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

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

File: (b) (6) Date: FEB 21 2007

In re: (b) (6)

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Pro se[1]

CHARGE:

Notice: Sec. 237(a)(1)(C)(i), I&N Act [8 U.S.C. § 1227(a)(1)(C)(i)] - Nonimmigrant - violated conditions of status

APPLICATION: Asylum; withholding of removal

ORDER:

PER CURIAM. In a decision dated May 4, 2004, we dismissed the respondent's appeal of a decision of an Immigration Judge denying his applications for asylum and withholding of removal, and on October 28, 2004, we denied the respondent's motion to reopen. On (b) (6) the United States Court of Appeals for the (b) (6) Circuit rendered a decision vacating our decision and remanding the case to this Board for further proceedings. (b) (6) (b) (6) The record is remanded to the Immigration Judge.

Our decisions of May 4, 2004, and October 28, 2004, are vacated. The record is remanded to the Immigration Judge for a new decision, including an explicit credibility finding that complies with the law of the (b) (6) Circuit. *See, e.g.*, (b) (6) (b) (6) (stating that omission of information from an asylum application will not necessarily support an adverse credibility finding); (b) (6) (b) (6) The Immigration Judge should also consider current country condition information in reaching a decision. *See generally Mostafa v. Ashcroft*, 395 F.3d 622, 625-626 (6th Cir. 2005) (remanding where the Board's opinion "contains absolutely no discussion of the country conditions in Iran" and "never mentions" the country reports in the record). Accordingly, the record is remanded to the Immigration Judge for further proceedings.

FOR THE BOARD

[1] A courtesy copy of this decision will be provided to Svetlana Shreiber, the attorney who represented the respondent in proceedings before the Court of Appeals, at (b) (6) (b) (6)