UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
(b) (6)

IN THE MATTER OF:	)	**IN REMOVAL PROCEEDINGS**
(b) (6)	)	
Respondent	)	

CHARGE: Section 212(a)(6)(A)(i) of the Immigration and Nationality Act (INA or the Act): Alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

APPLICATIONS: Asylum, pursuant to INA § 208
Withholding of removal, pursuant to INA § 241(b)(3)
Protection under the Convention Against Torture (CAT)
Voluntary departure, pursuant to INA § 240B

ON BEHALF OF RESPONDENT
Eleanor J. Newhoff, Esq.
(b) (6)

ON BEHALF OF DHS:
Office of the Chief Counsel
Assistant Chief Counsel
(b) (6)

On Remand from the Board of Immigration Appeals

AMENDED DECISION OF THE IMMIGRATION COURT ON THE ISSUE OF THE CREDIBILITY OF THE RESPONDENT'S TESTIMONY

I. Procedural History

The Respondent's case is before the Court on remand from the Board of Immigration Appeals (Board or BIA) in an unusual posture. *See* (b) (6) (BIA (b) (6) On (b) (6), the Board affirmed the Court's decision and subsequently denied the Respondent's motion to reconsider. *See* (b) (6) (b) (6) (BIA (Aug. 26, 2010); (b) (6) (Mar. 25, 2011).

Thereafter, on (b) (6) the United States Court of Appeals for the First Circuit (b) (6) vacated the Respondent's order of removal and remanded his case so that the Board could address the following specific issues: (1) whether the Board properly considered the Respondent's appeal in light of the presumption of credibility to which he is entitled on appeal; (2) whether the Court found the Respondent's testimony to be "otherwise credible" pursuant to

section 208(b)(1)(B)(ii) of the Act; and (3) if the Board determines that the Court found the Respondent's testimony was "otherwise credible," whether section 208(b)(1)(B)(ii) required the Court to provide the Respondent notice of the need for additional evidence and an opportunity to submit such evidence or explain its absence. (b) (6) *v. Holder*, (b) (6) (b) (6)

Before the Board had the opportunity to address those nuanced issues, the Department of Homeland Security (DHS) filed an "Unopposed Motion to Remand." DHS requested that the Board remand the case to the Court for clarification of the Court's findings concerning the credibility of the Respondent's testimony. *See* DHS Unopposed Mot. to Remand (Oct. 23, 2012). The Board granted that motion and remanded the record to the Court "for further proceedings not inconsistent with the (b) (6) order." (b) (6) (b) (6) (BIA (b) (6)

Accordingly, the Court issues the following amended credibility determination.

II. Documentary Evidence

Exhibit 1 Notice to Appear (Apr. 19, 2005)

Exhibit 2 Respondent's Pleading (Aug. 1, 2005)

Exhibit 3 Form I-589 (Filed Apr. 11, 2006)

Group Exhibit 4 Respondent's Supporting Documents (Filed Dec. 13, 2006), p. 1 – 167

- Respondent's Ethiopian School Leaving Certificate, p.11
- Respondent's Addis Ababa City Residency ID Card, p.13 – 15
- Photographs of Respondent at Political Demonstrations, p.17 – 19
- Letter from (b) (6) p.21 – 23
- *Row Develops over Transfer of Regional Capital to Adama*, Addis Tribune (Jan. 9, 2004), p.25
- (b) (6) *Association Loses License to Operate*, Addis Tribune (Jul. 23, 2004), p.27
- Peter Takirambudde, "Letter to Ethiopian Prime Minister Meles Zenawi," Human Rights Watch (Sep. 8, 2004), p.29 – 30
- *On the Raid of the Macha Tulama Self-help Association*, Oromiyaa Liberation Council, United Liberation Forces of Oromiyaa (Jun. 1, 2004), p.32 – 33
- *Suppressing Dissent – Human Rights Abuses and Political Repression in Ethiopia's Oromia Region*, Human Rights Watch (May 2005), p.35 – 80
- *Ethiopia: Political Dissent Quashed*, Human Rights Watch (May 10, 2005), p.82 – 85
- *Ethiopia: Crackdown Spreads Beyond Capital*, Human Rights Watch (Jun. 15, 2005), p.87 – 88
- Tsegaye Tadesse, *Ethiopian opposition pulls out of election probe*, Reuters (Jul. 7, 2005), p.90 – 91

