



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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Newark, NJ 07102**

**DHS/ICE Office of Chief Counsel - NEW
970 Broad Street, Room 1300
Newark, NJ 07102**

Name: VELASQUEZ CASTELLON, ANA ... A 205-016-240

Date of this notice: 11/2/2017

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:
Malphrus, Garry D.
Creppy, Michael J.
Mullane, Hugh G.

U.S. Department of Justice
User team: Docket

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**VELASQUEZ CASTELLON, ANA SILVIA
A205-016-240
ESSEX COUNTY CORR. FAC
354 DOREMUS AVE
NEWARK, NJ 07105**

**DHS/ICE Office of Chief Counsel - NEW
970 Broad Street, Room 1300
Newark, NJ 07102**

Name: VELASQUEZ CASTELLON, ANA ... A 205-016-240

Date of this notice: 11/2/2017

Enclosed is a copy of the Board's decision in the above-referenced case. This copy is being provided to you as a courtesy. Your attorney or representative has been served with this decision pursuant to 8 C.F.R. § 1292.5(a). If the attached decision orders that you be removed from the United States or affirms an Immigration Judge's decision ordering that you be removed, any petition for review of the attached decision must be filed with and received by the appropriate court of appeals within 30 days of the date of the decision.

Sincerely,

Donna Carr

Donna Carr
Chief Clerk

Enclosure

Panel Members:
Malphrus, Garry D.
Creppy, Michael J.
Mullane, Hugh G.

Printed: 11/2/2017
User team: D. Carr

Falls Church, Virginia 22041

File: A205 016 240 – Newark, New Jersey

Date: **NOV - 2 2017**

In re: Ana Silvia VELASQUEZ CASTELLON a.k.a. Ana S. Castellon

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Stanley Smotritsky, Esquire

APPLICATION: Reconsideration

This matter was last before the Board on June 22, 2017, when we dismissed the respondent's appeal of an Immigration Judge's January 22, 2017, decision which denied her motion to rescind her in absentia removal order. The respondent, a native and citizen of El Salvador, has filed a motion to reconsider our decision. The Department of Homeland Security has not filed an opposition to the motion. The motion will be granted. The record will be remanded.

We review findings of fact determined by an Immigration Judge, including credibility findings, under a "clearly erroneous" standard. 8 C.F.R. § 1003.1(d)(3)(i). We review 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 respondent alleges that we erred in our previous order by stating that she did not file a brief as promised, and she has submitted evidence that a brief was sent to the Board. In light of this new information, we conclude that reconsideration is warranted.

The substantive basis of the motion alleges exceptional circumstances explaining that the respondent's family became homeless as a result of a robbery and that the loss of contact information for the attorney and the attorney's moving of his office without notice excused her inability to maintain contact with her prior attorney. Therefore she argues that this excused her failure to appear. In addition, her prior attorney indicated that he had been unable to contact her on several occasions and was not aware that she was homeless. The respondent has not been found incredible. Based on her and her attorney's representations, exceptional circumstances have been shown.

Accordingly, the following orders will be entered.

ORDER: The motion is granted.

FURTHER ORDER: The record is remanded for further proceedings.



FOR THE BOARD

Cite as: Ana Silvia Velasquez Castellon, A205 016 240 (BIA Nov. 2, 2017)