U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals
Office of the Clerk

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Name: BONILLA, ELIZABETH

A 070-622-972

Date of this notice: 2/5/2018

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:
Greer, Anne J.
Wendtland, Linda S.
Cole, Patricia A.

Smithell
Userteam: Docket

File: A070 622 972 – Dallas, TX Date: FEB – 5 2018

In re: Elizabeth BONILLA a.k.a. Anna Omana a.k.a. Ana Omana a.k.a. Rosa Rodrigues a.k.a. Rosa Rodriguez a.k.a. Evelyn Salada a.k.a. Elizabeth Bonilla de Bonilla a.k.a. Elizabeth Bonilla Pena a.k.a. Elizabeth Bonilla-Zalaya

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: John M. Bray, Esquire

APPLICATION: Temporary protected status

On October 26, 2016, an Immigration Judge denied the respondent's oral motion for a continuance and administrative closure, and granted the respondent's application for post-conclusion voluntary departure. The respondent, a native and citizen of El Salvador, now appeals. The appeal will be dismissed in part and sustained in part. The record will be remanded.

We review an Immigration Judge's findings of fact, including findings regarding witness credibility and what is likely to happen to the respondent, under a "clearly erroneous" standard. 8 C.F.R. § 1003.1(d)(3)(i); *Matter of Z-Z-O-*, 26 I&N Dec. 586 (BIA 2015). We review all other issues, including questions of law, discretion, and judgment, under a de novo standard. 8 C.F.R. § 1003.1(d)(3)(ii).

The respondent through counsel sought a continuance to file a Form I-601A (Application for Provisional Unlawful Presence Waiver) in conjunction with a request for administrative closure and the filing of a Form I-130 (Petition for Alien Relative), which the respondent's United States citizen son filed on the respondent's behalf the morning of the October 26, 2016, hearing (IJ at 2, 5; Tr. at 24-25, 44; Exh. 7). The respondent also sought de novo review of the government's withdrawal of her temporary protected status ("TPS") (IJ at 6; Tr. at 48).

The Immigration Judge declined to grant the request for administrative closure because he determined that the respondent was inadmissible to the United States and therefore not eligible for a provisional unlawful presence waiver. Irrespective of admissibility, the DHS provided a reasonable basis for opposing administrative closure, and respondent has not provided any evidence concerning the status of the Form I-130. Under these circumstances we do not find a remand warranted to further consider administrative closure. *See Matter of W-Y-U-*, 27 I&N Dec. 17 (BIA 2017).

With regard to the motion for continuance, an Immigration Judge has broad discretionary authority in determining whether an alien has demonstrated the requisite good cause 8 C.F.R. §§ 1003.29, 1240.6. *See Matter of Perez-Andrade*, 19 I&N Dec. 433 (BIA 1987).

The Immigration Judge acted reasonably when he commented that he would not continue proceedings for the respondent to investigate her statutory eligibility for relief, including by submitting a Freedom of Information Act ("FOIA") request, because the record reflects that the Immigration Judge had previously given the respondent a continuance for that purpose (Respondent's Br. at 6-7; Tr. at 10, 25). Thus, we are not persuaded that the Immigration Judge erred in denying a continuance for the respondent to file a FOIA request to determine whether she would be eligible for the relief sought (Respondent's Br. at 7-8; Tr. at 24-25).

The respondent asserts that the Immigration Judge "arbitrarily and capriciously went back into the record after initially granting Respondent's request" for a continuance to file a Form I-130 (Respondent's Br. at 6, 8; Tr. at 15-16). The Immigration Judge's comments that he needed clarification of how the respondent entered the United States and how long she had been in this country are not an indication of capriciousness (Tr. at 16). Rather, the clarification was relevant to the respondent's eligibility for the provisional unlawful presence waiver, as the respondent's counsel noted on the record (Tr. at 17-18).

The Immigration Judge denied the respondent's request to review the USCIS's decision to withdraw the grant of TPS because the request came after the Immigration Judge's deadline to state the relief the respondent would be seeking (IJ at 3, 6; Tr. at 48-49, 50; Exh. 5). The respondent challenges the Immigration Judge's denial based on our decision in *Matter of Barrientos*, 24 I&N Dec. 100 (BIA 2007) (Respondent's Br. at 12-14). In that case we held that the regulations provide de novo review of TPS eligibility in removal proceedings, even if the Administrative Appeals Unit previously denied the application. *Id.* at 102.

