



**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*

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333 South Miami Ave., Suite 200  
Miami, FL 33130**

**Name: G [REDACTED], [REDACTED]**

**A [REDACTED]-761**

**Date of this notice: 4/23/2020**

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.

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Userteam: Docket

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Falls Church, Virginia 22041

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File: A-761 – Miami, FL

Date:

**APR 23 2020**

In re: G

IN DEPORTATION PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Sheila Stuhlman, Esquire

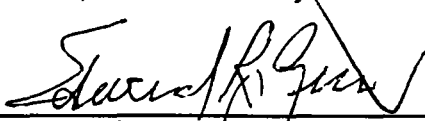
APPLICATION: Reopening

This case was previously before the Board on December 10, 1997, when we dismissed the respondent's appeal from the Immigration Judge's December 11, 1995, decision. The respondent has filed a motion to reopen to pursue adjustment of status under section 245(a) of the Immigration and Nationality Act, 8 U.S.C. § 1255(a), based on an approved Petition for Alien Relative (Form I-130) (filed on his behalf by his United States citizen spouse), in conjunction with an Application for Waiver of Grounds of Inadmissibility (Form I-601). The record before us does not contain a brief in opposition from the Department of Homeland Security (DHS). The motion to reopen will be granted and the record will be remanded to the Immigration Judge for further proceedings.

Given the circumstances and evidence presented here, including the lack of opposition from the DHS, the approved visa petition, the serious medical conditions of the respondent's wife, and his lengthy presence in the United States,<sup>1</sup> we find an exceptional situation warranting sua sponte reopening (*see* Motion to Reopen, Exhs. A-D). *See* 8 C.F.R. § 1003.2(a); *Matter of J-J-*, 21 I&N Dec. 976, 984 (BIA 1997). In the reopened proceedings, the parties may submit evidence and arguments pertinent to the respondent's application for adjustment of status. We express no opinion on the ultimate outcome of this case. Accordingly, the following orders will be entered.

ORDER: The motion is granted and the proceedings are reopened.

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

  
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FOR THE BOARD

<sup>1</sup> Because the respondent is from Haiti, he may either have Temporary Protected Status (TPS) or be eligible to register for TPS. *See* 84 Fed. Reg. 59,403 (Nov. 4, 2019).