



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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**DHS/ICE Office of Chief Counsel - BAL
31 Hopkins Plaza, Room 1600
Baltimore, MD 21201**

Name: GUZMAN-RODRIGUEZ, ARTEMIO A 200-234-211

Date of this notice: 8/23/2013

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:
Grant, Edward R.

schwarzA
User team: Docket

Immigrant & Refugee Appellate Center | www.irac.net

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**GUZMAN-RODRIGUEZ, ARTEMIO
A200-234-211
WCDC
5022 JOYNER RD
SNOW HILL, MD 21863**

**DHS/ICE Office of Chief Counsel - BAL
31 Hopkins Plaza, Room 1600
Baltimore, MD 21201**

Name: GUZMAN-RODRIGUEZ, ARTEMIO A 200-234-211

Date of this notice: 8/23/2013

Enclosed is a copy of the Board's decision in the above-referenced case. This copy is being provided to you as a courtesy. Your attorney or representative has been served with this decision pursuant to 8 C.F.R. § 1292.5(a). If the attached decision orders that you be removed from the United States or affirms an Immigration Judge's decision ordering that you be removed, any petition for review of the attached decision must be filed with and received by the appropriate court of appeals within 30 days of the date of the decision.

Sincerely,

Donna Carr

Donna Carr
Chief Clerk

Enclosure

Panel Members:
Grant, Edward R.

SchwarzA

Userteam: Docket

Immigrant & Refugee Appellate Center | www.irac.net

Falls Church, Virginia 22041

File: A200 234 211 – Baltimore, MD

Date:

AUG 23 2013

In re: ARTEMIO GUZMAN-RODRIGUEZ

IN REMOVAL PROCEEDINGS

APPEAL

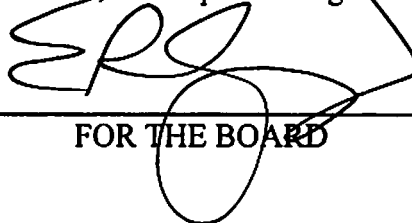
ON BEHALF OF RESPONDENT: Sharon D. Alexander, Esquire

ON BEHALF OF DHS: Mary C. Lee
Assistant Chief Counsel

The respondent, a native and citizen of Mexico, has appealed from the Immigration Judge's decision dated March 19, 2013. We review questions of law, discretion, and judgment arising in appeals from decisions of Immigration Judges de novo, whereas we review findings of fact in such appeals under a "clearly erroneous" standard. *See* 8 C.F.R. § 1003.1(d)(3).

On appeal the respondent expresses a fear of return to Mexico because of past physical harm he suffered at the hands of criminals there. At his hearing before the Immigration Judge, the respondent, who was acting pro se, did not express any such fear when asked why he did not want to return to Mexico (Tr. at 10-11). However, he had previously testified that he had left Mexico for the United States because "there's a lot of violence and there's not much work" (Tr. at 6). The Immigration Judge did not question the respondent as to any fear of harm in Mexico. In an abundance of caution, we will remand the record to allow the pro se respondent an opportunity to present a claim for asylum or other relief under the Act.

ORDER: The record is remanded for further proceedings.



FOR THE BOARD

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
BALTIMORE, MARYLAND

File: A200-234-211

March 19, 2013

In the Matter of

ARTEMIO GUZMAN-RODRIGUEZ

RESPONDENT

)
)
)
)

IN REMOVAL PROCEEDINGS

CHARGES: Section 212(a)(6)(A)(i) of the Immigration and Nationality Act -
present in the United States without inspection, admission or
parole.

APPLICATIONS: None available.

ON BEHALF OF RESPONDENT: PRO SE

ON BEHALF OF DHS: MARY LEE, ESQUIRE

ORAL DECISION OF THE IMMIGRATION JUDGE

The respondent has appeared before the United States Immigration Court at Baltimore, Maryland, under the audio/video monitor system this date and has asked that he proceed pro se. Having been explained the purpose of the proceedings, the allegations and the charge, the respondent has informed the Court that he understands, he admits that he is not a citizen of the United States, and that he is a native and a citizen of Mexico. He claims to have entered the United States three years ago at Nogales, Arizona, and did so illegally. Based upon his representations, the Court has

sustained the charge of removability.

The respondent informed the Court as follows. He came to the United States from Mexico because there is violence in this country and to work. He did work; he had no permission to work and he claims to have paid taxes. He also informed the Court that he was caught twice at the border and returned prior to making his successful entry into the United States three years ago. He has a son, born in the United States, and he lives with the mother of his son, a United States citizen. He has no documentation to establish his identity, to include a passport, birth certificate or schudula. He has no money and thus is not eligible for voluntary departure.

The Department of Homeland Security has informed the Court that on November 28, 2012, the respondent was convicted of a theft offense.

The respondent has advised the Court that he does not wish to return to Mexico because he wants to stay here and stay with his son.

The Court's review of the charging document and the answers provided by the respondent under oath leads it to conclude that the respondent is subject to removal as charged. He is not entitled to any remedy or relief. Accordingly, I order that he be ordered removed and deported as charged to the country of Mexico. The deadline for filing an appeal is April 18, 2013.

Please see the next page for electronic

signature

JOHN F. GOSSART, JR.
Immigration Judge

//s//

Immigration Judge JOHN F. GOSSART, JR.

gossartj on May 21, 2013 at 12:24 PM GMT

CERTIFICATE PAGE

I hereby certify that the attached proceeding before JUDGE JOHN F. GOSSART,
JR., in the matter of:

ARTEMIO GUZMAN-RODRIGUEZ

A200-234-211

BALTIMORE, MARYLAND

was held as herein appears, and that this is the original transcript thereof for the file of
the Executive Office for Immigration Review.


KRISTEN J. BELLOTTI (Transcriber)

FREE STATE REPORTING, Inc.-2

MAY 6, 2013

(Completion Date)