IMMIGRATION COURT

[redacted]

In the Matter of:

[redacted]

Applicant

On Behalf of the Applicant

Case No: [redacted]

IN ASYLUM-ONLY PROCEEDINGS

On Behalf of the DHS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on Aug 23, 2007 and is issued 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.

ORDER: It is hereby ordered that the applicant's request for:

[X] 1. Asylum is:
- [X] Granted
- [ ] Withdrawn
- [ ] Denied

[ ] 2. Withholding of Removal under INA 241(b)(3) is:
- [ ] Granted
- [ ] Withdrawn
- [ ] Denied

[ ] 3. Withholding of Removal under the Convention Against Torture is:
- [ ] Granted
- [ ] Withdrawn
- [ ] Denied

[ ] 4. Deferral of Removal under the Convention Against Torture is granted.

Date: Aug 23, 2007

DONN L. LIVINGSTON
Immigration Judge

APPEAL: WAIVED
APPEAL DUE BY: ~~Sep 24, 2007~~

AL2

File: (b) (6) Date: FEB 1 3 2007

In re: (b) (6)

IN ASYLUM PROCEEDINGS

APPEAL

ON BEHALF OF APPLICANT: Patrick C. Hyde, Esquire

APPLICATION: ASYLUM

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's and the Board's adverse credibility findings in this case were not supported by substantial evidence and it remanded the case for further proceedings. In view of the court's detailed discussion and findings regarding the respondent's credibility, we find that she did credibly testify that she fled Nigeria to escape female genital mutilation (FGM).

The most recent Department of State Country Report for Nigeria reflects that the practice of FGM has declined markedly in Nigeria, is opposed by the federal government, and banned in some areas, but that it remains prevalent in some areas, particularly the south (where the respondent is from), and that little or no action is taken by authorities to curb the practice. In view of this evidence, and the court's decision regarding credibility, we conclude that the respondent has a well-founded fear of persecution should she be forced to return to Nigeria. See *Matter of Kasinga*, 21 I&N Dec. 357 (BIA 1996). Accordingly, the decisions of the Board in this case dated June 23, 2004, and March 19, 2004, are vacated, the removal proceedings are reopened, and the record is remanded solely for the 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).

Frederick D'Hes

FOR THE BOARD