



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Name: MATTIS, ROXINE CURLENE

A 036-810-946

Date of this notice: 6/13/2017

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

Sincerely,

Cynthia L. Crosby
Deputy Chief Clerk

Enclosure

Panel Members:
Guendelsberger, John

Userteam: Docket

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Falls Church, Virginia 22041

File: A036 810 946 – Arlington, VA

Date:

JUN 13 2017

In re: ROXINE CURLENE MATTIS

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Jim Tom Haynes, Esquire

APPLICATION: Reopening

ORDER:

On April 6, 2017, the respondent submitted a “motion to reopen and terminate” in proceedings in which the Board summarily affirmed the Immigration Judge's decision finding her removable and ineligible for relief on January 31, 2005. The Department of Homeland Security has not responded to the motion. The proceedings are terminated.

The respondent concedes that her motion is untimely filed, but asks that the Board sua sponte reopen proceedings (Motion at 2). Section 240(c)(7)(C)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1229a(c)(7)(C)(i); 8 C.F.R. §§ 1003.2(a), (c)(2). In this regard, the respondent cites *Omargharib v. Holder*, 775 F.3d 192 (4th Cir. 2014) as supporting a finding that her conviction under Virginia Code § 18.2-111 for embezzlement is not an aggravated felony under either section 101(a)(43)(G) or (M)(i) of the Immigration and Nationality Act (Motion at 3-4). The respondent also cites various humanitarian factors in support of her motion, and has submitted significant evidence in this regard (Motion, Tabs B-H).

In view of the totality of the evidence presented, we find it appropriate to sua sponte reopen and terminate proceedings. *Matter of J-J-*, 21 I&N Dec. 976 (BIA 1997); 8 C.F.R. § 1003.2(a). Accordingly, the respondent's motion to reopen is granted.

FURTHER ORDER: The proceedings are hereby terminated without prejudice.



FOR THE BOARD