



**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 22041

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**DHS/ICE Office of Chief Counsel - MIA  
333 South Miami Ave., Suite 200  
Miami, FL 33130**

**Name: PABLO-VELASQUEZ, ODILIA  
Riders: [REDACTED]**

**A 209-479-975**

**Date of this notice: 10/9/2018**

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:  
Adkins-Blanch, Charles K.  
Kelly, Edward F.  
Grant, Edward R.

Userteam: Docket

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*DF*

Falls Church, Virginia 22041

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Files: A209-479-975 – Miami, FL

Date:

OCT - 9 2018

In re: Odilia PABLO-VELASQUEZ  
[REDACTED]  
[REDACTED]

IN REMOVAL PROCEEDINGS

APPEAL

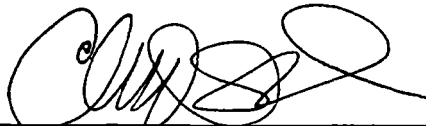
ON BEHALF OF RESPONDENTS: Christopher J. Roth, Esquire

APPLICATION: Reopening

The respondents<sup>1</sup>, natives and citizens of Guatemala, were ordered removed in absentia on May 2, 2017. On August 1, 2017, the respondent filed a motion to reopen proceedings. The Immigration Judge denied that motion on August 3, 2017, and the respondent filed the instant appeal. The appeal will be sustained, the in absentia order will be vacated, proceedings will be reopened, and the record will be remanded.

Upon review of the record and in light of the circumstances presented in this case, we find it appropriate to reopen these proceedings and allow the respondent another opportunity to appear for a hearing before an Immigration Judge. *See* section 240(b)(5)(C)(ii) of the Immigration and Nationality Act, 8 U.S.C. § 1229a(b)(5)(C)(ii). In reaching this conclusion we note that the Department of Homeland Security did not oppose the motion or the appeal, the respondent provided a sworn affidavit in which she stated that she continually checked in with Immigration and Customs Enforcement following her release from detention and she acted with diligence in filing her motion to reopen proceedings. Accordingly, we will reopen proceedings and allow the respondent another opportunity to appear for a hearing.

ORDER: The appeal is sustained, the in absentia order is vacated, proceedings are reopened, and the record is remanded to the Immigration Judge for further proceedings.



FOR THE BOARD

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<sup>1</sup> The respondents are a mother and lead A209-479-975 (hereinafter “respondent”) and her two minor children [REDACTED].