



**U.S. Department of Justice**

Executive Office for Immigration Review

*Board of Immigration Appeals  
Office of the Clerk*

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5107 Leesburg Pike, Suite 2000  
Falls Church, Virginia 20530

**DHS/ICE Office of Chief Counsel - HOU  
126 Northpoint Drive, Suite 2020  
Houston, TX 77060**

**Name: ELVIR-GUEVARA, ZOILA EUNICE      A 098-589-427**

**Date of this notice: 7/2/2015**

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.

Userteam: Docket

For more unpublished BIA decisions, visit  
[www.irac.net/unpublished/index/](http://www.irac.net/unpublished/index/)

*Donna Carr*

Falls Church, Virginia 20530

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File: A098 589 427 – Houston, TX

Date:

JUL - 2 2015

In re: ZOILA EUNICE ELVIR-GUEVARA

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Pro se

APPLICATION: Reopening

The respondent, a native and citizen of Honduras, has appealed from an Immigration Judge's July 3, 2014 decision denying her motion to reopen proceedings. The record will be remanded.

On appeal, the respondent challenges the Immigration Judge's decision and argues that she erred in denying her motion to reopen proceedings. The Immigration Judge's form decision and only indicates that the motion is denied as indicated in the Government's opposition. The use of a form order is inadequate as the order fails to include adequate findings of fact and substantive analysis addressing the reasons stated in the respondent's motion to reopen. The decision does not address the respondent's claim regarding her husband's recent grant of prosecutorial discretion nor is there any discussion addressing the respondent's equities with respect to sua sponte reopening. All of these issues must be addressed. See *Matter of A-P-*, 22 I&N Dec. 468 (BIA 1999); *Matter of M-P-*, 20 I&N Dec. 768 (BIA 1994). Accordingly, we will return the record to the Immigration Judge for further consideration of the respondent's motion and the entry of a new decision.

ORDER: The record is returned to the Immigration Judge for further proceedings consistent with the above opinion.

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

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
600 JEFFERSON, SUITE 900  
HOUSTON, TX 77002

ELVIR-GUEVARA, ZOILA EUNICE  
2687 1/2 W. PICO BLVD  
LOS ANGELES, CA 90006

IN THE MATTER OF  
ELVIR-GUEVARA, ZOILA EUNICE

FILE A 098-589-427

DATE: Jul 3, 2014

UNABLE TO FORWARD - NO ADDRESS PROVIDED

✓ ATTACHED IS A COPY OF THE DECISION OF THE IMMIGRATION JUDGE. THIS DECISION IS FINAL UNLESS AN APPEAL IS FILED WITH THE BOARD OF IMMIGRATION APPEALS WITHIN 30 CALENDAR DAYS OF THE DATE OF THE MAILING OF THIS WRITTEN DECISION. SEE THE ENCLOSED FORMS AND INSTRUCTIONS FOR PROPERLY PREPARING YOUR APPEAL. YOUR NOTICE OF APPEAL, ATTACHED DOCUMENTS, AND FEE OR FEE WAIVER REQUEST MUST BE MAILED TO: BOARD OF IMMIGRATION APPEALS  
OFFICE OF THE CLERK  
5107 Leesburg Pike, Suite 2000  
FALLS CHURCH, VA 20530

ATTACHED IS A COPY OF THE DECISION OF THE IMMIGRATION JUDGE AS THE RESULT OF YOUR FAILURE TO APPEAR AT YOUR SCHEDULED DEPORTATION OR REMOVAL HEARING. THIS DECISION IS FINAL UNLESS A MOTION TO REOPEN IS FILED IN ACCORDANCE WITH SECTION 242B(c)(3) OF THE IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. SECTION 1252B(c)(3) IN DEPORTATION PROCEEDINGS OR SECTION 240(c)(6), 8 U.S.C. SECTION 1229a(c)(6) IN REMOVAL PROCEEDINGS. IF YOU FILE A MOTION TO REOPEN, YOUR MOTION MUST BE FILED WITH THIS COURT:

IMMIGRATION COURT  
600 JEFFERSON, SUITE 900  
HOUSTON, TX 77002

OTHER: \_\_\_\_\_

  
COURT CLERK  
IMMIGRATION COURT

FF

CC: MARGARET KUGEL, SENIOR ATTORNEY  
126 NORTHPOINT DR., ROOM 2020  
HOUSTON, TX, 77060

United States Department of Justice  
Executive Office for Immigration Review  
Immigration Court  
600 Jefferson, Suite 900  
Houston, TX 77060

In the Matter of:

File Number:

**ELVIR-GUEVARA, ZOILA EUNICE**  
Respondent – PRO SE

**A 098-589-427**

In REMOVAL Proceedings

**ORDER OF THE IMMIGRATION JUDGE**

Upon consideration of:

( **X** ) Respondent's / ( ) Government's

Motion to / for:

- ( ) Continue hearing scheduled for:
- ( ) Advance hearing date scheduled for:
- ( ) Administrative closure
- ( ) Terminate / Dismiss proceedings / Withdraw Notice to Appear
- ( ) Withdraw / Substitute as attorney of record filed by:
- ( ) Change of venue to:
- ( ) Telephonic appearance of: ( ) Attorney ( ) Witness ( ) Respondent
- ( **X** ) Other: **Motion to Reopen Proceedings**

It is HEREBY ORDERED that the above motion be ( ) GRANTED / ( **X** ) DENIED  
for the reason(s) set forth below:

- ( ) there being no opposition to the motion , after being given notice, and an opportunity to respond.
- ( ) good cause has been established for the above request.
- ( ) Government's opposition to the motion has not been filed with this Court.
- ( ) Government opposition was filed, but Court found overriding factors in favor of the Respondent.
- ( ) no good cause has been established for the above request.
- ( **X** ) as indicated in the Government's opposition.
- ( ) as indicated in the attached Immigration Judge decision.
- ( ) Other: \_\_\_\_\_

Date:

7-3-2014

  
MIMI YAM  
Immigration Judge

RESPONDENT:

ALIEN NUMBER:

**ELVIR-GUEVARA, ZOILA EUNICE**

**A 098-589-427**

**CERTIFICATE OF SERVICE**

THIS DOCUMENT WAS SERVED BY: MAIL ☒ (M) PERSONAL SERVICE (P)  
TO: ☒ ALIEN ☐ ALIEN c/o Custodial Officer ☐ ALIEN'S ATT/REP ☒ DHS  
DATE: 07/03/14 BY: COURT STAFF Ma  
Attachments: ☐ EOIR-33 ☐ EOIR-28 ☐ Legal Service List ☐ Other