

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
HOUSTON, TEXAS

In the Matter of

Respondent.

File No: A 20

CHARGES:

Section 212(a)(6)(A)(i) of the Immigration and Nationality Act (INA or Act), as amended, as an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

APPLICATIONS:

Asylum, pursuant to Section 208(a) of the Act; Withholding of Removal, pursuant to Section 241(b)(3) of the Act; and Protection under Article 3 of the Convention Against Torture, pursuant to 8 C.F.R. § 1208.16.

FOR RESPONDENT:

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FOR THE GOVERNMENT:

Assistant Chief Counsel
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DECISION AND ORDERS

I. Procedural History

The Respondent, [REDACTED] is a native and citizen of [REDACTED].
Exh. 1. Respondent entered the United States at or near [REDACTED] on or about [REDACTED].
Id. Respondent was not then admitted or paroled after inspection by an immigration officer. Id. Respondent filed his application for Asylum and Withholding of Removal with U.S. Citizenship and Immigration Services (USCIS) on December 28, [REDACTED].
See Exh. 2; Exh. 3. USCIS referred Respondent's asylum application to the Court on [REDACTED].
Exh. 2.

In addition, Respondent testified that even though [REDACTED]

[REDACTED]

See 8 C.F.R. § 1208.13(b)(3)(ii).

Accordingly, the Court finds that the Department has not rebutted Respondent's presumption of a well-founded fear of future persecution in [REDACTED]

V. Discretion

Asylum is a discretionary form of relief. INA § 208(b)(1)(A). Therefore, when an applicant establishes statutory eligibility, he has the burden to establish that the Court should exercise its discretion in his favor. *Cardoza-Fonseca*, 480 U.S. at 427-28 & n.5; 8 C.F.R. § 1208.14(a). In the present case, the record is void of any factors that would necessitate an adverse discretionary finding. Therefore, the Court finds that Respondent is statutorily eligible for asylum and merits such relief as a matter of discretion.

VI. Conclusion

The Court concludes that Respondent is eligible for Asylum pursuant to section 208(a) of the Act.

Accordingly, the following orders shall be entered:

ORDERS

IT IS HEREBY ORDERED that Respondents' application for ASYLUM pursuant to section 208(a) of the Act be **GRANTED**.

RIGHT TO APPEAL

The parties are advised that they have a right to appeal this decision to the Board of Immigration Appeals. Any appeal must be received by the Board of Immigration Appeals within 30 days of the date of this order. Failure to comply with the deadline will result in a waiver of the party's right to appeal and the present order will become administratively final. See 8 C.F.R. § 1003.38.

[REDACTED]

[REDACTED]
Immigration Judge

Date: 4/19/, 2018.