UNITED STATES DEPARTMENT OF HOMELAND SECURITY
Immigration and Customs Enforcement

TO IMMIGRATION JUDGE
AFTER COMMENCEMENT OF
REMOVAL HEARING

IN REMOVAL PROCEEDINGS

In the Matter of

(b) (6)

Respondent

A (b) (6)

NOTICE TO APPEAR
ISSUED ON:

Motion is hereby made (check as appropriate):

That the removal proceedings against the respondent be terminated to permit his/her case to be considered or reconsidered by the District Director

- ■ for permanent resident status under section ~~245~~ 216.
- ☐ for change in nonimmigrant classification under § 248 of the Immigration and Nationality Act.
- ☐ for reinstatement in nonimmigrant status as _____.
- ☐ Respondent has a pending I-130/I-485 as an immediate relative. All applications have been fee

DATE: 10/11/05

Lisa Golub
~~K. Davis Gumbs~~, Assistant Chief Counsel
Lisa M. Golub

I have received a copy of the above motion and consent to its being granted.

DATE: 10/11/05

Signature of Respondent or Representative

ORDER

Upon due consideration of the motion by the Trial Attorney IT IS ORDERED that the removal proceedings herein be terminated to permit the respondent's case to be considered or reconsidered by the District Director for the purpose set forth above.

The affixation of the respondent's signature, or his/her representative's, to this document shall be deemed to constitute a waiver of the respondent's right to contest a motion that may be filed by the Service to reopen this matter based on a denial by the District Director with respect to the application indicated above.

DATE: 10/11/05

Henry S. Dogin
Immigration Judge

File: (b) (6)

Date: JUL 2 8 2005

In re: (b) (6)

IN DEPORTATION PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Valentine A. Brown, Esquire

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

APPLICATION: Asylum; withholding of deportation

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, relying on its decision in *Liu v. Ashcroft*, 372 F.3d 529 (3d Cir. 2004), which was decided after the Immigration Judge's and the Board's decisions in this case, held that the Immigration Judge erred in rejecting contested documents solely because they had not been authenticated pursuant to 8 C.F.R. § 287.6. The court also rejected other aspects of the Immigration Judge's and the Board's decision, and commented as well on the stale record in this case. Pursuant to the court's decision, the decision of the Board dated April 14, 2003, is vacated and the record is remanded to the Immigration Judge for further proceedings consistent with the court's decision.

FOR THE BOARD