



**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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**Name: PEREZ ARRIOLA, MARIA CHARISSA**

**A088-741-448**

**Date of this notice: 3/25/2011**

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

Sincerely,

Donna Carr  
Chief Clerk

Enclosure

Panel Members:  
Holmes, David B.

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Falls Church, Virginia 22041

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File: A088 741 448 - Detroit, MI

Date: MAR 25 2011

In re: MARIA CHARISSA PEREZ ARRIOLA

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Mark A. Goldstein, Esquire

ON BEHALF OF DHS: Tara L. Harris  
Assistant Chief Counsel

APPLICATION: Reopening

ORDER:

The respondent has filed a timely motion to reopen that is supported by a visa petition approval notice showing that the visa petition filed on her behalf by her United States citizen spouse has been approved. Considering the totality of the circumstances presented here, we will reopen the proceedings notwithstanding the procedural irregularity raised by the Department of Homeland Security.<sup>1</sup> See 8 C.F.R. § 1003.2(a). The record will be remanded to the Immigration Judge to provide the respondent an opportunity to pursue an application for adjustment of status.

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

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<sup>1</sup> Although we have favorably exercised our discretion based on the specific circumstances presented in this case, counsel is strongly advised, in all future cases, to fully comply with the procedural requirements in 8 C.F.R. § 1003.2(c), including the requirement to submit the appropriate application for relief with a motion to reopen. See *Matter of Yewondwosen*, 21 I&N Dec. 1025, 26 (BIA 1997) (noting “that a failure to submit an application for relief. . . will typically result in the Board’s denial of the motion,” but finding that the procedural defect may be waived when the DHS joins the motion). We further note that the approval notice submitted with the instant motion shows that counsel was mailed a copy on June 9, 2010, but inexplicably did not provide it to the Board and request remand while the respondent’s appeal was pending.