- *Ethiopia plans to lift protest ban this week*, Reuters (Jul.13, 2005), p.93 – 95
- *Eight killed as riot police, opposition supporters clash in Ethiopia's capital*, Associated Press (Nov. 1, 2005), p.97 – 99
- *Rioting Spreads across Ethiopian capital, at least 23 reported killed*, Associated Press (Nov. 2, 2005), p.101 – 03
- *Ethiopia: Hidden Crackdown in Rural Areas*, Human Rights Watch (Jan. 13, 2006), p.105 – 07
- *Detention without charge/fear of torture or ill-treatment*, Amnesty International (Jan. 30, 2006), p.109 – 10
- *Ethiopia: Incommunicado detention/fear of torture or ill-treatment*, Amnesty International (Feb. 3, 2006), p.112 – 13
- *Ethiopia: Prisoners of conscience prepare to face 'trial,'* Amnesty International (Feb. 22, 2006), p.115 – 17
- *Ethiopian political prisoners tortured, Amnesty Int'l fears government reprisal*, Amnesty International (Apr. 3, 2006), p.119 – 21
- Joe De Capua, *Reporters Without Borders Calls for Amnesty for Ethiopian Detainees*, VOA News (May 12, 2006), p.123
- Ashenafi Abedje, *Approximately 2,000 Ethiopians Rally in Washington*, VOA News (May 16, 2006), p.125
- Bureau of Democracy, Human Rights and Labor, U.S. Dep't of State, *Ethiopia Country Reports on Human Rights Practices for 2005* (Mar. 8, 2006), p.127 – 46
- Bureau of Democracy, Human Rights and Labor, U.S. Dep't of State, *Ethiopia Country Reports on Human Rights Practices for 2004* (Feb. 28, 2005), p.148 – 67

Exhibit 5 Respondent's Affidavit (Signed Nov. 28, 2006), p.1 – 17

Exhibit 6 Bureau of Democracy, Human Rights and Labor, U.S. Dep't of State, *Ethiopia Country Reports on Human Rights Practices for 2006* (Mar. 6, 2007), p.1 – 25

Exhibit 7 Record of Sworn Statement in Affidavit Form (Apr. 19, 2005), p.1 – 3

III. Legal Standards

In all applications for asylum and withholding of removal, the Court must make a threshold determination of the applicant's credibility. *See Matter of O-D-*, 21 I&N Dec. 1079, 1081 (BIA 1998). Applications filed on or after May 11, 2005, as is the case here, are subject to the REAL ID Act and its amendments. Pub. L. No. 109-13, Div. B, 119 Stat. 231 (2005); *Martinez v. Holder*, 734 F.3d 105, 111 (1st Cir. 2013). In such circumstances, the Court must examine the "totality of the circumstances and all relevant factors" in assessing the credibility of an applicant's testimony. INA § 208(b)(1)(B)(iii) (2013); *see Wen Feng Liu v. Holder*, 714 F.3d 56, 60 (1st Cir. 2013) ("[T]the trier of fact [is permitted] to consider all relevant factors and make an adverse credibility determination without regard to whether an inconsistency,

inaccuracy, or falsehood goes to the heart of the applicant's claim.") (internal quotations omitted); *Matter of J-Y-C-*, 24 I&N Dec. 260 (BIA 2007).

In particular, the Court considers the following factors: demeanor, candor, responsiveness, inherent plausibility of the applicant's or witness's account, the consistency between oral and written statements, the internal consistency of such statements, the consistency of such statements with evidence in the record, and any inaccuracy or falsehood in such statements, whether or not such inaccuracy or falsehood goes to the heart of the applicant's claim. INA § 208(b)(1)(B)(iii). There is no presumption of credibility, but the applicant will benefit from a rebuttable presumption of credibility on appeal if no adverse credibility determination is made. *Id.*

An applicant's testimony alone will only be sufficient to sustain the applicant's burden of proving eligibility for asylum without corroboration, if the Court is satisfied that the testimony is credible, persuasive, and refers to specific facts sufficient to demonstrate that the applicant is a refugee. INA § 208(b)(1)(B)(ii); 8 C.F.R. § 1208.13(a) (2013); *see also* (b) (6) *v. Holder*, (b) (6) Unreasonable demands are not placed on an applicant to present evidence to corroborate particular experiences. *Soeung v. Holder*, 677 F.3d 484, 88 (1st Cir. 2012). Where it is reasonable to expect corroborating evidence for certain alleged facts, such evidence should be provided. *Id.* at 487 – 88. If such evidence is unavailable, the applicant must explain its unavailability, and the Court must ensure that the applicant's explanation is included in the record. *Id.* The absence of such corroboration can lead to a finding that an applicant has failed to meet his or her burden of proof. *Id.*

IV. Amended Credibility Determination

A. Credibility

After listening to the Respondent's testimony, observing his demeanor, and reviewing the other evidence in the record, the Court is left with serious doubts about the credibility of the Respondent's testimony. The Respondent is an intelligent, articulate, albeit soft-spoken, young man. However, his testimony was vague in comparison to his detailed affidavit, he omitted significant details from his testimony, and his testimony was inconsistent with other evidence in the record.

