U.S. Department of Justice
Executive Office for Immigration Review

Falls Church, Virginia 22041

Decision of the Board of Immigration Appeals

File: (b) (6)

Date: SEP - 6 2005

In re: (b) (6)

IN DEPORTATION PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENTS: Victor D. Nieblas P., Esquire

ON BEHALF OF DHS: David Burke
Assistant District Counsel

APPLICATION: Administrative closure

ORDER:

PER CURIAM. The Attorney General plans to publish a regulation that will implement a procedure for terminating deportation proceedings for certain non-lawful permanent residents, who are precluded from relief by section 240A(d)(1) of the Immigration and Nationality Act, 8 U.S.C. § 1229b(d)(1), and section 309(c)(5)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Division C of Pub. L. No. 104-208, 110 Stat. 3009-546, 3009-626 (IIRIRA), and placing them in removal proceedings if they would be eligible for cancellation of removal. Such a procedure is authorized by section 309(c)(3) of IIRIRA.

Pending the publication of this regulation, the Board may administratively close cases pending before it where the alien meets the criteria for this "repapering" procedure. In the present case, the United States Court of Appeals for the (b) (6) issued a decision noting that the respondents in this case were potentially eligible for repapering, and it remanded the matter for a determination whether the respondents should be allowed to pursue that remedy. (b) (6) *v. INS*, (b) (6) (b) (6) In view of the court's decision and the representations made by the respondents in their brief on remand, the proceedings before the Board in this case are administratively closed.

If either party to this case objects to the administrative closure of these proceedings, a written request to reinstate proceedings may be made to the Board. **The Board will take no further action in the case unless a request is received from one of the parties.** The request **must** be submitted directly to the Board, without fee, but with certification of service on the opposing party. If properly submitted, the Board shall reinstate the proceedings.

FOR THE BOARD