

Law Office of

# Charles Medina

## 上诉委员会成功开案-结案八年后

在 2010 年 6 月，客人手持一份移民法官 2001 年的批准书来到我们办公室，希望我们能够帮助他。因为这九年来，客人从来不知道自己现在到底是什么样的身份。除了这份批准书外，客人的前律师并没有给他任何相关的文件和资料，他也已经找不到他的前律师。

在此情况下，我们律师查询后发现政府的律师早在 2001 年的时候已经向上诉委员会提出上诉，而且上诉委员会在 2003 年 2 月时推翻了法官的判决并下达递解令。可是客人的前律师从来没有告知客人案件的发展，并且私自向第九巡回法院提出上诉，案件被上诉委员会驳回。

于是在 2010 年，我们向上诉委员会递交了申请开案的动议（Motion to Reopen）。法律规定申请开案的动议必须在上诉被拒后的 90 天内提出。我们根据客人的特殊情况做了详细的陈述，并请求上诉委员会根据前律师的欺骗行为允许延长 90 天的期限，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.  
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**U.S. Department of Justice**

Executive Office for Immigration Review

*Board of Immigration Appeals  
Office of the Clerk*

5107 Leesburg Pike, Suite 2000  
Falls Church, Virginia 22041

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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: 2/10/2011

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

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File: A [REDACTED] - Los Angeles, CA

Date: FEB 10 2011

In re: [REDACTED]

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Charles Medina, Esquire

ON BEHALF OF DHS: Randy A. Kung  
Assistant Chief Counsel

APPLICATION: Reopening; stay of removal

ORDER:

Considering the entirety of circumstances presented in this case, including the controlling case law of the United States Court of Appeals for the Ninth Circuit and the respondent's attestation that his prior counsel, who has been suspending from practice, never made him aware that the Immigration Judge's grant of the respondent's application for cancellation of removal had been appealed by the Department of Homeland Security (DHS), the proceedings are reopened under the provisions of 8 C.F.R. § 1003.2(a)(1). The February 26, 2003, decision of the Board is vacated, and the record will be remanded to the Immigration Judge to provide the parties a further opportunity to submit additional, more current evidence, regarding the matters at issue in this case.

FURTHER ORDER: The record is remanded to the Immigration Judge for further proceedings and for the entry of a new decision.



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FOR THE BOARD