



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Name: PALMER, SOLOMON MAADA

A 200-406-136

Date of this notice: 1/14/2020

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:
Gorman, Stephanie

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

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

File: A200-406-136 – Baltimore, MD

Date: **JAN 14 2020**

In re: Solomon Maada PALMER

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: John Riely, Esquire

ON BEHALF OF DHS: Myshala E. Middleton
Assistant Chief Counsel

APPLICATION: Sua sponte reopening

The respondent, a native and citizen of Sierra Leone, appeals from the Immigration Judge's decision dated April 29, 2019, denying his request for sua sponte reopening. The Department of Homeland Security (DHS) seeks summary affirmance of the Immigration Judge's decision. The record will be remanded for further proceedings.

We review the findings of fact, including the determination of credibility, made by the Immigration Judge under the "clearly erroneous" standard. 8 C.F.R. § 1003.1(d)(3)(i). We review all other issues, including issues of law, discretion, or judgment, under a de novo standard. 8 C.F.R. § 1003.1(d)(3)(ii).


The respondent sought to sua sponte reopen his 2015, in absentia removal proceedings based upon an approved visa petition and his desire to pursue adjustment of status. The Immigration Judge denied the motion by executing a form order in which he "checked" a statement that the "court agrees with the reasons stated in the opposition to the motion." The Immigration Judge's decision did not include any findings of fact regarding the equities or negative factors present in considering the sua sponte request.

Although an Immigration Judge may ultimately agree with a stated position of the DHS, an Immigration Judge's decision must nonetheless provide us with a basis for meaningful appellate review; an Immigration Judge's decision may not incorporate by reference the arguments of a party as a legal finding. *See Matter of S-H-*, 23 I&N Dec. 462, 463-65 (BIA 2002) (instructing Immigration Judges to include in their decisions clear and complete findings of fact that are supported by the record and comply with controlling law); *Matter of A-P-*, 22 I&N Dec. 468, 473-75 (BIA 1999) (holding that an Immigration Judge's decision must contain the reasons underlying his or her determinations, reflect the analysis of the applicable statutes, regulations, and legal precedents, and clearly set forth his or her legal conclusions); 8 C.F.R. § 1240.12(a).

We therefore will remand the record for the sole purpose of allowing the Immigration Judge to prepare a new decision consistent with *Matter of A-P-*, 22 I&N Dec. at 468, and *Matter of S-H-*, 23 I&N Dec. at 462, and the inclusion of clear and complete findings of fact.

Accordingly, the following order will be entered.

ORDER: The record is remanded to the Immigration Judge for further proceedings consistent with this decision and the entry of a new decision.



FOR THE BOARD