



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

ROMANOVSKY, GREGORY
Romanovsky Law Offices
12 Marshall Street
Boston, MA 02108

DHS/ICE Office of Chief Counsel - BOS
P.O. Box 8728
Boston, MA 02114

Name: P [REDACTED], E [REDACTED] C [REDACTED]

A [REDACTED]-226

Date of this notice: 5/22/2020

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:
Liebowitz, Ellen C

Userteam: Docket

**For more unpublished decisions, visit
www.irac.net/unpublished/index**

Falls Church, Virginia 22041

File: A [REDACTED]-226 – Boston, MA

Date: MAY 22 2020

In re: E [REDACTED] C [REDACTED] P [REDACTED]

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Gregory Romanovsky, Esquire

APPLICATION: Reopening

This matter was last before the Board on June 2, 2011, when we dismissed the respondent's appeal from the Immigration Judge's decision dated February 23, 2009, denying her applications for asylum, withholding of removal, and protection under the Convention Against Torture. The respondent, a native and citizen of Indonesia, has filed the instant motion to reopen the proceedings. The Department of Homeland Security has not responded to the motion. The motion to reopen will be granted.

In general, a party in removal proceedings may file one motion to reopen and the motion must be filed no later than 90 days from the date of entry of a final administrative order of removal. Sections 240(c)(7)(A), (C)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1229a(c)(7)(A), (C)(i); 8 C.F.R. § 1003.2(c)(2). This filing deadline does not apply to motions to reopen to apply for asylum, withholding of removal, and protection under the Convention Against Torture based on changed country conditions or circumstances arising in the country of nationality, if such evidence is material and was not available and could not have been discovered or presented at the previous proceeding. Section 240(c)(7)(C)(ii) of the Act; *Matter of S-Y-G-*, 24 I&N Dec. 247, 258 (BIA 2007).

The respondent is a Christian who was found credible by the Immigration Judge (IJ at 6). She argues that conditions in Indonesia have drastically worsened since 2009, the time of her individual hearing (Motion at 5-14). She contends that radical Islamists have gained "significantly in strength in Indonesia since 2008 [and,] especially since 2012, the level of violence and intolerance directed at religious minorities has increased at a shocking rate" (Motion at 6 (citation omitted)). She also contends that Christian minorities and their places of worship have increasingly been under attack, with attacks being daily, and that, when not facing persecution at the hand of radical Islamists, they face oppression from the Indonesian government (Motion at 7, 9). The respondent thus maintains that she has an increased likelihood of facing persecution on account of her religious belief if she returns and that her proceedings should be reopened to allow her to reapply for asylum, withholding of removal, and protection under the Convention Against Torture (Motion at 13-23).

The motion to reopen will be granted, as the respondent has established materially changed country conditions or circumstances in Indonesia to warrant an exception to the time limitation for motions to reopen. See sections 240(c)(7)(A), (C)(i)-(ii) of the Act; 8 C.F.R. § 1003.2(c)(3)(ii).

The respondent has submitted extensive background evidence with her motion to reopen. The copious new evidence, compared with the evidence already in the record, is sufficient to establish changed conditions or circumstances in Indonesia material to the respondent's eligibility for asylum, withholding of removal, and protection under the Convention Against Torture (Motion at 5-13). See *Matter of S-Y-G-*, 24 I&N Dec. at 253; cf. *Sihotang v. Sessions*, 900 F.3d 46, 51 (1st Cir. 2018) (recognizing that the new evidence the alien submitted showed, or at least provided a reasonable inference, that Islamic fundamentalist fervor intensified from 2006 to 2018 such that evangelical Christians may now be at specific risk in Indonesia); see also *Liem v. Att'y Gen.*, 921 F.3d 388 (3d Cir. 2019). Although religious extremism, violence, and discrimination existed at the time of the respondent's 2009 hearing, the respondent's new evidence suffices to meet her burden to show that reopening is warranted.¹ Accordingly, the following orders will be entered.

ORDER: The motion to reopen is granted.

FURTHER ORDER: The record is remanded to the Immigration Court for further proceedings consistent with the foregoing opinion.



FOR THE BOARD

¹ In reaching our decision, we also consider the lack of any DHS opposition.