



**U.S. Department of Justice**

Executive Office for Immigration Review

*Board of Immigration Appeals  
Office of the Clerk*

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Columbia, SC 29212**

**DHS/ICE Office of Chief Counsel - ATL  
180 Ted Turner Dr., SW, Ste 332  
Atlanta, GA 30303**

**Name: P [REDACTED] S [REDACTED], J [REDACTED] F [REDACTED] ... A [REDACTED]-101**

**Date of this notice: 2/25/2020**

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

Sincerely,

*Donna Carr*

Donna Carr  
Chief Clerk

Enclosure

Panel Members:  
Mann, Ana  
Grant, Edward R.  
Mullane, Hugh G.

User team: Docket

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*RC*

Falls Church, Virginia 22041

File: A [REDACTED] -101 – Folkston, GA

Date:

**FEB 25 2020**

In re: J [REDACTED] F [REDACTED] P [REDACTED] S [REDACTED]

IN BOND PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Pro se

ON BEHALF OF DHS: Ashley N. Lassiter  
Assistant Chief Counsel

APPLICATION: Redetermination

The respondent, a native and citizen of Colombia, has appealed from an Immigration Judge's October 4, 2019, decision denying his motion for bond redetermination. The Department of Homeland Security (DHS) has filed a motion for summary affirmance. The record will be remanded to the Immigration Judge for further proceedings consistent with this order and for the entry of a new decision. The respondent's request for oral argument is denied. See 8 C.F.R. § 1003.1(e)(7).

In denying the respondent's motion, the Immigration Judge concluded that the respondent remained a flight risk because he had not put forth any arguments or provided any evidence regarding the speculative nature of his relief (IJ at 1, October 16, 2019).<sup>1</sup> In reaching this conclusion, however, the Immigration Judge did not acknowledge the respondent's proof that he is married to a United States citizen, that he and his spouse have a United States citizen child, that his wife has filed a visa petition on his behalf, that his wife filed a statement in support of his request for release on bond, that he has other letters of recommendation, and that he was inspected and admitted to the United States and has filed an application for adjustment of status (Respondent's Mot. Exhs B-O). This evidence is sufficient to establish more than speculative eligibility for relief from removal. We therefore remand the record to the Immigration Judge to reconsider the facts of the respondent's case and issue a new decision based on all the facts presented by the respondent and the DHS.

ORDER: The record is remanded to the Immigration Judge for further proceedings and for the entry of a new decision.

  
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FOR THE BOARD

Board Member Hugh G. Mullane respectfully dissents without opinion.

<sup>1</sup> The Immigration Judge did not find that the respondent was a danger to the community, and the DHS has not raised this issue on appeal.