



**U.S. Department of Justice**

Executive Office for Immigration Review

*Board of Immigration Appeals  
Office of the Clerk*

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**Name:** L [REDACTED]-A [REDACTED], [REDACTED] M [REDACTED] A [REDACTED]-076  
**Riders:** [REDACTED]

**Date of this notice: 8/21/2020**

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:  
Grant, Edward R.

Userteam: Docket

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Falls Church, Virginia 22041

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Files: [REDACTED]-076 – Charlotte, NC

Date:

AUG 21 2020

In re: I-M-L-A-[REDACTED]

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENTS: Christian K. Glista, Esquire

APPLICATION: Continuance, administrative closure

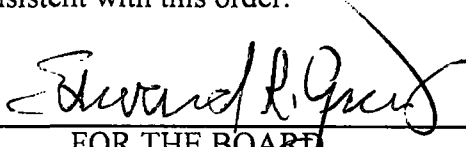
The respondents are siblings and are natives and citizens of Honduras. They have appealed from an Immigration Judge's March 15, 2019, decision denying their request for a continuance and ordering them removed. The record does not contain a response from the Department of Homeland Security. The respondents' appeal will be sustained, and the record will be remanded to the Immigration Judge for further proceedings consistent with this order.

We review the Immigration Judge's findings of fact for clear error. 8 C.F.R. § 1003.1(d)(3)(i). We review questions of law, discretion and judgment, and all other issues in appeals, de novo. 8 C.F.R. § 1003.1(d)(3)(ii); *see also Turkson v. Holder*, 667 F.3d 523, 527-28 (4<sup>th</sup> Cir. 2012).

The respondents are correct that the Immigration Judge made a key factual error in assessing their request for a continuance. The Immigration Judge stated that the respondents' petitions for special immigrant juvenile status (SIJS) were still pending with the United States Citizenship and Immigration Services (USCIS) as of March 15, 2019 (IJ at 2). The respondents' petitions, in fact, had been approved on March 6, 2018, and the respondents had submitted the approval notice to the Immigration Judge in a filing that was received by the Immigration Court on March 13, 2018.

This fact has a significant bearing on whether the respondents' had met their burden of showing that they had good cause for a continuance and weighs in favor of a grant given the unique factors involved in SIJS relief (Respondent's Br. at 9-11). *See Matter of L-A-B-R-*, 27 I&N Dec. 405 (2018) (discussing factors relevant to good cause determination); *see also* section 101(a)(27)(J) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(27)(J) (listing requirements for SIJS). Moreover, it appears that the respondents' priority dates for their SIJS petitions are now current. *See* U.S. Dep't of State Visa Bulletin, Vol. X, No. 44 (August 2020). We therefore remand the record to the Immigration Judge for a full hearing on the respondents' eligibility for adjustment of status. If there is regression in the priority dates or if, for any other reason, the respondents request a further continuance of their proceedings, the Immigration Judge should reassess whether the respondents have shown good cause, and the Immigration Judge should determine whether administrative closure of the proceedings is warranted in light of *Romero v. Barr*, 937 F.3d 282 (4<sup>th</sup> Cir. 2019).

ORDER: The respondents' appeal is sustained, and the record is remanded to the Immigration Judge for further proceedings consistent with this order.

  
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FOR THE BOARD