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

In the Matter of

File No: A 20

Respondent.

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:

Stewart Chih-Hao Lin, Esq. Lin & Valdez LLP 9999 Bellaire, Suite 360 Houston, TX 77036

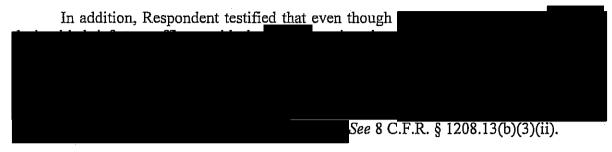
FOR THE GOVERNMENT:

Assistant Chief Counsel
Department of Homeland Security
123 Northpoint Drive, Suite 2020
Houston, TX 77060

DECISION AND ORDERS

I. Procedural History

The Respondent,	is a native and citizen of	
Exh. 1. Responder	nt entered the United States at or near	on or about
. <i>Id</i> . Re	spondent was not then admitted or paroled a	fter inspection by an
immigration officer. Id. I	Respondent filed his application for Asylum	and Withholding of
Removal with U.S. Citize	nship and Immigration Services (USCIS) on	December 28,
See Exh. 2; Exh. 3. USG	CIS referred Respondent's asylum application	on to the Court on
Exh. 2	2.	



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

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.

Date: \(\langle \left(\q \left(\q \left) \), 2018