



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Name: CHODEN, LOBSANG

A 098-975-346

Date of this notice: 9/25/2018

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.

Userteam: Docket

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Falls Church, Virginia 22041

File: A098-975-346 – New York, NY

Date:

SEP 25 2018

In re: Lobsang CHODEN

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Tenzin Wangyal, Esquire


APPLICATION: Reopening

This case was last before us on May 7, 2008, when we dismissed the respondent's appeal from the Immigration Judge's May 17, 2006, decision. The respondent has now filed an untimely motion to reopen proceedings on March 29, 2018. *See* 8 C.F.R. § 1003.2(c). The Department of Homeland Security has not responded to the motion, which will be granted.

The respondent has submitted documentation in support of his application for adjustment of status under section 245(a) of the Immigration and Nationality Act, 8 U.S.C. § 1255(a), including appropriate applications, an approved visa petition, favorable discretionary factors in his case, family health records, and evidence regarding his unique family structure, past traumatic events, and the corresponding hardships which would befall the respondent's extended family if he were removed from the United States. Given the respondent's evidence, and the lack of DHS opposition, we find exceptional circumstances warranting sua sponte reopening. *See* C.F.R. § 1003.2(a); *Matter of J-J*, 21 I&N Dec. 976 (BIA 1997). Accordingly, we will reopen and remand the record for further proceedings regarding the respondent's request for relief from removal. The following order will be entered.

ORDER: The motion to reopen is granted.

FURTHER ORDER: The record is remanded to the Immigration Court for further proceedings consistent with the foregoing decision.



FOR THE BOARD