



**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

**Kohler Maya, Elizabeth Ann, Esq.  
Bromberg, Kohler Maya & Maschler, PLLC  
2011 Pennsylvania Ave., NW  
Ste. 500  
Washington, DC 20006**

**DHS/ICE Office of Chief Counsel - WAS  
1901 S. Bell Street, Suite 900  
Arlington, VA 22202**

**Name: MUSAH, ABDUL R.**

**A 076-553-210**

**Date of this notice: 1/18/2017**

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:  
Adkins-Blanch, Charles K.  
Grant, Edward R.  
Mann, Ana

10/1/2016  
User team: Docket

**For more unpublished BIA decisions, visit  
[www.irac.net/unpublished/index/](http://www.irac.net/unpublished/index/)**

Falls Church, Virginia 22041

---

File: A076 553 210 – Arlington, VA

Date: **JAN 18 2017**

In re: ABDUL R. MUSAH

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Elizabeth Ann Kohler Maya, Esquire

ON BEHALF OF DHS: Nicholas J. Bolzman  
Assistant Chief Counsel

APPLICATION: Reopening

The respondent, a native and citizen of Ghana, appeals from the Immigration Judge's decision dated March 23, 2016, which denied his motion to reopen sua sponte. Both parties have provided arguments on appeal. The record will be remanded to the Immigration Judge for further proceedings.

We review Immigration Judges' 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). Therein, we indicated that when a motion to reopen 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 also Matter of A-P-*, 22 I&N Dec. 468 (BIA 1999).

The Immigration Judge denied the respondent's motion on a form order, checking the box that states that the motion is untimely and adding the following handwritten notation: "Having read respondent's voluminous filings, the Court remains unimpressed, and is not willing to exercise its discretion to reopen sua sponte." The Immigration Judge did not specifically address the various issues raised in the respondent's December 14, 2015, motion, including the one regarding the timing of his 1995 conviction as it relates to the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA") and his potential eligibility for a waiver and 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, including because the decision does not address the various issues raised by the respondent in his motion. Accordingly, we find it necessary to remand the record for inclusion of an appropriate decision by the Immigration Judge. 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. Accordingly, the following order shall be entered.

ORDER: The record is returned to the Immigration Judge for further proceedings consistent with the above opinion.

  
\_\_\_\_\_  
FOR THE BOARD

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE OF IMMIGRATION REVIEW  
IMMIGRATION COURT  
Arlington, Virginia

In the Matter of

Abdul Rahamani MUSAH

In Removal Proceedings

File No. 076 553 210

Respondent

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of Respondent's Motion to Reopen *Sua Sponte*, it is HEREBY ORDERED that the motion be ☐ ~~GRANTED~~ ☒ DENIED because:

- ☐ DHS does not oppose the motion.
- ☐ A response to the motion has not been filed with the court.
- ☐ Good cause has been established for the motion.
- ☒ The motion is untimely ~~per~~ \_\_\_\_\_.
- ☐ The court agrees with the reasons stated in the opposition to the motion.
- ☒ Other: *Having read respondent's voluminous filing, the court remains unimpressed, and is NOT willing to exercise its discretion to reopen sua sponte*

~~Immigration Judge~~

~~Date~~ 3

Copies to:

Elizabeth A. Kohler Maya  
Bromberg, Kohler Maya & Maschler, PLLC  
2011 Pennsylvania Avenue, Suite 500  
Washington, DC 20006

Immigration and Customs Enforcement  
Office of Chief Counsel  
1901 Bell Street 9th Floor  
Arlington, VA, 22202

3/23/16

*[Signature]*

Certificate of Service

This document was served by: ☒ Mail ☐ Personal Service

To: ☐ Alien ☐ Alien c/o Custodial Officer ☒ Alien's Atty/Rep ☒ DHS

Date: 3-28-16 By: Court Staff UNK

Lawrence O. Burman  
Immigration Judge