File: (b) (6) Date: JUL 30 2008

In re: (b) (6)

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Christine Brigagliano, Esquire

APPLICATION: Asylum; withholding of removal

ORDER:

PER CURIAM. In an order dated (b) (6), the United States Court of Appeals for the (b) (6) found that the respondent has suffered past persecution and remanded the case for further proceedings, including a determination as to whether the respondent warranted humanitarian asylum. The (b) (6) noted that the government may rebut the presumption of a well-founded fear and had the burden of establishing that internal relocation within the Philippines is reasonable. The respondent has submitted a post-administrative decision brief in response to the (b) (6) order. We find that a remand is warranted in this case in order to allow the parties to present additional evidence, both testimonial and documentary, prior to the issuance of a new decision by the Immigration Judge within findings of fact on these outstanding issues. Accordingly, the Board's July 7, 2006, decision is vacated insofar as it pertains to the respondent's application for asylum and withholding of removal, and the record is remanded to the Immigration Judge for further proceedings not inconsistent with the (b) (6) order and the foregoing opinion.

FOR THE BOARD

IMMIGRATION COURT

(b) (6)

In the Matter of

(b) (6)

Respondent

Case No.: (b) (6)

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE W/ REMAND

This is a summary of the oral decision entered on 11 Oct. 2012. 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.

[ ] The respondent was ordered removed from the United States to or in the alternative to .

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

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[X] Asylum was (X) granted ( ) denied ( ) withdrawn.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

[X] Withholding of removal was ( ) granted ( ) denied (X) withdrawn.

[ ] A Waiver under Section _____ was ( ) granted ( ) denied ( ) withdrawn.

[ ] Cancellation of removal under section 240A(a) was ( ) granted ( ) denied ( ) withdrawn.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

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of removal ( ) deferral of removal under Article III of the Convention Against Torture was ( ) granted ( ) denied ( ) withdrawn.

[ ] 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.

[ ] Other: _____.

Date: Oct 11, 2012

Robert Yeargin

ROBERT YEARGIN
Immigration Judge

Appeal: ~~Waived~~/Reserved Appeal Due By:

B.M