



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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**DHS/ICE Office of Chief Counsel - LOS
606 S. Olive Street, 8th Floor
Los Angeles, CA 90014**

Name: HERNANDEZ GOMEZ, EMILIA

A 205-403-862

Date of this notice: 11/30/2015

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:
Grant, Edward R.

as follows:
User team: Docket

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Falls Church, Virginia 22041

File: A205 403 862 – Los Angeles, CA

Date:

NOV 30 2015

In re: EMILIA HERNANDEZ GOMEZ

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Alex Holguin, Esquire

APPLICATION: Reopening

The respondent, a native and citizen of Guatemala, appeals from the August 25, 2014, decision of an Immigration Judge denying the respondent's motion to reopen. The Department of Homeland Security (DHS) has not filed a brief in reply to the appeal. The record will be remanded.

In the respondent's motion to reopen, she admitted that she was personally served with the Notice of Hearing (NOH), but argued, *inter alia*, that since she does not understand much Spanish and she needed a Quiché interpreter, service was not adequate. The respondent alternatively sought sua sponte reopening. The Immigration Judge's order merely states that the "[r]espondent was given the advisals of the failure to appear in person and a copy of the notice of hearing in person. There is no evidence that she did not personally receive notice."

Under these circumstances, we find the record inadequate for review. An Immigration Judge's decision that lacks sufficient analysis does not provide an adequate opportunity to the alien to contest the Immigration Judge's determinations on appeal and leaves the Board without adequate means of reviewing the bases for the Immigration Judge's decision in light of the respondent's arguments on appeal. *See Matter of A-P-*, 22 I&N Dec. 468 (BIA 1999); *Matter of M-P-*, 20 I&N Dec. 786 (BIA 1994) (finding that an Immigration Judge must fully explain the reasons for denying a motion in order to allow the respondent a fair opportunity to contest the decision and the Board an opportunity for meaningful appellate review). Accordingly, the record will be remanded to the Immigration Judge for the issuance of a full decision.

In remanding this case, we intimate no opinion as to the ultimate merits of the respondent's appeal.

ORDER: The record is returned to the Immigration Court for further proceedings in accordance with this decision.


FOR THE BOARD

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
606 SOUTH OLIVE ST., 15TH FLOOR
LOS ANGELES, CA 90014

Dream Act Lawyers, Inc.
Holguin, Alex
8255 Firestone Blvd. Suite 450
Downey, CA 90241

IN THE MATTER OF
HERNANDEZ GOMEZ, EMILIA

FILE A 205-403-862

DATE: Aug 30, 2014

___ UNABLE TO FORWARD - NO ADDRESS PROVIDED

X ATTACHED IS A COPY OF THE DECISION OF THE IMMIGRATION JUDGE. THIS DECISION IS FINAL UNLESS AN APPEAL IS FILED WITH THE BOARD OF IMMIGRATION APPEALS WITHIN 30 CALENDAR DAYS OF THE DATE OF THE MAILING OF THIS WRITTEN DECISION. SEE THE ENCLOSED FORMS AND INSTRUCTIONS FOR PROPERLY PREPARING YOUR APPEAL. YOUR NOTICE OF APPEAL, ATTACHED DOCUMENTS, AND FEE OR FEE WAIVER REQUEST MUST BE MAILED TO:
BOARD OF IMMIGRATION APPEALS
OFFICE OF THE CLERK
5107 Leesburg Pike, Suite 2000
FALLS CHURCH, VA 20530

___ ATTACHED IS A COPY OF THE DECISION OF THE IMMIGRATION JUDGE AS THE RESULT OF YOUR FAILURE TO APPEAR AT YOUR SCHEDULED DEPORTATION OR REMOVAL HEARING. THIS DECISION IS FINAL UNLESS A MOTION TO REOPEN IS FILED IN ACCORDANCE WITH SECTION 242B(c)(3) OF THE IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. SECTION 1252B(c)(3) IN DEPORTATION PROCEEDINGS OR SECTION 240(c)(6), 8 U.S.C. SECTION 1229a(c)(6) IN REMOVAL PROCEEDINGS. IF YOU FILE A MOTION TO REOPEN, YOUR MOTION MUST BE FILED WITH THIS COURT:

IMMIGRATION COURT
606 SOUTH OLIVE ST.
LOS ANGELES, CA 90014

___ OTHER: _____

COURT CLERK
IMMIGRATION COURT

CC: PARK, SUNG, ESQ.
606 S. OLIVE ST., 8TH FLOOR
LOS ANGELES, CA, 90014

FF

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UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
LOS ANGELES, CALIFORNIA

In the Matter of: **HERNANDEZ-GOMEZ, Emilia Nicolasa** A Number: **205-403-862**

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the Respondent's Motion to Reopen, it is HEREBY ORDERED that the motion be ☐ GRANTED ☒ DENIED because:

- ☐ DHS does not oppose the motion.
- ☐ The respondent does not oppose the motion.
- ☐ A response to the motion has not been filed with the court.
- ☒ Good cause has been established for the motion.
- ☐ The court agrees with the reasons stated in the opposition to the motion.
- ☐ The motion is untimely per

☒ Other:

Respondent was given the advisals of the failure to appear in person and a copy of the Notice of Hearing in person. There is no evidence that she did not personally receive Notices.

Deadlines:

- ☐ The application(s) for relief must be filed by _____.
- ☐ The respondent must comply with DHS biometrics instructions by _____.

Aug 25, 2014
Date

Anna Ho
Immigration Judge
Anna Ho

Certificate of Service

This document was served by: ☒ Mail ☐ Personal Service
To: ☐ Alien ☐ Alien c/o Custodial Officer ☒ Alien's Atty/Rep ☒ DHS
Date: 9-2-14 By: Court Staff *[Signature]*