



**U.S. Department of Justice**

Executive Office for Immigration Review

*Board of Immigration Appeals  
Office of the Clerk*

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5107 Leesburg Pike, Suite 2000  
Falls Church, Virginia 22041

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Lake Worth, FL 33460**

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

**Name: OLIVARES ABARCA, IVAN AMA...      A 096-560-171**

**Date of this notice: 11/3/2016**

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

Donna Carr  
Chief Clerk

Enclosure

Panel Members:  
Kendall-Clark, Molly

Userteam: Docket

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Falls Church, Virginia 22041

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File: A096 560 171 – Miami, FL

Date: NOV - 3 2016

In re: IVAN AMADOR OLIVARES ABARCA

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Miriam Acosta Castriz, Esquire

APPLICATION: Reopening

ORDER:

The respondent has filed a timely motion to reopen, seeking that his proceedings be reopened, or be terminated in the alternative, based on a pending Form I-130 visa petition filed on his behalf. The Department of Homeland Security has not responded to the motion. Under the circumstances presented, we do not find that termination of the respondent's proceedings is warranted. However, we find that reopen is warranted based on the evidence presented. Accordingly, the motion is granted, and the record is remanded to the Immigration Judge for further proceedings to allow the respondent an opportunity to apply for adjustment of status, and for the entry of a new decision. We express no views as to the ultimate outcome of the respondent's case.

  
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FOR THE BOARD