



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

**LOZANO-ALBAREZ, RICARDO
A205-502-364
SDC
P.O. BOX 248
LUMPKIN, GA 31815**

**DHS/ICE Office of Chief Counsel - SDC
146 CCA Road
Lumpkin, GA 31815**

Name: LOZANO-ALBAREZ, RICARDO

A 205-502-364

Date of this notice: 11/7/2012

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:
Hoffman, Sharon

Lulsege
User team: Docket

Immigrant & Refugee Appellate Center | www.irac.net

SS

Falls Church, Virginia 22041

File: A205 502 364 - Lumpkin, GA

Date:

NOV -7 2012

In re: RICARDO LOZANO-ALBAREZ

IN REMOVAL PROCEEDINGS

CERTIFICATION

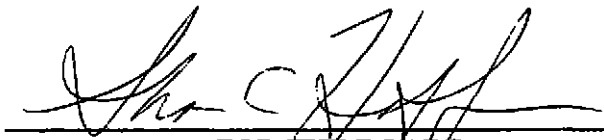
ON BEHALF OF RESPONDENT: Pro se

ON BEHALF OF DHS: Anthony M. Cacavio
Assistant Chief Counsel

ORDER:

This matter is accepted on certification and, in light of the totality of the circumstances presented, remanded to the Immigration Court for further proceedings. *See* 8 C.F.R. § 1003.1(c).

The respondent, a native and citizen of Mexico, is subject to removal from the United States as a result of entering this country without inspection by an immigration officer (I.J. at 1-2; Tr. at 16; Exh. 1). *See* section 212(a)(6)(A)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1182(a)(6)(A)(i). Nonetheless, we conclude that remanded proceedings are warranted to provide the respondent a reasonable opportunity to secure counsel, at no expense to the Government, and to establish that he warrants relief from removal. *See* sections 240(c)(4), 292 of the Act, 8 U.S.C. §§ 1229a(c)(4), 1362. We observe that, even though the respondent indicated that he desired to obtain counsel, the Immigration Judge entered an order of removal at the first hearing in this matter, less than 1 month after the respondent was served with the Notice to Appear (Tr. at 33; Exh. 1). *See Matter of C-B-*, 25 I&N Dec. 888 (BIA 2012). Moreover, it appears that the respondent wishes to voluntarily depart this country in order to eventually return lawfully in the future (Respondent's Br. at 1-2). *See* section 240B of the Act, 8 U.S.C. § 1229c. It is unclear whether the respondent understood the consequences of declining to request voluntary departure when he initially appeared before the Immigration Judge (Tr. at 32).



FOR THE BOARD