



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

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546 Rice Street, Suite 200
Saint Paul, MN 55103**

**DHS/ICE Office of Chief Counsel - BLM
2901 Metro Drive, Suite 100
Bloomington, MN 55425**

Name: SANCHEZ-CAZAREZ, JOSE MA...

A 205-943-262

Date of this notice: 2/10/2014

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:
Guendelsberger, John
Grant, Edward R.
Manuel, Elise

TranC
Userteam: Docket

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Falls Church, Virginia 20530

**SANCHEZ-CAZAREZ, JOSE MARIA
A205-943-262
SHERBURNE COUNTY JAIL
13880 BUSINESS CENTER, DR., NW
ELK RIVER, MN 55330**

**DHS/ICE Office of Chief Counsel - BLM
2901 Metro Drive, Suite 100
Bloomington, MN 55425**

Name: SANCHEZ-CAZAREZ, JOSE MA...

A 205-943-262

Date of this notice: 2/10/2014

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:
Guendelsberger, John
Grant, Edward R.
Manuel, Elise

TranC
User team: Docket

Falls Church, Virginia 20530

File: A205 943 262 – Bloomington, MN

Date: FEB 10 2014

In re: JOSE MARIA SANCHEZ-CAZAREZ a.k.a. Luis Cazarez-Sanchez

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Gloria L. Contreras Edin, Esquire

ON BEHALF OF DHS: Alexandra R. Tinkham
Assistant Chief Counsel

APPLICATION: Reopening

The respondent, a native and citizen of Mexico, appeals the decision of the Immigration Judge, dated November 18, 2013, denying his motion to reopen. The Department of Homeland Security is opposed to the respondent's appeal.

Upon consideration of the totality of the record, we are satisfied that the respondent has established that the order of removal, entered in absentia on September 23, 2013, should be rescinded on account of lack of notice. See section 240(b)(5)(C)(ii) of the Immigration and Nationality Act, 8 U.S.C. § 1229a(b)(5)(C)(ii); 8 C.F.R. § 1003.23(b)(4)(ii); *Matter of M-R-A-*, 24 I&N Dec. 665 (BIA 2008). Here, the respondent presented a detailed affidavit from himself and his girlfriend disavowing receipt of the Notice of Hearing in Removal Proceedings. Moreover, the respondent diligently filed his motion to reopen approximately 1 month after he was ordered removed from the United States and has articulated a potential basis for being granted cancellation of removal under the provisions of section 240B(b)(1) of the Act, 8 U.S.C. § 1229b(b)(1). Accordingly, we will reopen these proceedings in order to provide the respondent with an additional opportunity to appear for a removal hearing. The following order is entered.

ORDER: The respondent's appeal is sustained, the in absentia order of removal, entered on September 23, 2013, is rescinded, these removal proceedings are reopened, and the record is remanded to the Immigration Court for further proceedings consistent with the foregoing opinion and for the entry of a new decision.



FOR THE BOARD

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
7850 METRO PARKWAY, SUITE 320
BLOOMINGTON, MN 55425

Peralta & Peralta, Ltd.
Peralta, Nelson Lodin
3009 Holmes Ave.
Minneapolis, MN 55408

IN THE MATTER OF
SANCHEZ-CAZAREZ, JOSE MARIA

FILE A 205-943-262

DATE: Nov 18, 2013

___ 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
7850 METRO PARKWAY, SUITE 320
BLOOMINGTON, MN 55425

___ OTHER: _____

Mittamew
COURT CLERK
IMMIGRATION COURT

FF

CC: OFFICE OF CHIEF COUNSEL
2901 METRO DR., STE. 100
BLOOMINGTON, MN, 55425

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
7850 METRO DRIVE, SUITE 320
BLOOMINGTON, MN 55425

IN THE MATTER OF:

Jose Maria Sanchez Caceres

CASE NO: *A 205 943262*

RESPONDENT

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the Respondent's ~~Department of Homeland Security's~~
motion *to Reopen and Reconsider an Abandonment Order* it is HEREBY ORDERED
that the motion be ☐ GRANTED ☒ DENIED because:

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

☒ Other: *The NTA was personally served on the Respondent. He was advised of consequences of failing to appear and the requirement to report changes of address. While the DHS did notify the court of Respondent's address on release, the Respondent's deadlines were never met. There are no E-33s in the record. The I-213 does not reflect that Respondent gave a Lot No. in his #*

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

Nov. 18, 2013

DATE

[Signature]

SUSAN E. CASTRO

Immigration Judge

** address. The Notice of Hearing sent to the Respondent at the address of record (without a Lot No.) was never returned to the court as undeliverable.*

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL ☒ PERSONAL SERVICE (P)
TO: ☐ ALIEN ☐ ALIEN C/O CUSTODIAL OFFICER ☒ ALIEN'S ATT/REP ☒ INS
DATE: *11-18-13* BY: COURT STAFF *Intanzen*