



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

*5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041*

**ADISSA, ABDOU KOUDOUS
A205-656-760
PIKE COUNTY
175 PIKE COUNTY BLVD
LORDS VALLEY, PA 18428**

**DHS LIT./York Co. Prison/YOR
3400 Concord Road
York, PA 17402**

Name: ADISSA, ABDOU KOUDOUS

A 205-656-760

Date of this notice: 6/20/2013

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:
Guendelsberger, John
Hoffman, Sharon
Manuel, Elise

yungc
Userteam: Docket

Immigrant & Refugee Appellate Center | www.irac.net

Falls Church, Virginia 22041

File: A205 656 760 – Lords Valley, PA¹

Date:

JUN 20 2013

In re: ABDOU KOUDOUS ADISSA

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Pro se

ON BEHALF OF DHS: William E. Lore
Senior Attorney

The respondent, a native and citizen of Benin, appeals the decision of the Immigration Judge, dated January 24, 2013, ordering his removal from the United States. The Department of Homeland Security (“DHS”) is opposed to the respondent’s appeal.

The respondent’s statement “I, I will speak to you” did not amount to an effective waiver of his right to be represented by counsel in these removal proceedings (Tr. at 1). *See* 8 C.F.R. § 1003.16(b); *Matter of C-B-*, 25 I&N Dec. 888 (BIA 2012). Accordingly, the record will be remanded to the Immigration Judge for further hearings. *See generally Leslie v. U.S. Att’y Gen.*, 611 F.3d 171, 182 (3d Cir. 2010). Upon remand, the Immigration Judge should also offer the respondent an opportunity to have an interpreter. However, at the present time, we express no opinion regarding the ultimate outcome of these removal proceedings.

As removal proceedings are separate and apart from bond proceedings, it was improper for the Immigration Judge to sua sponte vacate the \$10,000 bond that the DHS set for the respondent (Tr. at 4-5). *See* 8 C.F.R. § 1003.19(d). Issues concerning the respondent’s custody status should only be addressed during the course of bond proceedings. If, upon remand, the parties wish to address issues concerning the respondent’s custody status, the Immigration Judge should conduct separate bond proceedings and issue a separate appealable bond decision. Accordingly, the following order is entered.

ORDER: The respondent’s appeal is sustained, the Immigration Judge’s decision is vacated in its entirety, and the record is remanded to the Immigration Court for further proceedings consistent with the foregoing opinion and the entry of a new decision.



FOR THE BOARD

¹ Removal proceedings before the Immigration Judge in this matter were completed at the Pike County Correctional Facility in Lords Valley, Pennsylvania (*see* OPM No. 04-06). The Immigration Judge conducted the hearings there remotely from the Immigration Court in York, Pennsylvania, via video teleconference pursuant to section 240(b)(2)(A)(iii) of the Act.

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
YORK, PENNSYLVANIA

File: A205-656-760

January 24, 2013

In the Matter of

ABDOU KOUDOUS ADISSA)	
)	IN REMOVAL PROCEEDINGS
RESPONDENT)	

CHARGE: 237(a) (1) (C) (i) .

APPLICATION: None.

ON BEHALF OF RESPONDENT: PRO SE

ON BEHALF OF DHS: WILLIAM LORE, Senior Attorney.

ORAL DECISION OF THE IMMIGRATION JUDGE

The respondent is a male alien, native and citizen of Benin. He was admitted as a student to the United States on an F-1 visa in January 2012. He was placed into removal proceedings by issuance of a Notice to Appear, Form I-862, served on January 16, 2013, as well as the pro bono list was served on him at that time.

The respondent appeared in court today. The respondent has

knowingly and intelligently waived his right to an attorney. We have proceeded. The respondent conceded the allegations on the Notice to Appear, 1 through 5. Based upon the concessions without any evidence of record at this juncture, the Court has sustained the singular ground of removal.

The Court explained to the respondent that since he is not married, he has no basis to adjust status in the United States at the present time. The Court further explained to the respondent that the Court was willing to grant the respondent voluntary departure under safeguards. Because of his conviction, the Court does not believe he was eligible for a custody bond. The Court asked the respondent at least four times, the respondent kept asking other questions, refusing to answer the court's question, so the Court indicated to the respondent if he did not indicate otherwise, the Court would issue a removal order. The respondent did not indicate otherwise.

ORDER

The Court has issued a removal order against the respondent to Benin.

He has reserved his right to appeal until February 25, 2013.

Please see the next page for electronic signatureWD

WALTER A. DURLING
Immigration Judge

//s//

Immigration Judge WALTER A. DURLING

durlingw on March 27, 2013 at 4:08 PM GMT