



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Name: GUILLEN-ARVIZU, JUAN

A 091-425-613

Date of this notice: 1/7/2016

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:
Holmes, David B.

Userteam: Docket

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Falls Church, Virginia 22041

File: A091 425 613 – San Antonio, TX

Date:

In re: JUAN GUILLEN-ARVIZU

JAN - 7 2016

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Javier Nyrup Maldonado, Esquire

APPLICATION: Reopening

ORDER:

The respondent is a native and citizen of Mexico. In a written decision issued June 11, 2014, an Immigration Judge deemed all the respondent's applications for relief abandoned. The respondent filed a Notice of Appeal, which was summarily dismissed for failure to file a brief or meaningfully apprise the Board of the specific reasons for the appeal. On October 30, 2015, the respondent filed a timely motion to reopen and remand based on a claim of ineffective assistance by prior counsel.

The respondent has complied with the requirements of *Matter of Assaad*, 23 I&N Dec. 553 (BIA 2003), and *Matter of Lozada*, 19 I&N Dec. 637 (BIA 1988), *aff'd*, 857 F.2d 10 (1st Cir. 1988). Former counsel admits that he did not comply with pretrial order deadlines or comply with the Court's order due to internal errors in his calendar system. Former counsel also admits that he did not file a brief on appeal due to an assistant's clerical error (Motion, Exh. F). As to prejudice, it is unclear what the result would have been but for counsel's ineffective assistance. Considering the filings before us, the motion is granted and the record will be remanded for further proceedings regarding the respondent's eligibility for relief.

FURTHER ORDER: The record is remanded to the Immigration Judge for further proceedings and entry of a new decision.



FOR THE BOARD