



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Name: MBAGWU, KELECHI PAULINE

A 078-437-923

Date of this notice: 11/4/2013

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.

Lulsege
User team: Docket

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Falls Church, Virginia 20530

File: A078 437 923 – Los Angeles, CA

Date: **NOV - 4 2013**

In re: KELECHI PAULINE MBAGWU a.k.a. Pauline Mbagwu

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Curtis F. Pierce, Esquire

APPLICATION: Reconsideration

ORDER:

The respondent has filed a timely motion to reconsider the Board's July 17, 2013 decision, in which we denied her motion to reopen and reconsider. The Department of Homeland Security (DHS) has not responded to the motion. The motion will be granted.

In the motion, the respondent argues that the Board erred in the prior decision in noting that the DHS hadnot responded to her previous motion, because the DHS in fact responded that it did not oppose the respondent's motion. The record in this case does not indicate that the Board had received the DHS's response to the respondent's previous motion. However, the respondent has submitted a copy of the DHS's response to her previous motion dated May 22, 2013, stating that the DHS did not oppose the motion. Furthermore, the DHS has not responded or opposed the respondent's current motion. Under the circumstances presented, the respondent's motion to sua sponte reconsider our prior decision is granted. 8 C.F.R. § 1003.2(a).

Given the record now before us, on reconsideration, the proceedings are reopened and terminated without prejudice to provide the respondent the opportunity to pursue an application for adjustment of status before the United States Citizenship and Immigration Services (USCIS) based on the approved immediate relative visa petition submitted on her behalf by her United States citizen husband.



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