Although we understand the Immigration Judge's frustration with the late request for review, we agree with the respondent that the Immigration Judge erred in denying the respondent's request for de novo review of the withdrawal of the grant of TPS. *Id.*; *see also Matter of Lopez-Aldana*, 25 I&N Dec. 49, 51 (BIA 2009) (stating, "Neither section 244(b)(5) of the Act nor the regulations require the exhaustion of internal DHS appeal procedures before an Immigration Judge may conduct a de novo review of an alien's eligibility for TPS."). Thus, we will remand the record for the Immigration Judge to review de novo the withdrawal of the respondent's TPS.

If TPS is not granted on remand the respondent will have to reapply for voluntary departure because the record does not indicate that she submitted timely proof of having paid the $500 voluntary departure bond required by the Immigration Judge (IJ at 13). *See* 8 C.F.R. § 1240.26(c)(3)(ii). Therefore, the 60-day voluntary departure period granted by the Immigration Judge will be not be reinstated (IJ at 12-13).

Accordingly, the following orders will be entered.

ORDER: The appeal of the Immigration Judge's denial of a continuance based on the inadmissibility finding under section 212(a)(9)(A)(ii) of the Act is sustained.

FURTHER ORDER: The appeal of the Immigration Judge's denial of a continuance for the respondent to investigate her statutory eligibility for relief is dismissed.

FURTHER ORDER: The appeal of the Immigration Judge's decision to deny de novo review of the withdrawal of TPS is sustained.

FURTHER ORDER: The Immigration Judge's decision to grant voluntary departure is vacated for failure to provide timely proof of payment of the voluntary departure bond.

FURTHER ORDER: The record is remanded for further proceedings consistent with this opinion and for the entry of a new decision.

FOR THE BOARD

Board Member Patricia A. Cole respectfully dissents but concurs in the decision to remand these proceedings. Prior to the adjudication of respondent's appeal, the Secretary of the Department of Homeland Security on January 8, 2018 announced the decision to terminate TPS designation for El Salvador. The Notice of Termination was published in the Federal Register on January 18, 2018. Therefore, a remand of these proceedings for TPS consideration is moot. Under the circumstances of this case, however, I would remand for the Immigration Judge to re-evaluate whether or not the respondent demonstrates the requisite good cause for a continuance.

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
DALLAS, TEXAS

File: A070-622-972 October 26, 2016

In the Matter of

ELIZABETH BONILLA	)	IN REMOVAL PROCEEDINGS
RESPONDENT	)	

CHARGES: 212(a)(6)(A)(i), present without admission.

APPLICATIONS: Post-conclusion voluntary departure.

ON BEHALF OF RESPONDENT: JOHN BRAY

ON BEHALF OF DHS: JOHN ALLUMS

ORAL DECISION OF THE IMMIGRATION JUDGE

The respondent is a 52-year-old female, native and citizen of El Salvador who last entered the United States without inspection in December 1997. A Notice to Appear was issued on December 4, 2014, charging the respondent with removability under the above cited section. During a master calendar proceeding, the respondent admitted the allegations and conceded the charge with the assistance of counsel. Based on the admissions and concessions, the charge was sustained by clear and convincing evidence. That was a master calendar hearing which was held on July 27, 2016. At that time, the respondent was given an opportunity to seek relief. The

respondent, through her attorney, asked the Court for additional time to consider relief options and specifically indicated that she would investigate the possibility of withholding of removal and a U visa. The respondent's request was granted and the case was continued for the purpose of the respondent stating relief. The next hearing was conducted on October 17, 2016. Prior to the hearing, the respondent's attorney filed a motion to withdraw on the basis that the respondent failed to communicate and had failed to comply with the terms of the representation agreement. That request was denied by the Immigration Judge on the basis that the attorney had failed to explain to her client that the final request for relief would be due at the next hearing. Therefore, at the next hearing, the respondent appeared. The respondent's attorney appeared and the respondent's new attorney, who at that time was not her attorney of record but is currently the attorney of record, also appeared. So, essentially, the respondent appeared at the next master calendar with two attorneys. The respondent elected to proceed with a substitution and, therefore, the respondent's prior attorney was dismissed and her current attorney, Mr. Bray, was substituted.