Notably, the Respondent omitted from his testimony the details of his father's arrest at home, his mother's detention while searching for his father, how his family initially learned of his brother's arrest, the abusive treatment that his brother endured while incarcerated, and the numerous times that police officers searched his house in Addis Ababa. *See* Resp't Affidavit at Exh. 5 ¶¶ 3, 5, 8, 10.

In addition to these omissions, the Respondent testified inconsistently with other record evidence.

For example, the Respondent initially misstated the name of the political party that he joined in the United States and with which he alleges to have taken part in numerous

demonstrations, despite knowing the acronym to be CUD. Tr. at 60 – 61. He incorrectly referred to the CUD as the Coalition for Peace and Unity. *Id.* Only after his attorney stated the full name of the party did he correctly state the party name as Coalition for Unity and Democracy (CUD). *Id.* He was not asked to explain the initial misnaming of his political party.

The Respondent also testified inconsistently with other evidence regarding his ethnicity. In his affidavit, he wrote that he is Oromo, but his Ethiopian identity document reflects that his ethnicity is Amhara. Gr. Exh. 4 at 13 – 15. To explain the inconsistency, the Respondent testified that he bribed an official to list his ethnicity as Amhara to avoid persecution, yet he failed to explain why he would go to such trouble given the assertion in his affidavit that his name is "unmistakably" Oromo. Tr. at 52; Exh. 5 ¶ 15. Even if the Respondent's explanation were plausible, and in the Court's view it is not, that does not mean that it is true or that the Court is required to accept it. *See Weng v. Holder*, 593 F.3d 66, 72 (1st Cir. 2010) ("Even if the explanation for an inconsistency is on its face reasonable and consistent, that does not mean the explanation is true or that the IJ must accept it."). Although this inconsistency was not identified in the Court's original decision, the Court deems it to be a material inconsistency.

Another major inconsistency appears between the Record of Sworn Statement, dated April 19, 2005, and the Respondent's asylum claim. The Respondent swore under oath, just four days after his arrival in the United States, that he did not fear persecution or torture if he had to return to Ethiopia, whereas he wrote in his asylum application and testified before the Court that he feared he would be detained, tortured, and possibly even killed if he returns to Ethiopia. *See* Exh. 3 at 5 – 6, Exh. 5 ¶¶ 1, 16, 22; Exh. 7 at 2; Tr. at 41, 71, 104 – 105. When asked to explain the inconsistency, the Respondent did not recall being asked if he feared persecution in Ethiopia, although he did remember some questions from the interview. *See* Tr. at 79 – 80, 85 – 86. He stated that he was confused because the officers initially spoke to him Spanish, which caused him to question whether he was even in the United States. Tr. at 75 – 76. The Respondent also testified that he was "so much intimidated" because it was his first time being interviewed by government officials. *Id.* at 86. The Respondent specifically recalled being asked in Amharic why he came to the United States but did not remember his response because he was "worried" and "not at ease." Tr. at 106.

In assessing the evidentiary weight to accord the Record of Sworn Statement, the Court notes that it contains significant indicia of reliability. The Record of Sworn Statement contains a record of the questions asked and the answers provided, under oath, akin to a transcript.[1] *See*

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[1] The Respondent denied knowing where he first entered the United States; however, the Record of Sworn Statement indicates that he told the immigration officers that he entered near Douglas, Arizona. Tr. at 80, 83; Exh. 7 at 1. The Respondent explained that the immigration officers "guessed that" he entered near Douglas, Arizona, from the information that the Respondent told them, and the Court accepts this explanation. *See* Tr. at 80; *see also* Exh. 5 at 15 ¶ 19.

