



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Orlando, FL 32803**

Name: RAMDON, CLAUDINE ANDEENA

A045-878-319

Date of this notice: 1/11/2011

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.
King, Carol
King, Jean C.

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Falls Church, Virginia 22041

File: A045 878 319 - Orlando, FL

Date: JAN 11 2011

In re: CLAUDINE ANDEENA RAMDON a.k.a. Claudine Andeena Bell

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Christian G.A. Zeller, Esquire

ON BEHALF OF DHS: Richard A. Jamadar
Assistant Chief Counsel

APPLICATION: Remand

The respondent is a citizen of Jamaica. She appeals the Immigration Judge's decision dated January 28, 2010, ordering her removal from the United States. The proceedings will be terminated.

Under 8 C.F.R. § 1003.1(d)(3), the Board defers to the factual findings of an Immigration Judge, unless they are clearly erroneous, but it retains independent judgment and discretion, subject to applicable governing standards, regarding pure questions of law and the application of a particular standard of law to those facts. *Matter of A-S-B-*, 24 I&N Dec. 493 (BIA 2008).

The record reflects that the respondent was personally served with a Notice to Appear on February 19, 2009, charging her with being removable from the United States pursuant to section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act, 8 U.S.C. § 1182(a)(7)(A)(i)(I). On January 19, 2010, she filed a motion with the Immigration Court conceding removability and requesting termination of the proceedings. Apparently, the respondent had departed the United States in August 2009 and then relinquished her lawful permanent resident status in this country. The respondent further indicated that she was scheduled for an appointment in Jamaica on January 19, 2010, on her B-1 visa application. She requested that the Immigration Judge waive her appearance at the January 28, 2010, hearing.

The Immigration Judge issued an order waiving the respondent's appearance and allowing her counsel to appear on her behalf. On January 28, 2010, the Immigration Judge found the respondent removable from the United States based on her concession. The Immigration Judge further noted that the respondent did not submit an application for relief from removal. However, the Immigration Judge then appears to have ordered the respondent's removal from the United States in absentia

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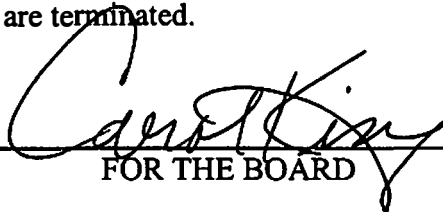
pursuant to section 240(b)(5) of the Act, 8 U.S.C. § 1229a(b)(5). The Immigration Judge also denied the respondent's motion to terminate citing only the government's decision not to agree to termination.

The Immigration Judge's decision ordering the respondent's removal from the United States in absentia was issued in error. As mentioned, the Immigration Judge had excused the respondent's appearance. However, the Board will not remand these proceedings for a hearing because it has not been established that the respondent is removable from the United States.

The respondent is charged in the Notice to Appear as an arriving alien. The respondent departed the United States, relinquished her status as a lawful permanent resident, and she is thus no longer an arriving alien or seeking admission. We will terminate the proceedings because the charge of removability contained in the Notice to Appear has not been sustained notwithstanding the concession of removability.

Accordingly, the following order will be entered.

ORDER: The proceedings are terminated.



FOR THE BOARD

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
Orlando, Florida

File No.: A 045 878 319

January 28, 2010

In the Matter of)
)
CLAUDINE ANDEENA RAMDON) IN REMOVAL PROCEEDINGS
)
Respondent)

CHARGE: Immigration and Nationality Act, Section
212(a)(7)(A)(i)(I), alien who at the time of
application for admission, not in possession of a
valid unexpired visa.

APPLICATIONS: Termination

ON BEHALF OF RESPONDENT:

Christian G. Zeller, Esquire

ON BEHALF OF DHS:

Richard Jamadar
Assistant Chief Counsel
Orlando, Florida

ORAL DECISION OF THE IMMIGRATION JUDGE

This matter came before the Court as a result of the
issuance of a Form I-862 (Exhibit 1) issued to the respondent by
the DHS and which was served on her in person on February 19,
2009. The NTA states that the respondent is subject to removal
as aforementioned.

Respondent was called for a Master Calendar hearing today
and she is not present in Court. She is not because counsel
asked the Court to waive her presence. I did, but in any case,

the respondent has, through counsel, conceded the allegations in her Notice to Appear and informed us that she has not lived in the United States for approximately 11 years and has abandoned her resident status. Because she was put in removal proceedings and concedes removability under Section 212(a)(7)(A)(i)(I), the Government has asked the Court to enter an order of removal in the respondent's absence. It is a proper way to proceed under Section 240(b)(5) of the Immigration and Nationality Act.

The respondent has had a reasonable opportunity to explain the nature of her challenge or move to terminate, but the Government does not agree to terminate. In any case, no reasonable cause has been advanced as to why the respondent was represented by counsel.

Therefore, the Court is conducting this hearing in absentia, pursuant to Section 240(b) of the Immigration and Nationality Act and finds that there are no pending applications. The application for termination is denied.

And pursuant to Matter of Pearson, 13 I&N Dec. 152 (BIA 1969) and Matter of Jean, 17 I&N Dec. 100 (BIA 1979), the respondent is ordered removed from the United States to Jamaica, which is her country of nationality and citizenship.



RAFAEL B. ORTIZ-SÉGURA

United States Immigration Judge

CERTIFICATE PAGE

I hereby certify that the attached proceeding before
JUDGE RAFAEL B. ORTIZ-SEGURA, in the matter of:

CLAUDINE ANDEENA RAMDON

A 045 878 319

Orlando, Florida

is an accurate, verbatim transcript of the recording as provided by
the Executive Office for Immigration Review and that this is the
original transcript thereof for the file of the Executive Office
for Immigration Review.

Heather Szczytko/sko
Heather L. Szczytko, Transcriber
Free State Reporting, Inc.

March 14, 2010
(completion date)

By submission of this CERTIFICATE PAGE, the Contractor certifies
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