



**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

**Kolken, Robert David  
Kolken & Kolken  
135 Delaware Avenue  
Suite 101  
Buffalo, NY 14202**

**DHS/ICE Office of Chief Counsel - BTW  
4250 Federal Dr.  
Batavia, NY 14020**

**Name: K [REDACTED]-P [REDACTED], R... A [REDACTED]-070**

**Date of this notice: 4/17/2020**

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:  
Mann, Ana  
Couch, Stuart V.  
Kelly, Edward F.

Human Resources  
User team: Docket

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Falls Church, Virginia 22041

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File: A [REDACTED]-070 – Richwood, LA

Date: APR 17 2020

In re: R [REDACTED] K [REDACTED] K [REDACTED]-P [REDACTED]

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Robert D. Kolken, Esquire

ON BEHALF OF DHS: J. Christopher Moellering  
Assistant Chief Counsel

APPLICATION: Remand

The respondent has appealed from the Immigration Judge's decision dated October 22, 2019, deeming the respondent to have abandoned any application for asylum due to his failure to submit such application by the filing deadline, and ordering his removal to Sri Lanka. We review an Immigration Judge's findings of fact for clear error, but questions of law, discretion, and judgment, and all other issues in appeals, de novo. 8 C.F.R. §§ 1003.1(d)(3)(i), (ii).

While the Immigration Judge may set deadlines, the respondent in this case established good cause for requesting added time to file his asylum application. The respondent retained counsel diligently prior to the filing deadline, and counsel promptly filed a motion to extend the deadline briefly to the date of the next scheduled master calendar hearing. Counsel explained the multiple logistical challenges he faced in preparing the asylum application with the detained respondent.

On appeal, the respondent has submitted a completed asylum application with corroborating evidence. In light of the foregoing, the record will be remanded to provide the respondent with a final opportunity to file an application for asylum. Accordingly, the following order will be entered.

ORDER: The appeal is sustained, and the record is remanded to the Immigration Court for further proceedings consistent with the foregoing opinion and the entry of a new decision.

  
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FOR THE BOARD