The Respondent also denied telling immigration officers that his date of birth is (b) (6) as indicated in the Record of Sworn Statement. *See* Exh. 7 at 1; Tr. at 80. When asked if (b) (6) is his date of birth, the Respondent vaguely testified, "I was born in (b) (6) Tr. at 80. He did not dispute the month or day. In his Form I-589 and in his affidavit, the Respondent indicated that his date of birth is (b) (6) Exh. 3; Exh. 5 at 1 ¶ 1. This same birthdate appears in his Ethiopian identity document; however, the Court has concerns regarding the reliability of this document in light of the Respondent's assertion that he paid money to change other information

Exh. 7; *Martinez v. Holder*, 734 F.3d at 112 (noting that the "REAL ID Act permits a fact-finder to weigh even informal statements," such as those completed at the border). The interview was conducted in Amharic, the Respondent's native language, according to his own testimony, and the Respondent's answers regarding the procurement of his passport and his journey to the United States were consistent with his asylum affidavit. *See id.*; Exh. 5 ¶¶ 16 – 19. While the Court might be concerned if the interview was conducted, and the form the Respondent signed under oath was, in the English language, as indicated, the Respondent testified that he was interviewed on April 19, 2005, in his native language of Amharic, which allays any concerns regarding language barriers and communication errors. Tr. at 104 – 05; *see also Matter of H-*, 21 I. & N. Dec. 337, 341 n.3 (BIA 1996).

Because the Respondent confirmed that he was, indeed, interviewed in Amharic and because the Record of Sworn Statement is a transcript of the interview, which was conducted by a public official in the ordinary course of business, the Court finds that the Record of Sworn Statement enjoys a presumption of regularity. *See U.S. v. Armstrong*, 517 US 456, 464 (1996); 8 C.F.R. § 1240.7(a) ("The immigration judge may receive in evidence any oral or written statement that is material and relevant to any issue in the case previously made by the respondent or any other person during any investigation, examination, hearing, or trial."); *see also Jianli Chen v. Holder*, 703 F.3d 17, 26 (1st Cir. 2012) ("Just as a factfinder may sift through conflicting testimony, accepting some testimony and rejecting other testimony, so too may a factfinder sift through relevant documents, determining which documents are persuasive and which statements within a particular document should be given weight.").

Considering the serious doubts the Court has regarding the credibility of the Respondent's testimony, his failure to recollect being asked whether he feared persecution or torture is not enough to overcome the transcript of the interview on this point. In addition, the Court finds the Respondent's explanations as to why he did not inform the immigration officer of his fears of persecution or torture to be inconsistent with his testimony on direct examination that he came to the United States to be "given the opportunity to explain [his] problems and America being a place where one can live with, with, with freedom." *Id.* at 56. The Respondent did not sufficiently explain why, when given the opportunity to tell his problems to American officials as he so desired, he told them that he did not fear persecution in Ethiopia. *See Weng v. Holder*, 593 F.3d at 72.

A less material, but still troubling, inconsistency concerns the Respondent's date of birth. The Respondent denied telling immigration officers that his date of birth is (b) (6) as indicated in the Record of Sworn Statement. See Exh. 7 at 1; Tr. at 80. When asked if (b) (6) (b) (6) is his date of birth, the Respondent vaguely testified, "I was born in (b) (6)" Tr. at 80. He did not dispute the month or day, but was not asked to explain the inconsistency. *See supra* note 1.

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contained in it, specifically, his ethnicity. *See* Tr. at 52. There is no other credible, objective evidence, such as a birth certificate or passport, to corroborate which, if any, of these alleged birthdates is accurate.

B. Corroboration

All of the inconsistencies and omissions identified above, along with the overall vagueness of the Respondent's testimony when compared to his affidavit, raise serious doubts regarding the credibility of the Respondent's testimony and the veracity of his claims. *See Simo v. Gonzales*, 445 F.3d 7, 12 (1st Cir. 2006) (finding that an inconsistent account of an alien's procurement of a false passport and his failure to mention his feared persecution during an airport interview were sufficient reasons to doubt his credibility and require corroborating evidence).

Although the Court declines to make an adverse credibility finding on these bases, neither does the Court find the Respondent's testimony "otherwise credible." *See* (b) (6) *v. Holder*, (b) (6) The Respondent bears the burden to buttress his testimony with reasonably available corroborating evidence so that the Court may adequately assess his credibility. *See* INA §§ 208(b)(1)(B)(ii) – (iii); *see also* (b) (6) *v. Holder*, (b) (6) ("[C]orroboration is the rule, not the exception."); *Chhay v. Mukasey*, 540 F.3d 1, 6 – 7 (1st Cir. 2008) (IJ can require corroboration without making an explicit credibility finding). Neither the (b) (6) Circuit nor the BIA require that the Respondent be given notice and an opportunity to corroborate under these circumstances, and the Court finds that the Respondent has failed to meet this burden.

