



**U.S. Department of Justice**

Executive Office for Immigration Review

*Board of Immigration Appeals  
Office of the Clerk*

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1901 S. Bell Street, Suite 900  
Arlington, VA 22202**

**Name: CARDENAS CABALLERO, GLE...      A 098-957-042**

**Date of this notice: 4/10/2018**

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:  
Pauley, Roger

Userteam: Docket

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Falls Church, Virginia 22041

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File: A098 957 042 – Arlington, VA

Date:

**APR 10 2018**

In re: Glenda CARDENAS CABALLERO a.k.a. Melissa Kent

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Ramiro Alcazar, Esquire

ON BEHALF OF DHS: Ann Atalla  
Assistant Chief Counsel

APPLICATION: Reopening

The respondent has appealed from the Immigration Judge's decision dated November 14, 2017. The Immigration Judge denied the respondent's motion to reopen proceedings in which she was ordered removed in absentia. The Department of Homeland Security (DHS) has filed a brief in opposition to the appeal. The record will be remanded.

The Board reviews an Immigration Judge's findings of fact, including findings as to the credibility of testimony, under the "clearly erroneous" standard. 8 C.F.R. § 1003.1(d)(3)(i). The Board reviews questions of law, discretion, and judgment and all other issues in appeals from decisions of Immigration Judges de novo. 8 C.F.R. § 1003.1(d)(3)(ii).

The record contains an Immigration Judge's decision stating that the respondent's motion to reopen will be denied because "the court agrees with the reasons stated in the opposition to the motion." Although there is no formal requirement for the Immigration Judge to list each factual finding, an Immigration Judge's oral or written decision must accurately summarize the relevant facts, reflect the Immigration Judge's analysis of the applicable statutes, regulations, and legal precedents, and clearly set forth the Immigration Judge's legal conclusions. *See Matter of M-P-*, 20 I&N Dec. 786 (BIA 1994) (finding that an Immigration Judge must fully explain the reasons for denying a motion in order to allow the respondent a fair opportunity to contest the decision and the Board an opportunity for meaningful appellate review); *see also Matter of A-P-*, 22 I&N Dec. 468, 477 (BIA 1999).

The Immigration Judge's decision, as presently constituted, does not provide us with a meaningful basis for reviewing the denial of the respondent's motion to reopen. Accordingly, the record will be returned to the Immigration Judge for preparation of a full decision that clearly articulates the rationale for denying the motion. Upon preparation of the full decision, the Immigration Judge shall issue an order administratively returning the record to the Board. 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 remanded to the Immigration Judge for further proceedings consistent with this opinion and for entry of a new decision.

  
\_\_\_\_\_  
FOR THE BOARD

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
ARLINGTON VIRGINIA

Glenda Mirasol CARDANES-CABALLERO

File No.:

A 098 957 042

**ORDER OF THE IMMIGRATION JUDGE**

Upon consideration of the Respondents' Motion to Reopen 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 \_\_\_\_\_.

Date

14 Nov 17

[Signature]  
[name]

Immigration Judge

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