



**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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Los Angeles, CA 90014**

**Name: BALTODANO-SOTO, ANTONIET...    A 027-197-313**

**Date of this notice: 8/12/2019**

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:  
Kendall Clark, Molly

Auth: [illegible]  
User team: Docket

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Falls Church, Virginia 22041

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File: A027-197-313 – Los Angeles, CA

Date: **AUG 12 2019**

In re: Antonieta Maria BALTODANO-SOTO

IN DEPORTATION PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Brian A. Seyfried, Esquire

APPLICATION: Reopening

This case was last before us on September 6, 1991, when we dismissed the respondent's appeal from the Immigration Judge's May 6, 1986, decision.<sup>1</sup> The respondent has now filed an untimely motion to reopen on August 31, 2018. See 8 C.F.R. § 1003.2(c). The Department of Homeland Security (DHS) has not responded to the motion, which will be granted.

The respondent, a 63-year-old native and citizen of Nicaragua and grantee of Temporary Protected Status, requests reopening of her proceedings to pursue adjustment of status because she is the recipient of an approved Form I-130 filed on her behalf. Given her immigration history, her current evidence, and the lack of DHS opposition, we will grant the respondent's request in our sua sponte authority under 8 C.F.R. § 1003.2(a). See *Matter of J-J-*, 21 I&N Dec. 976 (BIA 1997) (Board will exercise its sua sponte authority over an untimely motion only in an "exceptional situation"). The following order will be entered.

ORDER: The motion to reopen is granted, and the record is remanded to the Immigration Court for further proceedings.

  
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FOR THE BOARD

<sup>1</sup> At the time, the respondent was joined by co-respondent, and minor child, identified as A027-197-314.