



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Name: ROBERTS, PAUL SYLVESTER

A 038-996-686

Date of this notice: 12/14/2017

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:
Kendall Clark, Molly

Userteam: Docket

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U.S. Department of Justice
Executive Office for Immigration Review

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

File: A038 996 686 – Hartford, CT

Date:

DEC 14 2017

In re: Paul Sylvester ROBERTS

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Andrea R. Reid, Esquire

APPLICATION: Termination

The respondent, a native and citizen of Jamaica, has filed a motion to sua sponte reopen and terminate proceedings. The Department of Homeland Security has not filed an opposition to the motion. The motion will be granted.

The respondent has submitted evidence that his 2009 conviction, which was the basis of his order of removability, was vacated due to a defect in the underlying proceeding. *See Matter of Adamiak*, 23 I&N Dec. 878 (BIA 2006) (holding that a conviction vacated pursuant to a State statute for failure of the court to advise the respondent of the possible immigration consequences of a guilty plea is no longer a valid conviction for immigration purposes). *See also Padilla v. Kentucky*, 559 U.S. 356 (2010) (holding that the Sixth Amendment requires defense attorneys to advise non-citizen clients of the immigration consequences of entering a guilty plea).

Because the sole charge of removability has been vacated, the respondent is no longer removable as charged. Accordingly, we will grant the motion to reopen and terminate proceedings. *See Matter of J-J*, 21 I&N Dec. 976 (BIA 1997); 8 C.F.R. § 1003.2(a). The following order will be entered.

ORDER: The motion to reopen is granted.

FURTHER ORDER: The proceedings in this case are terminated.



FOR THE BOARD