



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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New York, NY 10278**

Name: ZEFAJ, EMILA

A 078-279-725

Date of this notice: 11/14/2018

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.

Userteam: Docket

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Falls Church, Virginia 22041

File: A078-279-725 – New York, NY

Date: **NOV 14 2019**

In re: Emila ZEFAJ a.k.a. Emilia Zefaj a.k.a. Emila Rica Zefaj

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Andrea P. Reyes, Esquire

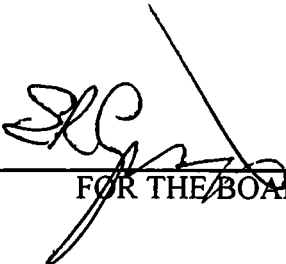
APPLICATION: Reopening

On December 10, 2004, the Board affirmed the Immigration Judge's May 29, 2002, decision denying the respondent's applications for relief from removal. On April 26, 2018, the respondent filed the instant untimely motion to reopen to seek adjustment of status under section 245(i) of the Immigration and Nationality Act, 8 U.S.C. § 1255(i), based on an immigrant visa petition (Form I-130), approved on July 9, 1998, classifying her as the sister of a United States citizen. (Motion Exh. L). The Department of Homeland Security has not opposed this motion. The motion will be granted.

The respondent seeks the exercise of the Board's sua sponte authority to reopen the proceedings. *See* 8 C.F.R. § 1003.2(a). The respondent has offered evidence that the immigrant visa is now current and it appears that she is now prima facie eligible for relief under section 245(i) of the Act (Motion Exh. M). Further, the respondent emphasizes her duration and equities acquired in the United States, as well as the hardship that will likely accrue as a result of her removal to Albania to her young children and disabled brother who are United States citizens, and to her infirm parents who are lawful permanent residents of the United States (Respondent's Mot. at 7-9; Motion Exhs. F-V). Upon consideration of the particular facts and circumstances present in this case, we will grant this unopposed motion to reopen sua sponte, and remand the record to the Immigration Judge for further proceedings. *See Matter of J-J-*, 21 I&N Dec. 976, 984 (BIA 1997); 8 C.F.R. § 1003.2(a). 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