IMMIGRATION COURT

(b) (6)

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 3/29/12.
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:

[✓] Asylum was (✓) granted ( ) denied ( ) withdrawn.

[✓] Withholding of removal was ( ) granted (✓) denied ( ) withdrawn.

[ ] A Waiver under Section _____ was ( ) granted ( ) denied ( ) withdrawn.

[ ] Cancellation of removal under section 240A(a) was ( ) granted ( ) denied ( ) withdrawn.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[ ] Cancellation under section 240A(b)(1) was ( ) granted ( ) denied ( ) withdrawn.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[ ] Cancellation under section 240A(b) (2) was ( ) granted ( ) denied ( ) withdrawn.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[ ] Adjustment of Status under Section ____ was ( ) granted ( ) denied ( ) withdrawn.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of removal ( ) deferral of removal under Article III of the Convention Against Torture was ( ) granted (✓) denied ( ) withdrawn.

[ ] Respondent's status was rescinded under section 246.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: Decision after Haiti Remand.

Date: ~~Nov 30, 2011~~ 3/29/2012

Rebecca L. Holt

REBECCA L. HOLT
Immigration Judge

Appeal: Waived/Reserved Appeal Due By: 4/5/2012

by all

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

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

File: (b) (6)

In re: (b) (6)

Date: FEB - 7 2008

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: John Shuford Richbourg, Esquire

CHARGE:

Notice: Sec. 212(a)(6)(A)(i), I&N Act [8 U.S.C. § 1182(a)(6)(A)(i)] - Present without being admitted or paroled

APPLICATION: Asylum; withholding of removal; Convention Against Torture

ORDER:

PER CURIAM. This case was last before us on December 16, 2005, when we dismissed the respondent's appeal of an Immigration Judge's denial of his application for asylum and withholding of removal under sections 208 and 241(b)(3) of the Immigration and Nationality Act, 8 U.S.C. §§ 1158 and 1231(b)(3), and protection under the Convention Against Torture. In an order dated (b) (6) the United States Circuit Court of Appeals for the (b) (6) reversed and vacated the Board's decision and remanded the case for further proceedings. *See* (b) (6) *v. Gonzales* (b) (6) (b) (6) Pursuant to the court's order, the record is remanded to the Immigration Court for further proceedings consistent with the court's order. We note the court ordered that this case be assigned to a different Immigration Judge on remand. *See* (b) (6) *v. Gonzales*, (b) (6) at (b) (6)

Accordingly, the record is remanded to the Immigration Court for further proceedings consistent with the foregoing opinion and the entry of a new decision.

Frederick D Hess

FOR THE BOARD

EXHIBIT# 5R

NOV 30 2011

Rebecca L. Holt
Immigration Judge