/26	BIA Decision	A respondent's valid marriage to a United States citizen entered into after a removal order does not constitute an exceptional situation warranting sua sponte reopening of removal proceedings.	DHS	Yes	
JIN, 29 I&N Dec. 441 (BIA 2026)	2/13/26	BIA Decision	Based on the petitioner's extensive allegations and evidence of marriage fraud regarding the approved visa petition for the beneficiary, the record is returned to USCIS to further consider the visa petition and take action as warranted in this matter.	DHS	Yes	