U.S. DEPARTMENT OF JUSTICE
Executive Office for Immigration Review
Office of the Immigration Judge

In the Matter of:

(b) (6)

RESPONDENT

Case No.: A (b) (6)

Docket: (b) (6)

IN ~~DEPORTATION~~ REMOVAL PROCEEDINGS PAP 2

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on MARCH 9, 2006. This memorandum is solely for the convenience of the parties. If the proceedings should be appealed, the Oral Decision will become the official decision in this matter.

- ☐ The respondent was ordered deported to _____.
- ☐ Respondent's application for voluntary departure was denied and respondent was ordered deported to _____ or in the alternative to _____.
- ☐ Respondent's application for voluntary departure was granted until _____, with an alternate order of deportation to _____ or _____.
- ☑ Respondent's application for asylum was (✓)granted ( )denied ( )withdrawn ( )other.
- ☑ Respondent's application for withholding of ~~deportation~~ PAP REMOVAL was (✓)granted ( )denied ( )withdrawn ( )other.
- ☐ Respondent's application for suspension of deportation was ( )granted ( )denied ( )withdrawn ( )other.
- ☐ Respondent's application for waiver under Section _____ of the Immigration and Nationality Act was ( )granted ( )denied ( )withdrawn ( )other.
- ☐ Respondent's application for _____ was ( )granted ( )denied ( )withdrawn ( )other.
- ☐ Proceedings were terminated.
- ☐ The application for adjustment of status under Section (216) (216A) (245) (249) was ( )granted ( )denied ( )withdrawn ( )other. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
- ☐ Respondent's status was rescinded under Section 246.
- ☑ Other ASYLUM GRANT RETROACTIVE TO SEPT 6, 2001
- ☐ Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.

APPEAL WAIVED BY BOTH

Paul DeFonzo
Immigration Judge

Date: March 9, 2006

Form EOIR - 37
MAR. 93

File: (b) (6)

Date: OCT - 7 2005

In re: (b) (6)

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Amy N. Gell, Esquire

EXHIBIT # C1
JAN 06 2006
Paul DeFonzo
Immigration Judge

CHARGE:

Notice: Sec. 212(a)(4)(A), I&N Act [8 U.S.C. § 1182(a)(4)(A)] - Public charge

Sec. 212(a)(7)(A)(i)(I), I&N Act [8 U.S.C. § 1182(a)(7)(A)(i)(I)] - Immigrant - no valid immigrant visa or entry document

APPLICATION: Asylum; withholding of removal

ORDER:

PER CURIAM. In a decision dated (b) (6) the United States Court of Appeals for the (b) (6) (b) (6) found that the respondent suffered past persecution in India, and concluded that the persecution was inflicted at least in part on account of imputed political opinion. The court further found that the presumption of future persecution had not been rebutted. The court remanded the case for the Board to exercise its discretion on the asylum application. Pursuant to the court's decision, the Board's decision in this case dated May 23, 2003, is vacated. The respondent is eligible for asylum, dependent upon the required security checks, and the record does not reflect that a denial of asylum in the exercise of discretion is warranted. *See generally Matter of Kasinga*, 21 I&N Dec. 357 (BIA 1996). Further, in view of the court's decision, the respondent is also eligible for withholding of removal from India.

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