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NOT FOR PUBLICATION

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

MATTER OF:

(b)(6)

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Respondent

FILED

Feb 14, 2022

ON BEHALF OF RESPONDENT: Winstona D. Cole, Esquire

ON BEHALF OF DHS: Richard R. Holmes, Jr., Assistant Chief Counsel

IN REMOVAL PROCEEDINGS

On Appeal from a Decision of the Immigration Court, Charlotte, NC

Before: Saenz, Appellate Immigration Judge

SAENZ, Appellate Immigration Judge

The Department of Homeland Security (DHS) timely appeals the Immigration Judge's October 23, 2018, decision granting the respondent's application for cancellation of removal pursuant to section 240A(b) of the Immigration and Nationality Act, 8 U.S.C. § 1229b(b). On appeal, the DHS contests the Immigration Judge's finding that the respondent's qualifying relatives would suffer exceptional and extremely unusual hardship if the respondent were removed to Mexico. The appeal will be dismissed, and the record will be remanded to the Immigration Judge for entry of a final decision.

We adopt and affirm the decision of the Immigration Judge dated October 23, 2018. *See Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994) (noting that adoption or affirmance of a decision of an Immigration Judge, in whole or in part, is "simply a statement that the Board's conclusions upon review of the record coincide with those which the Immigration Judge articulated in his or her decision"). The Immigration Judge's factual findings regarding the respondent's family and what would occur if she were removed are not clearly erroneous. We see no reason to disturb the Immigration Judge's determination that the respondent's removal to Mexico would result in exceptional and extremely unusual hardship to her lawful permanent resident husband and her United States citizen daughter, who was 11 years old at the time of the hearing (IJ at 9-10). As such, we affirm the Immigration Judge's grant of cancellation of removal in this case.

Accordingly, the following orders will be entered.

ORDER: The DHS's appeal is dismissed.

FURTHER ORDER: Pursuant to 8 C.F.R. § 1003.1(d)(6), the record is remanded to the Immigration Judge for the purpose of allowing the Department of Homeland Security the opportunity to complete or update identity, law enforcement, or security investigations or

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examinations, and further proceedings, if necessary, and for the entry of an order as provided by 8 C.F.R. § 1003.47(h).