



**U.S. Department of Justice**

**Executive Office for Immigration Review**

*Board of Immigration Appeals  
Office of the Clerk*

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**Name: P [REDACTED], M [REDACTED] A [REDACTED]  
Riders: [REDACTED]**

**A [REDACTED]-227**

**Date of this notice: 2/19/2020**

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:  
Grant, Edward R.

MalikAr  
User team: Docket

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Falls Church, Virginia 22041

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Files: [REDACTED]-227 – Boston, MA  
[REDACTED]

Date: **FEB 19 2020**

In re: M [REDACTED] A [REDACTED] P [REDACTED]  
[REDACTED]

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENTS: Gregory Romanovsky, Esquire

APPLICATION: Reopening

The respondents are natives and citizens of Indonesia. They have filed an untimely motion to reopen, alleging changed country conditions for Christians in their country of origin.<sup>1</sup> The Department of Homeland Security has not responded to the motion, which will be granted.

The Immigration Judge denied the respondent's requests for relief, but found the respondent's testimony credible and specifically noted the validity of his religious beliefs as a member of the Christian faith (IJ at 6). In his motion, the respondent contends that he remains 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 Form I-589, baptismal certificate and various letters of support from churches he attends in the United States. He has also submitted extensive background evidence regarding recent conditions in Indonesia, including an affidavit written by Jeffrey A. Winters, Ph.D.

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).

<sup>1</sup> The respondents are a father and son. In the decision, we will refer to the lead respondent in the singular inasmuch as the co-respondent is a rider on his father's application.

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, and has the heavy burden of demonstrating that the "new evidence offered would likely change the result in the case." *Id.* 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 evidence indicating that he was baptized as a Christian and is a practicing Christian, and the Immigration Judge and this Board have previously credited the respondent's claim of being Christian (IJ at 6).

In addition, the background evidence submitted by the respondent shows that religious extremism and violence has worsened in Indonesia against Christians. Although religious extremism, violence, and discrimination also existed at the time of the respondent's 2005 hearing (Exhs. 7-10), the respondent has shown materially changed circumstances for Christians in Indonesia. See *Liem v. Atty Gen.*, 921 F.3d 388 (3d Cir. 2019).

Based on the foregoing, the motion to reopen will be granted and the record will be 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