



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*

**Awoyinfa, Obayomi A.
Office of Yomi Awoyinfa
218 NORTH WOOD AVENUE, SUITE 3
LINDEN, NJ 07036**

**DHS/ICE Office of Chief Counsel - CHL
5701 Executive Ctr Dr., Ste 300
Charlotte, NC 28212**

Name: NNANI, FLORENCE CHINYERE

A 029-892-018

Date of this notice: 4/3/2019

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:
Guendelsberger, John

Schwartz
User team: Docket

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U.S. Department of Justice
Executive Office for Immigration Review

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

File: A029-892-018 – Charlotte, NC

Date: **APR - 3 2019**

In re: Florence Chinyere NNANI a.k.a. Jackie Overby

IN DEPORTATION PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Obayomi A. Awoyinfa, Esquire

APPLICATION: Reopening; termination

The Board entered the final administrative decision on May 20, 2014, when we dismissed the respondent's appeal of the Immigration Judge's April 21, 1992, decision ordering her deported to Nigeria in connection with her controlled substance-related convictions. The respondent has filed a motion to reopen and terminate the proceedings, based on a state court vacating the respondent's convictions on constitutional grounds. *Matter of Marquez Conde*, 27 I&N Dec. 251 (BIA 2018); *Matter of Pickering*, 23 I&N Dec. 621 (BIA 2003). The consent decree and corresponding court order reflect, inter alia, that the respondent's criminal defense attorney did not advise her of the immigration consequences of pleading guilty to the controlled substance-related crimes underlying her deportation order. *Padilla v. Kentucky*, 559 U.S. 356 (2010). The Department of Homeland Security has not responded to the motion. 8 C.F.R. § 1003.2(g)(3). Accordingly, we will grant the respondent's motion.

ORDER: The motion to reopen is granted and the proceedings are terminated without prejudice.



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