



Detail

Complaint Number: 536

Immigration Judge: Cassidy, William A.

Complaint Date: 08/31/11

Current ACIJ
Nadkarni, Deepali

Base City
(b)

Status
CLOSED

Final Action
Oral counseling

Final Action Date
01/05/12

| A-Number(s) | Complaint Nature(s) | Complaint Source(s) |
|-------------|---------------------|---------------------|
| (b) (6) | Legal | BIA |

Complaint Narrative: (b) (6) Apparently the IJ only issued a summary of an oral decision as well as indicated to the alien that he did not need to file an appeal.

| Complaint History | |
|-------------------|----------------------------|
| 09/06/11 | Complaint referred to ACIJ |
| 09/06/11 | ROP obtained from BIA |
| 09/07/11 | Database entry created |
| 01/05/12 | Oral counseling |

Immigration Judge Complaint Intake Form

HQ Use Only:
complaint #: _____
source: first / subsequent

Date Received at OCIJ: August 31, 2011

| complaint source type | |
|---|--|
| <input type="checkbox"/> anonymous <input type="checkbox"/> respondent's attorney <input type="checkbox"/> third party (e.g., relative, uninterested attorney, courtroom observer, etc.) <input type="checkbox"/> other: _____ | <input checked="" type="checkbox"/> BIA <input type="checkbox"/> respondent <input type="checkbox"/> OIL <input type="checkbox"/> Circuit <input type="checkbox"/> EOIR <input type="checkbox"/> OPR <input type="checkbox"/> DHS <input type="checkbox"/> OIG <input type="checkbox"/> Main Justice <input type="checkbox"/> media |
| complaint receipt method | |
| <input type="checkbox"/> letter <input type="checkbox"/> fax | <input checked="" type="checkbox"/> IJC memo (BIA) <input type="checkbox"/> unknown <input type="checkbox"/> email <input type="checkbox"/> other: _____ <input type="checkbox"/> phone (incl. voicemail) <input type="checkbox"/> in-person |
| date of complaint source (i.e., date on letter, date of appellate body's decision) | complaint source contact information |
| August 31, 2011 | name: _____ address: _____ _____ _____ email: _____ phone: _____ fax: _____ |
| additional complaint source details (i.e., DHS component, media outlet, third party details, A-number) | |
| A(b) (6) | |

| IJ name | base city | ACIJ |
|--|--|---|
| William Cassidy | (b) (6) | Dee Nadkarni |
| relevant A-number(s) | date of incident | |
| A(b) (6) | Order dated April 25, 2011 | |
| allegations | | |
| From SLA Amy Minton: "Apparently the IJ only issued a summary of an oral decision as well as indicated to the alien that he did not need to file an appeal." | | |
| nature of complaint | | |
| <input type="checkbox"/> in-court conduct <input type="checkbox"/> incapacity | <input type="checkbox"/> out-of-court conduct <input type="checkbox"/> other: _____ | <input type="checkbox"/> due process <input type="checkbox"/> bias <input checked="" type="checkbox"/> legal <input type="checkbox"/> criminal |

Memorandum



Subject

Matter of (b) (6) (BIA;
August 29, 2011)

Date

August 31, 2011

To

Brian O'Leary, Chief Immigration Judge
MaryBeth Keller, Assistant Chief Immigration Judge

From

David L. Neal, Acting Chairman

Attached please find a copy of the Board's decision dated August 29, 2011, and relevant portions of the record in the above-referenced matter.

The Board asked me to bring this case to your attention.

Further, the Board anticipates returning the record of proceedings for this remanded case to the Immigration Court in two weeks. If you wish to review the record prior to its return to the Immigration Court, please contact Suzette Henderson.

Thank you for your attention to this matter.

Attachments

U.S. Department of Justice
Executive Office for Immigration Review

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

File: A(b) (6)

Date:

In re: (b) (6)

AUG 29 2011

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Pro se

ON BEHALF OF DHS:

(b)(6) & (b)(7)(C)
Assistant Chief Counsel

CHARGE:

Notice: Sec. 237(a)(2)(A)(iii), I&N Act [8 U.S.C. § 1227(a)(2)(A)(iii)] -
Convicted of aggravated felony (as defined in section 101(a)(43)(F))

APPLICATION: Termination

The Immigration Judge, after having entered an order on March 22, 2011, denying the respondent's motion to terminate the removal proceedings, conducted a hearing on April 25, 2011. The transcript of that hearing reflects that, during the hearing, the respondent submitted evidence into the record (Tr. at 58). Following that hearing, in an order entered on April 25, 2011, the Immigration Judge ordered the respondent removed to Jamaica. While, in that order, it was indicated that an oral decision was entered on that date, the current record does not show that the Immigration Judge issued a final, written decision in this matter. Accordingly, the record will be returned to the Immigration Judge for the preparation of a full decision in this matter. See *Matter of A-P-*, 22 I&N Dec. 468 (BIA 1999). Upon preparation of the full decision, the Immigration Judge shall issue an order administratively returning the record to the Board. The Immigration Judge shall serve the administrative return order on the respondent and the Department of Homeland Security (the DHS). The Board will thereafter give the parties an opportunity to submit briefs in accordance with the regulations.

