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 Aug 2, 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[X] Asylum was (X granted) ( ) denied ( ) withdrawn

[X] Withholding of removal was ( )granted ( ) denied (X withdrawn

[ ] A Waiver under Section ____ was ( ) granted ( ) denied ( ) withdrawn

[ ] Cancellation under Section 240A(a) was ( )granted ( )denied ( )withdrawn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[ ] Cancellation under Section 240A(b)(1) was ( ) granted ( ) denied ( ) withdrawn.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[ ] Cancellation under Section 240A(b)(2) was ( ) granted ( ) denied ( ) withdrawn.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[ ] Adjustment of Status under Section ____ was ( ) granted ( ) denied ( ) withdrawn.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.

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of removal ( ) deferral of removal under Article III of the Convention Against Torture was ( ) granted ( ) denied ( ) withdrawn.

[ ] Respondent's status was rescinded under section 246.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

[ ] Proceedings were terminated.

[X] Other: Warrant to (b) (6) Granted

Date: Aug 2, 2006

ALBERTO J. RIEFKOHL
Immigration Judge

Appeal: Waived/Reserved Appeal Due By:

UBI

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

IN THE MATTER OF:
(b) (6)

DATE: Apr 12, 2006

CASE NO. (b) (6)

RESPONDENT IN REMOVAL PROCEEDINGS

DEPORTATION

Jurisdiction was established in this matter by the filing of the Notice to Appear issued by the Immigration and Naturalization Service, with the Executive Office for Immigration Review and by service upon the respondent. See 8 C.F.R. sections 3.14(a), 103.5a.

The respondent was provided written notification of the time, date and location of the respondent's removal hearing. The respondent was also provided a written warning that failure to attend this hearing, for other than exceptional circumstances, would result in the issuance of an order of removal in the respondent's absence provided that removability was established. Despite the written notification provided, the respondent failed to appear at his/her hearing, and no exceptional circumstances were shown for his/her failure to appear. This hearing was, therefore, conducted in absentia pursuant to section 240(b)(5)(A) of the Immigration and Nationality Act.

[X] At a prior hearing the respondent admitted the factual allegations in the Notice to Appear and conceded removability. I find removability established as charged.

[ ] The Immigration and Naturalization Service submitted documentary evidence relating to the respondent which established the truth of the factual allegations contained in the Notice to Appear. I find removability established as charged.

I further find that the respondent's failure to appear and proceed with any applications for relief from removal constitutes an abandonment of any pending applications and any applications the respondent may have been eligible to file. These applications are deemed abandoned and denied for lack of prosecution. See Matter of Pearson, 13 I&N Dec. 152 (BIA 1969); Matter of Perez, 19 I&N Dec. 433 (BIA 1987); Matter of R-R, 20 I&N Dec. 547 (BIA 1992).

ORDER: The respondent shall be removed to Pakistan on the charge(s) contained in the Notice to Appear.

ALBERTO J. RIEFKOHL
Immigration Judge

cc: Assistant District Counsel
Attorney for Respondent/Respondent

WRI

Z1

IMMIGRATION COURT

[redacted]

In the Matter of Case No.: [redacted]

[redacted]

Respondent IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on Aug 2, 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.

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[ ] 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 ( ) denied (X) 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.
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[ ] Respondent's status was rescinded under section 246.
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[ ] 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.
[ ] Proceedings were terminated.
[X] Other: [illegible]

Date: Aug 2, 2006

ALBERTO J. RIEFKOHL
Immigration Judge

Appeal: Waived/Reserved Appeal Due By:

[illegible]

WB1

IMMIGRATION COURT
[redacted]

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

Respondent

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on Aug 2, 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.

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[X] Asylum was (X) granted ( ) denied ( ) withdrawn
[X] Withholding of removal was ( )granted ( ) denied (X) withdrawn
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[ ] 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.
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[ ] Respondent's application of ( ) withholding of removal ( ) deferral of removal under Article III of the Convention Against Torture was ( ) granted ( ) 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.
[X] Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.
[ ] Proceedings were terminated.
[X] Other: Pursuant to [redacted] decision; subject to motion to reopen if needed CAT=(W)

Date: Aug 2, 2006

ALBERTO J. RIEFKOHL
Immigration Judge

Appeal: Waived/Reserved Appeal Due By:

WB1

U.S. Department of Justice
Executive Office for Immigration Review
(b) (6)

Motion by Assistant Chief Counsel/Respondent/Attorney of Record to Immigration Judge After Commencement of Deportation____, Exclusion____, Removal X Proceedings to Remand Proceedings to the U.S. Citizenship and Immigration Services Unit (USCIS)

In Deportation__, Exclusion__, (Removal) Proceedings of: A (b) (6)

(b) (6)
Respondent

Charging Document Issued on: 12/2/96

Motion is Hereby Made:

1) That the Deportation__, Exclusion___,Removal X Proceedings be remanded to permit this matter to be considered or reconsidered by the USCIS unit.

A) X For permanent resident status pursuant to section(s) 245 -

B)____, For change or reinstatement to non immigrant status pursuant to appropriate statutory and regulatory provisions

C) ___, Other reasons:

I-130 was approved

For the USICE: For the Respondent:

Order: Upon due consideration of the motion submitted by the parties to the immigration court, it is ordered that these proceedings be remanded to the USCIS for the purpose expressed above. It is further ordered that if the action by the USCIS is favorable to the respondent, these proceedings will be deemed terminated. However, if the action is detrimental to the respondent, the proceedings shall be removed to the presiding judge for further consideration as if the matter had never been remanded.

Signed and Dated: 4/10/07

Albert J. Riefkohl
US Immigration Judge

U.S. Department of Justice
Executive Office for Immigration Review

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

File: (b) (6)

Date: MAR - 2 2006

In re: (b) (6)

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENTS: Donald Lindover, Esquire

ON BEHALF OF DHS: Charles Parker, Jr.
District Counsel

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

ORDER:

PER CURIAM. Pursuant to the (b) (6) decision of the United States Court of Appeals for the (b) (6) the decision of the Board in this case dated October 7, 2003, is vacated and the record is remanded to the Immigration Judge for further proceedings consistent with the court's decision.

FOR THE BOARD