



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*

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525 West Van Buren Street
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Name: AZEEM, ARSALAN

A 099-030-766

Date of this notice: 5/20/2013

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:
Holmes, David B.

williams
User team: Docket

Immigrant & Refugee Appellate Center | www.irac.net

SW

Falls Church, Virginia 22041

File: A099 030 766 – Chicago, IL

Date: MAY 20 2013

In re: ARSALAN AZEEM

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Edwin T. Gania, Esquire

ON BEHALF OF DHS: William C. Padish
Assistant Chief Counsel

APPLICATION: Reopening

ORDER:

The respondent has submitted a timely motion to reopen proceedings to await the adjudication of an I-130 visa petition filed by his United States citizen wife. The Department of Homeland Security opposes reopening. Upon consideration of the evidence submitted with this motion and the record in this case, we conclude that reopening is warranted. *Matter of Velarde*, 23 I&N Dec. 253 (BIA2002). In so reopening and remanding, we intimate no opinion regarding the respondent's ultimate eligibility for the relief requested, and the respondent will bear the burden on remand of demonstrating that he is eligible for adjustment of status and merits such relief in the exercise of discretion. The motion to reopen is granted.

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



FOR THE BOARD