File: (b) (6)

Date: OCT 28 2005

In re: (b) (6)

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Joseph C. Hohenstein, Esquire

ON BEHALF OF DHS: Joseph P. McFadden
Assistant Chief Counsel

CHARGE:

Notice: Sec. 237(a)(1)(C)(i), I&N Act [8 U.S.C. § 1227(a)(1)(C)(i)] - Nonimmigrant - violated conditions of status

APPLICATION: Cancellation of removal

ORDER:

PER CURIAM. In a decision dated (b) (6) the United States Court of Appeals for the (b) (6) (b) (6) held that the respondent satisfied the 10 years' continuous physical presence requirement for nonimmigrant cancellation of removal (b) (6) *v. Gonzales*, (b) (6) (petition for rehearing denied, (b) (6)). Pursuant to this decision, the decision of the Board in this case dated November 28, 2003, is vacated; our February 25, 2003, decision is vacated to the extent reversed by the court; and, the record is remanded to the Immigration Judge for further proceedings not inconsistent with the court's decision.

FOR THE BOARD

IMMIGRATION COURT

(b) (6)

In the Matter of

(b) (6)

Respondent

Case No. (b) (6)

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on July 12, 2007. This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

[ ] The respondent was ordered removed from the United States to or in the alternative to .

[ ] Respondent's application for voluntary departure was denied and respondent was ordered removed to or in the alternative to .

[ ] Respondent's application for voluntary departure was granted until upon posting a bond in the amount of $ _____ with an alternate order of removal to .

Respondent's application for:

[ ] Asylum was ( )granted ( )denied( )withdrawn.

[✓] Withholding of removal was (✓)granted ( )denied ( )withdrawn.

[ ] A Waiver under Section _____ was ( )granted ( )denied ( )withdrawn.

[ ] Cancellation of removal under section 240A(a) was ( )granted ( )denied ( )withdrawn.

Respondent's application for:

[✓] Cancellation under section 240A(b)(1) was ( ) granted (✓) denied ( ) withdrawn. If granted, it is ordered that the respondent be issued all appropriate documents necessary to give effect to this order.

[ ] Cancellation under section 240A(b) (2) was ( )granted ( )denied ( )withdrawn. If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.

[✓] Adjustment of Status under Section 245 was ( )granted (✓)denied ( )withdrawn. If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.

[ ] Respondent's application of ( ) withholding of removal ( ) deferral of removal under Article III of the Convention Against Torture was ( ) granted ( ) denied ( ) withdrawn.

[ ] Respondent's status was rescinded under section 246.

[ ] Respondent is admitted to the United States as a _____ until _____.

[ ] As a condition of admission, respondent is to post a $ _____ bond.

[ ] Respondent knowingly filed a frivolous asylum application after proper notice.

[ ] Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.

[ ] Proceedings were terminated.

[✓] Other: Respondent ineligible for suspension in removal proceedings

Date: Jul 12, 2007

Robert P. Owens

ROBERT P. OWENS
Immigration Judge

Appeal: Waived/Reserved Appeal Due By:

By All 8/13/07