



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Name: PEREZ-ZAZUETA, ADAN

A 200-569-599

Date of this notice: 4/23/2019

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

Sincerely,

Donna Carr
Chief Clerk

Enclosure

Panel Members:
Guendelsberger, John

111 111
User team: Docket

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Falls Church, Virginia 22041

File: A200-569-599 – San Diego, CA

Date:

APR 23 2019

In re: Adnan PEREZ-ZAZUETA

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Rhoda Sherif, Esquire

APPLICATION: Reopening; reissuance

REISSUED DECISION

This case was last before us on June 5, 2015, when we again dismissed the respondent's appeal and reinstated the Immigration Judge's grant of voluntary departure. On June 25, 2018, the respondent filed an untimely motion to reopen and reissue the Board's original May 6, 2014, decision dismissing his appeal alleging that his attorney failed to timely file a petition for review of that decision with the United States Court of Appeals for the Ninth Circuit. The Department of Homeland Security (DHS) has not filed an opposition to the motion. The motion will be granted.

The respondent has submitted evidence reflecting that his counsel has diligently sought reissuance following the dismissal of his petition for review as untimely (Motion at attachments). Moreover, the respondent was prejudiced by former counsel's failure to file a timely petition for review of the Board's May 6, 2014, decision due to his misunderstanding of the effect of the Board's limited remand back to the Immigration Judge for voluntary departure advisals only. Under the circumstances, we will reopen the proceedings sua sponte for the sole purpose of reissuing our May 6, 2014, decision in order for the respondent to timely file a petition for review with the Ninth Circuit.

ORDER: The Board's decision dated May 6, 2014, attached hereto, is hereby reissued and shall be treated as entered as of today's date.



FOR THE BOARD