



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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P.O. Box 80537
Las Vegas, NV 89180**

**DHS/ICE Office of Chief Counsel - LOS
606 S. Olive Street, 8th Floor
Los Angeles, CA 90014**

Name: REYES, MARICEL TAN

A 099-862-495

Date of this notice: 10/21/2015

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:
O'Leary, Brian M.
Grant, Edward R.
Guendelsberger, John

ENRSM

Userteam: Docket

For more unpublished BIA decisions, visit
www.irac.net/unpublished/index/

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Falls Church, Virginia 20530

File: A099 862 495 – Los Angeles, CA

Date:

OCT 21 2015

In re: MARICEL TAN REYES

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Joel H. Wolff, Esquire

APPLICATION: Reopening

The respondent, a native and citizen of Philippines, appeals from the March 11, 2014, Immigration Judge's decision denying the respondent's motion to reopen removal proceedings which had been conducted in absentia on December 11, 2013. The Department of Homeland Security (DHS) has not filed a reply to the appeal. The appeal will be sustained.

Upon de novo review, in light of the totality of circumstances presented in this case, including the respondent's diligence in filing a motion to reopen and her appearance at previous hearings, we will sustain the appeal and allow the respondent another opportunity to appear for a hearing.

Accordingly, the following order will be entered.

ORDER: The appeal is sustained, the in absentia order is vacated, proceedings are reopened, and the record is remanded to the Immigration Judge for further proceedings.



FOR THE BOARD

Immigrant & Refugee Appellate Center, LLC | www.irac.net

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals, Office of the Clerk
P.O. Box 8530
5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

CORRECTION MEMORANDUM TO THE FILE

Name: MARICEL TAN REYES

Date: October 22, 2015

A#: 099-862-495

PLEASE NOTE:

- ☒ The Immigration Judge's decision in this case is complete; however, it is incorrectly paginated. Explanation: **There are no page 1 and page 2.**
- ☐ The Immigration Judge's / DD's visa decision in this case is missing a page. Explanation: _____.
- ☐ The A# number on page (s) of the Immigration Judge's decision is incorrect. The correct A# is _____.
- ☐ The name of the beneficiary reflected in the first paragraph of the DD's Visa decision dated _____ is incorrect. The correct name is _____.
- ☐ The respondent's name as reflected in the Immigration Judge's decision is incorrect. The correct name is _____.
- ☐ The date on the Immigration Judge's decision should be correctly reflected as _____.
- ☐ The date in the footer of the Immigration Judge's decision is incorrect. The correct date is _____.
- ☐ The undated Immigration Judge's decision was rendered on _____.
- ☐ Other: _____



Pamela D. Atkinson, Supervisory Case Management Specialist
Docket Team

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
606 SOUTH OLIVE ST.
LOS ANGELES, CA 90014

LIBORIUS AGWARA, ESQ.
1058 S. Sahara Ave. Suite B
Las Vegas, NV 89104

IN THE MATTER OF
REYES, MARICEL TAN

FILE A 099-862-495

DATE: Mar 12, 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
606 SOUTH OLIVE ST.
LOS ANGELES, CA 90014

X OTHER: PLEASE FIND IJ ORDER RE: MOTION TO REOPEN


COURT CLERK
IMMIGRATION COURT

FF

CC: KUSKY, ELENA, ESQ.
606 S. OLIVE ST., 8TH FLOOR
LOS ANGELES, CA, 900140000

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(702) 385-4800
Attorney for Respondent

Detained

X Non-Detained

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
606 S. Olive street Suite 1500
Los Angeles, CA 90014

IN THE MATTER OF)
REYES, MARICEL TAN) IN REMOVAL PROCEEDINGS
A099-862-495)

Upon consideration of the respondent's Motion To Reopen Removal Proceedings, it is HEREBY ORDERED

That the motion is GRANTED ~~DENIED~~ because:

- ☐ DHS does not oppose the motion
☐ The respondent does not oppose the motion.
☐ A response to the motion has not been filed with the court.
☐ Good cause has been established for the motion.
☐ The court agreed with the reasons stated in the opposition to the motion.
☐ The motion is untimely per _____

☒ Other: *Respondent was given ~~perdenal~~*

Deadlines:

*notice of the 12/1/13 date was failed
to appear. Notice given on 3/6/13 in Court.*

- ☐ The application(s) for relief must be filed by _____
☐ The respondent must comply with DHS biometrics instructions by _____

3/11/14
Date

[Signature]
IMMIGRATION COURT JUDGE

CERTIFICATE OF SERVICE

This document was served by: ☒ Mail

To: ☐ Alien ☐ Alien c/o Custodial Officer

☐ Personal Service

☒ Alien's Atty/Rep ☒ DHS

MAR 12 2014

