



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Name: SARIHASAN, MINA ECEM

A 095-863-704

Date of this notice: 12/18/2017

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:
Guendelsberger, John

User team: Docket

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Falls Church, Virginia 22041

File: A095 863 704 – Boston, MA

Date:

DEC 18 2017

In re: Mina Ecem SARIHASAN a.k.a. Mina Sarihasan

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Michael Kohler, Esquire

APPLICATION: Reopening

This case was last before us on August 11, 2011, when we denied the respondent's motion to reopen proceedings. The respondent filed an untimely and number-barred motion to reopen on May 2, 2017. 8 C.F.R. § 1003.2(c). The Department of Homeland Security has not responded to the pending motion, which will be granted.

In her motion, the respondent requests a remand to pursue, inter alia, adjustment of status pursuant to section 245(a) of the Immigration and Nationality Act, 8 U.S.C. § 1255(a). In support of her motion, the respondent has submitted a Form I-130 approval notice, a Form I-485 application for adjustment of status, various articles discussing country conditions for Turkey, information regarding her 2009 conviction and rehabilitation, and copies of marriage and birth certificates.

Given the respondent's evidence, and the lack of DHS opposition, we find exceptional circumstances warranting a sua sponte reopening of the respondent's record. See 8 C.F.R. § 1003.2(a); *Matter of J-J-*, 21 I&N Dec. 976 (BIA 1997). In so finding, we note that the respondent has lived in the United States since childhood, and her lawful permanent resident parents testified at her hearing (Tr. at 89, 99). She has now married a United States citizen and has given birth to a United States citizen child. The Immigration Judge specifically noted that, were it not for the application of the stop-time rule, he would have granted the respondent cancellation of removal in 2010 (IJ at 8-11). We find, under a totality of the circumstances, that the respondent warrants reopening under 8 C.F.R. § 1003.2(a). Accordingly, we will remand the record for further proceedings regarding the respondent's request for adjustment of status, and the following order will be entered.

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



FOR THE BOARD