



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

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3137 Mt. Vernon Av.
Alexandria, VA 22305**

**DHS/ICE Office of Chief Counsel - NYC
26 Federal Plaza, 11th Floor
New York, NY 10278**

Name: GUARDADO OSMIN

A 094-497-543

Date of this notice: 1/8/2016

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:
Guendelsberger, John

Userteam: Docket

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Falls Church, Virginia 22041

File: A094 497 543 – New York, NY

Date:

JAN - 8 2016

In re: GUARDADO OSMIN

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Claudia Flower, Esquire

APPLICATION: Reopening

The respondent, a native and citizen of El Salvador, appeals from the November 19, 2014, order of an Immigration Judge denying the respondent's motion to reopen. The Department of Homeland Security (DHS) has not filed a brief in reply to the appeal. The record will be remanded.

In the respondent's motion to reopen, he alleges that he is not removable and also alleges that he did not receive notice of his hearing. The Immigration Judge's order merely states that the court agrees with the reason stated in the opposition to the motion.

Under these circumstances, we find the record inadequate for review. An Immigration Judge's decision that lacks sufficient analysis does not provide an adequate opportunity to the alien to contest the Immigration Judge's determinations on appeal and leaves the Board without adequate means of reviewing the bases for the Immigration Judge's decision in light of the respondent's arguments on appeal. *See Matter of A-P-*, 22 I&N Dec. 468 (BIA 1999); *Matter of M-P-*, 20 I&N Dec. 786 (BIA 1994) (finding that an Immigration Judge must fully explain the reasons for denying a motion in order to allow the respondent a fair opportunity to contest the decision and the Board an opportunity for meaningful appellate review). Accordingly, the record will be remanded to the Immigration Judge for the issuance of a full decision.

In remanding this case, we intimate no opinion as to the ultimate merits of the respondent's appeal.

ORDER: The record is returned to the Immigration Court for further proceedings in accordance with this decision.



FOR THE BOARD

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
26 FEDERAL PLZ, 12TH FL RM1237
NEW YORK, NY 10278

Law Office of Claudia Flower, PLLC
Flower, Claudia
3137 Mt. Vernon Av.
Alexandria, VA 22305

IN THE MATTER OF
GUARDADO OSMIN

FILE A 094-497-543

DATE: Nov 21, 2014

UNABLE TO FORWARD - NO ADDRESS PROVIDED

ATTACHED IS A COPY OF THE DECISION OF THE IMMIGRATION JUDGE. THIS DECISION IS FINAL UNLESS AN APPEAL IS FILED WITH THE BOARD OF IMMIGRATION APPEALS WITHIN 30 CALENDAR DAYS OF THE DATE OF THE MAILING OF THIS WRITTEN DECISION. SEE THE ENCLOSED FORMS AND INSTRUCTIONS FOR PROPERLY PREPARING YOUR APPEAL. YOUR NOTICE OF APPEAL, ATTACHED DOCUMENTS, AND FEE OR FEE WAIVER REQUEST MUST BE MAILED TO:

BOARD OF IMMIGRATION APPEALS
OFFICE OF THE CLERK
5107 Leesburg Pike, Suite 2000
FALLS CHURCH, VA 20530

ATTACHED IS A COPY OF THE DECISION OF THE IMMIGRATION JUDGE AS THE RESULT OF YOUR FAILURE TO APPEAR AT YOUR SCHEDULED DEPORTATION OR REMOVAL HEARING. THIS DECISION IS FINAL UNLESS A MOTION TO REOPEN IS FILED IN ACCORDANCE WITH SECTION 242B(c)(3) OF THE IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. SECTION 1252B(c)(3) IN DEPORTATION PROCEEDINGS OR SECTION 240(c)(6), 8 U.S.C. SECTION 1229a(c)(6) IN REMOVAL PROCEEDINGS. IF YOU FILE A MOTION TO REOPEN, YOUR MOTION MUST BE FILED WITH THIS COURT:

IMMIGRATION COURT
26 FEDERAL PLZ, 12TH FL RM1237
NEW YORK, NY 10278

OTHER: Judge Ord On Motion To Reopen

COURT CLERK
IMMIGRATION COURT

CC:

FF

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UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
NEW YORK, NY

IN THE MATTER OF:

GUARDADO OSMIN

IN REMOVAL
PROCEEDINGS

File No. 094 497 543

ORDER OF THE IMMIGRATION JUDGE

Upon due consideration of the MOTION TO REOPEN ORDER OF REMOVAL
IN ABSENTIA filed in the above entitled matter, it is HEREBY ORDERED that the
motion be:

☐ GRANTED ☒ DENIED because

☐ DHS does not oppose the motion.

☐ A response to the motion has not been filed with the court.

☐ Good Cause has been established for the motion.

☒ The court agrees with the reason stated in the opposition to the motion.

☐ The motion is untimely per _____.

☐ Other:

It is furthered ORDERED that the case is set for _____

Date

11/19/2014

Immigration Judge

SONOY K. HOM

Certificate of Service

This document was served by: ☒ Mail ☐ Personal Service

To: ☐ Alien ☐ Alien c/o Custodial Officer ☒ Alien's Atty/Rep ☐ DHS

Date 11/21/14 By: Court Staff

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