The respondent was then asked to state what relief was being sought and the respondent requested two forms of relief. One was a provisional waiver, or to be more specific, a continuance for the purpose of having a relative file an I-130, or in the alternative, either administrative closure to consider a provisional waiver or the possibility of a subsequent administrative closure in the event the I-130 were to be filed and actually granted by the Government. That was the first request. The second request that was made was for post-conclusion voluntary departure, which the Government opposed. The Court denied the respondent's request for a provisional waiver for reasons which I will come to presently and the proceedings were continued for the purpose of allowing the respondent to present her application for post-conclusion

voluntary departure and the case was then reset to today's date, October 26, for the purpose of conducting and individual calendar hearing on the request for post-conclusion voluntary departure. At the resumed hearing, the respondent's attorney made an additional request for relief and that was for TPS and that request was also denied for reasons which I will come to presently. The hearing then proceeded on the application for post-conclusion voluntary departure. The following documents have been marked and admitted: Exhibit 1 is the Notice to Appear. Exhibit 2 is the respondent's birth certificate. Exhibit 3 is a notice of intent to deny TPS. Exhibit 4 is the I-130 that was recently filed. And Exhibit 5 is the I-213. The respondent testified on her own behalf. The respondent made a proffer for testimony of her two adult children, ages 28 and 29. The proffer was made on the record and was accepted by the Government.

STATEMENT OF THE FACTS

The respondent is a 52-year-old native and citizen of El Salvador who originally entered the United States without inspection in 1985. She has had five children born to her, three in El Salvador, two in the United States. The respondent had two children born shortly after she entered the United States unlawfully in 1985; specifically, her son Rudy was born October 24, 1987 and her daughter, Rosa, born October 16, 1988. The respondent had three or four arrests between 1990 and 1992 and we do not really have an accurate record of what happened as the respondent's testimony was ambiguous and the Government's records, for reasons that I will come to presently, are incomplete and also neither side really submitted the criminal court records. However, there is some evidence. The respondent testified that she had been arrested three times, twice for drugs and once for unlawful food stamps. She did not directly state, but she implied that this was in 1991 or possible '90 or '92, but in the '90 -

'92 timeframe when these three arrests occurred. Exhibit 3 contains a record of some arrests and it indicated that respondent was arrested three times for dangerous drugs, once on October 26, 1990, once on October 3, 1992, and once on December 20, 1992. It also indicates that on two of these occasions, the respondent used aliases, once in the name of Anna Marie Omana and the second time in the name of Evelyn Elizabeth Selada. The I-213 also references the same three arrest dates and charges and also indicates that the respondent has used a number of aliases, including Anna Omanna, Anna Omana, Rosa Rodrigues, Rosa Rodriguez, Evelyn Selada, Elizabeth Bonilla, and Elizabeth Bonilla Pena. It is not exactly clear what happened as a result of these arrests. The respondent said that, to use her words, she did 10 months and by that testimony I took to mean that she served some sort of jail sentence for 10 months. She explained that she got out. That was not really very clear. And then at one point she appeared to say that she was being held in criminal custody because of an Immigration detainer and that it took a long time to execute the detained because of a lack of detention space with the INS. If that is what she intended to say, then she misunderstood what happened because she was not held in confinement for 10 months due to an INS detainer. In any event, the respondent, in some fashion, was turned over to Immigration authorities after she completed whatever criminal proceedings she had; whether that be with a sentence or without a sentence, and the respondent testified that she was deported in 1992. She said that she saw an Immigration Judge and that the Immigration Judge told her that she was barred from returning to the United States for a period of five years. And, then, she said that she was deported and that she then lived in El Salvador from 1992 until December 1997. She also said that some of her children came to live with her in El Salvador during this approximately five-year period. Apparently, the respondent took the statement of the Immigration Judge in a literal

fashion and after her five years was up, she reentered the United States unlawfully in December 1997. She said that her two children, and I take it to be that is the same two people who are present as witnesses today, that they entered lawfully as U.S. citizens. And, then, the respondent said that she has not been back to El Salvador since December 1997. The respondent apparently applied for TPS at some point and that seems to be confirmed by Exhibit 3 which indicates that she applied for re-registration of TPS on July 29, 2013. It is not clear exactly when respondent was granted TPS, but she was granted TPS at some point and it appears from Exhibits 3 and 5 that she lost her TPS in 2014 because she failed to respond to the notice of intent which asked her to explain her criminal record and apparently she did not explain her criminal record and the Government, then, in some fashion terminated or withdrew her TPS status in 2014 and then issued a Notice to Appear on December 4, 2014. The I-130 from her son was filed just a couple of days before this final hearing or maybe the same day. Actually, it appears to have been filed, perhaps this morning or maybe yesterday and that is Exhibit 4.

