



**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*

**Nowel, Chelsea  
Maney Gordon Zeller P.A.  
5402 W Hoover Blvd  
Tampa, FL 33634**

**DHS/ICE Office of Chief Counsel - HLG  
1717 Zoy Street  
Harlingen, TX 78552**

**Name: IGNACIA, LUIS**

**A 077-621-748**

**Date of this notice: 12/13/2019**

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:  
Kendall Clark, Molly

Donna Carr  
User team: Docket

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*PL*

Falls Church, Virginia 22041

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File: A077-621-748 – Harlingen, TX

Date:

**DEC 13 2019**

In re: Ignacia LUIS

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Chelsea Nowell, Esquire

ON BEHALF OF DHS: Carolyn Abdenour  
Assistant Chief Counsel

APPLICATION: Reopening

This case was last before us on November 30, 2001, when we dismissed the respondent's appeal from an Immigration Judge's May 9, 2000, decision denying her motion to rescind the in absentia order entered against her. On October 9, 2018, the respondent filed a motion seeking sua sponte reopening of her proceedings based on exceptional circumstances. The Department of Homeland Security (DHS) opposes the respondent's motion.

Considering the totality of the circumstances in the respondent's case including her long-term and law-abiding residence in this country, her lawful permanent resident husband, her 4 United States citizen children, her 9 United States citizen grandchildren, her diligent efforts to legalize her status, and the incomplete or incorrect advice she appears to have received over many years from various representatives, we find exceptional circumstances. We therefore will grant the respondent's motion to reopen pursuant to our sua sponte authority, and we will remand the record to the Immigration Judge for further action regarding the respondent's eligibility for adjustment of status. *See Matter of J-J*, 21 I&N Dec. 976 (BIA 1997).

ORDER: The respondent's motion to reopen is granted, and the record is remanded to the Immigration Judge for further action as appropriate.

  
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FOR THE BOARD