File: (b) (6) Date: FEB 25 2011

In re: (b) (6)

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Pro se

ON BEHALF OF DHS: Lynn K. Hollander
Assistant Chief Counsel

CHARGE:

Notice: 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 June 1, 2009, when we dismissed the respondent's appeal of the Immigration Judge's July 30, 2007, decision denying the respondent's application for asylum, withholding of removal, pursuant to sections 208 and 241(b)(3) of the Immigration and Nationality Act, 8 U.S.C. §§ 1158, 1231(b)(3), and her request for protection pursuant to the Convention Against Torture. In an order dated (b) (6) the United States Court of Appeals for the (b) (6) where this case arises, remanded the record to the Board for a review of the Immigration Judge's credibility assessment and, if the respondent was found credible, for consideration of several other issues. On remand, the Department of Homeland Security filed a motion to remand this case to the Immigration Judge for a specific credibility determination. The respondent did not respond to that motion. The case will be remanded.[1]

Although, in his July 30, 2007, decision, the Immigration Judge credited certain parts of the respondent's testimony, the Immigration Judge's credibility analysis is intertwined with his finding that the respondent did not satisfy her burden of demonstrating that she was targeted by the Chinese government on account of a statutorily protected ground (I.J. at 6, 10-12). During the course of his analysis, the Immigration Judge stated that the respondent has the burden of demonstrating that "race, religion, nationality, membership in a particular social group, or political opinion was or will be at least one central reason for being persecuted" and that the respondent failed to corroborate her

[1] The (b) (6) asks the Board to consider, in an appropriate case, issuing a precedential opinion addressing whether a lawsuit filed against a government is a legitimate means of expressing a political opinion. We do not find this to be the proper vehicle for a precedential decision on this issue.

claim with specific documents (I.J. at 10-11). The Immigration Judge also specifically found that the respondent's explanation for failing to provide documentation of her father's alleged injury in China was not credible (I.J. at 11-12). The Immigration Judge then concluded that the respondent's "failure to corroborate when reasonable may be considered in determining whether the respondent has met her burden of proof. Here, the respondent's explanation is not credible" (I.J. at 12).

Given the (b) (6) instruction that the Board should, as an initial matter, evaluate the respondent's credibility, we will remand this case to the Immigration Judge to further articulate the basis of his credibility analysis. *See Matter of S-H-*, 23 I&N Dec. 462, 465 (BIA 2002) (given the Board's limited fact-finding function, it is "increasingly important for the Immigration Judge to make clear and complete findings of fact that are supported by the record and in compliance with controlling law."). Accordingly, the following order will be entered.

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

FOR THE BOARD