



**U.S. Department of Justice**

**Executive Office for Immigration Review**

***Board of Immigration Appeals  
Office of the Clerk***

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*5107 Leesburg Pike, Suite 2000  
Falls Church, Virginia 22041*

**DHS/ICE Office of Chief Counsel - NEW  
P.O. Box 1898  
Newark, NJ 07101**

**Name: ROBLES, JOSE ADAN**

**A073-567-320**

**Date of this notice: 8/30/2011**

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.

Immigrant & Refugee Appellate Center | [www.irac.net](http://www.irac.net)

Falls Church, Virginia 22041

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File: A073 567 320 - Newark, NJ

Date: AUG 30 2011

In re: JOSE ADAN ROBLES a.k.a. Torres A. Jorge a.k.a. Robles A. Jose a.k.a. DeJesus M.  
Edgardo a.k.a. Medina Edgardo

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Pro se

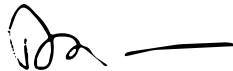
ON BEHALF OF DHS: Patricia M. Medeiros  
Assistant Chief Counsel

APPLICATION: Reconsideration; reopening

The respondent's motion to reopen, filed on April 4, 2011, is untimely. 8 C.F.R. § 1003.2(c)(2). The respondent acknowledges this, but nevertheless requests that the Board reopen his removal proceedings sua sponte.<sup>1</sup> See 8 C.F.R. § 1003.2(a); *Matter of J-J-*, 21 I&N Dec. 976 (BIA 1997). The Department of Homeland Security ("DHS") opposes the motion. However, considering the entirety of circumstances presented, including the respondent's evidence regarding the medical condition of the mother of his two United States citizen children, ages 4 and 6, we will reopen these proceedings sua sponte and remand the record to provide the respondent an opportunity to demonstrate his eligibility for cancellation of removal pursuant to section 240A(b)(1) of the Immigration and Nationality Act, 8 U.S.C. § 1229b(b)(1).

ORDER: The proceedings are reopened pursuant to 8 C.F.R. § 1003.2(a).

FURTHER ORDER: The record is remanded to the Immigration Court for further proceedings consistent with the foregoing opinion.



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FOR THE BOARD

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<sup>1</sup> Although the respondent titles his motion a "motion to reconsider," he has submitted new evidence to be considered, and we will therefore also construe it as a motion to reopen.