



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

C [REDACTED]-S [REDACTED], F [REDACTED]
[REDACTED]-350
[REDACTED]
[REDACTED]
[REDACTED]

DHS/ICE Office of Chief Counsel - ORL
3535 Lawton Road, Suite 100
Orlando, FL 32803

Name: C [REDACTED]-S [REDACTED], F [REDACTED] ... A [REDACTED]-350

Date of this notice: 1/2/2019

Enclosed is a copy of the Board's decision in the above-referenced case. 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 this decision.

Sincerely,

Donna Carr

Donna Carr
Chief Clerk

Enclosure

Panel Members:
Grant, Edward R.

Userteam: Docket

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Falls Church, Virginia 22041

File: A █████ -350 – Orlando, FL

Date:

JAN - 2 2019

In re: F █████ C █████ -S █████

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Pro se

ON BEHALF OF DHS: Shanti K. Chadeesingh
Assistant Chief Counsel

APPLICATION: Continuance

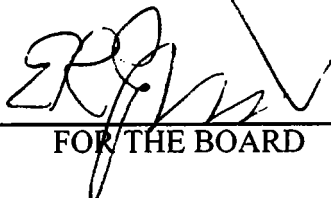
The respondent, a native and citizen of Honduras, appeals the Immigration Judge's July 25, 2018, decision finding him removable as charged and ineligible for relief from removal. The record will be remanded.

Although the pro se respondent did not submit any relief applications, he informed the Immigration Judge that he left Honduras and fears returning because of "problems with the gangs" (Tr. at 7). Without further inquiry into the factual circumstances underlying the respondent's alleged fear, the Immigration Judge concluded that the respondent is ineligible for relief from removal on that basis (IJ at 3; Tr. at 7). Given the respondent's expressed fear of returning to Honduras, the Immigration Judge should have: (1) advised him that he could apply for asylum and withholding of removal; (2) asked him if he wished to apply for those forms of relief; and (3) made the required application forms available to him. *Matter of C-B-*, 25 I&N Dec. 888, 890-91 (BIA 2012); 8 C.F.R. § 1240.11(c)(1)(i)-(ii).

Additionally, the Immigration Judge did not advise the respondent of his potential eligibility for cancellation of removal under section 240A(b) of the Immigration and Nationality Act, 8 U.S.C. § 1229b(b), despite the record containing evidence indicating that he may have a United States citizen infant daughter (Tr. at 7; support letter, filed June 29, 2018). *See generally Matter of Cordova*, 22 I&N Dec. 966, 970-71 (BIA 1999) (discussing the Immigration Judge's duty to inform aliens about the availability and requirements of voluntary departure). Nor did he articulate on the record factual findings and a legal conclusion that the respondent is ineligible for cancellation of removal. 8 C.F.R. § 1003.1(d)(3)(iv).

Accordingly, we will remand the proceedings to the Immigration Judge to allow the respondent to apply for any relief under the Act for which he may be eligible.

ORDER: The record is remanded to the Immigration Judge for further proceedings and a new decision consistent with this order.



FOR THE BOARD