



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 22041*

**RAMOS, ENRIQUE
A# 022-833-741
8915 MONTANA AVE
EL PASO, TX 79925**

**DHS/ICE Office of Chief Counsel - ELP
1545 Hawkins Blvd.
El Paso, TX 79925**

Name: RAMOS, ENRIQUE

A022-833-741

Date of this notice: 4/8/2011

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.

Immigrant & Refugee Appellate Center | www.irac.net

Fg

Falls Church, Virginia 22041

File: A022 833 741 - El Paso, TX

Date: APR 08 2011

In re: ENRIQUE RAMOS

IN BOND PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Pro se

ON BEHALF OF DHS: Sarosh Nawaz Wahla
Assistant Chief Counsel

APPLICATION: Change in custody Status

The respondent, a native and citizen of Mexico, appeals from an Immigration Judge's November 3, 2010, decision denying the respondent's request for a change in custody status. The reasons for the Immigration Judge's decision denying the respondent's request are set forth in a bond memorandum dated November 17, 2010. The Department of Homeland Security ("DHS") has filed a reply brief. The appeal will be dismissed. The request for oral argument is denied. 8 C.F.R. § 1003.1(e)(7).

We review the findings of fact, including the determination of credibility, made by the Immigration Judge under a "clearly erroneous" standard. 8 C.F.R. § 1003.1(d)(3)(I). We review all other issues, including whether the parties have met the relevant burden of proof, and issues of discretion, under a *de novo* standard. 8 C.F.R. § 1003.1(d)(3)(ii); *Matter of A-S-B-*, 24 I&N Dec. 493 (BIA 2008).

On appeal, the respondent argues that he has no violent convictions and is not a flight risk. He claims that he is a United States citizen by birth, and asks the Board to "look into the high potential probabilities that [his godparents] are in fact being truthful to all facts" regarding his alienage.

The respondent does not dispute that he has been convicted of illegal possession of marijuana on at least three different occasions between 2001 and 2010, or that his release from non-DHS custody is tied to the basis for his detention under section 236(c)(1)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1226(c)(1)(A). *Matter of Garcia Arreola*, 25 I&N Dec. 267 (BIA 2010). Inasmuch as the respondent has been convicted of an offense relating to a controlled substance and is removable under section 212(a)(2)(A)(i)(II) of the Act, we affirm the Immigration Judge's conclusions that the respondent is subject to mandatory detention, and that he has no jurisdiction to redetermine the respondent's custody status. See section 236(c)(1)(A) of the Act; 8 C.F.R. § 1003.19(h)(2)(i)(D).

In support of his United States citizenship claim, the respondent submitted a statement from his godparents in which his godfather declares that on January 30, 1960, he was present during the

respondent's birth at a midwifery clinic in El Paso, Texas. However, the respondent provided no independent, objective evidence to the Immigration Judge or this Board to substantiate his claim. Therefore, the following order will be entered.

ORDER: The respondent's appeal is dismissed.



FOR THE BOARD

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
8915 MONTANA AVENUE
EL PASO, TX 79925

RAMOS, ENRIQUE
8915 MONTANA AVE
EL PASO, TX 79925

Date: Nov 18, 2010

File A022-833-741

In the Matter of:
RAMOS, ENRIQUE

____ 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.

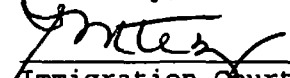
____ You are granted until _____ to submit a brief to this office in support of your appeal.

____ 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,



Immigration Court Clerk

UL

cc: WAHLA, SAROSH N. (TAU)
1545 HAWKINS BLVD.
EL PASO, TX 79925

Immigrant & Refugee Appellate Center | www.ircac.net

In the Matter of In Bond Proceedings
Enrique Ramos,
Respondent

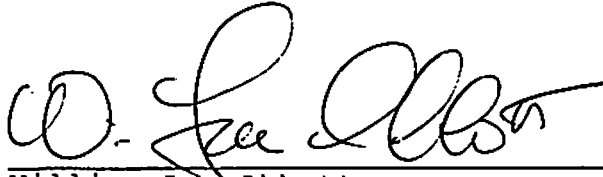
MEMORANDUM DECISION AND ORDER OF THE IMMIGRATION JUDGE:

The aliens described in that section include any alien who is inadmissible by reason of having committed any offense covered in section 212(a)(2); any alien deportable by reason of having committed any offense covered in section 237(a)(2)(A)(ii)(two crimes involving moral turpitude), (A)(iii)(aggravated felony), (B)(drug offenses), (C)(firearms/explosives offenses), (D)(misc sabotage or espionage); any alien deportable under section 237(a)(2)(A)(i)(crime involving moral turpitude) with a sentence to imprisonment of 1 year or longer, or is inadmissible under section 212(a)(3)(B) or deportable under section 237(a)(4)(B)(security grounds).

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As the respondent appears to be within one of the classes listed above and therefore outside the jurisdiction of this Court, respondent's request for review of his custody status is denied.

SO ORDERED.



William Lee Abbott
Immigration Judge

Date: November 17, 2010