ORDER: The record is returned to the Immigration Court for further action as required above.


FOR THE BOARD

Cassidy

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

(b) (6)

In the Matter of:

(b) (6)

Respondent

Case No.: A@ (b) (6)

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on April 25, 2011.

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 Jamaica 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 alternative order of removal to _____.

Respondent's application for:

- ☒ Asylum was () granted () denied () withdrawn () other.
- ☒ Withholding of removal was () granted () denied () withdrawn () other.
- ☒ Respondent's application for [] withholding of removal [] deferral of removal under Article III of the Convention Against Torture was () granted () denied () withdrawn () other.
- ☐ A Waiver under section _____ was () granted () denied () withdrawn () other.
- ☐ Cancellation of removal under section 240A(a) was () granted () denied () withdrawn () other.

Respondent's application for:

- ☐ Cancellation under section 240A(b)(1) was () granted () denied () withdrawn () other. If granted, it was 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 () other. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
- ☐ Adjustment of Status under section _____ was () granted () denied () withdrawn () other. If granted, it was ordered that respondent be issued all appropriate documents necessary to give effect to this order.
- ☐ 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: Other: [Signature]
- Date: April 25, 2011

(Signature)
WILLIAM A. CASSIDY
Immigration Judge

Appeal: WAIVED / RESERVED (A / I / B)
Appeal due by: 5/25/11

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P) FAX (F)
TO: [X] ALIEN [] ALIEN c/o Custodial Officer [] ALIEN's ATT/REP [P] DHS
DATE: 4/25/11 BY: COURT STAFF
Attachments: [] EOIR-33 [] EOIR-28 [] Legal Services List [] Other Q6
AILA Doc. No. 19082181 (Posted 8/21/19)

1 copy of your criminal record. The Secretary of State will not
2 accept the document from (b) (6) County Court. When they write me,
3 they tell me that they need it from -- I got to go down to this
4 office and get this criminal record and send it to the Secretary
5 of State which is recognized by the Secretary of State. I don't
6 think the Appeal Court and the Secretary of State is making such
7 a big mistake.

8 Q. Okay.

9 A. So the Secretary of State does not recognize that I had
10 a charge, like I said, it was thrown out. They don't recognize
11 it as a criminal record, as a criminal conviction, because if
12 they did, I would not have received my dealer license.

13 Q. Okay. All right, sir. All right.

14 JUDGE TO (b)(6) & (b)(7)(C)

15 Government, does that change your posture in any way?

16 (b)(6) & (b)(7)(C) TO JUDGE

17 No, Your Honor.

18 JUDGE TO (b)(6) & (b)(7)(C)

19 Okay.

20 JUDGE TO (b) (6)

21 Q. Here you go. Let me, as I promised, I will now give
22 this over to law clerk to have it sent out -- sir? (b) (6) I
23 just want you to make sure you're listening to me. Sent out to
24 the -- sent up to the Board of Immigration Appeals at Falls
25 Church, Virginia, today. Okay? All right, sir.

A (b) (6)

1 A. What you say you will do? Send?

2 Q. I'm going to take this file.

3 A. Right.

4 Q. There's already a request from the Board of Immigration
5 Appeals for this file to review in light of your motion to
6 terminate that I denied.

7 A. Yes, sir.

8 Q. Which you took an appeal of.

9 A. Yes, sir.

10 Q. And that's the same thing that you -- that's left for
11 you to appeal again but it's already with the Board. I don't see
12 that you need to file a secondary appeal. If you want to, you
13 may. I will send this up to the Board of Immigration Appeals
14 today so that they can begin their review of your challenge to my
15 decision.

16 A. Yes, sir.

17 Q. Okay?

18 A. Okay.

19 Q. And I'll make sure that goes up today so they can begin
20 that process as soon as possible.

21 A. Correct.

22 Q. Okay?

23 A. Okay. Thank you.

24 Q. All right. You're welcome, sir.

25 HEARING CLOSED

A(b)(6)