



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

*5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041*

DORILUS, JEAN ROBERT
[REDACTED]
[REDACTED]

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

Name: DORILUS, JEAN ROBERT

A 076-461-872

Date of this notice: 3/14/2019

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:
Guendelsberger, John

Userteam: 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: A076-461-872 – Miami, FL

Date: **MAR 14 2019**

In re: Jean Robert DORILUS

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Pro se

APPLICATION: Reopening

The respondent, a native and citizen of Haiti, has filed an untimely motion in which he requests the Board to reopen proceedings. The record before us does not contain a reply to the motion from the Department of Homeland Security (DHS), and the motion is therefore deemed unopposed. *See* 8 C.F.R. § 1003.2(g)(3).

The respondent has submitted documentation with his motion showing that his United States citizen wife filed a Form I-130 visa petition on his behalf (Mot. Exh. 5), and it appears that the visa petition was approved on December 4, 2018. The respondent's new evidence demonstrates that he was granted Temporary Protected Status (TPS) (Mot. Exh. 4). Additionally, although the respondent originally arrived in the United States without being admitted or paroled, the new evidence shows that the respondent left the United States and returned under a grant of advance parole (Mot. Exhs. 1, 4). In light of the evidence before us, it appears the respondent is eligible to be considered before the Immigration Judge for adjustment of status under section 245(a) of the Immigration and Nationality Act, 8 U.S.C. § 1255(a).

The respondent states in his motion that he and his wife have a child together, that his family members will suffer significant hardship if he must leave the United States, and that conditions in Haiti are extremely poor and sometimes life threatening.

Considering the totality of circumstances, including the respondent's grant of TPS; the conditions in Haiti; the respondent's family members in the United States; and the lack of affirmative opposition to reopening from the DHS, we will reopen proceedings pursuant to 8 C.F.R. § 1003.2(a). The record will be remanded to the Immigration Judge for consideration of the respondent's eligibility for adjustment of status under section 245(a) of the Act.

ORDER: The proceedings are reopened pursuant to 8 C.F.R. § 1003.2(a).

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



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