

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
(City, State)

FILE NO.: Date:

IN THE MATTER OF:  
IN REMOVAL PROCEEDINGS  
RESPONDENT

ON BEHALF OF THE RESPONDENT: ON BEHALF OF DHS:

Assistant Chief Counsel

DECISION AND ORDER OF THE IMMIGRATION JUDGE

The proceedings will be terminated for lack of jurisdiction. The Government alleges that the respondent was previously removed from the United States, or departed voluntarily under an order of removal, and then reentered illegally. The Government is required to pursue reinstatement under Section 241(a)(5) of the Immigration and Nationality Act. Section 241(a)(5) states that, “the prior order of removal is reinstated from its original date and is not subject to being reopened or reviewed, the alien is not eligible and may not apply for any relief under this Act, and the alien shall be removed under the prior order at any time after the reentry.” The immigration officer’s specific duties regarding reinstatement are found at 8 C.F.R. section 241.8. The alien has no current right to a hearing before an Immigration Judge. Section 241(a)(5) of the

Act; 8 C.F.R. 241.8; Fernandez-Vargas v. Gonzales, 126 S.Ct. 2422 (2006); Morales-Izquierdo v. Gonzales, 477 F.3d 691 (9th Cir. 2007); In re W-C-B-, 24 I&N Dec. 118 (BIA 2007).

ORDER: The proceedings are terminated for lack of jurisdiction.

Appeal Waived (A/DHS/B) \_\_\_\_\_

Appeal Due By:

Immigration Judge

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#### CERTIFICATE OF SERVICE

This document was served by: Mail (M) Personal Service (P)

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