

Law Office of

Charles Medina

上诉委员会成功开案-结案并下达自愿遣返令十几年后

1998 年，移民法官批准客人的自愿遣返申请。客人向上诉委员会提出上诉。于 2000 年，上诉委员会拒绝了客人的上诉。可是客人并没有遵从自愿遣返令，而是一直停留在美国。

按照法律规定，在自愿遣返令批准后并未在法定期间内离开美国的话十年内不允许提出移民申请（如终止驱逐，调整身份，庇护等申请）。

在 2005 年，客人和美国公民结婚。在 2010 年，我们提交了 I-130 申请。同时基于十年年限已过，我们向上诉委员会递交了申请开案的动议（Motion to Reopen），并请求上诉委员会根据案件的整体情况（totality of circumstances），允许客人在亲属移民申请的前提下开案。上诉委员会最后批准了我们的请求并把案件重新发回移民法庭，现在客人已经成功的获得绿卡。

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.
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U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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

Name: [REDACTED]

A [REDACTED]

Date of this notice: 2/16/2011

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:

[REDACTED]

Falls Church, Virginia 22041

File: A [REDACTED] - Los Angeles, CA

Date: FEB 16 2011

In re: [REDACTED]

IN DEPORTATION PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Charles Medina, Esquire

ON BEHALF OF DHS: Brenda C. Chung
Assistant Chief Counsel

APPLICATION: Reopening

ORDER:

Considering the totality of circumstances presented in the respondent's motion, which has been opposed by the Department of Homeland Security (DHS), the proceedings are reopened under the provisions of 8 C.F.R. § 1003.2(a), and the record will be remanded to the Immigration Judge to provide the respondent an opportunity to pursue an application for adjustment of status.

FURTHER ORDER: The record is remanded to the Immigration Judge for further proceedings not inconsistent with this order and entry of a new decision.



FOR THE BOARD

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

In the Matter of:

File: A [REDACTED]
In DEPORTATION Proceedings

Order of the
Immigration Judge

This is a summary of the Oral Decision and Order entered on Mar 11, 1998. This memorandum is solely for the convenience of the parties. If the proceedings should be appealed, the Oral Decision and Order will be transcribed and will become the official opinion in this case.

____ The Respondent's application for Voluntary Departure was denied and he/she was ordered deported to _____ or _____

RNO Respondent's application for Voluntary Departure was granted to on or before 3/11/99 with an alternate Order of Deportation to Columbia

____ Respondent's application for ASYLUM was Granted / Denied.
WITHHOLDING OF DEPORTATION was Granted / Denied.

____ A waiver under Sec. 212 (c) was Granted / Denied.

____ The Respondent was Granted / Denied adjustment of status.

RNO The Respondent's application for suspension of deportation is hereby ~~Granted~~ Denied.

____ The proceedings were terminated.

____ The Respondent was ordered deported to _____

RNO Appeal reserved / waived by Service / Respondent. Notice of Appeal to be filed no later than April 10, 1998.

RNO Other Sole basis for denial - 309(c)(5) under NACARA application.

Date: Mar 11, 1998

[Signature]
[REDACTED]
Immigration Judge

AU