CREDIBILITY

Credibility is not a major issue in this case. Although there are a lot of gaps in the record, the respondent's testimony was not particularly helpful at filling those gaps, although she did provide some information. While I do feel there is a little bit of evasion at times in her testimony, she appeared to be very knowledgeable about legal matters and also about factual events. And, at other times, she appeared to take a very simplistic approach as to what she professed to recall and not recall. Nonetheless, I do not feel that credibility is a primary issue in the case and, in general, I would accept the thrust of most of her testimony.

ANALYSIS

I will consider each of the three requests made by the respondent, beginning with the request for TPS. The request for TPS is denied or, to be more specific, the request for a continuance for the purpose of being considered for a review of the Government's denial of the TPS is denied, because the respondent was given a deadline to state relief, specifically, on July 27, 2016, and then a second time on October 11, 2016 when I initially at the master calendar and the second date is when I denied the motion to withdraw. On those two occasions, I made clear to the respondent that she would be required to state relief at the next hearing. The next hearing occurred on October 17 and at that time the respondent did not request TPS. Therefore, I will not consider that request any further. With respect to the request for a continuance or administrative closure for a provisional waiver, I have not granted this request because the Government opposed the request. The Government opposes administrative closure for a provisional waiver and opposes a continuance for a provisional waiver. Now, the respondent is absolutely barred from a provisional waiver because of the fact that she is under removal proceedings and that is stated in 8 C.F.R. 212.7. Therefore, the respondent could not be granted a provisional waiver unless the Court administratively closes the case. Now, in the Board's decision in Matter of Avetisyan[1], 25 I&N Dec. 688 (BIA 2012), the Board indicated that the Judge could consider an administrative closure in considering six factors, including the reason administrative closure is sought, the basis for any opposition, the likelihood the respondent will succeed on any petition, application, or other action that he or she is pursuing outside of removal proceedings, the anticipated duration of the closure, the responsibility of either party, if any, in

[1] The Board's decision in Matter of Avetisyan is distinguishable from the facts of the present case due to the fact that in the Avetisyan case the Immigration Court had authority over the relief that was ultimately sought in that case which was adjustment of status. In contrast, in this case, the Court does not have ultimate jurisdiction over the relief sought, which was a provisional waiver, and the fact the respondent was not proposing ever to come back to the Immigration Court for any relief over which I had jurisdiction.

contributing to any current or anticipated delay, and the ultimate outcome of removal proceedings when the case is re-calendared before the Immigration Judge. Now, these factors weigh against the respondent, but I am going to consider first the Government's opposition to the administrative closure. Whether the respondent explicitly or indirectly requested administrative closure, the request for a continuance is akin to a request for administrative closure due to the fact that the continuance would be utterly pointless unless the respondent was prepared to also request an administrative closure at some later point in time. This is why I have considered both the Government's opposition to the continuance and also the Government's opposition to the request for administrative closure for the purpose of a provisional waiver.

Now, the provisional waiver is a program that is offered by the Government and it is not a program the Court has jurisdiction over. The Government is in the best position to speak to the issue of whether the respondent's likely to be granted a provisional waiver, but that is really not the most important basis for my decision. There is nothing in the Board's decision in Matter or Avetisyan which overrules, withdraws, or modifies its prior decision in Matter of Ramirez-Sanchez, 17 I&N Dec. 503 (BIA 1980). And, similar to that case, there is also Matter of Quintero, 18 I&N Dec. 348 (BIA 1982). Now, in the Ramirez-Sanchez case, the Board held that once the Government institutes proceedings, an Immigration Judge must order an alien deported if the evidence supports the charge, and in Matter of Quintero, the Board held that an Immigration Judge does not err in declining to grant a continuance in order to allow an alien to pursue deferred action. Now, the Ramirez-Sanchez case necessarily means that because discretion is vested in the Government and not in the Immigration Judge, if the Government declines to exercise discretion, then the Court is bound to issue a removal order or back then a deportation order unless the alien qualifies for

some relief before the Court. And so while I understand that the Board has listed the six factors in Avetisyan, I also have to give effect to the Board's decision in Ramirez-Sanchez and, thus, in Avetisyan, the Board says that I would take into account the position of the Government and when I take that together with the Board's decision in Ramirez-Sanchez, I necessarily come to the conclusion that if the purpose of administrative closure is to pursue some sort of discretionary consideration outside of removal proceedings and if the Government itself does not wish to pursue those discretionary proceedings, then the Immigration Judge must proceed on the case and that necessarily means that the request for administrative closure and also collaterally any continuance that necessarily leads to administrative closure must be denied. To state the matter in other terms, if I look at item number 3 in the Avetisyan case, the likelihood that the respondent will succeed on any petition, application, or other action she is pursuing outside of removal proceedings, there is zero possibility that the respondent will succeed due to the fact that the Government has already stated that it would not agree to administratively close for the purpose of a provisional waiver.

