



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Name: T [REDACTED]-M [REDACTED], L [REDACTED] G [REDACTED]... A [REDACTED]-426

Date of this notice: 10/7/2020

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.
Mullane, Hugh G.
Mann, Ana

LucasL
User team: Docket

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Falls Church, Virginia 22041

File: A-426 – Harlingen, TX

Date: OCT - 7 2020

In re: L-G-T-M-

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Nicole M. Eymard, Esquire

APPLICATION: Cancellation of removal under section 240A(b) of the Act.

The respondent, a native and citizen of Mexico, appeals from an Immigration Judge's decision dated October 1, 2018, denying an application for cancellation of removal under section 240A(b) of the Immigration and Nationality Act, 8 U.S.C. § 1229b(b). The record will be remanded.


We review findings of fact determined by an Immigration Judge, including credibility findings, under a "clearly erroneous" standard. 8 C.F.R. § 1003.1(d)(3)(i). We review de novo questions of law, discretion, and judgment, and all other issues in appeals from decisions of Immigration Judges de novo. 8 C.F.R. § 1003.1(d)(3)(ii).

The Immigration Judge's findings of fact regarding the respondent's family, work, arrest history, and testimony of witnesses is clearly erroneous. The respondent persuasively argues on appeal that the Immigration Judge's decision contains material errors regarding the respondent's proceedings, and therefore, the respondent is unable to meaningfully contest the denial of his application for cancellation of removal (Respondent's Br. at 2-3).

While pages one through four of the Immigration Judge's decision appear to accurately reflect the respondent's case, the remaining pages do not match the respondent's facts and circumstances. The analysis in the Immigration Judge's decision does not reflect the respondent's case. Thus, a remand is necessary for the Immigration Judge to issue a decision that properly reflects the facts and circumstances of this case. *See Matter of A-P*, 22 I&N Dec. 468, 473-77 (BIA 1999).

Accordingly, the following order will be entered.

ORDER: The record is remanded to the Immigration Judge for further proceedings, if necessary, and the entry of a new decision consistent with the foregoing opinion.



FOR THE BOARD