



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

**JASSO ARANGURE, RAMON
952098/A056-333-337
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JACKSON, MI 49201**

**DHS/ICE Office of Chief Counsel - DET
333 Mt. Elliott St., Rm. 204
Detroit, MI 48207**

Name: JASSO ARANGURE, RAMON

A 056-333-337

Date of this notice: 3/15/2016

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:
Adkins-Blanch, Charles K.
Guendelsberger, John
Grant, Edward R.

cc:ly and A

Userteam: Docket

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Falls Church, Virginia 22041

File: A056 333 337 – Jackson, MI

Date: MAR 15 2016

In re: RAMON JASSO-ARANGURE

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Pro se

ON BEHALF OF DHS: Heather A. Moilanen-Miller
Assistant Chief Counsel

CHARGE:

Notice: Sec. 237(a)(2)(A)(iii), I&N Act [8 U.S.C. § 1227(a)(2)(A)(iii)] -
Convicted of aggravated felony

APPLICATION: Termination of proceedings

The respondent, a native and citizen of Mexico, who was previously granted lawful permanent resident status, has appealed from the Immigration Judge's decision dated November 12, 2015. The Immigration Judge found the respondent removable, found the respondent ineligible for relief from removal, and ordered the respondent removed. On appeal, the respondent requests reconsideration of removability. The record will be remanded.

This Board reviews an Immigration Judge's findings of fact, including findings as to the credibility of testimony, under the "clearly erroneous" standard. *See* 8 C.F.R. § 1003.1(d)(3)(i); *Matter of R-S-H-*, 23 I&N Dec. 629 (BIA 2003); *Matter of S-H-*, 23 I&N Dec. 462 (BIA 2002). This Board reviews questions of law, discretion, and judgment, and all other issues raised in an Immigration Judge's decision de novo. *See* 8 C.F.R. § 1003.1(d)(3)(ii).

On appeal, the respondent questions the Immigration Judge's finding of removability. The Notice to Appear alleges that, on January 20, 2015, the respondent was convicted of First Degree Home Invasion, in violation of section 750.110a(2) of the Michigan Penal Code, and sentenced to 1.5 to 20 years in prison (Exh. 1). The respondent admitted the conviction and sentence (Tr. at 12; I.J. at 1). *See* 8 C.F.R. § 1003.41(d), 1240.10(c). In addition, a record of this conviction was entered into the record of proceedings (Exh. 2). *See* 8 U.S.C. § 1229a(c)(3)(B); 8 C.F.R. § 1003.41(a).

The burden is on the Department of Homeland Security (DHS) to prove removability by clear and convincing evidence. *See* 8 U.S.C. § 1229a(c)(3); 8 C.F.R. § 1240.8(a); *Woodby v. INS*, 385 U.S. 276, 286 (1966). *Cf.* 8 C.F.R. §§ 1003.15, 1240.10. The respondent was charged with

being removable for having been convicted of an aggravated felony involving a crime of violence, under section 101(a)(43)(F) of the Act, 8 U.S.C. § 1101(a)(43)(F) (Exh. 1).¹ The Immigration Judge found the respondent removable as charged, but provided no analysis for this conclusion in his decision (I.J. at 1-2).

The term “crime of violence” means (a) an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or (b) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense. 18 U.S.C. § 16. In *Johnson v. United States*, 135 S.Ct. 2551 (2015), the Supreme Court found statutory language similar to 18 U.S.C. § 16(b) to be unconstitutionally vague. In light of that decision, and because the statutory language of Michigan Penal Code section 750.110a(2) appears divisible, we conclude that it is necessary for the Immigration Judge to make further factual and legal findings with regard to removability. Consequently, we will remand the record to enable the Immigration Judge to do so.

Accordingly, the following order will be entered.

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



FOR THE BOARD

¹ The term “aggravated felony” includes a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) for which the term of imprisonment is at least 1 year. See section 101(a)(43)(F) of the Act, 8 U.S.C. § 101(a)(43)(F).

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
DETROIT, MICHIGAN

File: A056-333-337

November 12, 2015

In the Matter of

RAMON JASSO ARANGURE

RESPONDENT

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)
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)

IN REMOVAL PROCEEDINGS

CHARGE: Violation of Section 237(a)(2)(A)(iii)

APPLICATIONS:

ON BEHALF OF RESPONDENT: Pro Se

ON BEHALF OF DHS: Heather Moilanen-Miller
Assistant Chief Counsel

ORAL DECISION OF THE IMMIGRATION JUDGE

Respondent is a male native and citizen of Mexico. The Department of Homeland Security initiated these removal proceedings against respondent with the filing of a Notice to Appear dated April 21, 2015. At the hearing today, respondent, pro se, answered the court's questions and admitted the four factual allegations in the Notice to Appear. The court sustained the charge of removability under Section 237(a)(2)(A)(iii) in that his conviction for home invasion, first degree, with a sentence of 18 months to 20 years was, indeed, an aggravated felony as a crime of violence under the law.

Respondent was asked whether or not he feared returning to Mexico, either that he would be harmed or that he would be tortured. He indicated he had no fear. He had no problems in Mexico. On that basis, the court found that there was no relief available to respondent and respondent was, indeed, removable as charged. Therefore, the court has sustained the charge and ordered respondent's removal to Mexico on the charges in the Notice to Appear.

Please see the next page for electronic

signature

DAVID H. PARUCH
Immigration Judge

//s//

Immigration Judge DAVID H. PARUCH

paruchd on January 11, 2016 at 12:50 PM GMT

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