IMMIGRATION COURT

[redacted]

In the Matter of

[redacted]

Respondent

Case No.: [redacted]

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on May 12, 2006. 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 in the case.

[ ] The respondent was ordered removed from the United States to or in the alternative to

[ ] Respondent's application for voluntary departure was denied and respondent was ordered removed to or in the alternative to

[ ] Respondent's application for voluntary departure was granted until upon posting a bond in the amount of $ _____ with an alternate order of removal to

Respondent's application for:

[X] Asylum was (X) granted ( ) denied ( ) withdrawn (see [redacted] CR Ruling [redacted]

[X] Withholding of removal was ( )granted (X) denied ( ) withdrawn

[ ] A Waiver under Section _____ was ( ) granted ( ) denied ( ) withdrawn

[ ] Cancellation under Section 240A(a) was ( )granted ( )denied ( )withdrawn

Respondent's application for:

[ ] Cancellation under Section 240A(b)(1) was ( ) granted ( ) denied ( ) withdrawn. If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.

[ ] Cancellation under Section 240A(b)(2) was ( ) granted ( ) denied ( ) withdrawn, If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.

[ ] Adjustment of Status under Section _____ was ( ) granted ( ) denied ( ) withdrawn. If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.

[X] Respondent's application of ( ) witholding of removal ( ) deferral of removal under Article III of the Convention Against Torture was ( ) granted (X) denied ( ) withdrawn.

[ ] Respondent's status was rescinded under section 246.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.

[X] Proceedings were terminated.

[X] Other: Gov. Charges cleared.

Date: May 12, 2006

THOMAS FONG
Immigration Judge

Appeal: Waived/~~Reserved~~ ~~Appeal Due By~~:

CR4

File: (b) (6) Date: APR 12 2005

In re: (b) (6)

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Monica Mansouri, Esquire

ON BEHALF OF DHS: Maggie Asare Frleta
Assistant District Counsel

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

ORDER:

PER CURIAM. In a decision dated (b) (6) the United States Court of Appeals for the (b) (6) found that the respondent suffered past persecution in Armenia, and further found that she has a well-founded fear of persecution if returned there. The court upheld the denial of her application for withholding of removal and the request for protection under the Convention Against Torture. The case was remanded for the Board to exercise its discretion on the application for asylum.

Accepting the court's findings of fact underlying the respondent's application for asylum, we do not find the manner of her entry into the United States, and her failure to seek asylum in another country, sufficiently adverse to warrant a denial of asylum to her as a matter of discretion. *See Matter of Kasinga*, 21 I&N Dec. 357 (BIA 1996); *Matter of Pula*, 19 I&N Dec. 467 (BIA 1987). Accordingly, we find that respondent is eligible for asylum and warrants such relief in discretion, dependent upon the required security checks.

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). *See* Background and Security Investigations in Proceedings Before Immigration Judges and the Board of Immigration Appeals, 70 Fed. Reg. 4743, 4752-54 (Jan. 31, 2005).

FOR THE BOARD