To: Walter N. Buehle, Esq.

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT

[redacted]

In the Matter of: Case No.: [redacted]

[redacted]

RESPONDENT IN DEPORTATION PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on **SEPTEMBER** 10, 2008. 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 , or in the alternative 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 .

(X) Respondent's application for asylum was (X)granted ( )denied ( )withdrawn ( )other.

( ) Respondent's application for withholding of deportation was ( )granted ( )denied ( )withdrawn ( )other.

( ) Respondent's application for suspension of deportation was ( ) granted under section 244(a)(1) or (2) ( ) granted under section 244(a)(3) ( ) denied ( ) withdrawn ( ) other.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application for waiver under Section _____ of the Immigration and Nationality Act was ( )granted ( )denied ( )withdrawn ( )other.

( ) Respondent's application for _____ was ( )granted ( )denied ( )withdrawn ( )other.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( ) The application for adjustment of status under Section (216)(216A)(245)(249) was ( )granted ( )denied ( )withdrawn ( )other.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( ) Respondent's status was rescinded under Section 246.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 _____.

( ) Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.

Date: Sep 10, 2008

Michael Rocco

MICHAEL ROCCO
Immigration Judge

Appeal: NO APPEAL (Alien/DHS/Both)
Appeal Due by:

ALIEN NUMBER: [redacted] ALIEN NAME: [redacted]

To: Walter N. Ruehle, Esq.

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT

(b) (6)

In the Matter of:
(b) (6)

Case No (b) (6)

RESPONDENT

IN DEPORTATION PROCEEDINGS

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Date: Sep 10, 2008

Michael Rocco
MICHAEL ROCCO
Immigration Judge

Appeal: NO APPEAL (Alien/DHS/Both)
Appeal Due by:

ALIEN NUMBER: (b) (6) ALIEN NAME: (b) (6)

To: Walter N. Buehler, Esq.

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT

(b) (6)

In the Matter of: (b) (6)

Case No.: (b) (6)

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Immigration Judge

Appeal: NO APPEAL (Alien/DHS/Both)
Appeal Due by:

ALIEN NUMBER: (b) (6)

ALIEN NAME: (b) (6)

To: Walter N. Ruehle, ESQ.

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
(b) (6)

In the Matter of:
(b) (6)
RESPONDENT

Case No.: (b) (6)

IN DEPORTATION PROCEEDINGS.

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MICHAEL ROCCO
Immigration Judge

Appeal: NO APPEAL (Alien/DHS Both)
Appeal Due by:

ALIEN NUMBER: (b) (6) ALIEN NAME: (b) (6)

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

Falls Church, Virginia 22041

Decision of the Board of Immigration Appeals

Files: (b) (6)

Date: SEP 28 2007

In re: (b) (6)

IN DEPORTATION PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENTS: Pro se[1]

ON BEHALF OF DHS: Carla Hengera
Assistant District Counsel

APPLICATION: Asylum; withholding of deportation; protection under the Convention Against Torture

ORDER:

PER CURIAM. This case was last before us on May 15, 2003, when we summarily affirmed, without opinion, the results of the Immigration Judge's decision denying the respondents' applications for asylum and withholding of deportation, and their requests for protection under the Convention Against Torture. The matter is now before us pursuant to the (b) (6) decision of the United States Court of Appeals for the (b) (6) The court found errors in various rulings by the Immigration Judge, and concluded that, "we cannot confidently predict whether the Immigration Judge would adhere to his decision absent these defects." It therefore remanded the case. In view of the court's decision, a remand to the Immigration Judge is necessary. Accordingly, the record is remanded to the Immigration Judge for further proceedings consistent with the court's decision.

Frederick Otlea
FOR THE BOARD

[1] Attorney Walter H. Ruehle has not filed a Notice of Entry of Appearance as Attorney or Representative before the Board following the court remand. 8 C.F.R. § 3.3(a)(1). Nevertheless, a courtesy copy of this decision will be sent to him.

01