



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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5701 Executive Ctr Dr., Ste 300
Charlotte, NC 28212**

Name: ANTIVEROS-RODRIGUEZ, GRE...

A 200-241-339

Date of this notice: 12/30/2016

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.
O'Connor, Blair
Mann, Ana

Userteam: Docket

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JS

Falls Church, Virginia 22041

File: A200 241 339 – Charlotte, NC

Date: **DEC 30 2016**

In re: GREGORIO ANTIVEROS-RODRIGUEZ

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Jeremy L. McKinney, Esquire

ON BEHALF OF DHS: Lisa P. Durant
Assistant Chief Counsel

The respondent, a native and citizen of Mexico, appeals from the Immigration Judge's decision dated May 26, 2015, which ordered him removed from the United States. The record will be remanded.

The record shows that the respondent appeared with counsel at the May 26, 2015, hearing and requested a continuance to further investigate his request for prosecutorial discretion (Tr. at 3, 5). He also requested that the case be administratively closed (Tr. at 5). The Immigration Judge stated that there was no good cause for a continuance (Tr. at 7), but said nothing about the respondent's request for administrative closure. The Immigration Judge then issued a summary order of removal without preparing a separate oral or written decision in this matter setting out the reasons for the decision.

The transcript and summary order are not sufficient to constitute the factfinding and analysis necessary for proper appellate review. Accordingly, the record will be returned to the Immigration Judge for preparation of a full decision on the request for a continuance, as well as the request for administrative closure. *See Matter of A-P-*, 22 I&N Dec. 468 (BIA 1999). Upon preparation of the full decision, the Immigration Judge shall issue, if appropriate, an order administratively returning the record to the Board. If necessary, the Immigration Judge shall serve the administrative return order on the respondent and the DHS. The Board will thereafter give the parties an opportunity to submit briefs in accordance with the regulations.

ORDER: The record is returned to the Immigration Court for further action as required above.



FOR THE BOARD

IMMIGRATION COURT
5701 EXECUTIVE CENTER DR. #400
CHARLOTTE, NC 28212

In the Matter of

Case No.: A200-241-339

ANTIVEROS-RODRIGUEZ, GREGORIO
Respondent

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on 5.26.15.
This memorandum is solely for the convenience of the parties. If the
proceedings should be appealed or reopened, the oral decision will become
the official opinion in the case.

- [4] The respondent was ordered removed from the United States to MEXICO
or in the alternative to .
[] Respondent's application for voluntary departure was denied and
respondent was ordered removed to or in the
alternative to .
[] Respondent's application for voluntary departure was granted until
upon posting a bond in the amount of \$ _____
with an alternate order of removal to .

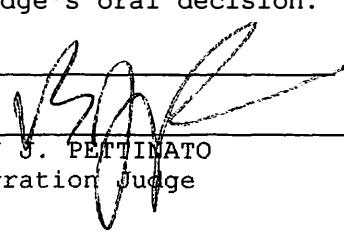
Respondent's application for:

- [] Asylum was () granted () denied () withdrawn.
[] Withholding of removal was () granted () denied () withdrawn.
[] A Waiver under Section _____ was () granted () denied () withdrawn.
[] Cancellation of removal under section 240A(a) was () granted () denied
() withdrawn.


Respondent's application for:

- [] Cancellation under section 240A(b)(1) was () granted () denied
() withdrawn. If granted, it is ordered that the respondent be issued
all appropriate documents necessary to give effect to this order.
[] Cancellation under section 240A(b)(2) was () granted () denied
() withdrawn. If granted it is ordered that the respondent be issued
all appropriated documents necessary to give effect to this order.
[] Adjustment of Status under Section _____ was () granted () denied
() withdrawn. If granted it is ordered that the respondent be issued
all appropriated documents necessary to give effect to this order.
[] Respondent's application of () withholding of removal () deferral of
removal under Article III of the Convention Against Torture was
() granted () denied () withdrawn.
[] Respondent's status was rescinded under section 246.
[] Respondent is admitted to the United States as a _____ until _____.
[] As a condition of admission, respondent is to post a \$ _____ bond.
[] Respondent knowingly filed a frivolous asylum application after proper
notice.
[] Respondent was advised of the limitation on discretionary relief for
failure to appear as ordered in the Immigration Judge's oral decision.
[] Proceedings were terminated.
[] Other: _____

Date: May 26, 2015


BARRY J. PETTINATO
Immigration Judge

Appeal: Waived/Reserved Appeal Due By:


By B. J. R. P. 6.25.15.