IMMIGRATION COURT

In the Matter of

(b) (6)

Respondent

Case No.: (b) (6)

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on November 14, 2011. 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:

[✓] Asylum was (✓) granted ( ) denied ( ) withdrawn.

[✓] Withholding of removal was ( ) granted ( ) denied (✓) withdrawn.

[ ] A Waiver under Section _____ was ( ) granted ( ) denied ( ) withdrawn.

[ ] Cancellation of removal under section 240A(a) was ( ) granted ( ) denied ( ) withdrawn.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[ ] Cancellation under section 240A(b)(1) was ( ) granted ( ) denied ( ) withdrawn. If granted, it is ordered that the respondent be issued all appropriate 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[ ] Cancellation under section 240A(b) (2) was ( ) granted ( ) denied ( ) withdrawn.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[ ] Adjustment of Status under Section ____ was ( ) granted ( ) denied ( ) withdrawn.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.

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of removal ( ) deferral of removal under Article III of the Convention Against Torture was ( ) granted ( ) denied (✓) withdrawn.

[ ] Respondent's status was rescinded under section 246.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

[ ] Proceedings were terminated.

[ ] Other: _____

Date: Nov 14, 2011

Brigitte Laforest

BRIGITTE LAFOREST
Immigration Judge

Appeal: Waived / Reserved Appeal Due By: 12/14/11

File: (b) (6)

Date: AUG 3 1 2009

In re: (b) (6)

IN REMOVAL PROCEEDINGS

APPEAL AND MOTION

ON BEHALF OF RESPONDENT: Pro se

ON BEHALF OF DHS: Paula Donnolo
Assistant Chief Counsel

APPLICATION: Asylum; withholding of removal

The respondent is a female native and citizen of the People's Republic of China whose case last before us on September 27, 2006, when we dismissed her appeal of an Immigration Judge's denial of her application for asylum and withholding of removal under sections 208 and 241(b)(3) of the Immigration and Nationality Act, 8 U.S.C. §§ 1158 and 1231(b)(3), and protection under the Convention Against Torture. The respondent filed a petition for review of that decision with the United States Court of Appeals for the (b) (6) In an order dated (b) (6) the (b) (6) (b) (6) upheld the denial of protection under the Convention Against Torture but found that the respondent was not a persecutor and thus was not ineligible for asylum and withholding of removal and remanded the case for further proceedings. Subsequently, the Department of Homeland Security (DHS) filed a motion to remand for further fact-finding on the merits of the respondent's claim in light of the (b) (6) order. The respondent has filed no response to the motion. The motion will be granted. At the remanded hearing, both parties shall be afforded an opportunity to submit additional evidence and update the record.

Accordingly, the following order shall be entered:

ORDER: The motion to remand is granted and the record is remanded to the Immigration Judge for further proceedings and the entry of a new decision.

FOR THE BOARD