



**U.S. Department of Justice**

Executive Office for Immigration Review

*Board of Immigration Appeals  
Office of the Clerk*

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**Name: ORELLANA-MOLINA, KATHERI...**

**A 208-449-871**

**Date of this notice: 6/7/2018**

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:  
Adkins-Blanch, Charles K.  
Mann, Ana  
Snow, Thomas G

Userteam: Docket

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Falls Church, Virginia 22041

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File: A208 449 871 – Charlotte, NC

Date:

**JUN 07 2018**

In re: Katherine Andrea ORELLANA-MOLINA

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Andres Lopez, Esquire

ON BEHALF OF DHS: Susan Lecker  
Assistant Chief Counsel

ORDER:

The respondent, a native and citizen of El Salvador, appeals from the Immigration Judge's decision dated July 25, 2017, which ordered her removed from the United States. The parties have provided arguments on appeal. The record will be remanded.

The respondent seeks to pursue a petition for Special Immigrant Juvenile Status (SIJS) through the filing of a Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant.<sup>1</sup> The Immigration Judge's July 21, 2017, minute order, denied any further continuance for the respondent to secure the state court custody order that is required in order to be eligible for SIJS.<sup>2</sup> On appeal, the respondent provided a copy of the state court custody order dated January 19, 2018, as well as the Form I-360 that was mailed to the United States Citizenship and Immigration Services (USCIS) on January 25, 2018. We will remand the record so that the parties may explore what action is warranted while the USCIS adjudicates the petition. *Matter of Sanchez Sosa*, 25 I&N Dec. 807, 815 (BIA 2012). *See Matter of Hashmi*, 24 I&N Dec. 785 (BIA 2009). *But see Matter of Castro-Tum*, 27 I&N Dec. 271 (A.G. 2018) (holding that neither the Immigration Judge nor the Board has the general authority to administratively close proceedings). Accordingly, the record is remanded to the Immigration Judge for further proceedings consistent with the foregoing opinion.



FOR THE BOARD

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<sup>1</sup> The record indicates that the respondent, a minor, entered the United States with her mother, and that the Department of Homeland Security reinstated a prior removal order for the mother.

<sup>2</sup> The July 21, 2017, minute order is incorporated by reference in the July 25, 2017, removal order.