



**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

**Siddiqi, Kyce  
The Law Firm of Kyce Siddiqi  
122 Plainfield Avenue  
Floral Park, NY 11001**

**DHS/ICE Office of Chief Counsel - NYC  
26 Federal Plaza, 11th Floor  
New York, NY 10278**

**Name: D [REDACTED]-N [REDACTED], E [REDACTED] A [REDACTED]... A [REDACTED]-139**

**Date of this notice: 3/8/2019**

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  
Guendelsberger, John  
Grant, Edward R.

Silence R  
Userteam: Docket

**For more unpublished decisions, visit  
[www.irac.net/unpublished/index](http://www.irac.net/unpublished/index)**

**U.S. Department of Justice**  
Executive Office for Immigration Review

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

---

File: A [REDACTED]-139 – New York, NY

Date: **MAR - 8 2019**

In re: B [REDACTED] A [REDACTED] D [REDACTED]-N [REDACTED]

IN DEPORTATION PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Kyce Siddiqi, Esquire

APPLICATION: Reopening

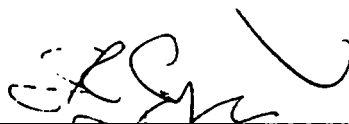
The respondent has filed an appeal from the Immigration Judge's decision denying the respondent's most recent motion to reopen proceedings. Proceedings will be reopened and the record will be remanded.

The respondent's motion requested sua sponte reopening so that the respondent could pursue lawful permanent resident status in this country based on an approved Form I-130 visa petition filed on her behalf by her United States citizen son. Upon review of the record as a whole, we will sustain the appeal.

We have considered that the respondent has lived in the United States for nearly 30 years and that the only significant blemish on her record occurred over 11 years ago. We have also considered the evidence that the respondent is an extremely hardworking individual, that her mental status evaluation reflects "borderline intellectual functioning," that she has experienced abuse by former partners, and that her United States citizen daughter has "anxiety disorder" and has little to no relationship with her father. Under the circumstances, we conclude that reopening sua sponte is warranted so that the respondent may pursue lawful permanent resident status in the United States. *See Matter of J-J-*, 21 I&N Dec. 976, 984 (BIA 1997).

ORDER: The respondent's appeal is sustained.

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

  
\_\_\_\_\_  
FOR THE BOARD