



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Name: P [REDACTED] R [REDACTED], J [REDACTED] F [REDACTED] ... A [REDACTED]-098

Date of this notice: 1/31/2020

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:
Liebmann, Beth S.

Userteam: Docket

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RC

Falls Church, Virginia 22041

File: A-098 – Houston, TX

Date: **JAN 31 2020**

In re: J F P R a.k.a.

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: David A. Breston, Esquire

APPLICATION: Cancellation of removal under section 240A(b) of the Act

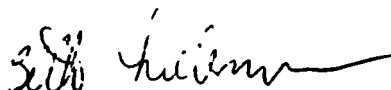
The respondent, a native and citizen of Honduras, appeals the Immigration Judge's decision dated June 6, 2018, denying his application for cancellation of removal for certain nonpermanent residents under section 240A(b) of the Immigration and Nationality Act, 8 U.S.C. § 1229b(b). The Department of Homeland Security (DHS) has not filed a reply to the appeal. The record will be remanded.

We review the findings of fact, including the determination of credibility, made by the Immigration Judge under the "clearly erroneous" standard. 8 C.F.R. § 1003.1(d)(3)(i). We review all other issues, including issues of law, discretion, or judgment, under a de novo standard. 8 C.F.R. § 1003.1(d)(3)(ii).

We adopt and affirm the decision of the Immigration Judge dated June 6, 2018. *See Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994). We affirm the Immigration Judge's determination that the respondent did not demonstrate that his removal to Mexico would result in exceptional and extremely unusual hardship to his qualifying relatives, namely his three United States citizen children who were 18, 15 and 13 years old at the time of the last hearing on June 1, 2018 (IJ at 11-14; Tr. at 32). *See Matter of Andazola*, 23 I&N Dec. 319 (BIA 2002); *Matter of Monreal*, 23 I&N Dec. 56 (BIA 2001); compare *Matter of Recinas*, 23 I&N Dec. 467 (BIA 2002).

Effective January 20, 2009, an Immigration Judge who grants an alien voluntary departure must advise the alien that proof of posting of a bond with the DHS must be submitted to the Board within 30 days of filing an appeal, and that the Board will not reinstate a period of voluntary departure in its final order unless the alien has timely submitted sufficient proof that the required bond has been posted. 8 C.F.R. § 1240.26(c)(3). *See Matter of Gamero*, 25 I&N Dec. 164 (BIA 2010). Although the respondent did not submit timely proof of having paid the bond, the record reflects that the Immigration Judge did not provide the respondent with the required advisals. Therefore, the record will be remanded for the Immigration Judge to grant a new period of voluntary departure and to provide the required advisals.

ORDER: The record is remanded to the Immigration Judge for the sole and limited purpose of providing voluntary departure bond advisals, and the entry of a new decision.



FOR THE BOARD