



**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

**Vashista, Anish**

[REDACTED]  
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Los Angeles, CA 90036-6101

**DHS/ICE Office of Chief Counsel - REN**  
3373 Pepper Lane  
Las Vegas, NV 89120

Name: [REDACTED] [REDACTED]

**Date of this notice: 5/25/2016**

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'Leary, Brian M.  
Grant, Edward R.  
O'Connor, Blair

bashorea  
User team: Docket

Falls Church, Virginia 22041

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File: [REDACTED] – Reno, NV<sup>1</sup>

Date:

MAY 25 2016

In re: [REDACTED]

IN REMOVAL PROCEEDINGS

CERTIFICATION<sup>2</sup>

ON BEHALF OF RESPONDENT: Anish Vashistha, Esquire

ON BEHALF OF DHS: An Mai Nguyen  
Assistant Chief Counsel

APPLICATION: Reopening

The respondent, a native and citizen of Tonga, appeals from an Immigration Judge's February 17, 2015, decision denying her motion to reopen removal proceedings. The respondent was ordered removed in absentia on June 24, 2014. The Department of Homeland Security (DHS) opposes the appeal. The appeal will be sustained, proceedings will be reopened, and the record will be remanded.

Upon consideration of the totality of the circumstances presented, we are persuaded that the respondent established that the sua sponte reopening of proceedings is warranted. *See* 8 C.F.R. § 1003.23(b)(1). We note the respondent's assertion concerning her potential eligibility for adjustment of status. On remand, the respondent may apply for any form of relief for which she believes that she may be statutorily eligible. Accordingly, the following order will be entered.

ORDER: The appeal is sustained, the in absentia order of removal is rescinded, the proceedings are reopened, and the record is remanded for further proceedings consistent with the foregoing opinion.

  
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FOR THE BOARD

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<sup>1</sup> The removal proceedings in this case were conducted by televideo with the respondent located in Reno, NV, and the Immigration Judge located in Las Vegas, NV.

<sup>2</sup> To resolve any issues of timeliness, we will consider this matter on appeal pursuant to 8 C.F.R. § 1003.1(c).