



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Phoenix, AZ 85004**

**DHS/ICE Office of Chief Counsel - PHO
P.O.Box 25158
Phoenix, AZ 85002**

Name: RICO-TARIN, SAMUEL

A 078-681-106

Date of this notice: 8/28/2015

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

Donna Carr
Chief Clerk

Enclosure

Panel Members:
O'Leary, Brian M.

Userteam: Docket

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Falls Church, Virginia 20530

File: A078 681 106 – Phoenix, AZ

Date: AUG 28 2015

In re: SAMUEL RICO-TARIN

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Darius Amiri, Esquire

CHARGE:

Notice: Sec. 212(a)(6)(A)(i), I&N Act [8 U.S.C. § 1182(a)(6)(A)(i)] -
Present without being admitted or paroled

The respondent challenges on appeal the Immigration Judge's denial of his request for administrative closure pursuant to *Matter of Avetisyan*, 25 I&N Dec. 688 (BIA 2012). The oral decision in this in this matter does not set out the reasons for the decision denying administrative closure. An explanation of the reasons in the transcript is not sufficient. Accordingly, the record will be returned to the Immigration Judge for preparation of a full decision. *See Matter of A-P-*, 22 I&N Dec. 468 (BIA 1999). Upon preparation of the full decision, the Immigration Judge shall issue an order administratively returning the record to the Board. The Immigration Judge shall serve the administrative return order on the respondent and the Department of Homeland Security. The Board will thereafter give the parties an opportunity to submit briefs in accordance with the regulations.

ORDER: The record is returned to the Immigration Court for further action as required above.


FOR THE BOARD

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
PHOENIX, ARIZONA

File: A078-681-106

January 24, 2014

In the Matter of

SAMUEL RICO-TARIN

RESPONDENT

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)
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)

IN REMOVAL PROCEEDINGS

CHARGES: 212(a)(6)(A)(i), ~~present~~ Present in the United States without admission or parole.

APPLICATIONS: Voluntary departure at conclusion of proceedings.

ON BEHALF OF RESPONDENT: DARIUS AMIRI, ESQUIRE
~~ALKOCK~~ ALCOCK & ASSOCIATES P.C.
2 NORTH CENTRAL AVENUE
26TH FLOOR
PHOENIX, ARIZONA 85004

ON BEHALF OF DHS: VICTORIA LEVIN, ESQUIRE
OFFICE OF DISTRICT COUNCIL
2035 NORTH CENTRAL AVENUE
PHOENIX, ARIZONA 85004

DECISION OF THE IMMIGRATION JUDGE

The respondent is a native and a citizen of Mexico. He was brought into proceedings with a filing of a Notice to Appear, marked as Exhibit 1, charging removability as noted above. The respondent, through counsel, at a master calendar

hearing admitted all allegations found on the charging document, and the conceded the charge. Based upon pleadings, this Court found removability established by clear and convincing evidence. Mexico is designated as country for removal, should that have to occur.

The sole relief available to the respondent before this Court is the relief of a voluntary departure. ~~Respondent's counsel has requested as its only relief before the Court voluntary departure at conclusion of proceedings.~~ The Department has expressed no opposition thereto. The Court sees no reason to deny the request in light of the non-opposition of the Department.

Based upon the forgoing and after all considerations of all arguments and evidence put forward in this matter, the Court grants respondent's application for post-conclusion voluntary departure.

ORDERS

IT IS ORDERED the respondent depart the United States at his own expense no later than March 25, 2014.

IT IS FURTHER ORDERED the respondent post a voluntary departure bond in the amount of \$500 with the Department of Homeland Security within five business days of today's date. Should the respondent fail to comply with the above conditions of the voluntary departure grant in this matter, in the alternative the Court orders the respondent removed from the United States to Mexico based upon the sustained charge herein.

IT IS FURTHER ORDERED that the record contain for all purposes the notice to respondents granted voluntary departure as required by law and regulation.

IT IS FURTHER ORDERED that the parties are to be provided a copy of such forthwith.

signature

Please see the next page for electronic

LAMONTE S. FREERKS
United States Immigration Judge

//s//

Immigration Judge LAMONTE S. FREERKS

freerks1 on October 16, 2014 at 4:53 PM GMT

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