



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Name: M [REDACTED]-M [REDACTED], F [REDACTED]... A [REDACTED]-294

Date of this notice: 7/28/2020

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:
COUCH, V. STUART

Userteam: Docket

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Falls Church, Virginia 22041

File: [REDACTED]-294 – Cleveland, OH

Date:

In re: F [REDACTED] J [REDACTED] M [REDACTED]-M [REDACTED]

JUL 23 2020

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Jason Darfus, Esquire

APPLICATION: Reopening

This case was previously before the Board on February 14, 2020, when we affirmed the Immigration Judge's decision. The respondent has filed a timely motion requesting that the Board reopen his removal proceedings for further consideration of his application for cancellation of removal under section 240A(b)(1) of the Immigration and Nationality Act, 8 U.S.C. § 1229b(b)(1), in light of the existence of new evidence establishing that one of his qualifying relatives has been diagnosed with Nemaline Myopathy Type 7, a muscular dystrophy condition. The Department of Homeland Security has not responded to the motion. *See* 8 C.F.R. § 1003.2(g)(3). Upon consideration of the evidence presented in this case, we conclude that reopening is warranted so that the Immigration Judge may evaluate this evidence in the first instance. Thus, the motion to reopen will be granted. In so doing, we express no opinion regarding the ultimate outcome of these proceedings. On remand, both parties may submit additional evidence.

Accordingly, the following orders will be entered.

ORDER: The motion to reopen is granted.

FURTHER ORDER: The record is remanded for further proceedings consistent with the foregoing opinion and entry of a new decision.



FOR THE BOARD