



**U.S. Department of Justice**

Executive Office for Immigration Review

*Board of Immigration Appeals  
Office of the Clerk*

5107 Leesburg Pike, Suite 2000  
Falls Church, Virginia 22041

**ZAMORA-ROSAS, JOSE MANUEL  
1205 BEATRICE DRIVE  
ORLANDO, FL 32810**

**DHS/ICE Office of Chief Counsel - ORL  
3535 Lawton Road, Suite 100  
Orlando, FL 32803**

**Name: ZAMORA-ROSAS, JOSE MANUEL    A 018-509-728**

**Date of this notice: 7/18/2016**

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:  
Holiona, Hope Malia  
Guendelsberger, John  
Kendall-Clark, Molly

USCIS  
User team: Docket

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*mg*

Falls Church, Virginia 22041

File: A018 509 728 – Orlando, FL

Date:

**JUL 18 2016**

In re: JOSE MANUEL ZAMORA-ROSAS a.k.a. Jose Manuel Zamora

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Pro se<sup>1</sup>

APPLICATION: Reconsideration

This proceeding has been before the Board, as well as the Immigration Judge, on several occasions. Most recently, the Board dismissed the respondent's appeal of an Immigration Judge's denial of a motion to reopen an in absentia order. The respondent has now filed a timely motion to reconsider our March 28, 2016, decision. Section 240(c)(6) of the Immigration and Nationality Act, 8 U.S.C. § 1229a(c)(6).

The motion to reconsider is granted. 8 C.F.R. § 1003.2(b); *Matter of O-S-G-*, 24 I&N Dec. 56 (BIA 2006). The Immigration Judge found that a Notice of Entry of Appearance (Form EOIR-28) had been filed by the respondent's former counsel (IJ Dec. dated 12/4/14 at pp. 3-4, n. 2 and n. 6), and that former counsel did not withdraw his notice of appearance prior to the time that the Board mailed its decision to him and the Immigration Judge scheduled and mailed a new hearing notice on remand. (BIA Dec. dated 3/28/16 at 1-2; IJ Dec. dated 12/4/14 at 4).

The respondent is correct that his former counsel did not file a new Notice of Entry of Appearance *after* the Board remanded proceedings. We therefore agree with the respondent that the Notice of Hearing should not have been mailed to former counsel. Rather, the Notice of Hearing should have been mailed directly to the respondent.<sup>2</sup>

Since the respondent did not receive proper notice of his hearing, the motion shall be granted. Further, the Immigration Judge's in absentia order and order denying reopening, as well as the Board's March 28, 2016, decision, are vacated, and the record shall be remanded. Accordingly, the following orders shall be issued.

ORDER: The motion to reconsider is granted.

FURTHER ORDER: The record is remanded for further proceedings in accordance with this decision.

  
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FOR THE BOARD

<sup>1</sup> The respondent is treated as pro se because his counsel did not submit a Notice of Entry of Appearance with the motion.

<sup>2</sup> Current practice advises counsel to file a new entry of appearance if a proceeding is remanded. Immigration Court Practice Manual §§ 2.1(b)(i) and 2.3(c) (A018 509 728 (BIA July 18, 2016))