Aside from the Respondent's testimony, there is no credible, objective evidence of the Respondent's or his family's involvement with (b) (6) the Respondent's Oromo ethnicity, the Respondent's date of birth, or his father's incarceration, that would rehabilitate the problems identified with his testimony. *See* INA § 208(b)(1)(B)(iii).

For example, while the Respondent submitted a letter from his brother, (b) (6) (b) (6) mentioning (b) (6) incarceration from September 25, 2004, until October 9, 2004, the letter does not discuss, or even mention, either (b) (6) or the Respondent's involvement with (b) (6) or the reason for (b) (6) arrest. *See* Gr. Exh. 4 at 21 – 23. Nor did (b) (6) mention their Oromo ethnicity or their father's detention due to their father's activities with (b) (6) *Id.* As the Respondent was able to obtain a letter from his brother, it is reasonable to expect that his brother would address these material issues with which he allegedly has personal knowledge. *See Chahid Hayek v. Gonzales*, 445 F.3d 501, 507 – 08 (1st Cir. 2006) (finding that where an applicant is in contact with a family member with firsthand knowledge of key aspects of the applicant's asylum claim, it is reasonable to expect some corroboration from those individuals).

In its original decision, the Court overlooked the portions of the State Department reports that mention persecution of (b) (6) members. While these reports confirm that the Ethiopian government had arbitrarily detained (b) (6) members and students protesting the transfer of the capital of Oromiya, they do not overcome the Court's doubts about the credibility of the Respondent's claims to Oromo ethnicity and (b) (6) and CUD membership. *See* Exh. 6, Gr. Exh. 4 at 25 – 167.

The only evidence that the Respondent is Oromo is his own self-serving assertions, which conflict with his Ethiopian identity document reflecting his ethnicity as Amhara. Gr. Exh. 4 at 13 – 15. Although the Respondent asserts that his name is clearly Oromo, no credible, objective evidence, through expert testimony or otherwise, establishes that the Respondent's ethnicity is apparent from his name. In light of the serious concerns regarding the credibility of the Respondent's testimony and his unpersuasive explanation for this particular inconsistency, the Court is compelled to doubt that the Respondent is Oromo and that he arranged to have his Ethiopian identity document altered. *See Mazariegos-Paiz v.* Holder, 734 F.3d 57, 65 (1st Cir. 2013) (noting that where there are "two plausible but conflicting views of the evidence," the immigration judge is "entitled not only to reject [the alien's] self-serving explanation but also to doubt its veracity") (quoting *Jiang v. Gonzales*, 474 F.3d 25, 28 (1st Cir. 2007). The Respondent's school completion certificate sheds no light on the disputed facts at issue. *See* Gr. Exh. 4 at 11.

To corroborate the Respondent's alleged CUD membership and continued opposition to the government of Ethiopia, he provided the Court with several photographs of himself purporting to be taken at CUD rallies in the United States. *See* Gr. Exh. 4 at 17 – 19. As these photographs are undated and the events they depict are not facially apparent, the Respondent relies solely on his own self-serving assertions that the photographs portray CUD demonstrations. These photographs are not credible, objective proof that the Respondent is a member of the CUD in the United States, such as a CUD membership certificate, which he claims to possess but failed to provide to the Court. *See* Tr. at 90; Tr. of IJ Oral Decision at 6. The Respondent also allegedly has receipts from contributions made to the CUD but none were provided to the Court. *See* Tr. at 90.

With regard to the Respondent's date of birth, the Respondent's self-serving assertions in his affidavit and asylum application are inconsistent with the Record of Sworn Statement. Aside from the Respondent's testimony, in which he stated only the year of birth, the Ethiopian identity document is the only evidence of his date of birth. However, the Court has concerns regarding its reliability in light of the Respondent's assertion that he paid money to change other information contained in it, specifically, his ethnicity. *See* Tr. at 52. There is no other credible, objective evidence, such as a birth certificate or passport, to rehabilitate the Respondent's vague testimony and to corroborate which, if any, of the Respondent's alleged birthdates is accurate.

