



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Name: LORENZO, FLORINDA FAVIOLA

A 094-218-653

Date of this notice: 5/27/2020

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:
Goodwin, Deborah K.

User team: Docket

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Falls Church, Virginia 22041

File: A094-218-653 – Baltimore, MD

Date: MAY 27 2020

In re: Florinda Faviola LORENZO a.k.a. Florinda Lorenzo de Similian

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Nicholas C. Katz, Esquire

APPLICATION: Reconsideration; Reopening; Termination

The respondent has appealed the Immigration Judge's decision dated August 23, 2018 denying the respondent's motion to reopen (Form EOIR-26, Notice of Appeal). However, the respondent has filed two appeal briefs, one of which addresses the Immigration Judge's August 21, 2018 decision denying her motion to reconsider, and therefore the respondent appears to seek appeal of both decisions. The record will be remanded.

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

In considering this appeal, we note our decision in *Matter of M-P-*, 20 I&N Dec. 786 (BIA 1994), in which we indicate that when a motion to reopen proceedings is denied, the Immigration Judge must identify and fully explain the reasons for such decision; otherwise, the parties are deprived of a fair opportunity to contest the Immigration Judge's determination on appeal, and the Board is unable to meaningfully exercise its responsibility of reviewing the decision in light of the arguments advanced on appeal. See *Matter of A-P-*, 22 I&N Dec. 468 (BIA 1999).

In both decisions, the Immigration Judge denied the motions on a form order, checking the box that states, "The court agrees with the reasons stated in the opposition to the motion." The Immigration Judge failed to specifically address the issues raised in the respondent's motions, and we find that the Immigration Judge's decision provides an insufficient basis upon which the Board can adequately conduct a meaningful review.

Accordingly we find it necessary to remand the record for inclusion of an appropriate decision or decisions adjudicating the two motions by the Immigration Judge. The respondent and the Department of Homeland Security should be served with a copy of the decision(s) and should thereafter be given an opportunity to submit briefs in accordance with the regulations. The record should then be forwarded to the Board for further consideration.

ORDER: The record is remanded in accordance with this opinion.


FOR THE BOARD