UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT

(b) (6)

(b) (6) Respondent

Case A (b) (6)

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on 4/18/2008.
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 _____.
[ ] 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 an alternative order of removal to _____.
[X] Respondent's application for asylum was ( ) granted ( ) denied (X) withdrawn.
[X] Respondent's application for withholding of removal was ( ) granted ( ) denied (X) withdrawn.
[X] Respondent's application for (withholding)(deferral)of removal under Article III of the Convention Against Torture is ( ) granted ( ) denied (X) withdrawn or ( ) other.
[ ] Respondent's application for cancellation of removal under section 240A(a) was ( ) granted ( ) denied ( ) withdrawn.
[ ] Respondent's application for cancellation of removal under section 240A(b) was ( ) granted ( ) denied ( ) withdrawn.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[ ] Respondent's application for a waiver under section ___ of the INA was ( ) granted ( ) denied ( ) withdrawn or ( ) other.
[X] Respondent's application for adjustment of status under section 245 of the INA was (X) granted ( ) denied ( ) withdrawn. If granted, it was ordered that respondent be issued all appropriate documents necessary to give effect to this order.
[ ] 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: _____.

Date: 4/18/2008
Appeal: ( ) Applicant ( ) DHS (X) Both (X) Waived
Appeal Due By: _____

Joseph Dierkes, Immigration Judge

CERTIFICATE OF SERVICE
THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)
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DATE: 4/18/08 BY: COURT STAFF SNP

File: (b) (6) Date:

In re: (b) (6)

DEC 19 2006

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Diane B. Bratvold, Esquire

CHARGE:

Notice: Sec. 237(a)(1)(B), I&N Act [8 U.S.C. § 1227(a)(1)(B)] -
In the United States in violation of law

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

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) The court found that the Immigration Judge did not make a clear finding whether the respondent suffered past persecution in Ethiopia on account of protected ground. Without first making that finding, the Immigration Judge placed the burden on the respondent to show that she had a well-founded fear of future persecution there. It remanded for a finding on the issue of past persecution, and if past persecution is shown, for the Immigration Judge to determine whether the government can show a fundamental change of circumstances in Ethiopia, or show that it would be reasonable to expect the respondent to relocate within Ethiopia.

The court's decision requires a remand to allow the Immigration Judge to make the findings required by the court in the first instance. Accordingly, the decision of the Board in this case dated April 27, 2005, is vacated and the record is remanded to the Immigration Judge for further proceedings consistent with the court's decision.

FOR THE BOARD

Ex. 19
3/29/07