Because the Respondent did not present credible, objective corroborating evidence against which the Court could weigh the Respondent's vague, inconsistent, and unpersuasive testimony, the Court finds that he failed to meet his burden of proof. *See, e.g., Chaay v. Mukasey*, 540 F.3d at 6 – 7; *Chahid Hayek v. Gonzales*, 445 F.3d at 507 – 08. The Court's observations regarding the Respondent's demeanor that he is "an intelligent, articulate, soft-spoken young man" do not impact this finding.

As discussed above, the Court does not find that the Respondent's testimony was "otherwise credible." Because of its serious doubts concerning the credibility of his testimony and in light of the lack of corroboration, the Court determines that he failed to meet his burden of proof.

In order to comply with the Board's remand for "further proceedings not inconsistent with the (b) (6) Circuit's order," the Court has reviewed existing case law regarding the existence of a requirement that the immigration court provide a Respondent with notice of the need to corroborate and an opportunity to do so. In this jurisdiction, the Court can find no such requirement – statutory, regulatory, or through (b) (6) Circuit or Board precedent. *See* (b) (6) (b) (6) *v. Holder* (b) (6) ("[O]ne can also read the IJ's decision as finding that corroborating evidence was necessary for her to determine whether (b) (6) testimony was in fact credible, in which case any notice requirement in section 1158(b)(1)(B)(ii) would not have been triggered.").

Cases from other Circuit Courts of Appeal, addressing whether notice and an opportunity to corroborate must be provided, involve either "adverse credibility" or "otherwise credible" findings. *See Ren v. Holder*, 648 F.3d 1079, 1090 – 93 (9th Cir. 2011) (finding that an "otherwise credible" applicant must be given notice and an opportunity to provide corroborating evidence before finding the applicant failed to meet his burden of proof, but also noting in footnote 13 that such notice and opportunity to respond applies only when the applicant is deemed credible); *Liu v. Holder*, 575 F.3d 193, 198 (2d Cir. 2009) (noting that the alien "bears the ultimate burden of introducing such [corroborating] evidence without prompting from the IJ" to bolster inconsistent testimony); *Rapheal v. Mukasey*, 533 F.3d 521, 530 (7th Cir. 2008) (questioning whether the Act requires an IJ to notify an applicant who testified incredibly of the need for corroborating evidence and an opportunity to provide it, beyond the notice already provided in INA § 208(b)(1)(B)(ii)).

This Court has found no cases in any Circuit that have found a requirement to provide notice of the need for corroboration and an opportunity to provide such evidence when the Court has found that the Respondent has not met his burden of proof due to serious doubts concerning the credibility of his testimony.

The balance of the Court's October 19, 2007, oral decision is incorporated herein. Because the Respondent has not met his burden of proof to establish that he is a refugee under the Act, and in light of the Court's previous findings concerning his applications for relief, the following orders shall be entered:

ORDERS

It is **ORDERED** that the Respondent's application for asylum under section 208 of the Act be **DENIED**;

It is **FURTHER ORDERED** that the Respondent's application for withholding of removal under section 241(b)(3) of the Act be **DENIED**;

It is **FURTHER ORDERED** that the Respondent's application for relief under Article 3 of the Convention Against Torture be **DENIED**;

It is **FURTHER ORDERED** that the Respondent's application for voluntary departure under section 240B(b)(1) of the Act be **DENIED**;

It is **FURTHER ORDERED** that the Respondent be **REMOVED** from the United States to **ETHIOPIA**.

If any party elects to appeal this decision, the Notice of Appeal must be received by the Board of Immigration Appeals within thirty (30) days of this decision.

1/6/14
Date

ROBIN E. FEDER
United States Immigration Judge

File: (b) (6)

Date: NOV 09 2012

In re: (b) (6)

IN REMOVAL PROCEEDINGS

APPEAL AND MOTION

ON BEHALF OF RESPONDENT: Eleanor J. Newhoff, Esquire

ON BEHALF OF DHS: Gwendylan Tregerman
Senior Attorney

APPLICATION: Asylum; withholding of removal

This case is before the Board pursuant to a (b) (6) order of the United States Court of Appeals for the (b) (6) Subsequently, the Department of Homeland Security (DHS) filed a motion to remand. The respondent filed a brief on the merits and alternatively seeks remand. The motion to remand will be granted and the record remanded to the Immigration Judge for further proceedings not inconsistent with the (b) (6) order. Accordingly, the following orders will be entered:

ORDER: The DHS's motion to remand is granted.

FURTHER ORDER: The record is remanded to the Immigration Judge for further proceedings and the entry of a new decision.

FOR THE BOARD