



U.S. Department of Justice

**COPY**

Executive Office for Immigration Review

*Board of Immigration Appeals  
Office of the Clerk*

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Name: KRASNIQI, RIKARD

A 099-683-389

Date of this notice: 3/12/2013

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.

williams

Userteam: Docket

Falls Church, Virginia 22041

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File: A099 683 389 – New York, NY

Date:

**MAR 12 2013**

In re: RIKARD KRASNIQI

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Michael P. DiRaimondo, Esquire

APPLICATION: Reopening

On September 4, 2008, the Board dismissed the respondent's appeal from the Immigration Judge's May 18, 2007, decision denying his applications for asylum, withholding of removal, and protection under the Convention Against Torture.<sup>1</sup> On October 18, 2012, the respondent filed the instant untimely motion to reopen. See section 240(c)(7)(C)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1229a(c)(7)(C)(i); 8 C.F.R. § 1003.2(c)(2). The respondent, however, seeks reopening to reapply for asylum and withholding of removal based on changed circumstances or conditions in Kosovo. See section 240(c)(7)(C)(ii) of the Act; 8 C.F.R. § 1003.2(c)(3)(ii). The Department of Homeland Security has not opposed this motion. See 8 C.F.R. § 1003.2(g). The motion will be granted.

The respondent, who the Immigration Judge found to be a native and citizen of Serbia-Kosovo, claimed to fear persecution in Kosovo based on an imputed political opinion. The respondent now claims to fear persecution in Kosovo, a county that has gained independence since the respondent's removal hearing, based in part on his Christian religion. We make no comment on the ultimate outcome of this case, but find that the respondent has presented sufficient evidence of material changes in Kosovo since its independence from Serbia on February 17, 2008, to warrant reopening these proceedings for further evidentiary proceedings and fact finding. For example, the respondent has offered a declaration for Bernd J. Fischer, Ph.D., who states that since independence there has been a rise in Muslim influence and fundamentalism in Kosovo, and opines that such changes "can only make the situation of ethnic Albanian Catholics, like (the respondent), more precarious."<sup>2</sup> See Motion Tab E at 9, 13. Accordingly, the motion to reopen will be granted, and the record will be remanded for a new hearing.

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<sup>1</sup> The United States Court of Appeals for the Second Circuit denied the respondent's petition for review of the Board's decision. *Krasniqi v. Holder*, 355 Fed. Appx. 577 (2d Cir. 2009).

<sup>2</sup> Dr. Fischer, an historian, professor of history, and Chair of the Department of History at Indiana University-Purdue University Fort Wayne, has been recognized as an expert on Balkan and Albanian affairs. See, e.g., *Nikollbibaj v. Gonzales*, 232 Fed. Appx. 546 (6th Cir. 2007); *Vata v. Gonzales*, 243 Fed. Appx. 930 (6th Cir. 2007). See also *Kacupaj v. Holder*, 396 Fed. Appx. 756 (2nd Cir. 2010).

The following orders will be entered

ORDER: The motion to reopen is granted.

FURTHER ORDER: The record is remanded to the Immigration Judge for further proceedings not inconsistent with the foregoing decision.

  
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FOR THE BOARD