I would not close these proceedings over the objection of the Government given the Board's position that it took in the case of Matter of Ramirez-Sanchez, which basically says that I have to proceed with the case if the Government declines to exercise discretion which it has done in this case. Therefore, even taking into account any and all of the factors in Matter of Avetisyan and taking into account the decision in Ramirez-Sanchez, it would be futile for me to grant this continuance or to administratively close this case for the purpose of allowing the respondent to file an application for a provisional waiver. Now, in addition to that, there is a separate reason why the respondent is ineligible for a provisional waiver and that is that she is otherwise inadmissible to the United States. Pursuant to Section 212(a)(9)(A)(ii)(II), any alien who

has departed the United States while an order of removal was outstanding and who seeks admission within 10 years of the date of such alien's departure or removal is inadmissible. Now, the respondent was deported in 1992. Even though I do not have a copy of the warrant of deportation and let me digress momentarily and while I will not engage in speculation, I will say that there is sufficient evidence here for me to conclude that the respondent was deported and I will take note of the fact that the arrest which led to the respondent's deportation in 1992, which is referenced in Exhibits 3 and 5, according to those Exhibits, the respondent used an alias at the time she was arrested by the police. So the respondent was arrested on December 20, 1992 under the name of Evelyn Elizabeth Selada and on another occasion under another alias. Now, she said she was turned over directly by the criminal court authorities to the Immigration authorities and, thus, there is evidence for the view that the respondent went through deportation proceedings under an alias. It is not really necessary for me to find that that was the case, however, because of the fact that the respondent herself has testified that she was deported in 1992. I will also take note of the respondent's testimony that she was told by the then Immigration Judge that she could not return to the United States for a period of five years and I will take notice that as the statute existed in 1992, there was indeed such a five-year provision that was in effect at that time, and that is contained under the 1992 version of the statute, Section 212(a)(6)(A) or (B) and that says that a person who was deported or who was arrested and deported is inadmissible if they seek admission within five years of the date of such deportation or removal or 20 years in the case of an aggravated felon.

So what the respondent has testified about provides further support for the conclusion that the respondent was deported in 1992. Now, while she was in El Salvador, IRAIRA passed in 1976. The respondent then entered the United States

unlawfully in December 1997. Due to the statutory provisions which were enacted in 1996, the respondent was considered an arriving alien subject to proceedings under 212 at the time she reentered unlawfully in December 1997. As such, she then falls under the current version of the statute, under 212(a)(9)(A), the cite which I previously cited to, as being a person who sought admission within 10 years of a departure or removal, so she left the '92. The 10-year period would end in 2002. She came back in '97 so she falls within the 10-year period and she is, thus, inadmissible for that reason and, therefore, not eligible for a provisional waiver. But all of that is a side issue to the primary reason which I have denied the respondent's request for a continuance to seek a provisional waiver which is first and foremost based on the Board's decision in the case of Matter of Ramirez-Sanchez as I have previously explained. So for all of those reasons, I would decline to allow the respondent to pursue a provisional waiver.

Now I come to the third request for relief that the respondent has made and that is the request for post-conclusion voluntary departure. Now, I will first find that the respondent is statutorily eligible for the waiver under Section 240B(b) of the Act. The respondent has one year of physical presence. She does not fall under any of the enumerated grounds in 101(f) to bar her because of good moral character. There might be an argument as to what the un-enumerated clause of that provision. She is not an aggravated felon or a terrorist and I will accept her testimony that she has sufficient financial means to depart, and as far as an intention to depart, while there is evidence here that she has tried to evade Immigration laws in the past, including reentering unlawfully after a prior deportation, I will take note that that happened a long time ago, 15 years ago. In fact, more than that, 20 years ago, 19 years ago. She now has grown sons and daughters who can assist her in remaining in compliance with the law and at this point she is much older and I will accept the respondent's testimony that she has an

