IMMIGRATION COURT

(b) (6)

In the Matter of

(b) (6)

Respondent

Case (b) (6)

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on Jun 12, 2007. 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 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 .
[X] Respondent's application for asylum was (X)granted ( )denied ( )withdrawn.
[ ] Respondent's application for withholding of removal was ( )granted ( )denied ( )withdrawn.
[ ] Respondent's application for cancellation of removal under section 240A(a) was ( )granted ( )denied ( )withdrawn.
[ ] Respondent's application for cancellation of removal was ( )granted under section 240A(b)(1) ( )granted under section 240A(b)(2) ( )denied ( )withdrawn.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[ ] Respondent's application for a waiver under section _____ of the INA was ( )granted ( )denied ( )withdrawn or ( )other.
[ ] Respondent's application for adjustment of status under section _____ of the INA was ( )granted ( )denied ( )withdrawn. If granted, it was ordered that respondent be issued all appropriate documents necessary to give effect to this order.
[ ] Respondent's status was rescinded under section 246.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: Jun 12, 2007

Appeal: NO APPEAL Appeal Due By:

ANTHONY ATENAIDE
Immigration Judge

ANTHONY ATENAIDE
IMMIGRATION JUDGE

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Immigration Judge

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(b) (6)

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Date:

Appeal: (NO APPEAL) Appeal Due By:

ANTHONY ATENAIDE
Immigration Judge

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

Falls Church, Virginia 22041

Decision of the Board of Immigration Appeals

File: (b) (6)

Date: APR 26 2007

In re: (b) (6)

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Jonathan D. Montag, Esquire

ON BEHALF OF DHS: Martin D. Soblick
Chief Counsel

This case was last before us on February 25, 2003, when we affirmed an Immigration Judge's decision denying the respondents' request for asylum and withholding of removal. Briefly it is noted that this matter has been subject to litigation in the United States Court of Appeals for the (b) (6) (b) (6) and the United States Supreme Court. The respondents and the Department of Homeland Security have filed a joint motion to reopen proceedings and further request that this matter be remanded to the Immigration Judge. The motion to reopen and remand will be granted.

Pursuant to the agreement reached by the parties in the joint motion, the lead respondent is eligible for asylum and the remaining respondents are derivatives to her claim. The parties request that the record be remanded to the Immigration Judge for completion of security and background checks. Accordingly, the following orders will be entered.

ORDER: The joint motion to reopen is granted, and our order dated February 25, 2003, is vacated.

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).

FOR THE BOARD