UNITED STATES IMMIGRATION COURT

(b) (6)

IN THE REMOVAL CASE OF

(b) (6)

RESPONDENT

CASE NO.: (b) (6)

ORDERS

[*] This is a memorandum of the Court's Decision and Orders entered on March 24, 2009. This memorandum is solely for the convenience of the parties. The oral or written Findings, Decision and Orders is the official opinion in this case. (*) Both parties waived issuance of a formal oral decision in the case.

[ ] The respondent was ordered REMOVED from the United States to _____ ( ) in absentia.

[ ] Respondent's application for VOLUNTARY DEPARTURE was DENIED and respondent was ordered removed to _____, in the alternative to _____.

[ ] Respondent's application for VOLUNTARY DEPARTURE was GRANTED until _____, upon posting a voluntary departure bond in the amount of $_____ to DHS within five business days from the date of this Order, with an alternate Order of removal to _____ or _____. Respondent shall present to DHS within ( ) thirty days ( ) sixty days from the date of this Order, all necessary travel documents for voluntary departure.

[*] Respondent's application for ASYLUM was (*) granted ( ) denied ( ) withdrawn with prejudice.
( ) subject to the ANNUAL CAP under the INA section 207(a)(5).
( ) Respondent knowingly filed a FRIVOLOUS asylum application.

[*] Respondent's application for WITHHOLDING of removal under INA section 241(b)(3) was ( ) granted ( ) denied ( ) withdrawn with prejudice. ^not addressed as Asylum was granted.

[*] Respondent's application for WITHHOLDING of removal under the Torture Convention was ( ) granted ( ) denied ( ) withdrawn with prejudice.

[*] Respondent's application for DEFERRAL of removal under the Torture Convention was ( ) granted ( ) denied ( ) withdrawn with prejudice.

[ ] Respondent's application for CANCELLATION of removal under section ( ) 203(b) of NACARA, ( ) 240A(a) ( ) 240A(b)(1) ( ) 240A(b)(2) of the INA, was ( ) granted ( ) denied ( ) withdrawn with prejudice. If granted, it was ordered that the DHS issue all appropriate documents necessary to give effect to this Order. Respondent ( ) is ( ) is not subject to the ANNUAL CAP under INA section 240A(e).

[ ] Respondent's application for a WAIVER under the INA section _____ was ( ) granted ( ) denied ( ) withdrawn or ( ) other _____. ( ) The conditions imposed by INA section 216 on the repondent's permanent resident status were removed.

[ ] Respondent's application for ADJUSTMENT of status under section _____ of the ( ) INA ( ) NACARA ( ) _____ was ( ) granted ( ) denied ( ) withdrawn with prejudice. If granted, it was ordered that DHS issue all appropriate documents necessary to give effect to this Order.

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[ ] Respondent's status was RESCINDED pursuant to the INA section 246.

[ ] Respondent's motion to WITHDRAW his application for admission was

( ) granted ( ) denied. If the respondent fails to abide by any of the conditions directed by the district director of DHS, then the alternate Order of removal shall become immediately effective without further notice or proceedings: the respondent shall be removed from the United States to _____.

[*] Respondent was ADMITTED as an Asylee _____, ~~until~~ _____ As a condition of admission, the respondent was ordered to post a $ _____ bond.

[ ] Case was ( ) TERMINATED ( ) with ( ) without prejudice ( ) ADMINISTRATIVELY CLOSED.

[ ] Respondent was orally advised of the LIMITATION on discretionary relief and consequences for failure to depart as ordered.

[ ] If you fail to voluntarily depart when and as required, you shall be subject to civil money penalty of at least $1,000, but not more than $5,000, and be ineligible for a period of 10 years for any further relief under INA sections 240A, 240B, 245, and 248 (INA Section 240B(d)).

[ ] If you are under a final order of removal, and if you willfully fail or refuse to 1) depart when and as required, 2) make timely application in good faith for any documents necessary for departure, or 3) present yourself for removal at the time and place required, or, if you conspire to or take any action designed to prevent or hamper your departure, you shall be subject to civil money penalty of up to $500 for each day under such violation. (INA section 274D(a)). If you are removable pursuant to INA 237(a), then you shall further be fined and/or imprisoned for up to 10 years. (INA section 243(a)(1)).

[*] Other: Both parties have waived appeal; therefore the decision is final.

Date: Mar 24, 2009

RICO J. BARTOLOMEI, Judge

APPEAL: (*) waived ( ) reserved by ( ) Respondent ( ) DHS (*) Both

DUE BY: FINAL ORDER.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: [ ] MAIL [P] PERSONAL SERVICE

TO: [P] DHS [ ] ALIEN [ ] Alien's ATT/REP [ ] ALIEN c/o Custodial Officer

DATE: 3/24/09 BY: [P] COURT STAFF [ ] JUDGE

Y2

File: (b) (6) Date: NOV 13 2008

In re: (b) (6)

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Douglas D. Nelson, Esquire

ON BEHALF OF DHS: Jonathan Grant
Assistant District Counsel

APPLICATION: Asylum; withholding of removal; Convention Against Torture

DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW

NOV 21 2008

FILED WITH
IMMIGRATION COURT
SAN DIEGO, CA

ORDER:

PER CURIAM. This matter is before the Board following a remand from the United States Court of Appeals for the (b) (6) The (b) (6) found that the respondent was credible and that there were no changed circumstances in Iraq. The (b) (6) remanded the record and requested a finding concerning whether the respondent established past persecution and whether she is eligible for relief. Accordingly, the record is remanded to the Immigration Judge for further findings of fact and further consideration of the respondent's applications for relief from removal.

FURTHER ORDER: The record is remanded to the Immigration Judge for further proceedings not inconsistent with this order and the order of the (b) (6) and for the entry of new decision.

FOR THE BOARD