



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

**Watkins, Daniel C.
Hendricks & Watkins
1115 Taylor Ave NW, Suite 110
Grand Rapids, MI 49503**

**DHS/ICE Office of Chief Counsel - DET
333 Mt. Elliott St., Rm. 204
Detroit, MI 48207**

Name: FUENTES-VAZQUEZ, BRANDON

A 205-857-112

Date of this notice: 3/13/2014

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:
Hoffman, Sharon

williams
Userteam: Docket

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**FUENTES-VAZQUEZ, BRANDON
A205-857-112
DHS CUSTODY
185 E. MICHIGAN
BATTLE CREEK, MI 49014**

**DHS/ICE Office of Chief Counsel - DET
333 Mt. Elliott St., Rm. 204
Detroit, MI 48207**

Name: FUENTES-VAZQUEZ, BRANDON

A 205-857-112

Date of this notice: 3/13/2014

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:
Hoffman, Sharon

williams
Userteam: Docket

Immigrant & Refugee Appellate Center | www.irac.net

Falls Church, Virginia 20530

File: A205 857 112 – Detroit, MI

Date: MAR 13 2014

In re: BRANDON FUENTES-VAZQUEZ

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Daniel C. Watkins, Esquire

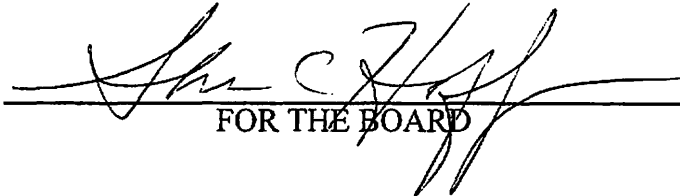
ON BEHALF OF DHS: Brian C. Burgtorf
Assistant Chief Counsel

APPLICATION: Continuance

The respondent, a native and citizen of Mexico, appeals the decision of the Immigration Judge, dated December 16, 2013, denying his request for a continuance and ordering his removal from the United States. The Department of Homeland Security (“DHS”) is opposed to the respondent’s appeal. The record will be remanded.

We conclude that it is appropriate to remand the record to the Immigration Judge to further consider the respondent’s request for a continuance. Here, the respondent seeks a continuance of these removal proceedings while United States Citizenship and Immigration Services considers his request for nonimmigrant status under the provisions of section 101(a)(15)(U) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(U). However, in his decision, the Immigration Judge did not meaningfully consider (1) the response of the DHS to the alien’s motion to continue, (2) whether the underlying visa petition is *prima facie* approvable, and (3) the reason for the continuance and other procedural factors. *Matter of Sanchez Sosa*, 25 I&N Dec. 807, 815 (BIA 2012); *see also Matter of S-H*, 23 I&N Dec. 462 (BIA 2002). Accordingly, as the Immigration Judge’s present decision is insufficient to allow for a meaningful appellate review of the issues presented in this case, the following order is entered.

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



FOR THE BOARD

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
DETROIT, MICHIGAN

File: A205-857-112

December 16, 2013

In the Matter of

BRANDON FUENTES-VAZQUEZ

RESPONDENT

)
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)
)

IN REMOVAL PROCEEDINGS

CHARGES: Section 212(a)(6)(A)(i) of the Immigration and Nationality Act (INA),
 as amended;
 Section 212(a)(2)(A)(i)(II) of the Immigration and Nationality Act
 (INA), as amended.

APPLICATIONS: Voluntary departure.

ON BEHALF OF RESPONDENT: DANIEL C. WATKINS

| ON BEHALF OF DHS: BRIAN BEURGI DORF

ORAL DECISION OF THE IMMIGRATION JUDGE

Respondent is a male, native and citizen of Mexico. The Department of Homeland Security initiated these removal proceedings against the respondent with the filing of a Notice to Appear dated October 31, 2013 alleging that respondent was removable pursuant to the above referenced sections of the INA. At a master calendar hearing on November 21, 2013, respondent through counsel admitted the factual allegations, which include the admission of a conviction for possession of a controlled

substance, to wit, marijuana, on March 14, 2012, and another conviction for possession of marijuana on April 26, 2013. Based on the admissions and concessions, the Court sustained the charges under 212(a)(6)(A)(i) and 212(a)(2)(A)(i)(II). Respondent has requested the privilege of voluntary departure. The Government has conceded that he may apply for same, but that he should be denied in the exercise of discretion. In this instance, the Court has determined that two very recent convictions, one in March 2012 and one in April 2013, for controlled substance violations mean that as a matter of discretion the Court cannot find that respondent is deserving of the relief of voluntary departure and the Court denies that based on the admissions and concessions. The Court finds that respondent is removable and is ordering respondent's removal to Mexico on the charges contained in the Notice to Appear.

Please see the next page for electronic

signature

DAVID H. PARUCH
Immigration Judge

//s//

Immigration Judge DAVID H. PARUCH

paruchd on February 5, 2014 at 1:55 PM GMT