



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Name: VILAIN, MARGARET

A 078-575-690

Date of this notice: 6/6/2018

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:
Grant, Edward R.

U.S. D.A.

Userteam: Docket

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Falls Church, Virginia 22041

File: A078 575 690 – Miami, FL

Date:

In re: Margaret VILAIN

JUN 06 2018

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Saman Movassaghi, Esquire

ON BEHALF OF DHS: Kyung Auh
Assistant Chief Counsel

APPLICATION: Reopening

The final administrative decision in this case was entered on December 19, 2002, when the Board dismissed the respondent's appeal. On December 22, 2017, the respondent filed the present and second request for reopening. The respondent asks the Board to sua sponte reopen these removal proceedings to allow her to pursue her application for adjustment of status based on an approved visa petition that was filed on her behalf by her United States citizen spouse. The Department of Homeland Security has filed an opposition to the motion. The motion will be granted and the record remanded.

Considering the totality of circumstances and the evidence presented, which includes a grant of Temporary Protected Status (TPS), the respondent's relatively recent admission to this country pursuant to advance parole, and the respondent's eligibility to adjust before the Immigration Judge, we find reopening warranted under the provisions of 8 C.F.R. § 1003.2(a). *See* 8 C.F.R. § 212.5(f) (recognizing that alien granted advance parole is "inspected and admitted" upon return); 8 C.F.R. § 1245.2(a)(1) (stating that the Immigration Judge has jurisdiction over adjustment of status applications in removal proceedings). We will therefore remand the record to the Immigration Judge to afford the respondent an opportunity to pursue her application for adjustment of status as well as any other pertinent forms of relief. The Board, however, expresses no opinion at this time regarding the ultimate outcome of the respondent's case.

ORDER: The respondent's motion to reopen is granted.

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