



**U.S. Department of Justice**

Executive Office for Immigration Review

*Board of Immigration Appeals  
Office of the Clerk*

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**Name: W [REDACTED], E [REDACTED]  
Riders: [REDACTED]**

**A [REDACTED] -177**

**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:  
O'Connor, Blair

John A.  
User team: Docket

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RC

Falls Church, Virginia 22041

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File: A █████ -177 – Newark, NJ

Date: **FEB 19 2020**

In re: E █████ W █████

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Jennifer B. Condon, Esquire

ON BEHALF OF DHS: Margo Strauss  
Assistant Chief Counsel

APPLICATION: Reopening

On April 11, 2006, we dismissed the respondent's appeal of the Immigration Judge's November 29, 2004, decision denying the respondent's application for asylum, withholding of removal, and protection under the Convention Against Torture. On October 24, 2006, we denied the respondent's request to reopen and reconsider our April 11, 2006, decision. The respondent has now filed a motion to reopen her removal proceedings in order to reapply for asylum, withholding of removal, and protection under the Convention Against Torture. The Department of Homeland Security (DHS) opposes the motion. The motion will be granted and the record will be remanded.

The respondent's motion is untimely, as it was not filed within 90 days of the Board's final administrative decision. 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). The respondent, however, has filed a motion to reopen based on changed country conditions in Indonesia, her country of nationality. The filing deadline does not apply to a motion to reopen to apply for asylum, withholding of removal, and protection under the Convention Against Torture based on circumstances or conditions arising in the respondent's country of nationality, if such evidence is material and was not available and could not have been discovered or presented at the previous proceeding. Section 240(c)(7)(C)(ii) of the Act; 8 C.F.R. § 1003.2(c)(3)(ii). The respondent bears a "heavy burden" to show that the proffered evidence is material, reflects changed circumstances arising in the country of nationality, and supports a prima facie case for relief. *Matter of S-Y-G-*, 24 I&N Dec. 247, 258 (BIA 2007).

Specifically, the respondent argues that rising Islamic extremism and governmental discrimination against Christians in Indonesia has resulted in escalated violence beginning in 2005 until today (Respondent's Motion at 8-39).<sup>1</sup> In support of her motion, the respondent has

<sup>1</sup> We note that the respondent's previous application for asylum, withholding of removal, and protection under the Convention Against Torture was denied because the Immigration Judge found the respondent to be not credible (IJ at 5-9). However, in her adverse credibility finding, the Immigration Judge did not question the respondent's identity as a Christian. Further, the DHS does not assert that the respondent's contentions regarding her religious identity are insincere.

submitted numerous articles and country conditions reports revealing how conditions in Indonesia have significantly deteriorated for Christians, especially in the past 8 years (Respondent's Motion at Exhs. D-OO, Respondent's Response at Exhs. PP and QQ; Respondent's Supplement at Exhs. RR-AAA). We determine that the evidence submitted by the respondent is sufficient to show a material change of country conditions in Indonesia regarding the treatment of Christians. Therefore, the respondent's motion to reopen will be granted. *See Liem v. U.S. Att'y Gen.*, 921 F.3d 388 (3d Cir. 2019) (holding that the Board abused its discretion by failing to consider all relevant evidence concerning the respondent's claim for materially changed country conditions for Christians in Indonesia); *see also Sihotang v. Sessions*, 900 F.3d 46, 53 (1st Cir. 2018) (remanding to the Board to consider whether "evidence of steadily deteriorating country conditions" which are "materially adverse to evangelical Christians" in Indonesia warrants reopening).

On remand, the respondent may apply for any relief for which she is eligible, and should be given the opportunity to supplement the record.<sup>2</sup> We express no opinion as to the outcome of these proceedings.

Accordingly, the following orders will be entered.

ORDER: The motion to reopen is granted.

FURTHER ORDER: The record is remanded to the Immigration Judge for further proceedings consistent with the foregoing opinion and for the entry of a new decision.

  
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FOR THE BOARD

<sup>2</sup> As we are reopening proceedings based on changed country conditions for Christians in Indonesia, we need not discuss the respondent's alternative requests to reopen to pursue asylum on account of a particular social group or so that she may adjust her status (Respondent's Motion at 33-35, 39-40). *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that, as a general rule, courts are not required to make findings on issues the decision of which is unnecessary to the result they reach). However, the Immigration Judge may consider these requests on remand.