File: (b) (6) [redacted] Date: APR 30 2010

In re: (b) (6) [redacted]

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Jason Dzubow, Esquire

APPLICATION: Asylum; withholding of removal; Convention Against Torture

This case is presently before us pursuant to a (b) (6) [redacted] decision of the United States Court of Appeals for the (b)(6) [redacted] granting the respondent's petition for review. In particular, the (b) (6) [redacted] found that the respondent had suffered past persecution and remanded the case to the Board in light of the respondent's entitlement to a presumption of a well-founded fear of persecution. The (b) (6) [redacted] noted that on remand all relevant evidence should be considered in deciding whether the government can rebut the presumption. We find that a remand is warranted in this case due to the passage of time since the Immigration Judge's decision and because further fact-finding on the respondent's claim will be required. *See* 8 C.F.R. § 1003.1(d)(3)(iv) (stating that the Board may not engage in fact-finding in the course of deciding appeals except for taking administrative notice of commonly known facts). At the remanded hearing, both parties shall be afforded an opportunity to submit additional evidence, both documentary and testimonial.

Accordingly, the following orders shall be entered:

ORDER: The Board's May 30, 2008, decision is vacated.

FURTHER ORDER: The record is remanded for further proceedings consistent with the (b)(6) [redacted] (b) (6) [redacted] order and the foregoing opinion.

FOR THE BOARD