**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 20530*

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DHS/ICE Office of Chief Counsel - CHI
525 West Van Buren Street
Chicago, IL 60607

Name: IBRAHIM, ALI MAHMOUD IBRAH...     A 089-276-533

Date of this notice: 1/24/2014

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:
Holmes, David B.

schuckec
Userteam: Docket

File:   A089 276 533 – Chicago, IL

Date:   JAN 2 4 2014

In re:  ALI MAHMOUD IBRAHIM <u>IBRAHIM</u>

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT:   Reem Odeh, Esquire

ON BEHALF OF DHS:        Marc A. Jones
                         Assistant Chief Counsel

APPLICATION:  Reopening

ORDER:

Considering the totality of circumstances presented with the respondent's motion, which has been opposed by the Department of Homeland Security (DHS), including the Board's error in failing to reinstate the Immigration Judge's grant of voluntary departure in our prior decision, the proceedings are reopened under the provisions of 8 C.F.R. § 1003.2(a), and the record will be remanded to the Immigration Judge to provide the respondent an opportunity to pursue an application for adjustment of status based on the approved immediate relative visa petition filed on his behalf by his United States citizen spouse.  We find that the issue of discretion in this case is best considered by the Immigration Judge after the parties have been provided the opportunity to present further evidence and argument regarding the respondent's application for relief.

FURTHER ORDER:   The record is remanded to the Immigration Judge for further proceedings not inconsistent with this order and entry of a new decision.

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FOR THE BOARD