



**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

**Burnett, Talia  
Ramirez-Smith Law  
1603 12th Ave Rd  
Suite D  
Nampa, ID 83686**

**DHS/ICE Office of Chief Counsel - TAC  
1623 East J Street, Ste. 2  
Tacoma, WA 98421**

**Name: R [REDACTED] -B [REDACTED], L [REDACTED]**

**A [REDACTED] -849**

**Date of this notice: 5/12/2020**

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:  
Mullane, Hugh G.  
Mann, Ana  
Gorman, Stephanie

Userteam: Docket

**For more unpublished decisions, visit  
[www.irac.net/unpublished/index](http://www.irac.net/unpublished/index)**

Falls Church, Virginia 22041

---

File: A [REDACTED]-849- Tacoma, WA

Date: **MAY 12 2020**

In re: L [REDACTED] R [REDACTED]-B [REDACTED]

IN BOND PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Talia D. Burnett, Esquire

APPLICATION: Change in custody status

The respondent, a native and citizen of Mexico, has appealed the Immigration Judge's October 16, 2019, bond order denying his request for a change in custody. The Department of Homeland Security has not responded to the appeal. The record will be remanded.

A review of the digital audio recording of the hearing reflects that the Immigration Judge conducted the entirety of the questioning of the respondent. The Immigration Judge did not give either attorney an opportunity to question the respondent, or to follow-up with any further questions for rebuttal or other purposes prior to the Immigration Judge issuing her decision. *See Matter of W-Y-C- & H-O-B-*, 27 I&N Dec. 189, 190-91 (BIA 2018) (noting that immigration proceedings "are adversarial in nature [and] are designed to provide the parties with an opportunity to develop the record by presenting evidence and testimony before an Immigration Judge, who makes the necessary factual findings and legal conclusions based on the claims presented").

In light of this record, we find it appropriate to remand the proceedings to the Immigration Judge to conduct a new hearing wherein both parties are permitted an opportunity to fully participate, including the conducting of both direct and cross examination of the respondent. Accordingly, the record is remanded to the Immigration Judge for further action, including holding a new hearing in accordance with this decision.

Accordingly, the following order will be entered.

ORDER: The record is remanded for further proceedings in accordance with this decision.

  
\_\_\_\_\_  
FOR THE BOARD