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

IN THE MATTER OF:)
(b) (6)) IN REMOVAL PROCEEDINGS
RESPONDENT)

FILE: A (b) (6)

DECISION OF THE IMMIGRATION JUDGE

The parties appeared before me on a previous occasion on an application for relief. Formal findings were made that the respondent had met all requirements, but the decision and orders were deferred for a fingerprint clearance. ~~The parties were advised that if no word was received from either side by the deadline set, an order granting relief would be entered. That deadline has passed and there has been no objection to granting the application.~~

_____ ORDER: It is ordered that respondent be granted cancellation of removal under section 240A(a) of the Immigration and Nationality Act.

_____ ORDER: It is ordered that respondent be granted a waiver of inadmissibility under section 212(c) of the Immigration and Nationality Act.

ORDER: It is ordered that he be granted asylum. Fingerprint clearance is Exh. 5.

8-2-05
DATE

J P Vandello
J. P. Vandello
Immigration Judge

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

Falls Church, Virginia 22041

Decision of the Board of Immigration Appeals

File: (b) (6) Date:

In re: (b) (6)

FEB 24 2005

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Barbara D. Bleisch, Esquire

ON BEHALF OF DHS: Cathy A. Auble
Assistant District Counsel

APPLICATION: Asylum; withholding of removal; protection under the Convention Against Torture

ORDER:

PER CURIAM. This case was last before us on December 22, 2003, when we summarily affirmed, without opinion, the Immigration Judge's decision denying the respondent's applications for asylum and withholding of removal, and protection under the Convention Against Torture. The matter is now before us pursuant to the (b) (6) decision of the United States Court of Appeals for the (b) (6) The court found that the Immigration Judge's determination that the respondent had firmly resettled in Canada was not supported by substantial evidence. It further found that the Immigration Judge had not adequately supported his adverse credibility finding because it was based on his finding that the respondent's persecution claim was "implausible," but that finding was not supported by the record.

In reaching its conclusions, the court emphasized that it was not finding the respondent credible, but rather finding only that the Immigration Judge did not support his negative credibility finding with substantial evidence. It remanded the case, "in order for the agency to further explain or supplement the record."

In light of the court's decision, the record is remanded to the Immigration Judge for further proceedings consistent with the court's decision.

FOR THE BOARD