



**U.S. Department of Justice**

**Executive Office for Immigration Review**

*Board of Immigration Appeals  
Office of the Clerk*

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*5107 Leesburg Pike, Suite 2000  
Falls Church, Virginia 22041*

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333 South Miami Ave., Suite 200  
Miami, FL 33130**

**Name: MAYORGA-PONCE, ROBERTO**

**A 087-326-405**

**Date of this notice: 3/25/2013**

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:  
Miller, Neil P.

schuckec  
User team: Docket

Immigrant & Refugee Appellate Center | [www.irac.net](http://www.irac.net)

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Falls Church, Virginia 22041

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File: A087 326 405 – Miami, FL

Date: MAR 25 2013

In re: ROBERTO MAYORGA PONCE

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Karlene Punancy, Esquire

APPLICATION: Reconsideration; reopening

The respondent has filed a timely motion to reconsider the Board's January 3, 2013, decision dismissing the respondent's appeal of the Immigration Judge's decision finding that the respondent did not establish the requisite continuous physical presence in the United States to be eligible for adjustment of status. The respondent argues that the Board and the Immigration Judge did not adequately consider the evidence related to the respondent's physical presence in the United States. Because the Department of Homeland Security has not responded to the motion, we deem it unopposed. 8 C.F.R. § 1003.2(g)(3). On reconsideration we conclude that the requisite continuous physical presence is established, our previous decision is vacated, and the record remanded to the Immigration Judge for further proceedings. 8 C.F.R. § 1003.2(a).

ORDER: The motion to reconsider is granted and the Board's January 3, 2013, decision is vacated.

FURTHER ORDER: The record is remanded to the Immigration Judge for further proceedings not inconsistent with this order.

  
FOR THE BOARD