



**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

**Phelps, Luz Eliana  
Law Offices of Eliana Phelps  
25096 Jefferson Avenue  
Suite B-4  
Murrieta, CA 92562**

**DHS/ICE Office of Chief Counsel - LOS  
606 S. Olive Street, 8th Floor  
Los Angeles, CA 90014**

**Name: BARRERA HERNANDEZ, JAIME**

**A 029-226-798**

**Date of this notice: 9/29/2020**

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:  
Malphrus, Garry D.  
Hunsucker, Keith  
Liebowitz, Ellen C

SEN WARD  
Userteam: Docket

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*RC*

Falls Church, Virginia 22041

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File: A029-226-798 – Los Angeles, CA

Date:

**SEP 29 2020**

In re: Jaime BARRERA-HERNANDEZ

IN DEPORTATION PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Luz Eliana Phelps, Esquire

APPLICATION: Reopening

This matter was last before the Board on October 25, 2001, when we administratively closed the proceedings because the respondent was eligible to apply for Temporary Protected Status (TPS).<sup>1</sup> On December 13, 2019, the respondent, a native and citizen of El Salvador, filed a motion to reopen proceedings. The Department of Homeland Security has not responded to the motion. As the respondent's proceedings were administratively closed, we interpret his motion as one to reinstate his appeal. The appeal is reinstated and the record will be remanded for further proceedings.

The respondent seeks termination of proceedings so he can apply for adjustment of status before the U.S. Citizenship and Immigration Services. However, we have limited authority to terminate proceedings and do not deem it appropriate at this juncture. *See Matter of Sanchez-Herbert*, 26 I&N Dec. 43, 45 (BIA 2012). However, the respondent has presented evidence that he is the beneficiary of an approved visa petition filed by his U.S. citizen spouse and that he is eligible to adjust his status under the law of the United States Court of Appeals for the Ninth Circuit. *See Ramirez v. Brown*, 852 F.3d 954 (9th Cir. 2017). Under these circumstances, we will reinstate the respondent's appeal and remand the record so that he may apply for adjustment of status. In remanding, we express no opinion on the ultimate outcome of these proceedings. *See Matter of L-O-G-*, 21 I&N Dec. 413, 422 (BIA 1996). The following order will be entered.

ORDER: The record is remanded for further proceedings.

  
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FOR THE BOARD

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<sup>1</sup> The respondent was a derivative beneficiary on his mother's asylum application.