



**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*

**KIRAGU, GEORGE NDUNGU  
A# 094-217-234  
P.O. BOX 189  
SNOW HILL, MD 21863**

**DHS/ICE Office of Chief Counsel - BAL  
31 Hopkins Plaza, Room 1600  
Baltimore, MD 21201**

**Name: KIRAGU, GEORGE NDUNGU**

**A094-217-234**

**Date of this notice: 3/29/2011**

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.

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Falls Church, Virginia 22041

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File: A094 217 234 - Baltimore, MD

Date: MAR 29 2011

In re: GEORGE NDUNGU KIRAGU

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Pro se

ON BEHALF OF DHS: Joey L. Caccarozzo  
Assistant Chief Counsel

APPLICATION: Reopening

ORDER:

Considering the entirety of circumstances presented in this case involving a detained, unrepresented alien, including his attempts to file a timely motion, the proceedings are reopened under the provisions of 8 C.F.R. § 1003.2(a), and the record will be remanded to the Immigration Judge to provide the respondent a further opportunity to establish his eligibility for relief from removal. While we have considered the Department of Homeland Security's (DHS) opposition to the respondent's motion, we find that the additional evidence proffered with the respondent's motion, including the respondent's wife's explanation for the delay in filing the visa petition and the evidence that the respondent's Maryland State conviction has been vacated based on a ruling that his plea was not "entered knowingly, intelligently or voluntarily," warrants further consideration of the respondent's eligibility for adjustment of status and of his removability under the lodged charge. We express no opinion on the respondent's ultimate eligibility for relief from removal or, if eligible, whether he would warrant a favorable exercise of discretion.

FURTHER ORDER: The record is remanded to the Immigration Judge for further proceedings and entry of a new decision.



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FOR THE BOARD