



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

[REDACTED]
[REDACTED]
[REDACTED]

**DHS/ICE Office of Chief Counsel - MIA
333 South Miami Ave., Suite 200
Miami, FL 33130**

Name: G [REDACTED], C [REDACTED] D [REDACTED] S [REDACTED] A [REDACTED]-876

Date of this notice: 4/13/2018

Enclosed is a copy of the Board's decision in the above-referenced case. If the attached decision orders that you be removed from the United States or affirms an Immigration Judge's decision ordering that you be removed, any petition for review of the attached decision must be filed with and received by the appropriate court of appeals within 30 days of the date of this decision.

Sincerely,

Donna Carr

Donna Carr
Chief Clerk

Enclosure

Panel Members:
Kendall Clark, Molly

USCIS/ICE
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: [REDACTED] 876 – Miami, FL

Date:

APR 13 2018

In re: C [REDACTED] D [REDACTED] S [REDACTED] G [REDACTED]

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Pro se

ON BEHALF OF DHS: Kyung Auh
Assistant Chief Counsel


APPLICATIONS: Reopening; remand; rescission

This case was last before us on March 31, 2016, when we denied the respondent's prior motion to reopen her removal proceedings. On December 4, 2017, the respondent submitted the instant motion to reopen and remand pursuant to 8 C.F.R. § 1003.2. The Department of Homeland Security (DHS) opposes the motion, and the respondent has replied. The motion will be granted, and the record will be remanded to the Immigration Judge for further proceedings.

The respondent is a native and citizen of Brazil. She and her husband applied for cancellation of removal for nonpermanent residents under section 240A(b) of the Act based on a claim that their United States citizen children will suffer exceptional and extremely unusual hardship upon their removal. *See* 8 C.F.R. § 1229b(b). They previously sought reopening and reconsideration of their cancellation application. The respondent now seeks reopening and a remand for further consideration of her cancellation application based on the sudden death of her husband (the father of the United States citizen children), a claim that her circumstances as a single mother without relatives in Brazil amounts to exceptional and extremely unusual hardship, and that there are changed country conditions in Brazil. *See* Motion at 1-2, 12-13, 15-16.

Given the new evidence concerning the husband's death, and the fact that the citizen children are now coping with the death of their father, we find that the respondent has shown the exceptional circumstances necessary to warrant our granting this untimely motion in the exercise of our sua sponte authority to provide her with the opportunity to present additional evidence for her application for cancellation of removal. *See Matter of J-J-*, 21 I&N Dec. 976 (BIA 1997); *Matter of Coelho*, 20 I&N Dec. 464, 473 (BIA 1992). Accordingly, the motion to reopen will be granted and the record will be remanded the record to the Immigration Judge for further proceedings.

ORDER: The motion to reopen is granted, and the record is remanded to the Immigration Judge for further proceedings consistent with this decision.



FOR THE BOARD