



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Falls Church, Virginia 22041

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Law Offices of Tahir Mella, P.C.
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Philadelphia, PA 19130

DHS LIT./York Co. Prison/YOR
3400 Concord Road
York, PA 17402

Name: PEREZ LOPEZ, FELIPE

A 208-055-200

Date of this notice: 11/8/2016

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.

YinyD

Userteam: Docket

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Falls Church, Virginia 22041

File: A208 055 200 – York, PA

Date:

NOV - 8 2016

In re: FELIPE PEREZ LOPEZ

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Tahir Mella, Esquire

APPLICATION: Reopening

ORDER:

The respondent appeals from an Immigration Judge's November 2, 2015, decision denying his motion to reopen. The record will be remanded to the Immigration Judge. The respondent's motion raises several new issues, based on new developments occurring since the Immigration Judge's decision dated June 29, 2015. However, the Immigration Judge did not prepare a separate oral or written decision setting out the reasons for the order dismissing the respondent's motion. *See Matter of A-P-*, 22 I&N Dec. 468 (BIA 1999). Further, there is no indication that the Immigration Judge considered the possibility of exercising the authority to reopen these proceedings sua sponte. *See Matter of J-J-*, 21 I&N Dec. 976, 984 (BIA 1997). In view of the facts and circumstances presented here, we will remand the case for further proceedings and the preparation of a new decision. Accordingly, the following order will be entered.

ORDER: The record is remanded to the Immigration Judge for further proceedings consistent with this opinion.



FOR THE BOARD

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
YORK, PENNSYLVANIA

In the Matter of : In Removal Proceedings
PEREZ-LOPEZ, Felipe :
Respondent : File No: A208-055-200

ORDER OF THE IMMIGRATION JUDGE

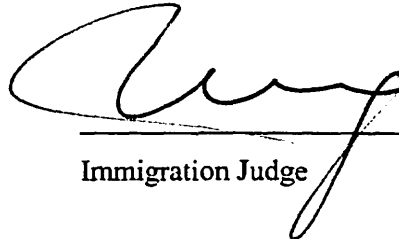
Upon consideration of the Respondent's Motion, it is HEREBY ORDERED that the motion be **GRANTED** **DENIED** because:

- ☐ 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:

Deadlines:

- ☐ The application(s) for relief must be filed by _____.
- ☐ The respondent must comply with DHS biometrics instructions by _____.

11/2/15
Date


Immigration Judge

Certificate of Service

This document was served by: ☒ Mail ☐ Personal Service
To: ☐ Alien ☐ Alien c/o Custodial Officer ☒ Alien's Atty/Rep ☒ DHS
Date: 11/2/15 By: Court Staff DVC