



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

**mazzocchi, frank james
agresti & mazzocchi
56-58 ferry st.
newark, NJ 07105**

**DHS/ICE Office of Chief Counsel - NEW
970 Broad Street, Room 1300
Newark, NJ 07102**

Name: ZAIDI, SYED ARIF ALI

A 073-185-804

Date of this notice: 2/13/2019

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:
Kendall Clark, Molly

Userteam: Docket

**For more unpublished decisions, visit
www.irac.net/unpublished/index**

Falls Church, Virginia 22041

File: A073-185-804 – Newark, NJ

Date:

FEB 13 2019

In re: Syed Arif Ali ZAIDI

IN DEPORTATION PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Frank Mazzocchi, Esquire

APPLICATION: Reopening

ORDER:

The respondent has filed an untimely and number-barred motion to reopen to apply for adjustment of status based on an approved I-130 immediate relative visa petition filed by his United States citizen spouse. The Department of Homeland Security (DHS) has not filed an opposition to the motion. Given the particular fact and circumstances of this case, including the respondent's lengthy residency in the United States, the hardship to the respondent's United States citizens spouse, and the current country conditions in Afghanistan, the proceedings are reopened under the provisions of 8 C.F.R. § 1003.2(a). The record will be remanded to the Immigration Judge to provide the respondent an opportunity to apply for adjustment of status under section 245(a) of the Immigration and Nationality Act, 8 U.S.C. § 1255(a).

FURTHER ORDER: The record is remanded to the Immigration Judge for further proceedings not inconsistent with this order and entry of a new decision.



FOR THE BOARD