



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

**LAMOUR, OJAMBERT
H45339/A056-495-361
7906 EAST HIGHWAY 90
LAKE CITY, FL 32055**

**NORTH FLORIDA RECEPTION CENTER
(NFC)
333 SOUTH MIAMI AVENUE, 2ND FLOOR
MIAMI, FL 33130**

Name: LAMOUR, OJAMBERT

A 056-495-361

Date of this notice: 4/5/2016

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:
Grant, Edward R.

schwarzA
User team: Docket

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Falls Church, Virginia 22041

File: A056 495 361 – Lake Butler, FL

Date:

APR - 5 2016

In re: OJAMBERT LAMOUR a.k.a. Ojambert Love Lamour

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Pro se

ON BEHALF OF DHS: Patricia B. Kelly Le Bienvenu
Assistant Chief Counsel

The respondent, a native and citizen of Haiti, has appealed from the Immigration Judge's November 10, 2015, decision deeming his application for deferral of removal under the Convention Against Torture (CAT) abandoned. The Department of Homeland Security (DHS) has filed a motion for summary affirmance of the Immigration Judge's decision. The record will be remanded to the Immigration Judge.

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).

The Immigration Judge deemed the respondent's application for deferral of removal under the CAT abandoned because the respondent did not send in the requested application (Form I-589) by the call-up date (I.J. at 1; Tr. at 13). On appeal, the respondent argues that he was given the wrong address to send the application to and submits evidence that he twice mailed documents to a similar, but incorrect, address. He also submitted a completed application. Immigration Judges have regulatory authority to set filing deadlines, and if those deadlines are not met "the opportunity to file that application or document shall be deemed waived." 8 C.F.R. § 1003.31(c). However, under the circumstances, we agree that remand is appropriate to give the respondent an opportunity to pursue his application for deferral of removal under the CAT. See *Matter of L-O-G-*, 21 I&N Dec. 413, 414 (BIA 1996). Accordingly, the following order will be entered.

ORDER: The record is remanded to the Immigration Judge for further proceedings.



FOR THE BOARD

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
333 SOUTH MIAMI AVE., STE.700
MIAMI, FL 33130

LAMOUR, OJAMBERT DOC#H45339
C/O LAKE CITY C.F.
7906 EAST HIGHWAY 90
LAKE CITY, FL 32055-6290

IN THE MATTER OF
LAMOUR, OJAMBERT
H45339

FILE A 056-495-361

DATE: Nov 10, 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
333 SOUTH MIAMI AVE., STE.700
MIAMI, FL 33130

OTHER: _____

COURT CLERK
IMMIGRATION COURT

CC: STEVEN R. PARRISH, ASSISTANT CHIEF COUNSEL
333 SOUTH MIAMI AVE, SUITE 300
MIAMI, FL, 331300000

FF

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

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
333 SOUTH MIAMI AVENUE, SUITE 700
MIAMI, FLORIDA 33130

IN THE MATTER OF:
Inmate # H45339
LAMOUR, OJAMBERT
RESPONDENT

CASE No: A056-495-361

Docket: IHP

IN REMOVAL PROCEEDINGS

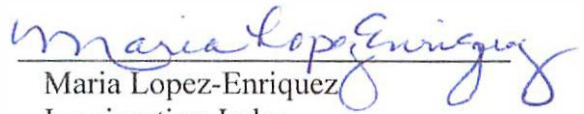
ON BEHALF OF THE RESPONDENT: Pro Se

ORDER

At a prior hearing the Respondent was notified that his application for **Deferral of Removal under the Convention Against Torture (Form I-589)**, was to be filed with the Court no later than **11/6/15**.

The Court takes notice upon review of the Record of Proceedings that said application has not been filed in a timely manner. Thus, this Court finds the Respondent has abandoned his application.

The Respondent has no other applications for relief pending before the Court. Therefore it is hereby ordered that the Respondent shall be removed and deported to **HAITI**.


Maria Lopez-Enriquez
Immigration Judge

Date: 11-10-15
Appeal due: 12-10-15

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (☒) PERSONAL SERVICE (☐)
TO: [☐] ALIEN [☒] ALIEN C/● Custodial Officer [☐] ALIEN's ATT/REP [☒] DHS
DATE: 11-10-15 BY: COURT STAFF AA
Attachments: [☐] EOIR33 [☐] EOIR-28 [☐] Legal Services List [☐] Other