



**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 20530

**Muchnicki, E. Dennis, Esq.  
Muchnicki & Bittner, LLP  
5650 Blazer Parkway  
Dublin, OH 43017**

**DHS/ICE Office of Chief Counsel - CLE  
1240 E. 9th St., Room 585  
Cleveland, OH 44199**

**Name: BOYE, OMAR MALLEH**

**A 093-429-545**

**Date of this notice: 1/8/2014**

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:  
Holmes, David B.

schwarzA  
User team: Docket

For more unpublished BIA decisions, visit [www.irac.net/unpublished](http://www.irac.net/unpublished)

*8/27*

Falls Church, Virginia 20530

---

File: A093 429 545 – Cleveland, OH

Date: JAN 08 2014

In re: OMAR MALLEH BOYE

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: E. Dennis Muchnicki, Esquire

ON BEHALF OF DHS: Jeremy Santoro  
Assistant Chief Counsel

APPLICATION: Reopening

ORDER:

The respondent has filed a motion to reopen, seeking to apply for adjustment of status based on an I-130 visa petition that has been approved by the U.S. Citizenship and Immigration Services. The Department of Homeland Security has opposed the motion. While we express no views as to the ultimate outcome of this case, we find that reopening is warranted under the totality of circumstances of the respondent's case. 8 C.F.R. § 1003.2(a). Accordingly, the motion to reopen is granted and the record is remanded to the Immigration Court for further proceedings to allow the respondent to apply for adjustment of status, and for the entry of a new decision.



---

FOR THE BOARD