



**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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Revilla Law Firm, P.A.  
2250 SW 3rd Ave., Ste 501  
Miami, FL 33129**

**DHS/ICE Office of Chief Counsel - ORL  
3535 Lawton Road, Suite 100  
Orlando, FL 32803**

**Name: ANARIBA, RONY RENE**

**A 095-094-694**

**Date of this notice: 11/16/2012**

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:  
Adkins-Blanch, Charles K.  
Guendelsberger, John  
Hoffman, Sharon

**Lulseges  
Userteam: Docket**

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

*SM*



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5107 Leesburg Pike, Suite 2000  
Falls Church, Virginia 22041

**ANARIBA, RONY RENE  
A095-094-694  
3900 NORTH POWERLINE ROAD  
POMPANO BEACH, FL 33073**

**DHS/ICE Office of Chief Counsel - ORL  
3535 Lawton Road, Suite 100  
Orlando, FL 32803**

**Name: ANARIBA, RONY RENE**

**A 095-094-694**

**Date of this notice: 11/16/2012**

Enclosed is a copy of the Board's decision in the above-referenced case. This copy is being provided to you as a courtesy. Your attorney or representative has been served with this decision pursuant to 8 C.F.R. § 1292.5(a). If the attached decision orders that you be removed from the United States or affirms an Immigration Judge's decision ordering that you be removed, any petition for review of the attached decision must be filed with and received by the appropriate court of appeals within 30 days of the date of the decision.

Sincerely,

*Donna Carr*

Donna Carr  
Chief Clerk

Enclosure

Panel Members:  
Adkins-Blanch, Charles K.  
Guendelsberger, John  
Hoffman, Sharon

Lulseiges  
Userteam: Docket

Falls Church, Virginia 22041

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File: A095 094 694 - Orlando, FL

Date: **NOV 16 2012**

In re: RONY RENE ANARIBA a.k.a. Rony Anariba Bustillo

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Juliana G. Lamardo, Esquire

ON BEHALF OF DHS: Alexandra Rivas  
Assistant Chief Counsel

APPLICATION: Reopening

ORDER:

The respondent's appeal of the decision of the Immigration Judge, dated August 22, 2012, denying his motion to reopen is sustained, these removal proceedings are reopened, and the record is remanded to the Immigration Court for further proceedings. The Notice to Appear and the evidence that the respondent submitted with his motion corroborate his counsel's claim that he previously resided in apartment W-27 in Jacksonville, Florida. However, the Notice of Hearing was sent to apartment W-7. As the Notice of Hearing was not properly addressed, we conclude that it is appropriate to rescind the order of removal, entered in absentia on September 26, 2006, and provide the respondent with an additional opportunity to appear before an Immigration Judge. *See* section 240(b)(5)(C)(ii) of the Immigration and Nationality Act, 8 U.S.C. § 1229a(b)(5)(C)(ii).

  
\_\_\_\_\_  
FOR THE BOARD

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
3535 LAWTON ROAD, SUITE 200  
ORLANDO, FL 32803

REVILLA LAW FIRM, PA  
LOMBARDO, JULIANA G., ESQ.  
2250N SW 3 AVE, #501  
MIAMI, FL 33129

IN THE MATTER OF  
ANARIBA, RONY RENE

FILE A 095-094-694

DATE: Aug 22, 2012

\_\_\_ 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  
P.O. BOX 8530  
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  
3535 LAWTON ROAD, SUITE 200  
ORLANDO, FL 32803

✓ OTHER: IJ'S ORDER - MOTION TO REOPEN.

(8)  
COURT CLERK  
IMMIGRATION COURT

FF

CC: OFFICE OF THE CHIEF COUNSEL  
3535 LAWTON RD, SUITE 100  
ORLANDO, FL, 32803

U.S. DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
3535 LAWTON ROAD, SUITE 200  
ORLANDO, FL 32803

In the Matter of:  
ANARIBA, RONY RENE

Case No.: A095-094-694

RESPONDENT

Docket: ORLANDO, FLORIDA

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of RESPONDENT

( ) Motion to Reconsider an Immigration Judge's decision

( ☒ ) Motion to Reopen proceedings

filed in the above entitled matter, it is hereby ordered that the motion

( ) ~~Be~~ Granted

( ☒ ) Be Denied for reasons indicated in the attached decision

and the ATTACHMENT "A"

See Copy of  
Opposition to Respondent's  
Motion to Reopen.

*Victoria Charley*

VICTORIA GHARTEY  
Immigration Judge

Date: August 22, 2012

Appeal: NO APPEAL (A/I/B)

Appeal Due By: ~~October 1, 2012~~

*VLG*

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)

TO: [ ] ADJEN [ ] ALIEN c/o Custodial Officer *H* *AS* ATT/REP

DATE: *8/22/12* BY: COURT STAFF

Attachments: [ ] EOIR-33 [ ] EOIR-28 [ ] Legal Services List [ ] Other

## **ATTACHMENT "A"**

**The Court agrees with the reasons stated in the opposition to the Respondent's motion.**

**The Respondent has failed to demonstrate that he /she did not receive the notice for the hearing or that his failure to appear was because of exceptional circumstances.**

**The Court agrees with the Department of Homeland Security that the Respondent waited too long to file the motion. The Motion was filed out of time and the Court declines to reopen the Respondent's case as a matter of discretion.**

**See 8 C.F.R. section 1003(b)(4)(ii)**

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
ORLANDO, FLORIDA

IN THE MATTER OF:

ANARIBA, RONY RENE

REMOVAL PROCEEDINGS

File No. A#095-094-694

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the Respondent's Motion to Reopen to Rescind in Absentia and Request for a Stay of Removal filed on this 22 day of August, 2012, it is HEREBY ORDERED that the motion be

☐ GRANTED ☒ DENIED because:

- ☐ DHS Does not oppose the motion.
- ☐ The Respondent does not oppose the motion.
- ☐ A response to the motion has not been filed with the court.
- ☐ Good cause has been established for the Motion.
- ☒ The court agrees with the reasons stated in the opposition to the motion.
- ☐ The motion is untimely per

☒ Other: The Respondent failed to demonstrate that he/she did not receive notice for the hearing or that his failure to appear was because of exceptional circumstances...

Deadlines:

- ☐ The application(s) for relief must be filed by The Court agrees with the DHS
- ☐ The Respondent must comply with DHS biometrics instructions by that Respondent

Date: August 22, 2012

Vicki E. Leahy  
Honorable Immigration Judge

The Motion was filed out of time and the Court declines to reopen Respondent's case in exercise of discretion.

Certificate of Service

This Document was served by: ☒ Mail ☐ Personal Service  
To: ☐ Alien ☐ Alien c/o Custodial Officer ☒ Alien's Atty/Rep ☒ DHS  
Date: 8/22/12 By: [Signature]