



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*

**Kraus, Karla Louise
Kraus Law Corporation
325 W. Washington Street
Suite 2170
San Diego, CA 92103**

**DHS/ICE Office of Chief Counsel - SND
880 Front St., Room 2246
San Diego, CA 92101-8834**

Name: NGUYEN, TRANG NGOC

A 098-449-258

Date of this notice: 4/22/2020

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:
Liebowitz, Ellen C
Hunsucker, Keith
Morris, Daniel

User team: Docket

For more unpublished decisions, visit
www.irac.net/unpublished/index

Falls Church, Virginia 22041

File: A098-449-258 – San Diego, CA

Date:

APR 22 2020

In re: Trang Ngoc NGUYEN

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Karla Louise Kraus, Esquire

APPLICATION: Reopening

The respondent, native and citizen of Vietnam, appeals from an Immigration Judge's April 30, 2019, decision, denying her motion to reopen. The Department of Homeland Security (DHS) has not filed a response on appeal. The record will be remanded.

We review findings of fact determined by an Immigration Judge, including credibility findings, under a "clearly erroneous" standard. 8 C.F.R. § 1003.1(d)(3)(i). We review questions of law, discretion, and judgment, and all other issues in appeals from decisions of Immigration Judges de novo. 8 C.F.R. § 1003.1(d)(3)(ii).

On March 13, 2019, the Immigration Judge issued a decision finding the respondent's applications for adjustment of status and removal of conditions on residence abandoned. On April 12, 2019, the respondent filed a motion to reopen, arguing that ineffective assistance of former counsel, Ms. J. Elle Cox, resulted in her applications for relief being deemed abandoned by the Immigration Judge. The DHS filed an opposition to the motion on April 22, 2019. The Immigration Judge denied the motion, referencing the DHS's reasons in its opposition (IJ at 1).¹ This included the respondent's failure to show that prior counsel was aware of the allegations against her.

During the pendency of this appeal, the respondent submitted a document from the Utah Office of Professional Conduct ("OPC") regarding respondent's "informal complaint," filed against Ms. Cox. The OPC found that good cause exists to bring the matter before the Screening Panel of the Utah Supreme Court's Ethics and Discipline Committee. Based on this evidence, we will remand the record for the Immigration Judge to further assess the respondent's claim of ineffective assistance of counsel. In remanding, we express no opinion as to the ultimate outcome of these proceedings.

Accordingly, the following order will be entered.

¹ The decision consists of one page, and therefore is not paginated.

ORDER: The record is remanded to the Immigration Judge for further proceedings and the entry of a new decision consistent with the foregoing opinion.



FOR THE BOARD