



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Name: ELKENAWI, ELSAID ELSAYED

A088-426-340

Date of this notice: 3/26/2012

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:
Adkins-Blanch, Charles K.

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U.S. Department of Justice
Executive Office for Immigration Review

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

File: A088 426 340 - El Paso, TX

Date: **MAR 26 2012**

In re: **ELSAID ELSAYED ELKENAWI**

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Spiro Serras, Esquire

ON BEHALF OF DHS: Michael Pleters
Assistant Chief Counsel

APPLICATION: Continuance

The record will be remanded. According to the transcript of the first hearing on June 17, 2008, the court asked the respondent if he had a copy of the Notice to Appear. The Immigration Judge then continued proceedings to allow the respondent to review the allegations and charge of removability before proceeding to the possibility of relief from removal (Tr. at 3-4). However, no actual pleadings to the Notice to Appear were ever taken at the continued hearing on October 7, 2008, or anytime thereafter. On appeal, the respondent asserts the record does not establish his removability by clear and convincing evidence, and the Immigration Judge also did not find him removable on the record. *See also* Motion for Change of Venue (respondent did not admit allegation 4).

Since the record fails to contain the respondent's pleadings to the NTA, it will be returned to the Immigration Judge for further proceedings and for the entry of a new decision limited to the issue of removability. Upon preparation of a new decision, the Immigration Judge shall issue an order administratively returning the record to the Board. The court shall serve the administrative return order on both parties, and they will be afforded an opportunity to submit new briefs to the Board, as provided by regulation.

ORDER: The record is returned to the Immigration Court for further action as necessary.


FOR THE BOARD

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
El Paso, Texas

File No.: A 088 426 340

March 25, 2010

In the Matter of)
)
ELSAID ELSAYED ELKENAWI) IN REMOVAL PROCEEDINGS
)
)
Respondent)

CHARGE: Section 237(a)(1)(B) of the Immigration Act, non-immigrant that has stayed in the United States for a time longer than permitted.

APPLICATIONS: None presented.

ON BEHALF OF RESPONDENT:

Sami Beshay, Attorney
New York, New York

ON BEHALF OF DHS:

Michael Pleters
Assistant Chief Counsel
Homeland Security
El Paso, Texas

ORAL DECISION OF THE IMMIGRATION JUDGE

The respondent is a 44-year-old married male, native and citizen of Egypt. On November 5, 2007, the Department of Homeland Security issued a Notice to Appear, Exhibit 1, charging that the respondent be removed from the United States under the provisions of Section 237(a)(1)(B) of the Immigration and Nationality Act, as a non-immigrant that has remained in the United States for a time longer than permitted.

The respondent, through counsel, admitted the factual allegations and conceded the charge of removability. Based on those admissions and concessions, the Court was satisfied the

respondent was removable, as charged, and so did find. Egypt will be directed as the country of removal.

The respondent, during the course of the hearing, through counsel, had asked for several continuances. Those continuances focused, in part, on the respondent's applications relating to an I-290 process. Apparently, the respondent was trying to obtain a immigrant petition. The Court provided continuances for that purpose. It is noted that the case has been on the calendar in Immigration Court since January 2008.

In the fall of 2009, the respondent, apparently, had his appeal denied by the Bureau of Citizenship Immigration Services. The case was continued, once again, prior to today's date, because the respondent's counsel indicated the respondent would like to seek, at least, voluntary departure.

On today's date, the respondent's counsel indicated that his client no longer chose voluntary departure or seeks any form of relief, but instead, would ask for a continuance to see if, in fact, there could be some other petitions filed on his behalf. There appears to be no pending petitions that the Court believes would serve justice in having the case further continued, therefore, further continuances were denied.

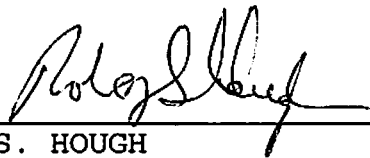
The Court confirmed with respondent, directly, that he did not wish to seek any relief from removal but, again, wanted to be able to still remain in the United States.

Since there is no relief filed before this Court and no

justified reason was found to continue the case the Court will, therefore, then issue an order of removal in this case.

ORDER

IT IS HEREBY ORDERED, therefore, that the respondent be removed from the United States to Egypt on the charge contained on the Notice to Appear.



ROBERT S. HOUGH
Immigration Judge

CERTIFICATE PAGE

I hereby certify that the attached proceeding before
JUDGE ROBERT S. HOUGH, in the matter of:

ELSAID ELSAYED ELKENAWI

A 088 426 340

El Paso, Texas

is an accurate, verbatim transcript of the recording as provided by
the Executive Office for Immigration Review and that this is the
original transcript thereof for the file of the Executive Office
for Immigration Review.



Linda M. Barnett, Transcriber

Free State Reporting, Inc.

May 31, 2010
(completion date)

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