

06-1346 ALI V. ACHIM

DECISION BELOW:468 F3d 462

LOWER COURT CASE NUMBER: 05-1194, 05-3009

QUESTIONS PRESENTED:

1. Whether the Seventh Circuit erred in concluding — in direct conflict with the Third Circuit — that an offense need not be an aggravated felony to be classified as a “particularly serious crime” that bars eligibility for withholding of removal under 8 U.S.C. § 1231(b)(3)(B).
2. Whether the Seventh Circuit erred in narrowly construing the scope of its jurisdiction to review particularly serious crime determinations of the Board of Immigration Appeals under 8 U.S.C. §§ 1252(a)(2)(B)(ii) and (a)(2)(D), by treating non-discretionary denials of asylum and withholding of removal as discretionary in nature, and by refusing to consider arguments that the agency applied an incorrect legal standard, in direct conflict with the construction of those statutes by the Third, Ninth, and Tenth Circuits.

CERT. GRANTED 9/25/2007

EXPEDITED BRIEFING SCHEDULE
DISMISSED PURSUANT TO RULE 46