

BOARD OF IMMIGRATION APPEALS

Matter of L-S-C-R-

29 I. & N. Dec. 451 (B.I.A. 2026) · No. 72372335 · Decided February 19, 2026

SUMMARY

The Board of Immigration Appeals held that a background-check remand is limited to consideration of the background and security check results and issuance of an order on the relief that formed the basis for the remand. It clarified Matter of M-D- by ruling that a respondent seeking a new or different form of relief must file a separate motion to reopen with the Immigration Court after the Immigration Judge enters the required order. The Board withdrew the respondent’s asylum appeal and remanded the case for background and security checks and a final order regarding withholding of removal.

CASE DETAILS

COURT	Board of Immigration Appeals
WRITING FOR THE COURT	GOODWIN, Appellate Immigration Judge; MALPHRUS, Chief Appellate Immigration Judge; GILLIES, Temporary Appellate Immigration Judge
JURISDICTION	Board of Immigration Appeals
DECIDED	February 19, 2026
DOCKET	72372335
DISPOSITION	remanded
PROCEDURAL POSTURE	The respondent appealed the Immigration Judge's denial of his asylum application, moved to withdraw that appeal, and sought to preserve the Immigration Judge's grant of withholding of removal. The Board granted withdrawal of the asylum appeal and remanded for background and security checks and a final order concerning withholding of removal.
PRECEDENTIAL VALUE	Published and precedential Board of Immigration Appeals decision
PARTIES	L-S-C-R-, Respondent v. Department of Homeland Security

TOPICS

- removal proceedings
- appellate procedure
- administrative law
- immigration

PRACTICE AREAS

QUESTIONS PRESENTED

1. What is the scope of an Immigration Judge's jurisdiction on remand for completion or updating of background and security checks?
2. Whether a respondent may seek a new or different form of relief, or raise unrelated issues, within a background-check remand rather than through a separate motion to reopen.
3. Whether the record should be remanded because DHS had not timely reported the required background and security-check results.

HOLDINGS

1. A remand for completion or updating of background and security checks is limited to the Immigration Judge's consideration of the reported results of those checks and the issuance of a final order granting or denying the relief or protection that formed the basis for the remand.
2. A respondent seeking a new or different form of relief, or seeking to raise an issue unrelated to the background-check remand, must file a separate motion to reopen with the Immigration Court after the Immigration Judge enters an order on the relief that was the subject of the remand and must satisfy the requirements for reopening, including payment of the appropriate fee.
3. The record must be remanded to the Immigration Judge when DHS has not timely reported the required identity, law-enforcement, and security-check results, so that DHS may complete or update the checks and the Immigration Judge may enter a final order on withholding of removal.

KEY QUOTATIONS

"We now modify our decision in Matter of M-D- and clarify that the scope of a background check remand is for the limited and narrow purpose of the Immigration Judge considering the reported results of DHS' background and security checks and entering a final order regarding the relief or protection that formed the basis for the remand." (452)

"Thus, if a respondent seeks to apply for a new or different form of relief, the respondent must file a separate motion to reopen, accompanied by the appropriate fee, with the Immigration Court after the Immigration Judge enters an order granting or denying the relief that was the subject of the background check remand." (453)

FACTUAL BACKGROUND

The respondent is a native and citizen of Nicaragua. The Immigration Judge denied his asylum application as untimely but granted withholding of removal, and DHS did not appeal the withholding grant. After the respondent withdrew his asylum appeal, the Board determined that the required identity, law-enforcement, and security checks were not current and that DHS had not reported their results within 180 days of the Board's notice.

PROCEDURAL HISTORY

On March 28, 2025, the Immigration Judge denied the respondent's asylum application as untimely and granted withholding of removal. The respondent appealed the asylum denial and later moved to withdraw that appeal. Because the required background and security checks were not current and DHS had not timely reported their results, the Board remanded the record to the Immigration Judge for the limited purpose of completing or updating those checks and entering a final order on withholding of removal.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The Immigration Judge must allow DHS the opportunity to complete or update the required identity, law-enforcement, and security investigations or examinations, consider the results as they relate to the respondent's eligibility for withholding of removal, and enter a final order granting or denying withholding of removal under 8 C.F.R. § 1003.47(h). Any request for a different form of relief or an unrelated issue must be presented through a separate motion to reopen before the Immigration Judge.

CASES CITED

- Matter of M-D-, 24 I&N Dec. 138, 141-42 (BIA 2007)
- Matter of L-S-, 25 I&N Dec. 705, 709 n.4 (BIA 2012)
- Matter of Alcantara-Perez, 23 I&N Dec. 882, 883-85 (BIA 2006)
- Matter of B-N-K-, 29 I&N Dec. 96, 99 (BIA 2025)
- Matter of W-Y-U-, 27 I&N Dec. 17, 19 (BIA 2017)