



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Falls Church, Virginia 22041

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**DHS/ICE Office of Chief Counsel - DEN
12445 East Caley Avenue
Centennial, CO 80111-5663**

Name: RAMIREZ-RIOS, ADAN

A 088-658-419

Date of this notice: 2/29/2016

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:
Miller, Neil P.

Userteam: Docket

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Falls Church, Virginia 22041

File: A088 658 419 – Denver, CO

Date:

FEB 29 2016

In re: ADAN RAMIREZ-RIOS a.k.a. Adan Ramirezrios

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Veronica Reyes, Esquire

ON BEHALF OF DHS: Aminda B. Katz
Assistant Chief Counsel

APPLICATION: Reopening

This matter was last before the Board on October 1, 2015, when we dismissed the appeal filed by the respondent from the Immigration Judge's decision and reinstated the respondent's grant of voluntary departure. On November 30, 2015, the respondent filed a timely motion to reopen proceedings.¹ The Department of Homeland Security has filed an opposition to the motion. The motion will be granted and the record will be remanded.

The respondent is seeking to pursue a U non-immigrant visa. See section 101(a)(15)(U)(i) of the Immigration and Nationality Act; 8 U.S.C. § 1101(a)(15)(U)(i). The documents submitted with the motion include a signed law enforcement certification (Form I-918, Supplement B, U Nonimmigrant Status Certification). The respondent reports in his motion that his U-visa petition was filed with U.S. Citizenship and Immigration Services (USCIS) in November 2015. In light of the evidence before us, we find it appropriate to remand the record to the Immigration Judge for consideration of whether proceedings should be continued pending a decision by USCIS on the respondent's U-visa petition. See *Matter of Sanchez-Sosa*, 25 I&N Dec. 807, 812 (BIA 2012) (providing that an alien who has filed a prima facie approvable petition for a U-visa with USCIS will ordinarily warrant a favorable exercise of discretion for a continuance for a reasonable period of time); 8 C.F.R. § 214.14(c)(1)(ii) (providing for termination of proceedings once an alien's U-visa has been granted).

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



FOR THE BOARD

¹ Because the motion was filed before the respondent's 60-day period of voluntary departure expired, the penalties for failing to depart do not apply.