



**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 - CHL  
5701 Executive Ctr Dr., Ste 300  
Charlotte, NC 28212**

**Name: KIRCONNELL CABALLERO, GL...      A 206-774-442**  
**Riders: [REDACTED]**

**Date of this notice: 12/18/2017**

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, Charles K.

User team: Docket

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[www.irac.net/unpublished/index](http://www.irac.net/unpublished/index)

*GC*

Falls Church, Virginia 22041

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Files: A206 774 442 – Charlotte, NC  
[REDACTED]

Date:

**DEC 18 2017**

In re: Glenis Ondina KIRCONNELL CABALLERO  
[REDACTED]

**IN REMOVAL PROCEEDINGS**

**MOTION**

**ON BEHALF OF RESPONDENTS:** Joanna Gaughan, Esquire

**APPLICATION:** Reconsideration

**ORDER:**

On September 11, 2017, the Board issued a decision dismissing the respondents' appeal as untimely, and returned the record to the Immigration Court without further action. The respondents filed a timely motion to reconsider that decision. The motion is granted.

The respondents contend that the Board erred in finding that their appeal was untimely filed. In rendering this finding, the Board stated that the Immigration Judge's decision was mailed on July 11, 2017, and, as the respondents' Notice of Appeal was filed on August 14, 2017, it was untimely. However, the respondents assert that the Immigration Judge's decision was actually mailed on July 13, 2017, and submit a copy of an envelope with the Immigration Court's return address,<sup>1</sup> reflecting that it was mailed on that date. In light of this evidence, and in affording the respondents every benefit of the doubt, it appears that the respondents did file a timely Notice of Appeal.

As such, the Clerk's Office is instructed to issue a briefing schedule to the parties so that the Board may adjudicate the appeal. Accordingly, the respondent's motion to reconsider is granted.

**FURTHER ORDER:** The Clerk's Office shall issue an appropriate briefing schedule to the parties.



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FOR THE BOARD

<sup>1</sup> Although the respondents' Notice of Appeal stated that a copy of the envelope was being submitted, none was provided.