IMMIGRATION COURT

(b) (6)

In the Matter of: (b) (6)

Case No.: (b) (6)

Respondent

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on April 16, 2013.
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 alternative order of removal to_____.

Respondent's application for:

[V] Asylum was (V) granted ( ) denied ( ) withdrawn ( ) other.

[V] Withholding of removal was ( ) granted ( ) denied ( ) withdrawn (V) other. No Decision

[V] Respondent's application for [V] withholding of removal [V] deferral of removal under Article III of the Convention Against Torture was ( )granted ( ) denied ( ) withdrawn (V) other. No Decision

[ ] A Waiver under section _____ was ( ) granted ( ) denied ( ) withdrawn ( ) other.

[ ] Cancellation of removal under section 240A(a)was ( ) granted ( ) denied ( ) withdrawn ( ) other.

Respondent's application for:

[ ] Cancellation under section 240A(b)(1) was ( ) granted ( ) denied ( ) withdrawn ( ) other. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.

[ ] Cancellation under section 240A(b)(2) was ( ) granted ( ) denied ( ) withdrawn ( ) other. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.

[ ] Adjustment of Status under section _____ was ( ) granted ( ) denied ( ) withdrawn ( ) other. If granted, it was ordered that respondent be issued all appropriate documents necessary to give effect to this order.

[ ] Respondent's status was rescinded under section 246.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

[ ] Other: _____

Date: 4-16-13

ANTHONY T. GIATTINA
Immigration Judge

Appeal waived Reserved : A / I (B)
Appeal due by:

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)

TO: [V] ALIEN [ ] ALIEN c/o Custodial Officer [V] ALIEN'S ATT/REP [X] DHS

DATE: 4-16-13 BY: COURT STAFF _____

Attachments: [ ] EOIR-33 [ ] EOIR-28 [ ] Legal Services List [ ] Other Q6

File: (b) (6)

Date: NOV 26 2008

In re: (b) (6)

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: David Z. Su, Esquire

APPLICATION: Asylum; withholding of removal; Convention Against Torture

In an order issued on (b) (6) the United States Court of Appeals for the (b) (6) granted the petition for review of the Board's May 9, 2006, decision in this case, which had affirmed the February 16, 2005, decision of the Immigration Judge. The court held that the Board erred in affirming the adverse credibility finding and a finding that there was no nexus between the harm which the respondent suffered in her native China and a protected ground under the Immigration and Nationality Act, and remanded the case for reconsideration of the respondent's eligibility for asylum, withholding of removal, and protection under the Convention Against Torture.

In view of the court's order, our May 9, 2006, decision is vacated, and the record will be remanded to the Immigration Judge for further proceeding not inconsistent with the decision and order of the court. On remand, the parties should be provided the opportunity to submit any additional pertinent evidence. Accordingly, the following order shall be entered.

ORDER: The record is remanded to the Immigration Judge for further proceedings and entry of a new decision.

FOR THE BOARD