

17-459 PEREIRA V. SESSIONS

DECISION BELOW: 866 F.3d 1

LOWER COURT CASE NUMBER: 16-1033

QUESTION PRESENTED:

The Attorney General can cancel removal of certain immigrants under 8 U.S.C. § 1229b (a) and (b). To be eligible for cancellation of removal, a non-permanent resident must have ten years of continuous presence in the United States, and a permanent resident must have seven years of continuous residence. *Id.* § 1229b(a)(2), (b)(1)(A). Under the "stop-time rule," those periods end when the government serves a "notice to appear under section 1229(a) of this title." *Id.* § 1229b(d)(1). Section 1229(a) defines a "notice to appear" as "written notice ... specifying" certain information, including "[t]he time and place at which the proceedings will be held." *Id.* § 1229(a)(1).

The First Circuit held, disagreeing with the Third Circuit but agreeing with the Board of Immigration Appeals and other circuits, that the stop-time rule is triggered when the government serves a document that is labeled "notice to appear" but that lacks the "time and place" information required by the definition of a qualifying "notice to appear."

The question presented is:

Whether, to trigger the stop-time rule by serving a "notice to appear," the government must "specify" the items listed in the definition of a "notice to appear," including "[t]he time and place at which the proceedings will be held."

CERT. GRANTED 1/12/2018