

Falls Church, Virginia 20530

File: A [REDACTED] 7 - Houston, TX

Date: OCT 10 2014

In re: [REDACTED]

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Stewart Lin, Esquire

APPLICATION: Withholding of removal; Convention Against Torture

ORDER:

The respondent, a native and citizen of [REDACTED] appeals from the Immigration Judge's decision dated [REDACTED] 2013, which denied [REDACTED] application for 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, 8 C.F.R. § 1208.16(c). The Department of Homeland Security (DHS) has not replied to the respondent's brief on appeal. The record will be remanded.

We review Immigration Judges' findings of fact for clear error, but we review questions of law, discretion, and judgment, and all other issues in appeals de novo. 8 C.F.R. §§ 1003.1(d)(3)(i), (ii). Because the asylum application was filed after May 11, 2005, it is subject to the provisions of the REAL ID Act of 2005. *Matter of S-B-*, 24 I&N Dec. 42, 45 (BIA 2006).

The Immigration Judge found that the respondent was credible and that [REDACTED] established past persecution in the form [REDACTED]

Accordingly, 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