

22-23 PUGIN V. GARLAND

DECISION BELOW: 19 F.4th 437

LOWER COURT CASE NUMBER: 20-1363

QUESTION PRESENTED:

Under the Immigration and Nationality Act (INA), a noncitizen who is convicted of an "aggravated felony" is subject to mandatory removal and faces enhanced criminal liability in certain circumstances. One aggravated felony is "an offense relating to obstruction of justice." 8 U.S.C. § 1101(a)(43)(S). The questions presented are:

1. Whether a state offense-like petitioner's accessory-after-the-fact offense here—that does not involve interference with an existing official proceeding or investigation may constitute an "offense relating to obstruction of justice."

2. Whether, assuming that the phrase "offense relating to obstruction of justice" is deemed ambiguous, courts should afford *Chevron* deference to the Board of Immigration Appeals' interpretation of that phrase.

THE PETITIONS FOR WRITS OF CERTIORARI ARE GRANTED LIMITED TO THE FOLLOWING QUESTION: TO QUALIFY AS "AN OFFENSE RELATING TO OBSTRUCTION OF JUSTICE," 8 U.S.C. §1101(a)(43)(S), MUST A PREDICATE OFFENSE REQUIRE A NEXUS WITH A PENDING OR ONGOING INVESTIGATION OR JUDICIAL PROCEEDING?

CONSOLIDATED WITH 22-331 FOR ONE ORAL ARGUMENT.

CERT. GRANTED 1/13/2023