

BOARD OF IMMIGRATION APPEALS

Matter of Amit Yadav

29 I. & N. Dec. 438 (BIA 2026) (Interim Decision #4162) · No. ID 4162 · Decided February 5, 2026

SUMMARY

The Board of Immigration Appeals denied a motion to reopen removal proceedings sua sponte. It held that a valid marriage to a United States citizen entered into after a removal order, together with approval of an immigrant visa petition, did not constitute a truly exceptional situation warranting discretionary reopening.

CASE DETAILS

COURT	Board of Immigration Appeals
WRITING FOR THE COURT	Malphrus, Chief Appellate Immigration Judge; Creppy, Appellate Immigration Judge; McCloskey, Temporary Appellate Immigration Judge
JURISDICTION	Board of Immigration Appeals
DECIDED	February 5, 2026
DOCKET	ID 4162
DISPOSITION	dismissed
PROCEDURAL POSTURE	The respondent moved to reopen removal proceedings more than ten years after the Board entered a final administrative order, seeking adjustment of status based on a later marriage to a United States citizen and USCIS approval of an I-130 visa petition. He asked the Board to reopen the proceedings sua sponte despite the absence of an applicable exception to the statutory and regulatory 90-day filing deadline.
STANDARD OF REVIEW	Discretionary review of whether sua sponte reopening is warranted in an exceptional situation.
PRECEDENTIAL VALUE	Published precedential decision of the Board of Immigration Appeals

TOPICS

- removal proceedings
- immigration
- appellate procedure
- administrative law
- agency adjudication

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether a respondent's valid marriage to a United States citizen entered into after a final order of removal constitutes a truly exceptional situation warranting sua sponte reopening of removal proceedings.

HOLDINGS

1. A respondent's valid marriage to a United States citizen entered into after a removal order does not, by itself, constitute an exceptional situation warranting sua sponte reopening of removal proceedings.

KEY QUOTATIONS

“It would be inappropriate to expansively employ this authority in a manner that contravened the intentions of Congress or failed to give effect to the comprehensive regulatory structure in which it exists.” (at 438)

“Our administrative role in the immigration system, which is to faithfully apply the laws and regulations, cautions us to exercise this authority sparingly and only as an “extraordinary remedy reserved for truly exceptional situations.”” (at 438)

“A respondent’s valid marriage to a United States citizen entered into after a removal order does not constitute an exceptional situation warranting sua sponte reopening of removal proceedings.” (at 439)

FACTUAL BACKGROUND

The respondent entered the United States in 2008 and later overstayed his visa, resulting in removal proceedings. The Immigration Judge ordered him removed in 2013, and the Board dismissed his appeal in 2014. The respondent married a United States citizen in 2017, and USCIS approved an I-130 petition filed on his behalf in 2020. He then sought sua sponte reopening to pursue adjustment of status.

PROCEDURAL HISTORY

The Immigration Judge denied the respondent's applications for relief and ordered him removed on January 16, 2013. The Board dismissed his appeal on October 7, 2014, and the First Circuit denied his petition for review in 2015. After marrying a United States citizen in 2017 and obtaining USCIS approval of an I-130 petition in 2020, the respondent filed a motion to reopen, which the Board denied.

DISPOSITION

dismissed

CASES CITED

- Matter of J-J-, 21 I&N Dec. 976, 984 (BIA 1997)
- Matter of G-D-, 22 I&N Dec. 1132, 1133-35 (BIA 1999)

- Matter of B-N-K-, 29 I&N Dec. 96, 99 (BIA 2025)
- Matter of H-Y-Z-, 28 I&N Dec. 156, 161 (BIA 2020)
- Nken v. Holder, 556 U.S. 418, 436 (2009)
- Noem v. Vasquez Perdomo, 146 S. Ct. 1, 5 (2025) (mem.) (Kavanaugh, J., concurring in the grant of the application for stay)
- Matter of O-R-E-, 28 I&N Dec. 330, 336 (BIA 2021)
- Yadav v. Lynch, 628 F. App'x 769 (1st Cir. 2015)

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