

UNITED STATES IMMIGRATION COURT
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
DEPARTMENT OF JUSTICE

IN THE REMOVAL CASE OF:

[REDACTED]

RESPONDENT

CASE NO.: 20 [REDACTED]

CHARGE: § 237(a)(1)(B) of the Immigration and Nationality Act ("Act" or "INA"), as amended, in that you are an alien who is present in the United States in violation of this Act or any other law of the United States, or whose nonimmigrant visa (or other documentation authorizing admission into the United States as a nonimmigrant) has been revoked under section 221(i).

APPLICATIONS: Asylum, Withholding of Removal under the Act, and relief under the Convention Against Torture ("CAT")

FOR THE RESPONDENT:
Stewart Lin, Esq.
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Houston, Texas 77036

FOR DHS:
[REDACTED] Esq.
[REDACTED]
[REDACTED]

DECISION AND ORDERS

I. PROCEDURAL HISTORY

Respondent [REDACTED] is a forty-two-year-old native and citizen of [REDACTED]. See Exh. 1. He arrived in the United States on March 9, 2008, on a B-1 visa. Respondent applied affirmatively for asylum, withholding of removal, and relief under the CAT, and the asylum office referred his case to the immigration court for further review. On August

2. Nexus: "On account of" a Protected Ground

While Respondent does not consider his practice of [REDACTED] a political activity, he has established that the [REDACTED] government considers [REDACTED] a political organization. *See, e.g.*, Exh. 3, Tab S (quoting a [REDACTED] Anti-Cult Association report, which states "[REDACTED] has thoroughly revealed its features as a reactionary political organization... having the goal of overturning the leadership of the [REDACTED] Communist Party"); *see also* [REDACTED] 388 F.3d at 720. As a result, the [REDACTED] government has imputed a political opinion upon Respondent and his fellow practitioners. *See* [REDACTED] 388 F.3d at 720. Because Respondent's fear of future persecution is based solely on his practice of [REDACTED], the Court finds that Respondent's fear is "on account of" of a protected ground, namely an imputed political opinion. *See* INA §208(b)(1)(B)(i); *Orellana-Monson*, 685 F.3d at 518; *S-P-*, 21 I&N Dec. at 489.

3. Discretion

The Court finds no reason to deny Respondent's application as a matter of discretion. Respondent has no criminal record and has never been arrested. He is also active in his community. Therefore, the Court will grant Respondent's asylum application as a matter of discretion. *See* INA § 208(b)(1).

V. WITHHOLDING OF REMOVAL UNDER THE ACT &
PROTECTION UNDER THE CONVENTION AGAINST TORTURE

Because the Court is granting Respondent's application for Asylum, his request for Withholding of Removal under the Act and protection under the Conventional Against Torture is moot.

VI. CONCLUSION

Based upon the foregoing, the following order will be entered:

ORDER

IT IS HEREBY ORDERED that Respondent's application for asylum is **GRANTED**.

Date

April 1, 2014

[REDACTED]
United States Immigration Judge