



**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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Farmington Hills, MI 48331**

**DHS/ICE Office of Chief Counsel - DET  
333 Mt. Elliott St., Rm. 204  
Detroit, MI 48207**

**Name: JOHNS, TATIANA**

**A 046-791-561**

**Date of this notice: 6/4/2013**

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

williams  
User team: Docket

Immigrant & Refugee Appellate Center | www.irac.net

*207*

Falls Church, Virginia 22041

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File: A046 791 561 – Detroit, Michigan

Date: JUN - 4 2013

In re: TATIANA JOHNS

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: George P. Mann, Esquire


ON BEHALF OF DHS: Michael B. Dobson  
Senior Attorney

APPLICATION: Reopening

ORDER:

The respondent has filed an untimely motion to reopen to seek adjustment of status based upon an approved visa petition filed on her behalf by her United States citizen spouse. The respondent requests that we afford the motion sua sponte consideration pursuant to 8 C.F.R. § 1003.2(a). The respondent has established prima facie eligibility for the relief sought. Considering the totality of the circumstances presented in the respondent's 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 an opportunity to pursue an application for relief from removal. The Department of Homeland Security has opposed the motion and upon remand it will have the opportunity to contest any and all issues bearing on the adjudication of the application.

FURTHER ORDER: The record is remanded to the Immigration Judge for further proceedings not inconsistent with this order and entry of a new decision.

  
FOR THE BOARD