

United States Court of Appeals,
Eleventh Circuit.

No. 94-2071.

Po Shing YEUNG, Petitioner,

v.

IMMIGRATION AND NATURALIZATION SERVICE, Respondent.

Jan. 2, 1996.
(As Corrected Jan. 5, 1996)

Petition for Review of an Order of the Board of Immigration Appeals.

ON PETITION FOR REHEARING

Before EDMONDSON and BARKETT, Circuit Judges, and DYER, Senior Circuit Judge.

PER CURIAM:

The Petition for Rehearing is granted and the opinion modified by deleting the penultimate paragraph and substituting the following:

For these reasons, we find the Board's interpretation of § 212(h) unconstitutional as applied to Po. We recognize, however, that the issues raised here are of national importance in "an area of the law where uniformity is particularly important." *Jaramillo v. INS*, 1 F.3d 1149, 1155 (11th Cir.1993) (en banc). We will therefore afford the Attorney General, in whom Congress has vested the authority to rule on legal questions arising from the immigration law, the opportunity to reconsider and construe § 212(h) consistent with the competing statutory, constitutional, and policy interests at stake.

We remand the case to the Board of Immigration Appeals with instructions to reconsider its prior interpretation of § 212(h) in *Sanchez, Matter of Parodi*, 17 I. & N.Dec. 218 (BIA 1980) (overruling *Sanchez* would conflict with the *Parodi* extension), and *Yeung* in order to make them consistent with the language of the statute itself. See *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837, 844-45, 104 S.Ct. 2778, 2782-83, 81 L.Ed.2d 694 (1984).

REVERSED and REMANDED.

