



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 - MIA
333 South Miami Ave., Suite 200
Miami, FL 33130**

Name: MARQUINA-ROMERO, LILIBETH

A096-018-999

Date of this notice: 3/14/2011

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:
Miller, Neil P.

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Falls Church, Virginia 22041

File: A096 018 999 - Miami, FL

Date: MAR 14 2011

In re: LILIBETH MARQUINA-ROMERO

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Nicholas D. Gordon, Esquire

ON BEHALF OF DHS: Jannell Leal Garcia
Assistant Chief Counsel

APPLICATION: Reopening

ORDER:

Notwithstanding the Department of Homeland Security's opposition to the motion, considering the totality of circumstances presented in the respondent's motion, including the evidence indicating that the respondent never received the Notice to Appear, the proceedings are reopened under the provisions of 8 C.F.R. § 1003.2(a), and the record will be remanded to the Immigration Judge to provide the respondent an opportunity to pursue any pertinent applications for relief from removal. *See also Matter of Anyelo*, 25 I&N Dec. 337 (BIA 2010) (distinguishing *Dominguez v. United States Att'y Gen.*, 284 F.3d 1258 (11th Cir. 2002), and concluding that the holding in *Matter of G-Y-R-*, 23 I&N Dec. 181 (BIA 2001), as to the notice required to authorize the entry of an in absentia order, is applicable to cases arising in the Eleventh Circuit).

FURTHER ORDER: The record is remanded to the Immigration Judge for further proceedings not inconsistent with this order.



FOR THE BOARD