



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals*

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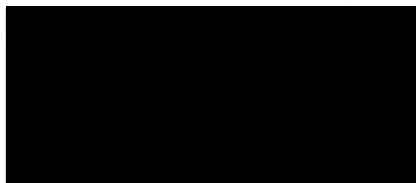
Office of the Chief Clerk  
P.O. Box 8530  
5107 Leesburg Pike, Suite 2000  
Falls Church, Virginia 22041

July 21, 2009

✓ Kevin R. Leeper, Esquire  
411 Union Avenue  
Framingham MA 01702

Office of the District Counsel/BOS  
P.O. Box 8728  
Boston, MA 02114

Re:



Dear Counsel:

The Board will hear oral argument in the above-referenced cases on October 01, 2009, at 11:00 a.m. in Suite 2400, One Skyline Tower, 5107 Leesburg Pike, Falls Church, Virginia 22041. Oral Argument should not extend beyond 30 minutes for each party, which includes the time to present, for questions, and rebuttal, unless advance approval has been granted.

At Oral Argument please be prepared to discuss the following issues:

Whether the Board should adopt the United States Court of Appeals for the Fourth Circuit's reasoning in *Perez-Vargas v. Gonzales*, 478 F.3d 191 (4th Cir. 2007), vacating our decision in *Matter of Perez-Vargas*, 23 I&N Dec. 829 (BIA 2006), and find that Immigration Judges have the authority to determine the portability of a change of job or employer and, therefore, whether the alien retains his or her employment-based visa petition under section 204(j) of the Immigration and Nationality Act.

Whether or not the Board determines that the Immigration Judges have jurisdiction over portability issues under section 204(j) of the Act, under what circumstances should Immigration Judges grant a continuance to allow the Department of Homeland Security (DHS) an opportunity to resolve that question, and alternatively, (for the DHS) is the DHS amenable to administrative closure of such cases in lieu of a continuance pending adjudication of the portability issue. The DHS should also describe how portability determinations are adjudicated by its Office of Citizenship and Immigration Services and the Appeals process, if any.

The record of proceedings may be examined in Suite 2000 prior to oral argument. Inquiries may be mailed to: Oral Argument Coordinator, Board of Immigration Appeals, Department of Justice, P.O. Box 8530 Falls Church, Virginia 22041. The Oral Argument coordinator's number is

(703) 305-0161. You may also visit our web site at: <http://www.usdoj.gov/eoir/biainfo.htm> where you will find our Practice Manual and Questions and Answers Regarding Oral Argument before the Board.

Sincerely,

*Paulomi M. Dhokai*

Paulomi M. Dhokai  
Management & Program Analyst  
Board of Immigration Appeals

cc: David Landau  
Chief Appellate Counsel  
Department of Homeland Security  
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