



**U.S. Department of Justice**

Executive Office for Immigration Review

*Board of Immigration Appeals  
Office of the Clerk*

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**Name: FERREIRA, ANDERSON**

**A 099-982-743**

**Date of this notice: 10/23/2013**

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.

**Lulsegas**  
Userteam: Docket

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*ms*

Falls Church, Virginia 20530

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File: A099 982 743 – Miami, FL

Date:

OCT. 23 2013

In re: ANDERSON FERREIRA

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Nicolas A. Olano, Esquire

On April 16, 2013, the United States Court of Appeals for the Eleventh Circuit granted the respondent's petition for review, vacated our August 9, 2011, decision, and remanded the record for further review of the respondent's request for a continuance under *Matter of Hashmi*, 24 I&N Dec. 785 (BIA 2009) and *Matter of Rajah*, 25 I&N Dec. 127 (BIA 2009). See *Ferreira v. U.S. Att'y Gen.*, 714 F.3d 1240 (11th Cir. 2013). For clarification, our August 9, 2011, decision denied the respondent's motion to reconsider our previous March 18, 2011, decision which, in turn, dismissed his appeal from the Immigration Judge's denial of his continuance request. Upon remand, the respondent has submitted a motion to remand the record to the Immigration Court for further proceedings.<sup>1</sup> The Department of Homeland Security has not submitted a brief.

With his motion to remand the record, the respondent has submitted evidence that his priority date has become current under 8 C.F.R. § 1245.1(g), and that a visa is immediately available to him based on his 2009 approved I-140 petition. Given the respondent's unopposed motion, in conjunction with his proffered documentation, we find it appropriate to remand the record to the Immigration Court for further proceedings regarding the respondent's eligibility for adjustment of status.<sup>2</sup> Accordingly, the following order will be entered.

ORDER: The respondent's motion to remand is granted, and the record is remanded to the Immigration Court for further proceedings consistent with the foregoing decision.

  
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FOR THE BOARD

<sup>1</sup> The respondent has also filed a motion to consolidate his own proceedings with those of his wife, Fabyulla Rodrigues Lopes (A088 818 547). Given the posture of the respondent's proceedings, we will address each of the spouse's pleadings separately, but we note that we are remanding the respondent's wife's record to the Immigration Court in a separate order. Upon remand, the parties may request consolidation before the Immigration Judge.

<sup>2</sup> Given his eligibility for adjustment of status, the respondent is no longer in need of a continuance, and the Eleventh Circuit's request for us to consider his case in light of *Matter of Hashmi*, *supra*, and *Matter of Rajah*, *supra*, is now moot.