File: (b) (6)

Date: MAR 16 2007

In re: (b) (6)

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Rhett Dennerline, Esquire

ON BEHALF OF DHS: Karen E. Lundgren
Assistant District Counsel

APPLICATION: Asylum

ORDERM:

PER CURIAM.. This case is presently before us pursuant to th(b) (6) decision of the United States Court of Appeals for th(b) (6) The court found that the Immigration Judge erred in placing the burden on the respondent to show a well-founded fear of persecution in Kosovo, after finding that he suffered past persecution there. It remanded the case to the Board for consideration of current evidence regarding country conditions in Kosovo, and for "an individualized determination as to whether Balliu's particular fear of persecution should be allayed by improvements in the political conditions in Kosovo."

Although the court remanded this case to the Board, we find that a further remand to the Immigration Judge is appropriate, to give the parties the opportunity to present evidence on current country conditions, and to allow the Immigration Judge to determine in the first instance whether the government can meet its burden of rebutting the presumption that the respondent has well-founded fear of persecution if returned to Kosovo. 8 C.F.R. § 1208.13(b)(1)(ii). We also note that the last hearing in this case was held well over 4 years ago.

Accordingly, the record is remanded to the Immigration Judge for further proceedings consistent with this decision and with the decision of the court.

FOR THE BOARD

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

In the Matter of:	NON-DETAINED
(b) (6)	File No(s).: (b) (6)
In Removal Proceedings	Merits Calendar: September 28, 2012 Immigration Judge: Cuevas

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the Motion to Administratively Close Proceedings, the Court states the following:

1. There has been no opposition to administrative closure of the instant proceedings from either party.

2. Other: _____.

THEREFORE, it is HEREBY ORDERED that the motion be:

[ ] **GRANTED.** These proceedings are hereby administratively closed upon the motion made *by the Department of Homeland Security. Proceedings may be recalendared at any time upon* either party's motion, and this order does not constitute a final judgment rendered on the merits of these proceedings.

[ ] **DENIED.**

Immigration Judge

Date: JUL 25 2012

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