



**U.S. Department of Justice**

Executive Office for Immigration Review

*Board of Immigration Appeals  
Office of the Clerk*

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Falls Church, Virginia 20530

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DHS/ICE Office of Chief Counsel - CHL  
5701 Executive Ctr Dr., Ste 300  
Charlotte, NC 28212

Name: [REDACTED]

Date of this notice: 10/30/2014

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:  
Miller, Neil P.

hosed

Userteam: Docket

Falls Church, Virginia 20530

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File: [REDACTED] – Charlotte, NC

Date: **OCT 30 2014**

In re: [REDACTED]

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Mark J. Devine, Esquire

ON BEHALF OF DHS: Colleen E. Taylor  
Assistant Chief Counsel

This case was last before us on June 13, 2013, at which time we dismissed the respondent's appeal from the Immigration Judge's denial of his request for cancellation of removal. The respondent has now filed an untimely motion to reopen proceedings on August 22, 2014. The Department of Homeland Security opposes the motion, which will be granted.

Given the entirety of circumstances presented, including recent events in Ukraine, we will reopen the record pursuant to our sua sponte authority. *See* 8 C.F.R. § 1003.2(a); *Matter of J-J*, 21 I&N Dec. 976 (BIA 1997). Accordingly, the record will be remanded for further proceedings to provide the respondent an opportunity to present evidence in support of his applications for asylum, withholding of removal, and protection under the Convention Against Torture. Accordingly, the following order will be entered.

ORDER: The motion is granted, and the record is remanded to the Immigration Court for further proceedings consistent with the foregoing decision.

  
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FOR THE BOARD