

移民法庭成功开案- 客人没有收到出庭通知

我们律师事务所最近成功的打开一起已经被移民法庭关闭了 2 年的案件，从而使客人有机会重回移民法庭，提出相关的绿卡申请。以下是案件的一些具体情况：

客人 Sarah 于 1994 年非法进入美国，并且一直居住在美国。2005 年，Sarah 的爸爸入籍成功，并为她提出移民申请。本来 Sarah 在没有 245 (i) 的保护的情况下是无法在美国境内调整身份的，可是由于 Sarah 的律师没有注意到这一点，错误的引导 Sarah 提出调整身份申请。在 2006 年的时候，Sarah 的案件被移民局拒绝。

当 Sarah 找到我们的时候，已经是绿卡申请被拒的 4 年以后。Sarah 仅有的资料就是不完整的移民局的拒绝书。我们通过拒绝书上面的案件号码，查到了 Sarah 在 I-485 被拒后，案件已经被转送到移民法庭，并且在 2008 年的时候被法官以“没有出庭”为理由出示递解出境的命令。

我们的律师经过了细心的分析后，根据上诉委员会 2010 年最新的案例 *Matter of Anyelo*，向法庭提交了一份“打开案件的动议(“Motion to Reopen”)，里面附带了详细的法律条文，案例和辩驳的依据。政府的律师在收到我们的动议以后，也同意我们的观点，并且提交了不反对的意见书。政府律师在意见书里面建议移民法官重新打开案件。

从我们 9 月底递交案件到移民法官批准打开案件的申请，前后花了不到一个月的时间。客人于 12 月重新回到移民法庭，并会做出相关的绿卡申请。

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
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
[REDACTED]

FILE A [REDACTED]

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

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

FF

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

In the Matter of:

Case No.: A [REDACTED]

Docket: PORTLAND, OR

[REDACTED]
RESPONDENT

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

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

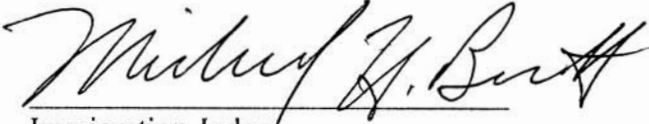
☐ Motion to Reconsider an Immigration Judge's decision

☒ Motion to Reopen proceedings

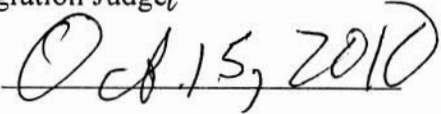
filed in the above entitled matter, it is HEREBY ORDERED that the motion

☒ 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.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL ☒ 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

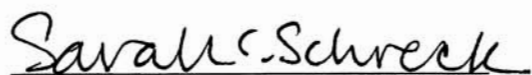
_____)


10. *Journal of the American Academy of Child and Adolescent Psychiatry*, 35, 10, 1175-1182.

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