



**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 - CHL  
5701 Executive Ctr Dr., Ste 300  
Charlotte, NC 28212**

Name: S [REDACTED] S [REDACTED] P [REDACTED] A [REDACTED]-982

**Date of this notice: 6/13/2016**

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:  
Kendall-Clark, Molly  
Holiona, Hope Malia  
Guendelsberger, John

Washington

Userteam: Docket

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S [REDACTED] S [REDACTED] P [REDACTED] A [REDACTED]  
A [REDACTED]-982  
c/o STEWART DETENTION CENTER  
146 CCA ROAD  
PO BOX 248  
LUMPKIN, GA 31815

DHS/ICE Office of Chief Counsel - CHL  
5701 Executive Ctr Dr., Ste 300  
Charlotte, NC 28212

Name: S [REDACTED] S [REDACTED] P [REDACTED] A [REDACTED]-982

Date of this notice: 6/13/2016

Enclosed is a copy of the Board's decision in the above-referenced case. This copy is being provided to you as a courtesy. Your attorney or representative has been served with this decision pursuant to 8 C.F.R. § 1292.5(a). If the attached decision orders that you be removed from the United States or affirms an Immigration Judge's decision ordering that you be removed, any petition for review of the attached decision must be filed with and received by the appropriate court of appeals within 30 days of the date of the decision.

Sincerely,

*Donna Carr*

Donna Carr  
Chief Clerk

Enclosure

Panel Members:  
Kendall-Clark, Molly  
Holiona, Hope Malia  
Guendelsberger, John

U.S. DEPARTMENT OF JUSTICE  
User team: [REDACTED]

Falls Church, Virginia 22041

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File: A-982 – Charlotte, NC

Date: **JUN 13 2016**

In re: P- A- S- -S-

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Jerry Britt Thames, Esquire

ON BEHALF OF DHS: Cori White  
Assistant Chief Counsel

On February 16, 2016, the respondent filed an untimely appeal of the Immigration Judge's March 23, 2015, order granting pre-conclusion voluntary departure to the respondent. On March 17, 2016, the Board granted the respondent's request for a stay of removal. The record will be returned to the Immigration Judge.

In its appellate filing of April 1, 2016, the Department of Homeland Security ("DHS") represented to the Board that, on or about March 21, 2016, the respondent filed a motion to reopen proceedings with the Immigration Court. Therefore, to resolve any issues of jurisdiction, the record will be returned to the Immigration Judge to adjudicate the motion referenced by the DHS, and for further proceedings as necessary.

We note that, given the respondent's apparent status as a one-time "unaccompanied alien child" ("UAC"), there may be a threshold issue to be addressed regarding the initial jurisdiction over the respondent's application for asylum—which the respondent filed with United States Citizenship and Immigration Services ("USCIS") on February 25, 2016—in light of the provisions of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 ("TVPRA"), Pub. L. No. 110-457, 122 Stat. 5044, and the procedures set forth by the USCIS relating to the adjudication of asylum applications filed by UACs. In order to fully permit adjudication of the respondent's motion before the Immigration Judge and exploration of the jurisdictional issues concerning the respondent's asylum application, the stay of removal granted by the Board on March 17, 2016, shall remain in effect during the pendency of the respondent's proceedings before the Immigration Judge.

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

FURTHER ORDER: The Board's March 17, 2016, order granting the respondent's request for a stay of removal remains in effect during the pendency of the respondent's proceedings before the Immigration Judge.

  
FOR THE BOARD

Cite as: P-A-S-S-, AXXX XXX 982 (BIA June 13, 2016)

U.S. DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
5701 EXECUTIVE CENTER DR. #400  
CHARLOTTE, NC 28212

In the Matter of:

Case No.: A-982

S-S P A

RESPONDENT

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

Upon the basis of respondent's admissions, I have determined that the

Respondent is subject to removal on the charge(s) in the Notice to Appear. The respondent has made application solely for voluntary departure in lieu of removal.

It is HEREBY ORDERED that the respondent be GRANTED voluntary departure in lieu of removal, without expense to the Government on or before 7/21/2015 or any extensions as may be granted by the District Director, Department of Homeland Security, and under whatever conditions the District Director may direct.

It is FURTHER ORDERED:

☒ that the respondent post a voluntary departure bond in the amount of \$10,000 with the Department of Homeland Security on or before \_\_\_\_\_.

☐ that the respondent shall provide the Department of Homeland Security travel documentation sufficient to assure lawful entry into the country to which the alien is departing within 60 days of this order, or within any time extensions that may be granted by the Department of Homeland Security.

☐ Other \_\_\_\_\_

It is FURTHER ORDERED that if any of the above ordered conditions are not met as required, the above order shall be withdrawn without further notice or proceedings and the following shall thereupon become immediately effective: respondent shall be removed to EL SALVADOR on the charge(s) in the Notice to Appear.

It is FURTHER ORDERED that if respondent fails to depart as required, the above order shall be withdrawn without further notice or proceedings and the following order shall become immediately effective: respondent shall be removed to on the charge(s) in the Notice to Appear.

Pursuant to section 240B(d) of the INA, 8 U.S.C. section 1229c(d), if the respondent fails to voluntarily depart the United States within the time specified, or any extensions granted by the Department of Homeland Security, the respondent shall be subject to a civil penalty of not less than \$1,000.00 and not more than \$5,000.00, and shall be ineligible for a period of ten (10) years for any further relief under section 240B and sections 240A, 245, 248, and 249 of the

INA.

*V. Stuart Couch*

V. STUART COUCH  
Immigration Judge  
Date: Mar 23, 2015

Appeal: NO APPEAL (A/I/B)  
Appeal Due By:

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL(M) PERSONAL SERVICE (P)  
TO: ☐ ALIEN ☒ ALIEN c/o Custodial Officer ☒ Aliens ATT/REP ☒ DHS  
DATE: 3.23.15 BY: COURT STAFF  
Attachments: ☐ EOIR-33 ☐ EOIR-28 ☐ Legal Services List ☐ Other

Form EOIR 6 - 3T (Vol. Depart. - REMOVAL)