



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Falls Church, Virginia 22041*

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NW Immigrant Rights Project
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Tacoma, WA 98402**

**DHS/ICE Office of Chief Counsel - TAC
1623 East J Street, Ste. 2
Tacoma, WA 98421**

Name: SOM, SARITH

A 027-754-193

Date of this notice: 7/24/2019

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

Donna Carr

Donna Carr
Chief Clerk

Enclosure

Panel Members:
Grant, Edward R.

Userteam: Docket

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Falls Church, Virginia 22041

File: A027-754-193 – Seattle, WA

Date:

JUL 24 2019

In re: Sarith SOM

IN REMOVAL PROCEEDINGS


MOTION

ON BEHALF OF RESPONDENT: Camila Maturana, Esquire

APPLICATION: Reopening; termination

The Board entered the final administrative decision on August 31, 1999, when we dismissed the lawful permanent resident respondent's appeal of the Immigration Judge's April 21, 1999, decision ordering him removed to Cambodia in connection with his aggravated felony assault convictions. The respondent has filed a motion to reopen and terminate the proceedings, based on a state court vacating the respondent's convictions on constitutional grounds. *Matter of Marquez Conde*, 27 I&N Dec. 251 (BIA 2018); *Matter of Pickering*, 23 I&N Dec. 621 (BIA 2003). The court order reflects that the respondent's criminal defense attorney did not advise him of the immigration consequences of pleading guilty to the crimes underlying his removal order. *Padilla v. Kentucky*, 559 U.S. 356 (2010). The Department of Homeland Security has not responded to the motion. 8 C.F.R. § 1003.2(g)(3). Accordingly, we will grant the respondent's motion.

ORDER: The motion to reopen is granted and the proceedings are terminated without prejudice.



FOR THE BOARD