



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

**Craycroft, Andrew William Albert
Catholic Charities Community Services
80 Maiden Lane, 13th Floor
New York, NY 10038**

**DHS/ICE Office of Chief Counsel - BTW
130 Delaware Avenue, Room 203
Buffalo, NY 14202**

Name: LOPEZ, DANIEL

A 089-082-649

Date of this notice: 1/12/2016

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:
O'Leary, Brian M.

Userteam: Docket

**For more unpublished BIA decisions, visit
www.irac.net/unpublished/index/**



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

**LOPEZ, DANIEL
A089-082-649
C/O BUFFALO FEDERAL DETENTION
4250 FEDERAL DRIVE
BATAVIA, NY 14020**

**DHS/ICE Office of Chief Counsel - BTV
130 Delaware Avenue, Room 203
Buffalo, NY 14202**

Name: LOPEZ, DANIEL

A 089-082-649

Date of this notice: 1/12/2016

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
Chief Clerk

Enclosure

Panel Members:
O'Leary, Brian M.

Userteam:

Falls Church, Virginia 22041

File: A089 082 649 – Batavia, NY

Date:

JAN 12 2016

In re: DANIEL LOPEZ RAMIREZ a.k.a. Daniel Lopez

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Andrew Craycroft, Esquire

APPLICATION: Administrative closure

The respondent, a native and citizen of El Salvador, has appealed from the Immigration Judge's October 13, 2015, decision denying his request to administratively close proceedings. The Department of Homeland Security (DHS) has not filed a brief in opposition to the respondent's appeal. The proceedings will be administratively closed.

We review Immigration Judges' findings of fact for clear error, but questions of law, discretion, and judgment, and all other issues in appeals, de novo. See 8 C.F.R. §§ 1003.1(d)(3)(i), (ii).

Upon review, we will exercise our authority to administratively close the respondent's proceedings. See *Matter of Avetisyan*, 25 I&N Dec. 688 (BIA 2012) (setting forth a non-exhaustive list of factors to be considered in determining whether administrative closure is appropriate). In the instant case, the respondent is seeking administrative closure to allow time for the United States Citizenship and Immigration Services (USCIS) to adjudicate his Petition for Amerasian, Widow(er), or Special Immigrant (Form I-360) with the DHS. See 8 C.F.R. § 204.11(b). If approved, the respondent would be eligible for adjustment of status. See section 245(h) of the Act, 8 U.S.C. § 1255(h). In light of the particular circumstances of this case, we conclude that administrative closure is appropriate in the instant case.

If either party to this case wishes to reinstate the proceedings, a written request to reinstate the proceedings may be made to the Board. The Board will take no further action in the case unless a request is received from one of the parties. The request must be submitted directly to the Clerk's Office, without fee, but with certification of service on the opposing party. Accordingly, the following order will be entered.

ORDER: The proceedings before the Board of Immigration Appeals in this case are administratively closed.


FOR THE BOARD

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
4250 FEDERAL DRIVE, ROOM F108
BATAVIA, NY 14020

Catholic Charities Community Services
Craycroft, Andrew William Albert
80 Maiden Lane
13th Floor
New York, NY 10038

IN THE MATTER OF
LOPEZ, DANIEL

FILE A 089-082-649

DATE: Oct 13, 2015

___ 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 22041

___ 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
4250 FEDERAL DRIVE, ROOM F108
BATAVIA, NY 14020

X OTHER: Copy of Order of Removal


COURT CLERK

IMMIGRATION COURT

CC: Michael Dreher, Assistant Chief Counsel
4250 Federal Drive
Batavia, NY, 14020

FF

Immigrant & Refugee Appellate Center, LLC | www.irac.net

IMMIGRATION COURT
4250 FEDERAL DRIVE, ROOM F108
BATAVIA, NY 14020

In the Matter of

Case No.: A089-082-649

LOPEZ, DANIEL
Respondent

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on _____.
This memorandum is solely for the convenience of the parties. If the
proceedings should be appealed or reopened, the oral decision will become
the official opinion in the case.

- ☒ The respondent was ordered removed from the United States to
~~or in the alternative to~~ **EL SALVADOR**
- ☐ Respondent's application for voluntary departure was denied and
respondent was ordered removed to or in the
alternative to .
- ☐ Respondent's application for voluntary departure was granted until
upon posting a bond in the amount of \$ _____
with an alternate order of removal to .

Respondent's application for:

- ☐ Asylum was () granted () denied () withdrawn.
- ☐ Withholding of removal was () granted () denied () withdrawn.
- ☐ A Waiver under Section _____ was () granted () denied () withdrawn.
- ☐ Cancellation of removal under section 240A(a) was () granted () denied
() withdrawn.

Respondent's application for:

- ☐ Cancellation under section 240A(b)(1) was () granted () denied
() withdrawn. If granted, it is ordered that the respondent be issued
all appropriate documents necessary to give effect to this order.
- ☐ Cancellation under section 240A(b)(2) was () granted () denied
() withdrawn. If granted it is ordered that the respondent be issued
all appropriated documents necessary to give effect to this order.
- ☐ Adjustment of Status under Section _____ was () granted () denied
() withdrawn. If granted it is ordered that the respondent be issued
all appropriated documents necessary to give effect to this order.
- ☐ Respondent's application of () withholding of removal () deferral of
removal under Article III of the Convention Against Torture was
() granted () denied () withdrawn.
- ☐ Respondent's status was rescinded under section 246.
- ☐ Respondent is admitted to the United States as a _____ until _____.
- ☐ As a condition of admission, respondent is to post a \$ _____ bond.
- ☐ Respondent knowingly filed a frivolous asylum application after proper
notice.
- ☐ Respondent was advised of the limitation on discretionary relief for
failure to appear as ordered in the Immigration Judge's oral decision.
- ☐ Proceedings were terminated.
- ☒ Other: **MOTION to Terminate or Administratively Close**

Date:

10/13/15

DENIED

JOHN B. REID

Immigration Judge

Appeal: ~~Waived~~/Reserved Appeal Due By:

11/12/15