



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

*5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041*

**Urizar, Mario Rene
Prada Urizar, PLLC
3191 Coral Way, Suite 607
Miami, FL 33145**

**DHS/ICE Office of Chief Counsel - BOS
P.O. Box 8728
Boston, MA 02114**

Name: UHRIG, CAMILLE

A 076-488-413

Date of this notice: 4/23/2020

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:
Goodwin, Deborah K.

User team: Docket

**For more unpublished decisions, visit
www.irac.net/unpublished/index**

Falls Church, Virginia 22041

File: A076-488-413 – Boston, MA

Date: **APR 23 2020**

In re: Camille UHRIG a.k.a. Camille Deodath

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Mario R. Urizar, Esquire

APPLICATION: Reopening

The respondent has appealed the Immigration Judge's decision dated September 24, 2018 denying the respondent's motion to reopen (Form EOIR-26, Notice of Appeal). The record will be remanded.

We review an Immigration Judge's findings of fact for clear error, but questions of law, discretion, and judgment, and all other issues in appeals, are reviewed de novo. 8 C.F.R. § 1003.1(d)(3)(i), (ii).

In considering this appeal, we note our decision in *Matter of M-P-*, 20 I&N Dec. 786 (BIA 1994), in which we indicate that when a motion to reopen proceedings is denied, the Immigration Judge must identify and fully explain the reasons for such decision; otherwise, the parties are deprived of a fair opportunity to contest the Immigration Judge's determination on appeal, and the Board is unable to meaningfully exercise its responsibility of reviewing the decision in light of the arguments advanced on appeal. See *Matter of A-P-*, 22 I&N Dec. 468 (BIA 1999).

Within the decision, the Immigration Judge denied the motion on a form order, checking the box that states, "Other," and adding a handwritten note citing to *Matter of Bermudez-Cota*, 27 I&N Dec. 441 (BIA 2018). This addendum was sufficient to address the respondent's request for reopening based on her argument that the Immigration court lacked jurisdiction over her removal proceedings, relying on *Pereira v. Sessions*, 328 S.Ct. 2105 (2018). On appeal, the respondent withdraws this argument (Respondent's Br. at 3). However, the Immigration Judge failed to specifically address other issues raised in the respondent's motion, specifically the respondent's request that the Immigration Judge exercise sua sponte authority to reopen her proceedings so that she might apply for adjustment of status. We find that the Immigration Judge's decision provides an insufficient basis upon which the Board can adequately conduct a meaningful review.

Accordingly we find it necessary to remand the record for inclusion of an appropriate decision by the Immigration Judge addressing the respondent's motion, citing exceptional circumstances and seeking sua sponte reopening. See *Matter of J-J-*, 21 I&N Dec. 976 (BIA 1997). The respondent and the Department of Homeland Security should be served with a copy of the decision and should thereafter be given an opportunity to submit briefs in accordance with the regulations. The record should then be forwarded to the Board for further consideration.

ORDER: The record is remanded in accordance with this opinion.


FOR THE BOARD