



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Cleveland, OH 44199**

Name: LAWLOR, JAMES MARTIN

A 038-733-245

Date of this notice: 8/16/2013

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:
Cole, Patricia A.
Greer, Anne J.
Pauley, Roger

williams
User team: Docket

Immigrant & Refugee Appellate Center | www.irac.net

DS

Falls Church, Virginia 22041

File: A038 733 245 – Cleveland, OH

Date: AUG 16 2013

In re: JAMES MARTIN LAWLOR

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Payam Yazdani, Esquire

ON BEHALF OF DHS: Thorin Freeman
Assistant Chief Counsel

CHARGE:

Notice: Sec. 237(a)(2)(A)(iii), I&N Act [8 U.S.C. § 1227(a)(2)(A)(iii)] -
Convicted of aggravated felony

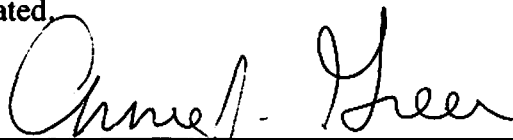
APPLICATION: Termination of proceedings

The respondent appeals the Immigration Judge's July 11, 2012, decision finding him removable as charged and ordering him removed from the United States. During the pendency of his appeal, the respondent filed a motion to terminate his proceedings based on having been granted a full and unconditional pardon for his conviction by the Governor of Ohio. The motion will be granted, and the proceedings will be terminated

The respondent was convicted on March 22, 1995, for the offense of felony assault in violation of Ohio Revised Code section 2903.13(A) (I.J. at 4-5; Exh. 2). In his decision, the Immigration Judge concluded that the respondent's conviction for knowingly causing or attempting to cause physical harm to another, e.g., a police officer, is a crime of violence under 18 U.S.C. § 16(b), and aggravated felony as defined by section 101(a)(43)(F) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(43)(F) (I.J. at 4-5). Through his motion, the respondent has presented evidence that he was granted a full and unconditional pardon for his conviction by the Governor of Ohio on April 25, 2012. Section 237(a)(2)(A)(vi) of the Act, 8 U.S.C. § 1227(a)(2)(A)(vi), authorizes that such pardons waive the grounds of removability in, *inter alia*, clause (iii), a conviction for an aggravated felony. The respondent's pardon thus waives the grounds of removability for the sole charge under section 237(a)(2)(A)(iii) of the Act.

Accordingly, the proceedings will be terminated.

ORDER: The appeal is terminated.



FOR THE BOARD

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
CLEVELAND, OHIO

File: A038-733-245

July 11, 2012

In the Matter of

JAMES MARTIN LAWLOR

RESPONDENT

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IN REMOVAL PROCEEDINGS

CHARGES: Section 237(a)(2)(A)(iii) of the Immigration and Nationality Act as amended, after admission having been convicted of an aggravated felony as defined in Section 101(a)(43)(F) of the Act ~~relating to an aggravated felony.~~

APPLICATIONS:

ON BEHALF OF RESPONDENT: PAYAM YAZDANI

ON BEHALF OF DHS: THORIN FREEMAN

ORAL DECISION OF THE IMMIGRATION JUDGE

The respondent is an adult male who is a native and citizen of Ireland. A Notice to Appear dated September 17, 2011 was personally served upon the respondent on said date. At a master calendar hearing conducted February 29, 2012, the respondent appeared with counsel, admitted factual allegations 1,

2, 3, and 4 contained in the Notice to Appear and denied factual allegation 5. The respondent also denied the charge of removability. The Court took the matter under consideration for determination of the issue of removability.

The Court in issuing its decision on removability has marked and admitted certain items as exhibits. The following exhibits were admitted into evidence: Exhibit 1, the Notice to Appear; Exhibit 2, a submission by the respondent filed November 15, 2011, containing a motion to continue and attached letters; Exhibit 3, a submission by DHS filed March 5, 2012; and Exhibit 4, the respondent's written decision on removability dated June 19, 2012. From said decision of removability contained at Exhibit 4 this Court found by clear and convincing evidence that factual allegation 5 contained in the Notice to Appear had~~s~~ been sustained as had~~s~~ the charge of removability as cited in the Notice to Appear. At the hearing conducted July 11, 2012, the respondent, through counsel, declined to designate a country of removal. The Department of Homeland Security recommended Ireland as the country of removal and the Court issued an order finding that Ireland will be designated the country of removal.

Having addressed the issue of removability the Court proceeded further at the hearing on July 11, 2012. Specifically the Court inquired of the respondent's counsel if he had any relief from removal. The Court was advised that the respondent did not have any relief from removal. The Court also inquired to

determine whether the respondent was seeking voluntary departure. The Court was advised by the respondent's counsel that he was not seeking voluntary departure. As such the Court will issue an order that the respondent be removed from the United States and returned to the country of Ireland.

ORDERS OF THE COURT

IT IS HEREBY ORDERED that the respondent be removed from the United States and returned to the country of Ireland.

SEE NEXT PAGE FOR SIGNATURE

THOMAS JANAS
Immigration Judge

//s//

Immigration Judge THOMAS JANAS

janast on December 12, 2012 at 11:18 AM GMT

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