



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Falls Church, Virginia 22041

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3535 Lawton Road, Suite 100
Orlando, FL 32803

Name: [REDACTED]

A [REDACTED]

Date of this notice: 8/31 [REDACTED]

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:

Adkins-Blanch, Charls K.
Guendelsberger, John
Hoffman, Sharon

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

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

File: A [REDACTED] - Orlando, FL

Date:

AUG 31 [REDACTED]

In re: [REDACTED]

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Gail S. Seeram, Esquire

ON BEHALF OF DHS: James E. M. Craig
Assistant Chief Counsel

CHARGE:

Notice: Sec. 237(a)(1)(B), I&N Act [8 U.S.C. § 1227(a)(1)(B)] -
In the United States in violation of law

APPLICATION: Reopening

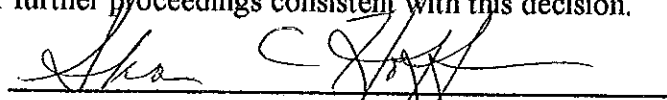
In a decision dated July 26, [REDACTED] the Immigration Judge denied the respondent's motion to reopen removal proceedings, which had been conducted in absentia under section 240(b)(5)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1229a(b)(5)(A). The respondent filed a timely appeal from that decision. The Department of Homeland Security (DHS) has filed a brief seeking dismissal of the appeal. The appeal will be sustained and the record remanded.

We review findings of fact by an Immigration Judge under the clearly erroneous standard of review, but we may review de novo questions of law, discretion, and judgment and all other issues in appeals from decisions of Immigration Judges. See 8 C.F.R. §§ 1003.1(d)(3)(i), (ii); *Matter of A-S-B-*, 24 I&N Dec. 493 (BIA 2008).

In view of the totality of circumstances presented in this case, including the respondent's incentive to appear for her hearing because of her potential eligibility for relief from removal, we will allow the respondent another opportunity to appear for a hearing. *Matter of M-R-A-*, 24 I&N Dec. 665 (BIA 2008).

ORDER: The appeal is sustained and the in absentia order of removal is rescinded.

FURTHER ORDER: The proceedings are reopened and the record is remanded to the Immigration Judge for further proceedings consistent with this decision.



FOR THE BOARD