



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Received

MAY 12 2008

Name: CAMPUZANO-VALESQUEZ, ROBERTO

A91-123-807

DFV, PA

Date of this notice: 5/7/2008

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:
PAULEY, ROGER

mcelligm

Falls Church, Virginia 22041

File: A91 123 807 - Los Fresnos, TX

Date: MAY - 7 2008

In re: ROBERTO CAMPUZANO-VALESQUEZ a.k.a. Roberto Campuzamo
a.k.a. Roberto Campozano a.k.a. Roberto Campusano a.k.a. Roberto Campuzano
a.k.a. Roberto Velasquez Campuzano a.k.a. Pedro Campusano
a.k.a. Roberto Belasgues Campusano a.k.a. Roberto Velasquez Compuzano
a.k.a. Robert Campusano

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: David F. Vedder, Esquire

APPLICATION: Reopening; termination

ORDER:

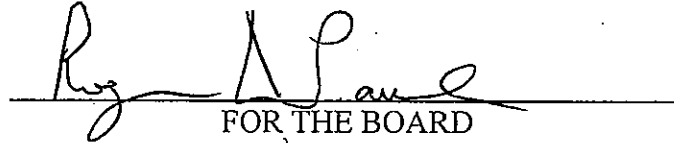
PER CURIAM. This case was previously before us on March 21, 2008, when we dismissed the respondent's appeal of the Immigration Judge's December 27, 2007, decision that found the respondent removable, pretermitted all requests for relief from removal, and ordered him removed from the United States. The respondent, a native and citizen of Mexico, filed this motion to reopen and terminate proceedings on April 4, 2008. The Department of Homeland Security (DHS) has not responded to the motion. The motion will be granted and proceedings terminated.

In our March 21, 2008, decision, we affirmed the Immigration Judge's finding that the respondent was removable as an aggravated felon due to his January 10, 2005, conviction for procuring a person under the age of 18 for prostitution in violation of Fla. Stat. § 796.03. *See* section 237(a)(2)(a)(iii) of the Immigration and Nationality Act, 8 U.S.C. § 1227(a)(2)(A)(iii). *See also* section 101(a)(43)(A) of the Act, 8 U.S.C. § 1101(a)(43)(A) (sexual abuse of a minor is an aggravated felony). On the basis of this aggravated felony conviction, the Immigration Judge pretermitted the respondent's requests to pursue cancellation of removal under section 240A(a) of the Act, 8 U.S.C. § 1229b(a), waiver of inadmissibility under section 212(h) of the Act, 8 U.S.C. § 1182(h), and voluntary departure under section 240B of the Act, 8 U.S.C. § 1229c (I.J. at 11-12).

With the motion to reopen, the respondent submitted a court order dated March 5, 2008, which found that the trial judge failed to provide the required warnings about, and the respondent did not understand, the potential immigration consequences of his plea in the criminal proceedings; set aside the plea and sentence entered on January 10, 2005; and indicated that the respondent would be scheduled for arraignment. *See* Respondent's Motion to Reopen, Exh. A. We find that this evidence is sufficient to satisfy the respondent's burden to prove that the conviction was not vacated solely

for immigration purposes in order to reopen proceedings. *See Matter of Chavez*, 24 I&N Dec. 272, 274 (BIA 2007); *Matter of Adamiak*, 23 I&N Dec. 878, 879-80 (BIA 2006); *Matter of Pickering*, 23 I&N Dec. 621, 624 (BIA 2003).

We observe that the Immigration Judge sustained two of the charges of removability, finding that the January 10, 2005, conviction was a conviction for child abuse as well as for an aggravated felony (I.J. at 9-10; Exh. 1). *See* section 237(a)(2)(E)(i) of the Act. Inasmuch as this conviction has been vacated, the respondent is no longer removable under either charge. Therefore, termination of proceedings is proper. Accordingly, the motion to reopen is granted and removal proceedings are terminated.


FOR THE BOARD