UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
[redacted]

In the Matter of:

[redacted]

IN REMOVAL PROCEEDINGS

Respondent

DECISION ON THE IMMIGRATION JUDGE

The instant case is on remand from the Board, pursuant to the [redacted] decision, in the respondent's case. [redacted] The Board found the respondent eligible for Deferral of Removal under CAT, but remanded the case for backgrounds checks. The checks were completed.

Accordingly the following orders will be entered:

It is **ORDERED** that the respondent be removed from the United States pursuant to sections 237(a)(2)(B)(i), 237(a)(1)(B),and 237(a)(2)(A)(iii) of the Act.

It is **FURTHER ORDERED** that the respondent's application for Deferral of Removal to Haiti under The Convention Against Torture pursuant to 8 C.F.R. 208.17 be **GRANTED**.

Kenneth S. Hurewitz
Immigration Judge

File: (b) (6) Date: APR 11 2008

In re: (b) (6)

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Rebecca Sharpless, Esquire

ON BEHALF OF DHS: Manuel Ramirez
Assistant Chief Counsel

CHARGE:

Notice: Sec. 237(a)(1)(B), I&N Act [8 U.S.C. § 1227(a)(1)(B)] -
In the United States in violation of law

Sec. 237(a)(2)(A)(iii), I&N Act [8 U.S.C. § 1227(a)(2)(A)(iii)] -
Convicted of aggravated felony

Sec. 237(a)(2)(B)(i), I&N Act [8 U.S.C. § 1227(a)(2)(B)(i)] -
Convicted of controlled substance violation

APPLICATION: Convention Against Torture

ORDER:

PER CURIAM. In an order dated (b) (6) the United States Circuit Court of Appeals for the (b) (6) remanded the record to the Board to consider the respondent's claim for protection under the Convention Against Torture. A briefing schedule was set and briefs were received from both parties. In its brief, the Department of Homeland Security (DHS) stipulates to the respondent's eligibility for deferral of removal under the Convention Against Torture. However, the DHS did not indicate, or provide evidence showing, that the respondent's required security checks are current. We therefore find that the respondent is eligible for protection under the Circuit Court of Appeals, dependent upon the required security checks, and remand the record to the Immigration Judge for further proceedings consistent with the foregoing opinion.

[1] We note that the respondent is presently detained at Krome, Florida.

(b) (6)

FURTHER ORDER: Pursuant to 8 C.F.R. § 1003.1(d)(6), the record is remanded to the Immigration Judge for the purpose of allowing the Department of Homeland Security the opportunity to complete or update identity, law enforcement, or security investigations or examinations, and further proceedings, if necessary, and for the entry of an order as provided by 8 C.F.R. § 1003.47(h).

FOR THE BOARD