



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*

**Hwang, Henry
Northwest Immigrant Rights Project
615 Second Ave
Suite 400
Seattle, WA 98104**

**DHS/ICE Office of Chief Counsel - SEA
1000 Second Avenue, Suite 2900
Seattle, WA 98104**

Name: KROUCH, SOK

A 027-350-406

Date of this notice: 10/22/2019

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:
Goodwin, Deborah K.

Userteam: Docket

For more unpublished decisions, visit
www.irac.net/unpublished/index

ney

Falls Church, Virginia 22041

File: A027-350-406 – Seattle, WA

Date:

OCT 22 2019

In re: Sok KROUCH

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Henry Hwang, Esquire

ON BEHALF OF DHS: Daniel Burkhardt
Assistant Chief Counsel

APPLICATION: Reopening; termination; stay of removal

The Board entered a final administrative decision in this case on March 2, 1999. The respondent has now filed an untimely motion to reopen and terminate his removal proceedings. *See* section 240(c)(7)(C)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1229a(c)(7)(C)(i); 8 C.F.R. § 1003.2(c)(2). The motion, which is accompanied by a request for a stay of removal and is opposed by the Department of Homeland Security (DHS), will be granted.

The respondent has demonstrated exceptional circumstances that warrant sua sponte reopening and termination of these proceedings. *See* 8 C.F.R. § 1003.23(b)(1); *Matter of J-J*, 21 I&N Dec. 976, 984 (BIA 1997). He has proffered evidence with his motion that he has received a full and unconditional pardon by the Governor of the State of Washington for his conviction underlying the sole basis of his removability (Motion to Reopen, Exh D).

As a result of the gubernatorial pardon, the respondent is no longer subject to removal under section 237(a)(2)(A)(iii) of the Act, 8 U.S.C. § 1227(a)(2)(A)(iii). *See* section 237(a)(2)(A)(vi) of the Act; *Matter of Suh*, 23 I&N Dec. 626, 627 (BIA 2003). Inasmuch as the respondent is no longer removable as charged, the motion to reopen will be granted, and these proceedings will be terminated. Given our disposition of this matter, the respondent's request for a stay of removal is now moot.

Accordingly, the following order will be entered.

ORDER: The motion to reopen is granted, and the proceedings are terminated.



FOR THE BOARD