IMMIGRATION COURT

(b) (6)

In the Matter of

(b) (6)

Respondent

Case (b) (6)

IN REMOVAL PROCEEDINGS

~~AMENDED~~ ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on 3/28/11.
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 Saudi Arabia
[ ] 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 $_____ by _____ for each Respondent.
with an alternative order of removal to_____.
[ ] Respondent's application for asylum was ( ) granted ( ) denied ( ) withdrawn ( ) other.
[✓] Respondent's application for withholding of removal was (✓) granted ( ) denied ( ) withdrawn ( ) other.
[ ] Respondent's application for cancellation of removal under section 240A(a) was ( ) granted ( ) denied ( ) withdrawn ( ) other.
[ ] Respondent's application for cancellation of removal under section 240A(b) was ( ) granted ( ) denied ( ) withdrawn ( ) other. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
[ ] Respondent's application for a waiver under section _____ of the INA was ( ) granted ( ) denied ( ) withdrawn ( ) other.
[ ] Respondent's application for adjustment of status under section _____ of the INA was ( ) granted ( ) denied ( ) withdrawn ( ) other. If granted, it was ordered that respondent be issued all appropriate documents necessary to give effect to this order.
[ ] Respondent's status was rescinded under section 246 of the INA.
[ ] 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.
[✓] Relief under Convention Against Torture(✓)granted ( )denied ( )withdrawn
[ ] Other: _____

Waived / Appeal: A / I / B
Appeal due by:_____

Date: 10/5/11

Anthony S. Murry
Immigration Judge

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL [ ] PERSONAL SERVICE [✓]
TO: [✓] ALIEN [ ] ALIEN c/o Custodial Officer [✓] ALIEN'S ATTY/REP [ ] DHS
DATE: 10/6/11 BY: COURT STAFF _____

Attachments: [ ] EOIR-33 [ ] EOIR-28 [ ] Legal Services List [ ]

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
(b) (6)

In the Matter of: (b) (6)
A Number: (b) (6)

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of **MOTION TO ISSUE SUMMARY ORDER MEMORIALIZING THE** (b) (6) **CIRCUIT'S** (b) (6) **DECISION** it is HEREBY ORDERED that the motion be:

✓ **GRANTED** ___ **DENIED** because:

____ DHS does not oppose the motion.
____ A response to the motion has not been filed with the court.
___✓ Good cause has been established for the motion.
____ The Court agrees with the reasons stated in the opposition to the motion.
____ Other:

Deadlines:

____ The application(s) for relief must be filed by _____.
____ The Respondent must comply with DHS biometrics instructions by _____.

10/5/11
Date

Hon. Murry
Immigration Judge

Certificate of Service

This document was served by: [X] Mail [ ] Personal Service
To: [ ] Alien [ ] Alien c/o Custodial Officer [X] Alien's Atty/Rep [X] DHS

Date: 10/6/11 By: Court Staff NMC

File: (b) (6)

Date: NOV - 3 2009

In re: (b) (6)

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Robert B. Jobe, Esquire

ON BEHALF OF DHS: Jennifer L. Castro
Assistant Chief Counsel

APPLICATION: Asylum; withholding of removal; Convention Against Torture

This case is presently before us pursuant to a (b) (6) decision of the United States Court of Appeals for the (b) (6) rejecting the adverse credibility findings and granting withholding of removal under section 241(b)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1231(b)(3), and protection under the Convention Against Torture. In light of the (b) (6) decision, we will remand the record to the Immigration Court for completion of background checks.

In addition, both parties filed post-remand briefs. The Department of Homeland Security states in its brief that the Board should issue an order of removal to Saudi Arabia for the respondent. However, the Immigration Judge entered such an order on October 4, 2005. The respondent alleges in his brief that he qualifies for an exception to the 1-year filing requirement for asylum because he was an unaccompanied minor. The (b) (6) noted in their decision that the Board has not been afforded an opportunity to thoroughly address this issue. Because this issue may require additional fact-finding, the Immigration Judge shall also address whether the respondent was an unaccompanied minor at the time he filed his asylum application and whether he therefore qualifies for an exception to the 1-year filing requirement for asylum.

Accordingly, the following orders shall be entered:

ORDER: The Board's January 18, 2006, decision is vacated.

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

(b) (6)

FURTHER ORDER: Pursuant to 8 C.F.R. § 1003.1(d)(6), the record is remanded to the Immigration Judge for the purpose of allowing the Department of Homeland Security the opportunity to complete or update identity, law enforcement, or security investigations or examinations, and further proceedings, if necessary, and for the entry of an order as provided by 8 C.F.R. § 1003.47(h).

FOR THE BOARD