IMMIGRATION COURT

(b) (6)

In the Matter of
(b) (6)
Respondent

Case No.: (b) (6)

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on Mar 29, 2006. This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

[ ] The respondent was ordered removed from the United States to or in the alternative to

[ ] Respondent's application for voluntary departure was denied and respondent was ordered removed to or in the alternative to

[ ] Respondent's application for voluntary departure was granted until upon posting a bond in the amount of $ _____ with an alternate order of removal to

Respondent's application for:

[X] Asylum was (X) granted ( ) denied ( ) withdrawn

[X] Withholding of removal was ( )granted (X) denied ( ) withdrawn

[ ] A Waiver under Section ____ was ( ) granted ( ) denied ( ) withdrawn

[ ] Cancellation under Section 240A(a) was ( )granted ( )denied ( )withdrawn

Respondent's application for:

[ ] Cancellation under Section 240A(b)(1) was ( ) granted ( ) denied ( ) withdrawn. If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.

[ ] Cancellation under Section 240A(b)(2) was ( ) granted ( ) denied ( ) withdrawn, If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.

[ ] Adjustment of Status under Section ____ was ( ) granted ( ) denied ( ) withdrawn. If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.

[X] Respondent's application of ( ) witholding of removal ( ) deferral of removal under Article III of the Convention Against Torture was ( ) granted (X) denied ( ) withdrawn.

[ ] Respondent's status was rescinded under section 246.

[ ] Respondent is admitted to the United States as a _____ until _____.

[ ] As a condition of admission, respondent is to post a $ _____ bond.

[ ] Respondent knowingly filed a frivolous asylum application after proper notice.

[ ] Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.

[X] Proceedings were terminated.

[X] Other: Ninth Circuit Remand.

Date: Mar 29, 2006

THOMAS FONG
Immigration Judge

Appeal: Waived ~~Reserved~~ ~~Appeal Due~~ By:

CR4

IMMIGRATION COURT

[redacted]

In the Matter of [redacted] Case No.: [redacted]

[redacted]

Respondent IN REMOVAL PROCEEDINGS

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[X] Proceedings were terminated.

[X] Other: Ninth Circuit remand.

Date: Mar 29, 2006

THOMAS FONG
Immigration Judge

Appeal: Waived/~~Reserved Appeal Due By~~:

CR4

File: (b) (6)

Date: FEB 24 2005

In re: (b) (6)

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENTS: Robert Richeda, Esquire

ON BEHALF OF DHS: Monica M. Little
Assistant District Counsel

APPLICATION: Asylum and withholding of removal; protection under the Convention Against Torture

ORDER:

PER CURIAM. This case was last before us on October 17, 2002, when we summarily affirmed, without opinion, the results of the Immigration Judge's decision denying the respondents' applications for asylum, withholding of removal, and their request for protection under the Convention Against Torture. The Immigration Judge found the lead respondent credible regarding the persecution she suffered in Bangladesh, but concluded that the persecution was not inflicted on account of a protected ground.

The matter is now before us pursuant to the (b) (6) decision of the United States Court of Appeals for the (b) (6) The court reversed the finding that the lead respondent had not shown that the persecution was on account of a protected ground. The court further found that the Immigration Judge's discussion of internal relocation with regard to the CAT claim was "not an adequate basis upon which to affirm the Immigration Judge's decision on the question of asylum eligibility." The court also noted that as past persecution on account of a protected ground has been shown, the burden of proof now shifts to the Department of Homeland Security (DHS) to rebut the presumption of future persecution. 8 C.F.R. § 1208.13(b)(1)(ii).

In view of the court's decision, we find that a remand is necessary. Though there was a lengthy hearing in this case, there was little discussion of the issue of internal relocation, and whether such relocation would be reasonable in this case. These issues can be better developed on remand. A remand would also allow the parties to address current country conditions, or other possible changed circumstances that might affect the respondents' case. *See generally INS v. Ventura*, 123 S. Ct. 353 (2002); *Lopez v. Ashcroft*, 366 F.3d 799 (9th Cir. 2004).

Accordingly, the decision of the Board in this case dated October 17, 2002, is vacated, and the record is remanded to the Immigration Judge for further proceedings consistent with this decision and the decision of the court.

FOR THE BOARD