U.S. Department of Justice
Executive Office for Immigration Review

Falls Church, Virginia 22041

Decision of the Board of Immigration Appeals

File: (b) (6)

Date:

SEP 26 2012

In re: (b) (6)

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Dennis M. Clare, Esquire

APPLICATION: Withholding or removal

This case was previously before us on November 30, 2009, when we affirmed the Immigration Judge's decision that found the respondent removable, pretermitted her application for asylum, under section 208 of the Immigration and Nationality Act, 8 U.S.C. § 1158, denied her application for withholding of removal, under section 241(b)(3) of the Act, 8 U.S.C. § 1231(b)(3), and denied her request for protection under the Convention Against Torture, 8 C.F.R. §§ 1208.16 through 1208.18. The matter is now before us pursuant to the (b) (6) decision of the United States Court of Appeals for the (b) (6). (b) (6) *v. U.S. Attorney General* (b) (6)

The respondent has a United States citizen daughter (now age 11) who may be subjected to female genital mutilation (FGM) if she returns to Senegal with her mother. In its decision, the (b) (6) found that, "neither the BIA nor the Immigration Judge discussed the undisputed evidence of specific family conditions that place [the respondent's United States citizen child] and her mother in greater danger than what is reflected by the general statistics of the State Department reports" regarding FGM in Senegal. *Id.* at (b) (6) The court therefore remanded the case for further consideration of the respondent's application for withholding of removal. In view of the court's determination that the Immigration Judge, as well as the Board, did not give consideration to the respondent's "specific situation," a remand is necessary so that the Immigration Judge can address the issues raised by the court's decision in the first instance.

Accordingly, the following order will be entered.

ORDER: The record is remanded to the Immigration Judge for further proceedings consistent with this decision and the decision of the (b) (6)

Molly Dwyer Clark

FOR THE BOARD