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

(b) (6)

File (b) (6)

In the Matter of:

(b) (6)

In DEPORTATION Proceedings

Order of the
Immigration Judge

This is a summary of the Oral Decision and Order entered on Dec 20, 2004. This memorandum is solely for the convenience of the parties. If the proceedings should be appealed, the Oral Decision and Order will be transcribed and will become the official opinion in this case.

___ The Respondent's application for Voluntary Departure was denied and he/she was ordered deported to

___ Respondent's application for Voluntary Departure was granted to on or before _____ with an alternate Order of Deportation to _____.

___ Respondent's application for was Granted/Denied.

X Respondent's application for ASYLUM was (Granted) / Denied.

___ Respondent's request for WITHHOLDING OF DEPORTATION was Granted / Denied.

___ The Respondent was Granted / Denied adjustment of status.

___ The proceedings were terminated.

X The (Service) / Respondent ~~have~~/has waived appeal.

___ Appeal was reserved by Service / Respondent. Notice of Appeal to be filed no later than _____.

___ Other _____

Date: Dec 20, 2004

MICHAEL A. FERRIS
Immigration Judge

MEC

File: (b) (6) Date: APR 20 2004

In re: (b) (6)

IN DEPORTATION PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Lisa Reiner, Esquire

ON BEHALF OF DHS: Thomas P. McGrath
Assistant District Counsel

CHARGE:

Order: Sec. 241(a)(1)(B), I&N Act [8 U.S.C. § 1251(a)(1)(B)] -
Entered without inspection

APPLICATION: Asylum; withholding of deportation

ORDER:

PER CURIAM. This case is presently before us pursuant to the (b) (6) decision of the United States Court of Appeals for the (b) (6) In its decision, the court found that the Immigration Judge's adverse credibility finding, which was upheld by the Board, was not supported by substantial evidence. It remanded the case for further consideration of the respondent's application for asylum in light of current country conditions in Guatemala. Accordingly, the decision of the Board in this case dated May 30, 2001, is vacated and the record is remanded to the Immigration Judge for a further hearing consistent with the decision of the (b) (6)

FOR THE BOARD