File: (b) (6) Date: MAY 10 2010

In re: (b) (6)

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Socheat Chea, Esquire

CHARGE:

Notice: Sec. 212(a)(6)(C)(i), I&N Act [8 U.S.C. § 1182(a)(6)(C)(i)] - Fraud or willful misrepresentation of a material fact

Sec. 212(a)(7)(A)(i)(I), I&N Act [8 U.S.C. § 1182(a)(7)(A)(i)(I)] - Immigrant - no valid immigrant visa or entry document

APPLICATION: Asylum; withholding of removal; Convention Against Torture

This case was last before the Board on April 1, 2008, when we dismissed the respondent's appeal of the Immigration Judge's denial of her applications for asylum and related relief. The case is now before us pursuant to the (b) (6) remand from the United States Court of Appeals for the (b) (6) where it arises. The record will be remanded to the Immigration Judge for further proceedings consistent with this opinion and for entry of a new decision.

In its decision, the (b) (6) vacated the Board's decision upholding the Immigration Judge's adverse credibility determination and remanded the record for a new credibility assessment and for consideration of the respondent's medical evidence. Inasmuch as this case now requires additional fact-finding as to the respondent's credibility and evidence, we find it necessary to remand the record to the Immigration Judge for adjudication of the issues cited by the (b) (6) *See* 8 C.F.R. § 1003.1(d)(3)(iv) (providing that, subject to certain exceptions not applicable to the present case, the Board will not engage in fact-finding in the course of deciding appeals).

Accordingly, the record will be remanded to the Immigration Judge for further proceedings consistent with this opinion and for entry of a new decision.

ORDER: The record is remanded to the Immigration Judge for further proceedings consistent with this opinion and for entry of a new decision.

FOR THE BOARD