Files: (b) (6)

In re: (b) (6)

Date:

MAR 30 2005

IN DEPORTATION PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENTS: Douglas D. Nelson, Esquire

ON BEHALF OF DHS: Olga G. El-Bogdadi
Assistant District Counsel

APPLICATION: Asylum; withholding of deportation

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 respondents had shown that they suffered past persecution in Bosnia-Herzegovina on account of their Serb ethnicity, and that they have a well-founded fear of persecution if forced to return there. The court further found that the respondents could safely relocate to a part of Bosnia-Herzegovina that is held by Serbs. However, it remanded the case for the Board to determine whether it would be reasonable to expect the respondents to relocate within that nation. *See* 8 C.F.R. § 1208.13(b)(3).

In light of the court's decision, we find that the presumption that it would not be reasonable for the respondents to internally relocate has not been rebutted. We note in this regard, as did the court, that the respondents are elderly, their home and business have been lost, and their family is no longer in Bosnia-Herzegovina. The court in fact stated that it would be "exceptionally harsh" to expect the respondents to start their lives over in a new town, with no property, no family, no home, and no way of supporting themselves. We therefore will grant the respondents' applications for asylum.

Accordingly, the decision of the Board in this case dated June 28, 2002, is vacated, and the removal proceedings are terminated. In view of the termination of proceedings, any applications for withholding of deportation are moot. *See Matter of Mogharrabi*, 19 I&N Dec. 439 (BIA 1987).

FOR THE BOARD