U.S. Department of Justice
Executive Office for Immigration Review

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

File: (b) (6) Date: FEB -1 2011

In re: (b) (6)

IN EXCLUSION PROCEEDINGS

APPEAL

ON BEHALF OF APPLICANT: Robert B. Jobe, Esquire

ON BEHALF OF DHS: Patricia Spaletta
Assistant Chief Counsel

APPLICATIONS: Asylum; withholding of exclusion and deportation; Torture Convention

This case is presently before us pursuant to an (b) (6) decision of the United States Court of Appeals for the (b) (6) granting the applicant's petition for review from the Board's decision of February 1, 2006, and remanding for further proceedings. (b) (6) *v. Holder*, (b) (6) (b) (6) [1] The Immigration Judge's decision dated December 16, 1999, granting the applicant asylum, withholding of deportation, and withholding of removal under the Torture Convention will be affirmed and the record will be returned to the Immigration Court without further Board action.

On (b) (6) the DHS filed with this Board its "Position on Remand," which stated that "in light of the (b) (6) findings in [the applicant's case], the Department will no longer pursue further litigation" and requested that this matter be held in abeyance pending the completion of background checks pursuant to 8 C.F.R. § 1003.1(d)(6). On (b) (6) the DHS filed an advisal that the applicant's updated law enforcement checks had been satisfactorily completed.

Accordingly, the following order will be entered.

ORDER: The Immigration Judge's decision dated December 16, 1999, is affirmed with regard to the applicant, and the record is returned to the Immigration Court without further Board action.

FOR THE BOARD

[1] This case has a lengthy procedural history, which is described in detail in (b) (6) *v. Holder, supra*, and the (b) (6) prior decision in this matter, *Cheema v. Ashcroft*, 383 F.3d 848 (9th Cir.2004). Although the case initially concerned the applicant (b) (6) and her husband (b) (6) and their involvement in the Sikh movement for a separate homeland (Khalistan) in India, the proceedings before us are now limited to the wife's case as the (b) (6) found the husband's appeal moot. (b) (6) *v. Holder, supra*, at (b) (6)