



**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 20530*

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Rampersad & Parmar Group  
3300 Buckeye Road, Suite 220  
Atlanta, GA 30341**

**DHS/ICE Office of Chief Counsel - ATL  
180 Spring Street, Suite 332  
Atlanta, GA 30303**

**Name: MEDEROS-SANCHEZ, ENEREO**

**A 205-132-022**

**Date of this notice: 2/3/2014**

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.

williams  
User team: Docket

For more unpublished BIA decisions, visit [www.irac.net/unpublished](http://www.irac.net/unpublished)

*Ray*

Falls Church, Virginia 20530

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File: A205 132 022 – Atlanta, GA

Date:

FEB - 3 2014

In re: ENEREO MEDEROS-SANCHEZ

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Ray Rampersad, Esquire

ON BEHALF OF DHS: Jill K. Krishnan  
Assistant Chief Counsel

APPLICATION: Continuance

The respondent, a native and citizen of Mexico, has appealed from the July 11, 2012, decision of the Immigration Judge denying a continuance. The record will be remanded.

The respondent sought a continuance before the Immigration Court to wait on the passage of proposed regulations, proposed by the United States Citizenship and Immigration Services (USCIS), which would allow him to remain in the United States while pursuing a provisional waiver of his inadmissibility. The Immigration Judge denied the request based on a determination that the passage of regulations and legislation on the issue was too speculative in nature to warrant a further postponement of proceedings.

Subsequent to the date of the hearing before the Immigration Judge, regulations concerning the eligibility of certain immigrants to apply for a provisional unlawful presence waiver of inadmissibility were finalized and became effective on March 4, 2013. *See* 8 C.F.R. § 212.7(e); 78 Fed. Reg. 535 (Jan. 3, 2013). We find that a remand is warranted to allow the Immigration Judge to specifically address the applicability of the new regulation to the respondent's application for relief and request for continuance. On remand, the parties should be provided the opportunity to present any additional relevant evidence and argument.

Accordingly, the record will be remanded to the Immigration Judge for further proceedings consistent with this opinion and for the entry of a new decision.

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  
ATLANTA, GEORGIA

File: A205-132-022

July 11, 2012

In the Matter of

ENEREO MEDEROS-SANCHEZ

RESPONDENT

)  
)  
)  
)

IN REMOVAL PROCEEDINGS

CHARGES: Section 212(a)(6)(A)(i) of the Immigration and  
Nationality Act.

APPLICATIONS: None.

ON BEHALF OF RESPONDENT: RAYMOND REMPERSAD

ON BEHALF OF DHS: JO KRISHNAN

ORAL DECISION OF THE IMMIGRATION JUDGE

This case came before the Court as a result of a Notice to Appear that was issued by the Department of Homeland Security. The charging document alleges that the respondent is a native and citizen of Mexico and that he is removable from the United States pursuant to Section 212 of the Immigration and Nationality Act. The respondent admits the factual allegations in the Notice to Appear and concedes removability. In light of

the foregoing, the Court finds by clear and convincing evidence that the respondent is removable from the United States as charged. The Court sustains the charge of removal and designates Mexico as the country of removal should that become necessary.

Respondent does not have any relief that is presently available to him. He asked for a continuance in anticipation of a proposed reg that may come down the pike at some point from the Department of Homeland Security. Respondent has not established a good cause for a further continuance in this case. The Court has granted continuances for the hopes that something may be more definite for the respondent. In any event, the respondent does not want voluntary departure in lieu of proceedings and wishes voluntary departure at the conclusion of proceedings. The Court will grant the application for voluntary departure at the conclusion of proceedings and set bond at \$5,000. The Court will enter the following order in this case.

IT IS HEREBY ORDERED that respondent's application for voluntary departure be and hereby is granted. Respondent is granted voluntary departure up to and including September 10, 2012, which is 60 days from today, on the posting of a bond of \$5,000.00 within five business days, with an alternate order of removal to Mexico.

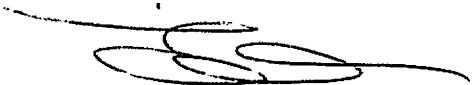
Warning to respondent. Failure to leave the United States as required means that you could be removed from this

country, you may have to pay a civil penalty of between \$1,000 and \$5,000, and you will be ineligible for 10 years to come from receiving cancellation of removal, adjustment of status, voluntary departure, change in non-immigrant status, or relief under the registry provisions.

Respondent is also advised that if he fails to depart by the deadline, he will be subject to a civil penalty of between \$1,000 and \$5,000.

Respondent has reserved his right to appeal. The deadline for filing an appeal is August 10, 2012. If respondent files an appeal, he is hereby advised that he must provide the Board of Immigration Appeals within 30 days of filing an appeal sufficient proof of having posted the voluntary departure bond. The respondent is advised that the Board will not reinstate the voluntary departure period in its final order if he does not submit timely proof to the Board that the voluntary departure bond has been posted. If respondent does not appeal and instead files a motion to reopen or a motion to reconsider during the voluntary departure period, he is hereby advised that the period allowed for voluntary departure will not be stayed, tolled, or extended, the grant of voluntary departure will be terminated automatically, the alternate order of removal will take effect immediately, but the penalties for failure to depart voluntarily will not apply. Finally, the respondent is advised that the Court has set the civil monetary penalty for failing to depart

within the voluntary departure period at the presumptive amount  
of \$3,000.



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EARLE B WILSON  
Immigration Judge

Immigrant & Refugee Appellate Center | [www.irac.net](http://www.irac.net)

CERTIFICATE PAGE

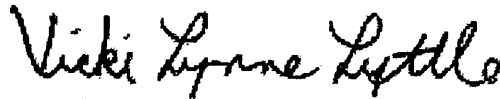
I hereby certify that the attached proceeding before JUDGE  
EARLE B WILSON, in the matter of:

ENEREO MEDEROS-SANCHEZ

A205-132-022

ATLANTA, GEORGIA

is an accurate, verbatim transcript of the recording as provided  
by the Executive Office for Immigration Review and that this is  
the original transcript thereof for the file of the Executive  
Office for Immigration Review.



VICKI LYNNE LYTTLE (Transcriber)

DEPOSITION SERVICES, Inc.

AUGUST 24, 2012

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(Completion Date)