



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Name: ALVARADO PACHECO, ARMAN... A 205-865-212

Date of this notice: 7/6/2018

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.

USDOJ
User team: Docket

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Falls Church, Virginia 22041

File: A205 865 212 – Dallas, TX

Date: **JUL - 6 2018**

In re: Armando ALVARADO PACHECO a.k.a. Jose Gonzalez

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Vinesh Patel, Esquire

APPLICATION: Reopening


The Board entered the final administrative order of removal in the respondent's case on June 9, 2016, and the respondent filed the instant untimely motion to reopen on January 22, 2018. *See* section 240(c)(7)(C)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1229a(c)(7)(C)(i); 8 C.F.R. § 1003.2(c)(2). The respondent seeks the exercise of the Board's discretion to reopen the proceedings sua sponte to enable him to apply for a waiver of inadmissibility in conjunction with an application for adjustment of status. *See Matter of J-J*, 21 I&N Dec. 976, 984 (BIA 1997; sections 212(h), 245(i) of the Immigration and Nationality Act, 8 U.S.C. §§ 1182(h), 1255(i); 8 C.F.R. § 1003.2(a). The Department of Homeland Security has not opposed this motion. The motion will be granted.

The respondent has submitted copies of an approved visa petition, dated June 12, 2001, classifying him as the child of a lawful permanent resident of the United States, and an approved visa petition, dated September 28, 2017, classifying him as the parent of a United States citizen (Motion Exhs. E, G). He has also offered evidence of his equities in the United States, and of the hardship that will likely accrue to his extensive family in the this country, including to family members with ties to the United States armed forces.

Upon consideration of the totality of the circumstances, we will reopen the proceedings sua sponte and remand the record to the Immigration Judge for consideration of the respondent's applications of adjustment of status and concurrent waiver of inadmissibility, and for other action as deemed appropriate. *See* 8 C.F.R. § 1003.2(a). The Board, however, expresses no opinion at this time regarding the ultimate outcome of this case. Accordingly, the following orders will be entered.

ORDER: The motion to reopen is granted.

FURTHER ORDER: The record is remanded to the Immigration Judge for further proceedings consistent with this decision.



FOR THE BOARD