



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Name: [REDACTED]

A 099-[REDACTED]

Date of this notice: 12/31/2013

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

[REDACTED]

[REDACTED]
Chief Clerk

Enclosure

Panel Members:
[REDACTED]
[REDACTED]
[REDACTED]

schwarzA
User team: Docket

Falls Church, Virginia 20530

File: A099 [REDACTED]

Date: DEC 31 2013

In re: [REDACTED]

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Stewart Lin, Esquire

ON BEHALF OF DHS: [REDACTED]

Senior Attorney

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

The respondent appeals the Immigration Judge's decision of [REDACTED], 2011, denying his applications for asylum, withholding of removal and protection under the Convention Against Torture ("CAT"). Sections 208(b)(1)(A) and 241(b)(3)(A) of the Immigration and Nationality Act, 8 U.S.C. §§ 1158(5)(1)(A) and 1231(b)(3)(A); 8 C.F.R. §§ 1208.13, 1208.16-1208.18. The record will be remanded.

We review for clear error the findings of fact made by the Immigration Judge, including the determination of credibility. See 8 C.F.R. § 1003.1(d)(3)(i). We review de novo all other issues, including whether the parties have met the relevant burden of proof, and issues of discretion. See 8 C.F.R. § 1003.1(d)(3)(ii). As the respondent's application was filed after May 11, 2005, it is governed by the provisions of the REAL ID Act. See *Matter of S-B-*, 24 I&N Dec. 42 (BIA 2006). The Immigration Judge found the respondent to be credible (I.J. at 2).

ORDER: The record will be remanded for further proceedings consistent with the foregoing opinion.

[REDACTED]

FOR THE BOARD