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

(b) (6)

In the Matter of:
(b) (6)
RESPONDENT

Case No: (b) (6)
(BIA-REMAND)

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

After considering the facts and circumstances of this case and as there is no opposition from the parties, it is HEREBY ORDERED that these proceedings be terminated with ~~without~~ prejudice.

NTA dated: Jun 25, 2001.

Reason for Termination: Respondent has departed the United States. See Exh. 2. Also, DHS has provided PHI documents verifying presence of respondent in Canada in Jan. 2005

LAWRENCE DI COSTANZO
Immigration Judge
Date: Feb 25, 2005

Appeal Waived/Reserved by A/I: WAIVED
Appeal Due Date: _

CERTIFICATE OF SERVICE
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File: (b) (6)

Date:

In re: (b) (6)

JUL 28 2004

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: James B. Macy, Esquire

ON BEHALF OF DHS: Paul K. Nishiie
Assistant District Counsel

CHARGE:

Notice: Sec. 212(a)(7)(A)(i)(I), I&N Act [8 U.S.C. § 1182(a)(7)(A)(i)(I)] - Immigrant - no valid immigrant visa or entry document

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

ORDER:

PER CURIAM. This case was last before us on October 4, 2002, when we summarily affirmed, without opinion, the results of the Immigration Judge's decision denying the respondent's application for asylum and withholding of removal. The Immigration Judge's decision was based on his finding that the respondent did not testify credibly regarding her asylum claim. On (b) (6) (b) (6) the United States Court of Appeals for the (b) (6) reversed the Immigration Judge's adverse credibility finding. It remanded the case for the Immigration Judge to determine whether the respondent has a well-founded fear of persecution in China.

Accordingly, the decision of the Board in this case dated October 4, 2002, is vacated, and the record is remanded to the Immigration Judge for a further hearing consistent with the court's decision.

FOR THE BOARD