



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Name: C [REDACTED], L [REDACTED] Z [REDACTED]

A [REDACTED]-565

Date of this notice: 10/18/2018

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:
Adkins-Blanch, Charles K.
Kelly, Edward F.
Geller, Joan B

User team: Docket

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Falls Church, Virginia 22041

File: A [REDACTED]-565 – Los Angeles, CA

Date: **OCT 18 2018**

In re: Liang Zhu CHEN

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Robert A. Espinosa, Esquireq

APPLICATION: Continuance

The respondent, a native and citizen of China, appeals from the Immigration Judge's April 27, 2018, decision ordering his removal. He argues that the Immigration Judge erred in denying his request for a continuance. The respondent's appeal will be sustained and the record will be remanded for further proceedings and the entry of a new decision.

We review the findings of fact, including the determination of credibility, made by the Immigration Judge under the "clearly erroneous" standard. 8 C.F.R. § 1003.1(d)(3)(i). We review all other issues, including issues of law, discretion, or judgment, under a de novo standard. 8 C.F.R. § 1003.1(d)(3)(ii).

We are persuaded that the respondent demonstrated good cause for a continuance at his April 27, 2018, hearing. *See generally Matter of L-A-B-R-*, 27 I&N Dec. 405 (A.G. 2018). The record reflects that the respondent proceeded pro se at his initial hearing on April 20, 2018, and indicated that he wished to apply for asylum. The Immigration Judge provided the respondent with a number of advisals and instructed him to have his application completed by the time of his next hearing (IJ at 7-8). At the subsequent hearing on April 27, 2018, the respondent had not completed his application, but requested a continuance based on his assertions that he had difficulty completing the application in English and that he wished to retain an attorney to help him complete the application (Tr. at 10-11). Under the circumstances presented, including the short duration between the first and second hearings, we are persuaded that good cause was demonstrated for a continuance for the respondent to retain counsel to assist him in the preparation of his application for relief. *See Matter of C-B-*, 25 I&N Dec. 888, 890 (BIA 2012); *see also Matter of L-A-B-R-*, 27 I&N Dec. at 415 (noting that the number of prior hearings and continuances granted may be relevant in adjudicating a request for a further continuance). Accordingly, the following order will be entered.

ORDER: The respondent's appeal is sustained and the record is remanded for further proceedings and for the entry of new decision.



FOR THE BOARD