



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*

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**DHS/ICE Office of Chief Counsel - SNA
P. O. Box 1939
San Antonio, TX 78297-1939**

**Name: VASQUEZ-RAMOS, SUSANA BEATRIZ
Riders: 094-922-884**

A094-922-883

Date of this notice: 2/25/2011

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:

**Liebowitz, Ellen C
Malphrus, Garry D.
Miller, Neil P.**

For more unpublished BIA decisions, visit www.irac.net/unpublished

5m

Falls Church, Virginia 22041

Files: A094 922 883 - San Antonio, TX
A094 922 884

Date: FEB 25 2011

In re: SUSANA BEATRIZ VASQUEZ-RAMOS
ANDRES EDUARDO CARBAJAL-VASQUEZ

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENTS: Maria Ines Gonzalez, Esquire

ON BEHALF OF DHS: Jane H. Thomson
Assistant Chief Counsel

APPLICATION: Reopen

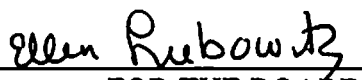
The respondents, natives and citizens of El Salvador, appeal the Immigration Judge's decision of November 24, 2008, denying their motion to reopen their removal proceedings.¹ The respondents were ordered removed after an in absentia proceeding held on April 19, 2007. The appeal will be sustained, and the record will be remanded for further proceedings.

The issue is whether the respondents received proper notice of their hearing and were appropriately subject to an in absentia removal proceeding when they failed to appear. In denying their motion to reopen, the Immigration Judge found that the notice of hearing at issue was personally served on the respondents' attorney of record, who had also appeared at the final hearing. The record before us, however, does not contain a Notice of Entry of Appearance of Attorney which had been filed before the Immigration Judge by the attorney in question. In an abundance of caution, we will *sua sponte* reopen these proceedings to afford the respondents another opportunity to appear before an Immigration Judge. Pursuant to their request, venue is changed to New York, New York.

ORDER: The appeal is sustained and the proceedings are reopened.

FURTHER ORDER: The record is remanded to the Immigration Court for further proceedings consistent with the foregoing opinion and for issuance of a new decision.

FURTHER ORDER: Venue is changed from San Antonio, Texas to New York, New York.



FOR THE BOARD

¹ The Immigration Judge's decision was not mailed to the respondents until December 1, 2008.

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
800 DOLOROSA STREET-SUITE 300
SAN ANTONIO, TX 78207

GONZALEZ, MARIA INES, ESQ.
110-64 QUEENS BOULEVARD, SUITE 194
FOREST HILLS, NY 11375

IN THE MATTER OF
VASQUEZ-RAMOS, SUSANA BEATRIZ

FILE A 094-922-883

DATE: Dec 1, 2008

UNABLE TO FORWARD - NO ADDRESS PROVIDED

X 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
P.O. BOX 8530
FALLS CHURCH, VA 22041

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
800 DOLOROSA STREET-SUITE 300
SAN ANTONIO, TX 78207

OTHER: _____


COURT CLERK
IMMIGRATION COURT

CC: JANE THOMSON
P.O. BOX 1939
SAN ANTONIO, TX, 782971939

FF

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
800 DOLOROSA STREET-SUITE 300
SAN ANTONIO, TX 78207

In the Matter of:
VASQUEZ-RAMOS, SUSANA BEATRIZ

Case No.: A094-922-883

Docket: SAN ANTONIO, TEXAS

RESPONDENT

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of RESPONDENT

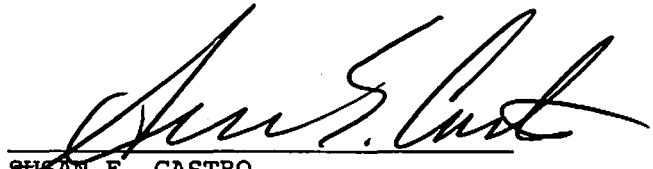
() Motion to Reconsider an Immigration Judge's decision

☒ Motion to Reopen proceedings

filed in the above entitled matter, it is hereby ordered that the motion

() Be Granted

☒ Be Denied for reasons indicated ** below.*


SUSAN E. CASTRO
Immigration Judge
Date: Nov 10, 2007
24th
SN

Appeal: NO APPEAL (A/I/B)
Appeal Due By: May 21, 2007

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: 12-1-08 BY: COURT STAFF MGO
Attachments: [] EOIR-33 [] EOIR-28 [] Legal Services List [] Other

Form EOIR 2 - 2T

** Notice of the April 19, 2007 hearing was personally served on the respondent's attorney of record who also appeared at the April 19th hearing and indicated that his clients had not been in touch with him. Service of a hearing notice on an attorney of record is sufficient notice to respondent. An EOIR-33 is nothing more than a notice of current address. Respondent has also failed to show due diligence in pursuing re-opening.*