UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE OF IMMIGRATION REVIEW
IMMIGRATION COURT
(b) (6)

In re:	)	
	)	
(b) (6)	)	**A No.: (b) (6)**
Respondent	)	
	)	
In Removal Proceedings	)	
	)	

ORDER

AND NOW, this 20th day of November, 2009, it is hereby ORDERED that Respondent's Motion to Recalendar and Terminate Proceedings is Granted as unopposed.

BY THE COURT:

US Immigration Judge

File: (b) (6)

Date: SEP 15 2005

In re: (b) (6)

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Mark A. Goldstein, Esquire

ON BEHALF OF DHS: Pamela D. Ransome
Assistant Chief Counsel

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

ORDER:

PER CURIAM. This case is presently before us pursuant to the (b) (6) decision of the United States Court of Appeals for the (b) (6) The court found that if the respondent could show that the incidents he described at his removal hearing actually occurred, they were sufficiently severe to constitute past persecution. In view of the court's ruling, our decision, dated February 25, 2004, regarding the respondent's credibility, and upon further review of the record, we conclude that the respondent suffered past persecution in Albania on account of his political opinion.

Given this finding on past persecution, we conclude that a remand is necessary. A remand will allow both parties to present and develop evidence on the question whether there has been such a fundamental change of circumstances in Albania that the respondent no longer has a well-founded fear of persecution there. 8 C.F.R. § 1208.13(b)(1)(i)(A). We note that as past persecution has been shown, the burden is now on the Department of Homeland Security to rebut the presumption of future persecution. 8 C.F.R. § 1208.13(b)(1)(ii). Accordingly, the decision of the Board in this case dated February 25, 2004, 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