actual intent to depart in the event that her appeal is denied by the Board. Therefore, I believe the respondent is not barred for an unwillingness to depart the United States. Now, with respect to having a previous grant of voluntary departure, I have already concluded that her absence in 1992 was an actual deportation, not a voluntary departure, but in any event, that was under the prior statute, not under the post-1996 statute, so that '92 departure is not going to bar her. So the respondent is statutorily eligible, therefore, she is eligible for discretionary consideration and I will take into account the factors cited by the Board in Matter of Gamboa, 14 I&N Dec. 244 (BIA 1972), including the nature and underlying circumstances of the removal ground, additional violations of Immigration law, existence, seriousness, and recency of any criminal record, and other evidence of bad character or undesirability. I will also take into account compensating elements, such as long U.S. residence, close family ties, or humanitarian needs. Now the respondent has a lengthy record of Immigration violations, including twice entering without inspection, reentry after removal, failing to obtain the consent of the Attorney General to reenter after a removal, working without authorization, and use of an alias with, I believe there is enough information in this record for me to conclude that she provided an alias to Immigration authorities.

So the respondent does have a lengthy record of Immigration violations. However, I will also note that most of that has been in the past. In fact, most of it has been in the distant past. The only part of it which is recent is that she has been working without authorization for a period of about two years from 2014 to the present. That is the only Immigration violation that is recent, other than the fact that she did not leave the country in 2014 when her TPS was withdrawn. And with respect to her criminal record, I would make a similar finding that I believe the respondent has been convicted of a drug offense. I do not know what that drug offense is. It might be drug trafficking.

It might not. She served 10 months, probably under an alias, but one way or another, she served 10 months. That is pretty serious and she also has two other arrests which might also have resulted in a conviction. So she does have a serious criminal record. However, I would note that this has been in the distant past. This is more than 20 years old and there is no record that the respondent has any criminal arrests for more than 20 years and, thus, the serious criminal record that the respondent has is mitigated by the fact that it is not recent and is, in fact, quite dated. With respect to other evidence of bad character or undesirability, I will take note of the fact that the respondent has failed to meet her federal income tax obligations. It appears that she has filed federal income taxes only when she felt it would be beneficial to her. She said she filed when she could claim her two children and she said she filed when she could claim her parent, but she did not file in the years where she could not claim a dependent. So it is clear that the respondent has tried to cheat the tax system and this is activity which is recent and is undesirable and I will note that as a negative discretionary factor. However, there are also positive factors in this case, including that respondent does have close family ties in the United States and she has a long U.S. residence. She has been here since 1997 so almost 20 years and, furthermore, of that 19 years, 13 of the 19 years, probably, it is not absolutely certain, but probably 13 of the 19 years has been in, if not a lawful status, at least with the sanction of the Government allowing her to remain here under TPS. Therefore, while there are negative factors, I do feel that the positive factors in this case outweigh the negative factors and thus I would grant the request for voluntary departure as a matter of discretion. Therefore, the following orders will be entered.

ORDERS

IT IS ORDERED that the application for post-conclusion voluntary departure under Section 240B(b) of the Act be granted in accordance with 8 C.F.R.

1240.26(c) and the below notice. Additional order:

IT IS ORDERED that if the respondent fails to depart when and as required, the respondent shall be removed from the United States to El Salvador. Additional order:

IT IS ORDERED that the respondent may depart the United States within 60 days. That is the maximum period of time available for post-conclusion voluntary departure, or on or before December 27, 2016.

NOTICE TO THE RESPONDENT

If you fail to depart the United States within the period of time that I have given you for voluntary departure, you will be subject to a civil penalty of $3,000 and you shall be ineligible for 10 years to receive certain Immigration benefits in the United States. These benefits include voluntary departure, cancellation of removal, change of non-immigrant classification, adjustment of status and registry. You are required to post a voluntary departure bond in the amount of $500 within five business days of today's date or on or before November 2, 2016. The bond must be posted with the Immigrations and Customs Enforcement field office director. If you appeal my decision, you are required to submit sufficient proof of having posted the $500 bond. This proof must be filed with the Board of Immigration Appeals within 30 days of filing the appeal. If you fail to do so, the Board of Immigration Appeals will not reinstate the period of voluntary departure in its final order. If you file a motion to reopen or reconsider during the period of time that I have given you for voluntary departure, the grant of voluntary

departure is terminated automatically and an alternate order of removal will take effect immediately.

Please see the next page for electronic signature

R. WAYNE KIMBALL
Immigration Judge

//s//

Immigration Judge R. WAYNE KIMBALL

kimballr on February 14, 2017 at 6:41 PM GMT