



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

Lin, Stewart
Lin & Valdez LLP
9999 Bellaire #360
Houston, TX 77036

DHS/ICE Office of Chief Counsel - DAL
125 E. John Carpenter Fwy, Ste. 500
Irving, TX 75062-2324

Name: [REDACTED]

A 08 [REDACTED] 5

Date of this notice: 2/4/2016

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

Sincerely,

Donna Carr

Donna Carr
Chief Clerk

Enclosure

Panel Members:
Pauley, Roger
Wendtland, Linda S.
O'Herron, Margaret M

TranC
User team: Docket

Because we find that the respondent was persecuted on account of a protected ground, a rebuttable presumption arises that the respondent's life or freedom would be threatened in the future in the country of removal on the basis of the original claim. See 8 C.F.R. § 1208.16(b)(1); *Nazaraghaie v. INS*, 102 F.3d 460, 462 (10th Cir. 1996). To overcome this regulatory presumption the Department of Homeland Security (DHS) must demonstrate, by a preponderance of the evidence, that either (1) since the time the persecution occurred, conditions in the respondent's country have changed to such an extent that the respondent's life or freedom would no longer be threatened on account of a protected ground upon removal to that country or (2) the respondent could avoid future persecution by relocating to another part of the respondent's country of nationality. *Id.* Accordingly, we will remand the record to the Immigration Judge for a decision as to whether there has been a fundamental change in circumstances such that the respondent's life or freedom would no longer be threatened on account of a protected ground if removed to [REDACTED], and for the Immigration Judge to address the issue of internal relocation in [REDACTED] 8 C.F.R. §§ 1208.16(b)(1)(i)(A-B). The respondent and the DHS should be given the opportunity to present updated country condition materials. Finally, if applicable, the Immigration Judge shall address the Convention Against Torture. Accordingly, the following order will be entered.

ORDER: 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