



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

**Mann, George Peter
George P. Mann & Assoc., P.C.
33505 W. 14 Mile Rd., Ste 20
Farmington Hills, MI 48331**

**DHS/ICE Office of Chief Counsel - DET
333 Mt. Elliott St., Rm. 204
Detroit, MI 48207**

Name: BA-ALAWI, ADEL MOHAMED

A 095-457-820

Date of this notice: 9/27/2018

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

For more unpublished BIA decisions, visit
www.irac.net/unpublished/index

Falls Church, Virginia 22041

File: A095-457-820 – Detroit, MI

Date:

SEP 27 2018

In re: Adel Mohamed BA-ALAWI

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: George P. Mann, Esquire

ON BEHALF OF DHS: Rosario Shoudy
Assistant Chief Counsel

APPLICATION: Reopening

The respondent, a native and citizen of Yemen, seeks reopening to pursue adjustment of status on the basis of an approved visa petition filed by his United States citizen daughter. The Department of Homeland Security (DHS) opposes the respondent's motion on the grounds that it is untimely and numerically barred. The DHS also argues that the respondent has not established exceptional circumstances justifying sua sponte reopening of his proceedings.

We disagree with the DHS. Considering the totality of the circumstances in the respondent's case, particularly the current conditions in Yemen, we will grant the respondent's motion to reopen pursuant to our sua sponte authority and will remand the record to the Immigration Judge for further proceedings regarding the respondent's eligibility for adjustment of status.

ORDER: The respondent's motion to reopen is granted, and the record is remanded to the Immigration Judge for further proceedings consistent with this order and for the entry of a new decision.


FOR THE BOARD

Immigrant & Refugee Appellate Center, LLC | www.irac.net