



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

**Bowyer, Nicole Tamilyn
Riguer Silva
3213 Florida Avenue
Suite C
Kenner, LA 70065**

**DHS/ICE Office of Chief Counsel - HLG
1717 Zoy Street
Harlingen, TX 78552**

Name: M [REDACTED]-C [REDACTED], S [REDACTED] ... A [REDACTED]-604

Date of this notice: 5/4/2018

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:
Kelly, Edward F.
Mann, Ana
Snow, Thomas G

Userteam: Docket

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Falls Church, Virginia 22041

File: [REDACTED] 604 – Harlingen, TX

Date:

MAY - 4 2018

In re: S [REDACTED] M [REDACTED] M [REDACTED] -C [REDACTED]

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Nicole Bowyer, Esquire

APPLICATION: Reopening

The respondent, a native and citizen of Honduras, has appealed from the Immigration Judge's decision dated October 26, 2017, denying the respondent's September 21, 2017, motion to reopen proceedings, which were conducted in absentia on August 31, 2004. The Department of Homeland Security (DHS) has not filed a reply to the appeal. The appeal will be sustained.

While we find no error by the Immigration Judge, upon de novo review, we have considered the totality of the circumstances presented in this case¹ and find that an exceptional situation has been demonstrated warranting reopening to allow the respondent another opportunity to apply for relief from removal. See 8 C.F.R. § 1003.23(b)(1); *Matter of J-J-*, 21 I&N Dec. 976 (BIA 1997). Accordingly, the appeal will be sustained, the proceedings will be reopened, and the record will be remanded.

ORDER: The appeal is sustained, the proceedings are reopened, and the record is remanded to the Immigration Court for further proceedings.



FOR THE BOARD

¹ The respondent was one year old and under the care of her mother when ordered removed in absentia; the respondent is still a minor and has been granted deferred action as a childhood arrival (DACA).