IMMIGRATION COURT

(b) (6)

In the Matter of

(b) (6)

Respondent

Case No.: (b) (6)

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on April 17, 2014. 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.

[X] The respondent was ordered removed from the United States to ~~or in the alternative~~ to SIERRA LEONE, subject, however, to deferral of removal to Sierra Leone under Art. III of the C.A.T.

[ ] Respondent's application for voluntary departure was denied and respondent was ordered removed to or in the alternative to SIERRA LEONE.

[ ] Respondent's application for voluntary departure was granted until upon posting a bond in the amount of $ _____ with an alternate order of removal to .

Respondent's application for:

[X] Asylum was ( )granted (X)denied( )withdrawn.

[X] Withholding of removal was ( )granted (X)denied ( )withdrawn.

[ ] A Waiver under Section _____ was ( )granted ( )denied ( )withdrawn.

[ ] Cancellation of removal under section 240A(a) was ( )granted ( )denied ( )withdrawn.

Respondent's application for:

[ ] Cancellation under section 240A(b)(1) was ( ) granted ( ) denied ( ) withdrawn. If granted, it is ordered that the respondent be issued all appropriate documents necessary to give effect to this order.

[ ] Cancellation under section 240A(b) (2) was ( )granted ( )denied ( )withdrawn. If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.

[ ] Adjustment of Status under Section ____ was ( )granted ( )denied ( )withdrawn. If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.

[X] Respondent's application of ( ) withholding of removal (X) deferral of removal under Article III of the Convention Against Torture was (X) granted ( ) denied ( ) withdrawn. to Sierra Leone

[ ] Respondent's status was rescinded under section 246.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.

[X] Other: CAT withholding denied

Date: Apr 17, 2014

WILLIAM VAN WYKE
Immigration Judge

Appeal: Waived/Reserved Appeal Due By:

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: DEC 20 2005

In re: (b) (6)

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Pro se

ON BEHALF OF DHS: Jon D. Staples
Assistant District Counsel

APPLICATION: Protection under the Convention Against Torture

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 Board did not properly apply the Convention Against Torture (CAT) regulations when it sustained the Department of Homeland Security's appeal from the Immigration Judge's grant of the respondent's request for protection under the CAT. It remanded the case for the Board to properly apply the regulations, as interpreted by the court. The Board was also instructed to first determine if the Revolutionary United Front in Sierra Leone constitutes a "public official" under the CAT. Finally, the court, noting the "woefully outdated" record regarding country conditions, remanded for consideration of current conditions in Sierra Leone. The last hearing in this case was held almost 5 years ago.

We recognize that the court remanded this case for the Board to make certain findings in light of its decision. However, we also note that the court emphasized the stale record in the case, and indicated its view that conditions in Sierra Leone may have improved for the respondent. Under these circumstances, we find that both parties should be given a full opportunity to present any evidence they may have regarding current country conditions in Sierra Leone. A remand is therefore necessary. Accordingly, the decisions of the Board dated April 5, 2002, December 20, 2002, and March 3, 2003, are vacated and the record is remanded to the Immigration Judge for further proceedings consistent with this decision and the decision of the court.

Frederick D. Hess

FOR THE BOARD