File: (b) (6) Date: SEP 14 2010

In re: (b) (6)

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Lindsay C. Harrison, Esquire

APPLICATION: Reopening

On (b) (6), the United States Court of Appeals for the (b) (6) granted the respondent's petition for review of our June 23, 2008, decision, vacated our prior order, and remanded the case to us for further proceedings. *See* (b) (6) *v. Holder*, (b) (6)

Due to the circumstances presented in this case, and to resolve any issue regarding jurisdiction in this case, we will adjudicate the instant motion in the exercise of our *sua sponte* authority. *See* 8 C.F.R. § 1003.2(a). Given the totality of the evidence before us and the passage of time since the filing of the motion, we will reopen these proceedings to afford the respondent the opportunity to reapply for asylum and withholding of removal as well as adjustment of status. The Department of Homeland Security has not responded to the motion. Accordingly, the unopposed motion will be granted.

ORDER: The motion to reopen is granted.

FURTHER ORDER: The record is remanded to the Immigration Judge for further proceedings consistent with the foregoing opinion and for the entry of a new decision.

FOR THE BOARD

IMMIGRATION COURT

(b) (6)

I-94
ISSUED
12-5-20

In the Matter of

(b) (6)
Respondent

Case No.: (b) (6)

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on 12-5-20
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[X] Asylum was (X) granted ( ) denied ( ) withdrawn.

[X] Withholding of removal was ( ) granted (X) denied ( ) withdrawn.

[X] A Waiver under Section _____ was ( ) granted ( ) denied ( ) withdrawn.

[ ] Cancellation of removal under section 240A(a) was ( ) granted ( ) denied ( ) withdrawn.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[ ] Cancellation under section 240A(b)(1) was ( ) granted ( ) denied ( ) withdrawn.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.

[X] Respondent's application of (X) withholding of removal (X) deferral of removal under Article III of the Convention Against Torture was ( ) granted (X) 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: 12-5-20

DAVID W. CROSLAND
Immigration Judge

Appeal: Waived/Reserved Appeal Due By: