



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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**DHS/ICE Office of Chief Counsel - ATL
180 Spring Street, Suite 332
Atlanta, GA 30303**

Name: PEREZ-CANTE, MAURILIO

A 087-459-483

Date of this notice: 8/11/2014

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.

TranC
Userteam: Docket

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Falls Church, Virginia 20530

File: A087 459 483 - Atlanta, GA

Date:

AUG 11 2014

In re: MAURILIO PEREZ-CANTE

IN REMOVAL PROCEEDINGS

APPEAL AND MOTION

ON BEHALF OF RESPONDENT: Peter R. Hill, Esquire

ON BEHALF OF DHS: Randall W. Duncan
Assistant Chief Counsel

APPLICATION: Continuance; voluntary departure; administrative closure

An appeal from the Immigration Judge's decision in this case is currently pending before the Board of Immigration Appeals ("Board").

The respondent has moved for administrative closure of these removal proceedings as the Department of Homeland ("DHS") has granted him immigration benefits under its Deferred Action for Childhood Arrivals program. The Notice of Deferred Action indicates that the DHS has elected to defer removal action until April 23, 2016. Considering these circumstances, the respondent's motion will be granted. *See Matter of Avetisyan*, 25 I&N Dec. 688 (BIA 2012).

If either party to this case wishes to reinstate the proceedings, a written request to reinstate the proceedings may be made to the Board. The Board will take no further action in the case unless a request is received from one of the parties. The request must be submitted directly to the Clerk's Office, without fee, but with certification of service on the opposing party.

Accordingly, the following order will be entered.

ORDER: The proceedings before the Board of Immigration Appeals in this case are administratively closed.



FOR THE BOARD

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
ATLANTA, GEORGIA

File: A087-459-483

May 23, 2013

In the Matter of

MAURILIO PEREZ-CANTE
RESPONDENT

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)

IN REMOVAL PROCEEDINGS

CHARGES: Section 212(a)(6)(A)(i).

APPLICATIONS: Continuance; voluntary departure.

ON BEHALF OF RESPONDENT: PETER R. HILL

ON BEHALF OF DHS: GREGORY E. RADICS

ORAL DECISION OF THE IMMIGRATION JUDGE

The respondent is an adult male, native and citizen of Guatemala, who was placed in removal proceedings with the filing of a Notice to Appear with the Court charging removability pursuant to the provisions of 212(a)(6)(A)(i) of the INA.

Previously, on December 7, 2010, the respondent was ordered removed from the United States. Following an appeal to the Board, in a remand dated October 22, 2012, the Board remanded the case with instructions to make specific findings as to eligibility for voluntary departure or any other relief the respondent qualified for.

The issue of removability was previously resolved adversely to the respondent

and that is not before the Court at the present time. Counsel for the respondent proffers that his client has applied for Deferred Action Childhood Arrival (DACA) and requested a continuance for adjudication of the DACA application. The Government opposed a continuance, noting that DACA is an extra judicial, administrative relief that is not affected by Court proceedings including an order by this Court. Considering the position of the parties, the Court will deny the application for a continuance. It does not strike the Court as the best use of its time to continue the case for adjudication of an administrative benefit which is not affected by a Court order.

The respondent's counsel proffered that he is statutorily eligible for voluntary departure. The Court accepts that proffer. The Government then opposed no objection to a grant of voluntary departure. Accordingly, after careful review of the record, the following orders are entered:

ORDER

IT IS HEREBY ORDERED that the respondent's application for a continuance for adjudication of his DACA application is denied.

IT IS FURTHER ORDERED that the respondent's application for voluntary departure under 240B of the INA is granted.

The respondent must depart the United States on or before June 23, 2013. The respondent must post a bond to the Department of Homeland Security in the amount of \$3,000 within five business days of today's date. If the respondent fails to post the required bond or fails to depart as required, the privilege to voluntarily depart shall be

withdrawn immediately, without further notice or proceeding, and the respondent shall be removed from the United States to Guatemala.

J. DAN PELLETIER
Immigration Judge

CERTIFICATE PAGE

I hereby certify that the attached proceeding before JUDGE J. DAN PELLETIER,
in the matter of:

MAURILIO PEREZ-CANTE

A087-459-483

ATLANTA, GEORGIA

was held as herein appears, and that this is the original transcript thereof for the file of
the Executive Office for Immigration Review.


KRISTEN J. BELLOTTI (Transcriber)

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AUGUST 21, 2013

(Completion Date)