



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Falls Church, Virginia 20530

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USICE/DHS Litigation/ULS
P.O Box 639
Glenham, NY 12527

Name: CRIMI, WALTER

A 095-434-965

Date of this notice: 6/27/2014

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:
Miller, Neil P.

yungc
Userteam: Docket

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**CRIMI, WALTER
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112 SCOTCH SETTLEMENT ROAD
GOVERNEUR, NY 13642**

**USICE/DHS Litigation/ULS
P.O Box 639
Glenham, NY 12527**

Name: CRIMI, WALTER

A 095-434-965

Date of this notice: 6/27/2014

Enclosed is a copy of the Board's decision in the above-referenced case. This copy is being provided to you as a courtesy. Your attorney or representative has been served with this decision pursuant to 8 C.F.R. § 1292.5(a). 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 the decision.

Sincerely,

Donna Carr

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Immigrant & Refugee Appellate Center | www.irac.net

Falls Church, Virginia 20530

File: A095 434 965 – Napanoch, NY

Date: JUN 27 2014

In re: WALTER CRIMI a.k.a. Walter Crimi Baiata

IN REMOVAL PROCEEDINGS

APPEAL AND MOTION

ON BEHALF OF RESPONDENT: Simone Bertollini, Esquire

ORDER:

The respondent filed an appeal from the Immigration Judge's decision dated April 23, 2014. The respondent has now filed a motion stating that he seeks to be removed to Italy but at the same time seeks to continue with his appeal to the Board. The respondent further states that if his request cannot be accommodated, his filing is to be construed as a formal request to withdraw his appeal. The Department of Homeland Security has not filed a reply.

We decline to issue an advisory opinion addressing whether the respondent may pursue his appeal following removal. However, we will construe the respondent's motion as a withdrawal of his appeal, in accordance with his alternative request.¹ When an appeal is withdrawn, the initial decision of the Immigration Judge is final to the same extent as though no appeal had been taken. See 8 C.F.R. § 1003.4. Since there is nothing now pending before this Board, the record is returned to the Immigration Court without further action.



FOR THE BOARD

¹ If this is not the respondent's intent, he should notify the Board immediately.