



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 20530

**Yacub, Ivan
Yacub Law
307 E. Annandale Rd.
Ste.201
Falls Church, VA 22042**

**DHS/ICE Office of Chief Counsel - BAL
31 Hopkins Plaza, Room 1600
Baltimore, MD 21201**

Name: HERNANDEZ, ESTRAYA DE LA ... A 205-994-000

Date of this notice: 4/22/2015

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:
Grant, Edward R.

USCIS
User team: Docket

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www.irac.net/unpublished/index

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Falls Church, Virginia 20530

File: A205 994 000 – Baltimore, MD

Date:

APR 22 2015

In re: ESTRAYA DE LA PAZ HERNANDEZ

IN REMOVAL PROCEEDINGS

APPEAL

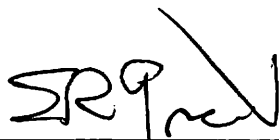
ON BEHALF OF RESPONDENT: Ivan Yacub, Esquire

APPLICATION: Reopening

The respondent, a native and citizen of El Salvador, was ordered removed in absentia on November 25, 2013. On December 20, 2013, the respondent filed a motion to reopen proceedings which the Immigration Judge denied on February 25, 2014. The respondent filed a timely appeal of that decision. The Department of Homeland Security (DHS) has not filed a reply to the appeal. The appeal will be sustained.

In light of the totality of circumstances presented in this case, including the respondent's affidavit and the affidavit from her counsel coupled with the confusion surrounding the notice for the November 25, 2013, hearing which was addressed to the respondent's counsel despite the certificate of service indicating that it was mailed to the respondent, we will sustain the appeal and allow the respondent another opportunity to appear for a hearing. *See Matter of M-R-A*, 24 I&N Dec. 665, 674-76 (BIA 2008).

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 | www.irac.net

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
31 HOPKINS PLAZA, ROOM 440
BALTIMORE, MD 21201

ZEMAN, SHIRA RENEE ESQ
307 E ANNANADALE RD, SUITE 201
FALLS CHURCH, VA 22042

Date: Feb 25, 2014

File A205-994-000

In the Matter of:
HERNANDEZ, ESTRAYA DE LA PAZ

Attached is a copy of the written decision of the Immigration Judge. This decision is final unless an appeal is taken to the Board of Immigration Appeals. The enclosed copies of FORM EOIR 26, Notice of Appeal, and FORM EOIR 27, Notice of Entry as Attorney or Representative, properly executed, must be filed with the Board of Immigration Appeals on or before _____. The appeal must be accompanied by proof of paid fee (\$110.00).

Enclosed is a copy of the oral decision.

Enclosed is a transcript of the testimony of record.

You are granted until _____ to submit a brief to this office in support of your appeal.

Opposing counsel is granted until _____ to submit a brief in opposition to the appeal.

☒ Enclosed is a copy of the order/decision of the Immigration Judge.

All papers filed with the Court shall be accompanied by proof of service upon opposing counsel.

Sincerely,

B. Cook
Immigration Court Clerk

UL

cc: Office of Chief Counsel
31 Hopkins Plaza 16th Floor
Baltimore, MD 21201

Immigrant & Refugee Appellate Center | www.irac.net

U.S. DEPARTMENT OF JUSTICE
Executive Office for Immigration Review
Office of the Immigration Judge

In the Matter of:

Hernandez, Estroza de la Paz
RESPONDENT/APPLICANT

Case No.: A 28994 000
Docket: Baltimore, MD
IN Removal PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of respondent's/applicant's



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: The ROP contains a hearing notice that was mailed to counsel of record for the Nov. 28, 2013, hearing. Notice + counsel serves as notice to the respondent.
8 C.F.R. § 1292.5.

[Signature]
Immigration Judge

FEB 25 2014

Date: _____