MATTER OF YANEZ-JAQUEZ

In Deportation Proceedings

A-10532657

Decided by Board January 16, 1970

(1) A conviction of passing a forged instrument which resulted in a suspended sentence and probation under the Texas Code of Criminal Procedure adopted effective January 1, 1966, is a final conviction upon which to predicate a ground of deportation under section 241(a)(4), Immigration and Nationality Act, as amended.

(2) A permanent resident alien, fully aware that his Form I-151 was required for readmission, who, without such Form willfully and deliberately departed to Mexico for a short visit (the purpose of which was characterized by criminal intent) thereafter returning to the United States by crossing the dry bed of the Rio Grande approximately one-half mile from the Service port of entry, thereby attempting to enter without inspection, made upon his return an entry upon which to predicate a ground of deportation [*Rosenberg* v. *Fleuti*, 374 U.S. 449 (1963), inapplicable].*

CHARGE:

Order: Act of 1952—Section 241(a)(4) [8 U.S.C. 1251]—Convicted of a crime involving moral turpitude, to wit, passing a forged instrument (1968), committed within five years after entry (1967), and sentenced to confinement therefor in a prison or corrective institution for a year or more.

ON BEHALF OF RESPONDENT:
Albert Armendariz, Esquire
543 Magoffin Avenue
El Paso, Texas 79901

ON BEHALF OF SERVICE:
Irving A. Appleman
Appellate Trial Attorney
Bernabe Q. Maldonado
Trial Attorney
(Brief filed)

This case is before us on appeal from a special inquiry officer's order of June 16, 1969, directing that the respondent be deported from the United States to Mexico on the charge contained in the order to show cause. The appeal will be dismissed.

* Overruled. See 440 F.2d 701 (1971).