



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Name: P [REDACTED]-T [REDACTED], B [REDACTED] L [REDACTED] A [REDACTED]-532
Riders: 2 [REDACTED]

Date of this notice: 2/27/2018

Enclosed is a courtesy copy of the Board's decision and order in the above-referenced case.

Sincerely,

Donna Carr

Donna Carr
Chief Clerk

Enclosure

Panel Members:
Kendall Clark, Molly

Userteam: Docket

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www.irac.net/unpublished/index

Falls Church, Virginia 22041

Files: [REDACTED] 532 – Dallas, TX
[REDACTED]

Date: **FEB 27 2018**

In re: B [REDACTED] L [REDACTED] P [REDACTED] -T [REDACTED]
[REDACTED]

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENTS: Pro se¹

APPLICATIONS: Reopening; remand

This case was last before us on September 8, 2017, when we entered an order dismissing the respondents' appeal from the Immigration Judge's denial of their applications for asylum, withholding of removal, and protection under the Convention Against Torture. On September 22, 2017, the respondents submitted the instant timely motion to reopen and remand pursuant to 8 C.F.R. § 1003.2. 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 Department of Homeland Security (DHS) has not responded to the motion. The motion will be granted.

The respondents, mother and daughter, are natives and citizens of El Salvador. They seek reopening to apply for adjustment of status based on their intention to file a special immigrant-juvenile (SIJ) petition for the minor respondent. They offer an attorney-client agreement for pursuing a state court petition, an affidavit from the managing attorney of the organization they hired to pursue a state court petition, the minor respondent's pending state court petition for declaratory judgment, and the approval notice for an SIJ visa petition for the minor respondent's sister (the adult respondent's daughter). In the motion, the respondents also explain why this evidence was not presented at the hearing, and describe the efforts made to find local counsel to pursue the petition in state court. They contend that there is a substantial likelihood of success on the minor respondent's state court petition that will enable her to submit and have approved a SIJ petition.

We conclude that the evidence is adequate to demonstrate the minor respondent's prima facie eligibility for the relief sought, as there is a realistic chance that she can establish eligibility for adjustment of status. See *Matter of C-C-*, 23 I&N Dec. 899 (BIA 2006). In view of the facts presented, and the lack of opposition from the DHS, we will grant this timely motion to reopen and remand the record to the Immigration Judge. The following order will be entered.

¹ The motion does not include a Notice of Entry of Appearance (Form EOIR-27). Accordingly, this order is being sent directly to the respondents and a courtesy copy is being sent to Kristina M. Campbell, Esquire.

ORDER: The motion to reopen is granted and the record is remanded to the Immigration Judge for further action as appropriate.

Molly J. Dendell Clark
FOR THE BOARD