IMMIGRATION COURT

(b) (6)

In the Matter of:

(b) (6)

Applicant

On Behalf of the Applicant

Case No: (b) (6)

IN ASYLUM-ONLY PROCEEDINGS

On Behalf of the INS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on and is issued 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.

ORDER: It is hereby ordered that the applicant's request for:

[ ] 1. Asylum is:
- [ ] Granted
- [ ] Withdrawn
- [ ] Denied

[ ] 2. Withholding of Removal under INA 241(b)(3) is:
- [ ] Granted
- [ ] Withdrawn
- [ ] Denied

[ ] 3. Withholding of Removal under the Convention Against Torture is:
- [ ] Granted
- [ ] Withdrawn
- [ ] Denied

[ ] 4. Deferral of Removal under the Convention Against Torture is granted.

Date: Jan. 9, 2007

WALTER A. DURLING
Immigration Judge

APPEAL: RESERVED
APPEAL DUE BY: Feb 8, 2007

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
TO: [ ] ALIEN [ ] ALIEN c/o Custodial Officer [M] ALIEN's ATT/REP [P] INS

File: (b) (6)

Date: APR 19 2006

In re: (b) (6)

IN ASYLUM PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Marisa Silenzi Cianciarulo, Esquire

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

ORDER:

PER CURIAM. This case was last before us on July 28, 2004, when we summarily affirmed, without opinion, the results of the Immigration Judge's decision denying the respondent's application for asylum and withholding of removal, and his request for protection under the Convention Against Torture. The matter is now before us pursuant to the (b) (6) decision of the United States Court of Appeals for th(b) (6) The court found that substantial evidence did not support the Immigration Judge's finding that the respondent did not suffer past persecution in part on account of imputed political opinion, and it remanded the case for further proceedings. The court also noted that the Immigration Judge and the Board did not address the respondent's claim based on his membership in a particular social group, and it remanded for a ruling on that issue.

In view of the court's determination that the respondent suffered past persecution on account of imputed political opinion, we find that a remand is necessary. The court in a footnote indicated that the Immigration Judge appeared to consider the issue of changed country conditions in the Ivory Coast, and the question whether the respondent could safely relocate to another area of that country. However, the record reflects that those issues were not addressed in any detail at the hearing, and the Immigration Judge did not meaningfully address them in his decision. Moreover, as the court has found past persecution, the burden is now on the Department of Homeland Security to show that there has been such a fundamental change of circumstances in the Ivory Coast that the respondent no longer has a well-founded fear of persecution there. 8 C.F.R. § 1208.13(b)(1)(i)(A).

Although we acknowledge the court's express desire that we address the particular social group issue in this case, we do not find it necessary to do so in light of the court's finding that the respondent suffered past persecution on account of a different protected ground. An alien does not need to show persecution on account of more than one protected ground. Should it be concluded on

remand that the respondent no longer has a well-founded fear of persecution on account of imputed political opinion, then the issue of persecution on account of particular social group should be addressed.

Accordingly, the decision of the Board in this case dated July 28, 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.

Frederick D Hess

FOR THE BOARD