U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT

(b) (6)

In the Matter of

(b) (6)

Respondent

Case No.: A (b) (6)

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on 1/10/07. 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 of the case.

[ ] The respondent was ordered removed from the United States to _____.
[ ] Respondent's application for voluntary departure was denied and respondent was ordered removed to _____ alternative to _____.
[ ] Respondent's application for voluntary departure was granted until ____/____/____ upon posting a bond in the amount of $_____ with the alternate order of removal to _____.
Respondent's application for:
[ ] Asylum was (✓) granted ( ) denied ( ) withdrawn.
[ ] Withholding of removal was ( ) granted ( ) denied ( ) withdrawn.
[ ] A Waiver under Section _____ was ( ) granted ( ) denied ( ) withdrawn.
[ ] Cancellation of removal under section 240A(a) was ( ) granted ( ) denied ( ) withdrawn.
Respondent's application for:
[ ] Cancellation of removal under section 240A(b)(1) was ( ) granted ( ) denied ( ) withdrawn. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
[[Cancellation of removal under section 240(b)(2) was ( ) granted ( )denied ( ) withdrawn. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order
[ ] Respondent's application for adjustment of status under section _____ of the INA was ( ) granted ( ) denied ( ) withdrawn. If granted, it was ordered that respondent be issued all appropriate documents necessary to give effect to this order.
[ ] Respondent's application for ( ) withholding of removal ( ) deferral of removal under Article III of the Convention Against Torture was ( ) granted ( ) denied ( ) withdrawn or ( ) other.
[ ] Respondent's status was rescinded under section 246.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: SECURITY CHECKS COMPLETE

Date: 1/10/07

Kenneth Josephson
Immigration Judge

Appeal: WAIVED BY BOTH

Appeal Due By:

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
TO: [ ] ALIEN [ ] ALIEN c/o Custodial Officer [ ] ALIEN's ATT/REP [ ] BICE
DATE: 1-10-07 BY: COURT STAFF Kenneth Josephson
Attachments: [ ] EOIR-33 [ ] EOIR-28 [ ] Legal Services List [ ] Other

Q6

File: (b) (6)

Date: MAY 0 2 2006

In re: (b) (6)

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Hardeep Singh Rai, Esquire

APPLICATION: Asylum; withholding of removal; protection under the Convention Against Torture

ORDER:

PER CURIAM. This case was last before us on November 25, 2002, when we summarily affirmed, without opinion, the results of the Immigration Judge's decision denying the respondent's application for asylum and withholding of removal, and his request for protection under the Convention Against Torture. The Immigration Judge's decision was based primarily on her finding that the respondent did not testify credibly regarding his asylum claim. On (b) (6) the United States Court of Appeals for the (b) (6) reversed the Immigration Judge's adverse credibility finding. The court noted that the Immigration Judge had not determined whether the respondent's testimony, if deemed credible, established past persecution or a well-founded fear of persecution. It remanded the case for such findings.

In view of the court's decision, the decision of the Board dated November 25, 2002, is vacated and the record is remanded to the Immigration Judge for further proceedings consistent with the court's decision.

FOR THE BOARD