



**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 20530

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1240 E. 9th St., Room 585  
Cleveland, OH 44199**

**Name:** ,

**A -802**

**Date of this notice: 5/5/2015**

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:  
Holmes, David B.

USERTeam: Docket

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**U.S. Department of Justice**  
Executive Office for Immigration Review

Decision of the Board of Immigration Appeals

Falls Church, Virginia 20530

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File: 802 – Cleveland, OH

Date: **MAY - 5 2015**

In re: F a.k.a. a.k.a.

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Thomas J. Gilbert, Esquire

APPLICATION: Reopening; stay of removal

ORDER:

The respondent moves to reopen proceedings to apply for adjustment of status based upon an approved Petition for Special Immigrant (Form I-360) as the self-petitioning widow of an abusive U.S. citizen (Motion Exh. 3). The record before us does not contain a response from the Department of Homeland Security. Based upon the totality of the circumstances, we will reopen proceedings on our own motion pursuant to 8 C.F.R. § 1003.2(a) [“sua sponte”] and remand the record to allow the respondent to pursue an application for adjustment of status. Accordingly, we reopen proceedings sua sponte, and the record is remanded to the Immigration Judge for further proceedings and for the entry of a new decision. The respondent’s stay request has been rendered moot.



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