



**U.S. Department of Justice**

Executive Office for Immigration Review

*Board of Immigration Appeals  
Office of the Clerk*

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**Name: AVILA-HURRON, CHRISTIAN**

**A 208-992-577**

**Date of this notice: 7/10/2018**

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

Donna Carr  
Chief Clerk

Enclosure

Panel Members:  
Adkins-Blanch, Charles K.  
Mann, Ana  
Snow, Thomas G

Userteam: Docket

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Falls Church, Virginia 22041

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File: A208 992 577 – Dallas, TX

Date: **JUL 10 2018**

In re: Christian AVILA-HURRON a.k.a. Christian Reniery Avila-Giron

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: William Earl Clark, Esquire

APPLICATION: Reopening

The respondent, a native and citizen of Honduras, was ordered removed in absentia on January 3, 2017. On July 5, 2017, the respondent, through counsel, filed a motion to reopen proceedings. The Immigration Judge denied that motion on August 21, 2017, and the respondent filed the instant appeal. The appeal will be sustained, the in absentia order will be vacated, proceedings will be reopened, and the record will be remanded.

Upon de novo review of the record and in light of the circumstances presented in this case, we find it appropriate to reopen these proceedings and allow the respondent another opportunity to appear for a hearing before an Immigration Judge. *See* section 240(b)(5)(C)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1229a(b)(5)(C)(i). The record reflects that notice for the respondent's January 3, 2017, hearing was sent to former counsel whose representation had terminated because it was limited to bond proceedings. Moreover, the respondent was diligent in pursuing his case and the Department of Homeland Security did not oppose the respondent's motion to reopen proceedings or the appeal.

ORDER: The appeal is sustained, the in absentia order is vacated, proceedings are reopened, and the record is remanded to the Immigration Judge for further proceedings.



FOR THE BOARD