

Matter of LOPEZ-TICAS, 29 I&N Dec. 90 (BIA 2025)

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The lack of time and place information on the notice to appear does not render untrue or incorrect a respondent's admission to the factual allegations or invalidate the charges of removability in the notice to appear and therefore is not a proper basis for granting a respondent's motion to withdraw pleadings.

The Immigration Judge granted the motion on November 12, 2021, and DHS appealed.

On October 28, 2022, the Board sustained DHS' appeal, concluding that the respondent forfeited her objection to the noncompliant notice to appear under Matter of Fernandes, 28 I&N Dec. 605, 610-11 (BIA 2022), because the objection was not raised before the close of pleadings. The Board also concluded that the Immigration Judge erred in finding that *Niz-Chavez v.*

Garland, 593 U.S. 155 (2021), represented a change in law that warranted termination of the proceedings. The Board vacated the Immigration Judge's decision, reinstated the proceedings, and remanded the record to the Immigration Court for further proceedings.

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