

Law Office of

**Charles Medina**

**Immigration Judge Reopens Case**

**- Client Did Not Receive Notice to Appear (NTA)**

**Client filed an I-485 adjustment of status application but USCIS denied her application. She then moved to another state. After she moved, USCIS initiated removal proceedings against her.**

**Client did not receive the notice to appear (NTA) from USCIS. Since she was unaware of the proceedings against her, Client failed to show up for her removal hearing. The Court ordered her removal *in absentia*.**

**Client hired us to reopen her removal proceedings. We were able to persuade the Court to reopen her proceedings because we showed proof that she did not receive the NTA and that she would have a good chance of obtaining relief if her removal proceedings were reopened.**

**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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UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
1001 SW 5TH AVENUE, SUITE 400  
PORTLAND, OR 97204

LAW OFFICE OF  
MEDINA, CHARLES  
6281 BEACH BLVD., SUITE 326  
BUENA PARK, CA 90621

IN THE MATTER OF

FILE A

DATE:

10/18/10

\_\_\_ 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  
1001 SW 5TH AVENUE, SUITE 400  
PORTLAND, OR 97204

\_\_\_ OTHER: \_\_\_\_\_

\_\_\_\_\_  
COURT CLERK  
IMMIGRATION COURT

N12

FF

CC: HARDY, MARK  
1220 SW THIRD AVE, SUITE 618  
PORTLAND, OR, 97204

U.S. DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT

In the Matter of:

Case No.: A [REDACTED]

[REDACTED]  
RESPONDENT

Docket: PORTLAND, OR

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of respondent's / applicant's / government's

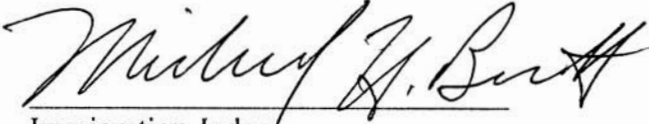
Motion to Reconsider an Immigration Judge's decision

Motion to Reopen proceedings

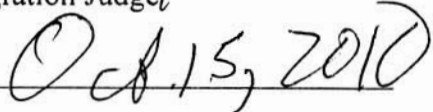
filed in the above entitled matter, it is HEREBY ORDERED that the motion

be granted.

be denied for the reasons indicated in the attached decision.

  
Immigration Judge

Date:



NOTICE OF HEARING IN REMOVAL PROCEEDINGS  
IMMIGRATION COURT  
1001 SW 5TH AVENUE, SUITE 400  
PORTLAND, OR 97204

RE: [REDACTED]  
FILE: A [REDACTED]

DATE: Oct 18, 2010

TO: LAW OFFICE OF  
MEDINA, CHARLES  
6281 BEACH BLVD., SUITE 326  
BUENA PARK, CA 90621

Please take notice that the above captioned case has been scheduled for a MASTER hearing before the Immigration Court on [REDACTED] at [REDACTED] A.M. at:

1001 SW 5TH AVENUE, SUITE 400  
PORTLAND, OR 97204

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions: (1) You may be taken into custody by the Department of Homeland Security and held for further action. OR (2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Department of Homeland Security established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT PORTLAND, OR THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A list of free legal service providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 or 240-314-1500. For information on Immigration Court procedures, please consult the Immigration Court Practice Manual, available at [www.usdoj.gov/eoir](http://www.usdoj.gov/eoir).

CERTIFICATE OF SERVICE

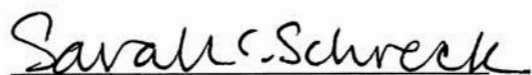
THIS DOCUMENT WAS SERVED BY: MAIL (M)  PERSONAL SERVICE (P)  
TO: [ ] ALIEN [ ] ALIEN c/o Custodial Officer [ ] ALIEN's ATT/REP [ ] DHS  
DATE: 10/18/10 BY: COURT STAFF [ ] V3  
Attachments: [ ] EOIR-33 [ ] EOIR-28 [ ] Legal Services List [ ] Other




The Department of Homeland Security ("DHS") does not oppose reopening the matter captioned above. Upon review of DHS's records, it does not appear that Respondent received service of the Notice to Appear. As such, the matter should be reopened.

Dated: October 12, 2010

Respectfully submitted,



  
Assistant Chief Counsel  
Immigration and Customs Enforcement