



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*

**Ruiz, Alexis
Kuck Baxter Immigration
P.O. Box 501359
Atlanta, GA 31150**

**DHS/ICE Office of Chief Counsel - SNA
1015 Jackson-Keller Rd, Suite 100
San Antonio, TX 78213**

Name: BONILLA-CORTEZ, KATHERINE

A 097-398-782

Date of this notice: 4/25/2019

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.
Mann, Ana
Kelly, Edward F.**

Userteam: Docket

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Falls Church, Virginia 22041

File: A097-398-782 – San Antonio, TX

Date:

In re: Katherine BONILLA-CORTEZ

APR 25 2019

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Alexis Ruiz, Esquire

APPLICATION: Reopening

The respondent, a native and citizen of El Salvador, appeals the decision of the Immigration Judge, dated October 23, 2018, denying her motion to reopen. The Department of Homeland Security (“DHS”) has not replied to the respondent’s appeal.

We review the findings of fact, including the determination of credibility, made by the Immigration Judge under the “clearly erroneous” standard. 8 C.F.R. § 1003.1(d)(3)(i). We review all other issues, including issues of law, discretion, or judgment, under a de novo standard. 8 C.F.R. § 1003.1(d)(3)(ii).

We acknowledge the Immigration Judge’s reasonable decision. However, considering the totality of the circumstances presented in this case, we conclude that these removal proceedings should be reopened sua sponte. *Matter of J-J-*, 21 I&N Dec. 976 (BIA 1997). Specifically, we consider that the respondent was ordered removed in absentia from the United States when she was a very young child and subsequently held deferred action status. As such, we conclude that reopened removal proceedings are warranted in order to provide the respondent with a renewed opportunity to appear before an Immigration Judge to show why she should not be removed from the United States. However, at the present time, we express no opinion regarding the ultimate outcome of these proceedings.

For the reasons set forth above, the following order will be entered.

ORDER: The respondent’s appeal is sustained, the order of removal, entered in absentia on December 23, 2003, is vacated, the proceedings are reopened, and the record is remanded to the Immigration Court for further proceedings and the entry of a new decision.



FOR THE BOARD