

Law Office of

Charles Medina

移民法庭成功开案-递解令 20 多年前下达

在 1991 年，客人因缺席聆讯而被移民法官下达递解令。在 1999 年的时候，客人通过前律师申请重新开案，可是法官因客人没有足够的证据证明其有移民申请而拒绝了开案的请求。

到了 2011 年的时候，客人通过其儿子的推荐，聘请我们律师事务所为其提出开案的申请。我们在仔细研究客人的所有材料后，基于客人和美国公民结婚为理由，向移民法庭递交了申请开案的动议（Motion to Reopen）。

移民法庭认为虽然客人的递解令在 20 多年前已经下达，开案申请远远超过了法定允许的时间，而且之前的请求也被拒，但是根据我们提供的充分的材料证明和特殊的情况酌情行驶了 “裁量权”（Sua Sponte），最后成功的打开了这案子。

Please see the attachment(s) in the next page(s).

Disclaimer: This material is not intended to provide legal advice on any specific concern that the reader may have. The successful outcome of the case described above does not in any way guarantee a similar outcome in any specific legal matter concerning the reader. The reader should seek the advice of any counsel if he or she has a specific immigration problem.
© Copyright. Law Office of Charles Medina

6281 Beach Blvd., Suite 325, Buena Park, CA 9062

Telephone: 714-786-6835 • Fax: 714-922-6136

Website: www.medinalawgroup.net • Email: charles@medinalawgroup.net

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

CHARLES MEDINA, ESQ.
6281 BEACH BLVD., SUITE 325
BUENA PARK, CA 90621

IN THE MATTER OF

FILE A

DATE: Oct 15, 2012

___ UNABLE TO FORWARD - NO ADDRESS PROVIDED

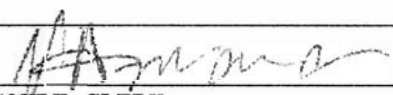
___ ATTACHED IS A COPY OF THE DECISION OF THE IMMIGRATION JUDGE. THIS DECISION IS FINAL UNLESS AN APPEAL IS FILED WITH THE BOARD OF IMMIGRATION APPEALS WITHIN 30 CALENDAR DAYS OF THE DATE OF THE MAILING OF THIS WRITTEN DECISION. SEE THE ENCLOSED FORMS AND INSTRUCTIONS FOR PROPERLY PREPARING YOUR APPEAL. YOUR NOTICE OF APPEAL, ATTACHED DOCUMENTS, AND FEE OR FEE WAIVER REQUEST MUST BE MAILED TO:

BOARD OF IMMIGRATION APPEALS
OFFICE OF THE CLERK
P.O. BOX 8530
FALLS CHURCH, VA 22041

___ 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

X___ OTHER: _SEE ATTACHED IJ ORDER



COURT CLERK
IMMIGRATION COURT

CC:

FF

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

In the Matter of:

File No. A [REDACTED]

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of Respondent's Motion to Reopen In Absentia Exclusion Order ~~0000~~
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: *Sua sponte authority of the Court.*

Deadlines:

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

Dated

10/11/12

[REDACTED]
Immigration Judge

[REDACTED]
Immigration Judge

Certificate of Service

This document was served by: ☐ Mail ☐ Personal Service

To: ☐ Alien ☐ Alien c/o Custodial Officer ☒ Alien Atty/Rep ☒ DHS

Date: *10/15/12*

By: Court Staff *[Signature]*

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
LOS ANGELES, CA

File A [REDACTED]

In the Matter of

In Exclusion Proceedings

[REDACTED]
Applicant

CHARGE: I&N Act Section 212(a)(14), 212(a)(19), and 212(a)(20)
APPLICATION:

ON BEHALF OF APPLICANT:

ON BEHALF OF THE SERVICE:

[REDACTED]
MARTINEZ, CHARLES E., ESQ.

DECISION OF THE IMMIGRATION JUDGE

It is charged in the Form I-122 that the applicant is a native and citizen of NO NATIONALITY. Who made application for Admission to the United States on or about Feb 3, 1991 and is charged with being excludable under Section 212(a)(14), 212(a)(19), and 212(a)(20) of the Act. The Form I-122 was served upon the applicant.

A failure to attend the hearing at the time and place designated may result in a determination being made by the Immigration Judge in the applicant's absence. The applicant was duly notified of the time and place of the hearing, but without reasonable cause failed to appear on 03/08/91.

The law provides inter alia that the Immigration Judge shall have the power to conduct in absentia hearings, "If any alien has been given a reasonable opportunity to be present at a proceeding under this section, and without reasonable cause fails or refuses to attend ... the (immigration judge) may proceed to a determination in like manner as if the alien were present. The Supreme Court in INS v. Lopez-Mendoza, 104 S. Ct. 3479 (1984), stated "The alien must be given a reasonable opportunity to be present at the proceeding, but if the alien fails to avail himself of the opportunity, the hearing may proceed in his absence." See also Matter of Charles, 16 I&N Dec. 241 (BIA 1977); Matter of Marallag, 13 I&N Dec. 775 (BIA 1971).

Applicant has failed to appear and failed to establish his eligibility for admission or any discretionary relief. I will deny all the applications for lack of prosecution. Matter of Jean, 17 I&N Dec. 100 (BIA 1979); Matter of Jaliawala, 14 I&N Dec. 664 (BIA 1974). See also Matter of Perez, Int. Dec. 3025 (BIA March 13, 1987); and Matter of Patel, Int. Dec. 2993 (BIA September 23, 1985).

000015

States to

on the charge(s) contained in the Form I-122.

His mother

37'