



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Name: G [REDACTED], J [REDACTED] H [REDACTED]

A [REDACTED]-552

Date of this notice: 10/7/2019

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:
Grant, Edward R.

User team: Docket

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RL

Falls Church, Virginia 22041

File: A [REDACTED]-552 – Philadelphia, PA

Date:

OCT - 7 2019

In re: J [REDACTED] H [REDACTED] G [REDACTED]

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Christopher M. Casazza, Esquire

APPLICATION: Reopening

The respondent is a native and citizen of Indonesia. He has filed an untimely motion to reopen, alleging changed country conditions for Chinese Christians. The Department of Homeland Security has not responded to the motion, which will be granted.

The Immigration Judge found that the respondent's testimony was not credible and therefore that he did not establish his identity as a Christian (IJ at 3-5). In his motion, the respondent contends that he is a Christian and that reopening is warranted due to a recent increase in religious intolerance and religiously motivated violence against Christians in his native country of Indonesia. The respondent asserts that Muslim extremists now target Christians and that it is no longer safe for Christians in Indonesia. In support of the motion, the respondent has submitted his Indonesian birth certificate and baptismal certificate, and well as a letter from the church where he was baptized in Indonesia. He has also submitted extensive background evidence regarding recent conditions in Indonesia.

With limited exceptions, a motion to reopen must be filed within 90 days of the date of entry of a final administrative order of deportation or removal. *See* section 240(c)(7)(C)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1229a(c)(7)(C)(i); 8 C.F.R. § 1003.2(c)(2). There is no time or number limit on the filing of a motion to reopen if the basis of the motion is to apply for asylum or withholding of deportation or removal based on changed country conditions or circumstances arising in the country of nationality or the country to which deportation or removal has been ordered, if such evidence is material and was not available and could not have been discovered or presented at the previous proceeding. *See* section 240(c)(7)(C)(ii) of the Act; 8 C.F.R. § 1003.2(c)(3)(ii); *Matter of S-Y-G-*, 24 I&N Dec. 247 (BIA 2007), *aff'd Shao v. Mukasey*, 546 F.3d 138 (2d Cir. 2008); *Matter of A-N- & R-M-N-*, 22 I&N Dec. 953, 956 (BIA 1999).

Motions to reopen are disfavored and strict limits endorsed in removal proceedings where every delay works to the advantage of an alien illegally residing in the United States who wishes to remain. *Matter of S-Y-G-*, 24 I&N Dec. at 252. The movant must establish prima facie eligibility for the relief sought, *INS v. Doherty*, 502 U.S. 314, 319 (1992); *INS v. Abudu*, 485 U.S. 94, 104-05 (1988), and has the heavy burden of demonstrating that the "new evidence offered would likely change the result in the case." *Matter of S-Y-G-*, 24 I&N Dec. at 251, *quoting Matter of Coelho*, 20 I&N Dec. 464, 473 (BIA 1992).

The evidence submitted with the motion is sufficient to establish changed conditions or circumstances in Indonesia material to the respondent's eligibility for asylum, withholding of removal, and Convention Against Torture protection. The respondent has submitted additional evidence indicating that he was baptized as a Christian and is a practicing Christian (Motion, Exhs. 2, 3, 5, 7). Although the Immigration Judge found that the respondent was not credible, he did not specifically find that the respondent was not a Christian, a question to be further considered on remand.¹

In addition, the background evidence shows that religious extremism and violence has worsened in Indonesia against Christians (Motion, Exhs. 9-24). Although religious extremism, violence, and discrimination existed at the time of the respondent's 2004 hearing, as is reflected in the documents submitted at the time, *see e.g.*, Exh. 2A, the respondent has shown materially changed circumstances for Christians in Indonesia. *See Liem v. Att'y Gen.*, 921 F.3d 388 (3d Cir. 2019).

Based on the foregoing, the motion to reopen is granted and the record is remanded for further proceedings in accordance with this decision.

Accordingly, the following orders will be entered.

ORDER: The motion to reopen is granted.

FURTHER ORDER: The record is remanded for further proceedings in accordance with this decision.



FOR THE BOARD

¹ We note that the respondent has submitted two baptismal certificates. The first listed his name as [REDACTED], and stated that he was baptized on November 21, 1980 (Exh. 2A, Tab A3). The second certificate indicated that he was baptized on June 28, 1998, and listed his name as [REDACTED] (Motion, Exh. 2).