



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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Name: TORRES PONCE, JAVIER

A 028-803-028

Date of this notice: 4/3/2013

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:
Miller, Neil P.

schuckec
User team: Docket

Immigrant & Refugee Appellate Center | www.irac.net

NY

Falls Church, Virginia 22041

File: A028 803 028 – San Francisco, CA

Date: APR - 3 2013

In re: JAVIER TORRES PONCE

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Alisa S. Thomas, Esquire

ON BEHALF OF DHS: Rebecca B. Jamil
Assistant Chief Counsel

APPLICATION: Waiver of inadmissibility under section 212(h) of the Act

The Department of Homeland Security (“DHS”) has appealed the Immigration Judge’s decision rendered on October 16, 2012. A review of the record of proceeding and the automated docketing system reveals that the recording of the October 16, 2012, hearing is incomplete. On pages 113-114 of the transcript, the Immigration Judge indicates that a ½ hour recess will be taken and a decision will be issued, but there is no indication of the Immigration Judge coming back on the record. The record before us contains only a summary of the Immigration Judge’s oral decision and does not include a complete oral or written decision.¹

As we consider the complete transcript and decision necessary for our review of this matter, we will return the record to the Immigration Court for further action. Upon receipt of the record, the Immigration Court shall take such steps as are necessary and appropriate to enable preparation of a complete transcript and decision.

Accordingly, the following order will be entered.

ORDER: The record is returned to the Immigration Court for further action not inconsistent with the foregoing opinion and certification to the Board by the Immigration Judge thereafter.



FOR THE BOARD

¹ The DHS’s unopposed motion to hold briefing schedule in abeyance is granted. A new briefing schedule will be issued to the parties after the record is returned to the Board on certification.

IMMIGRATION COURT
120 MONTGOMERY ST., SUITE 800
SAN FRANCISCO, CA 94104

In the Matter of: TORRES PONCE, JAVIER

Case No.: A028-803-028

Respondent

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on 10-16-12.

This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

- ☐ The respondent was ordered removed from the United States to _____ or in the alternative to _____.
- ☐ Respondent's application for voluntary departure was denied and respondent was ordered removed to _____ or in the alternative to _____.
- ☐ Respondent's application for voluntary departure was granted until _____ upon posting a bond in the amount of \$ _____ with an alternative order of removal to _____.

Respondent's application for:

- ☐ Asylum was ☐ granted ☐ denied ☐ withdrawn ☐ other.
- ☐ Withholding of removal was ☐ granted ☐ denied ☐ withdrawn ☐ other.
- ☐ Respondent's application for ☐ withholding of removal ☐ deferral of removal under Article III of the Convention Against Torture was ☐ granted ☐ denied ☐ withdrawn ☐ other.
- ☒ A Waiver under section 212(b) was ☒ granted ☐ denied ☐ withdrawn ☐ other.
- ☐ Cancellation of removal under section 240A(a) was ☐ granted ☐ denied ☐ withdrawn ☐ other.

Respondent's application for:

- ☐ Cancellation under section 240A(b)(1) was ☐ granted ☐ denied ☐ withdrawn ☐ other. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
- ☐ Cancellation under section 240A(b)(2) was ☐ granted ☐ denied ☐ withdrawn ☐ other. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
- ☐ Adjustment of Status under section _____ was ☐ granted ☐ denied ☐ withdrawn ☐ other. If granted, it was ordered that respondent be issued all appropriate documents necessary to give effect to this order.
- ☐ Respondent's status was rescinded under section 246.
- ☐ Respondent is admitted to the United States as a _____ until _____.
- ☐ As a condition of admission, respondent is to post a \$ _____ bond.
- ☐ Respondent knowingly filed a frivolous asylum application after proper notice.
- ☐ Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.
- ☒ Proceedings were terminated.
- ☐ Other: _____
- Date: _____


Tue Phan-Quang,
Immigration Judge

Appeal waived (Reserved): A ☒ B

Appeal due by: 11/15/12

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)

TO: ☐ ALIEN ☒ ALIEN c/o Custodial Officer ☐ ALIEN's ATT/REP ☒ DHS

DATE: 10/16/12 BY: COURT STAFF 51/172

Attachments: ☐ EOIR-33 ☐ EOIR-28 ☐ Legal Services List ☒ Other Q6