



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Name: T [REDACTED], J [REDACTED] C [REDACTED]

A [REDACTED]-956

Date of this notice: 12/20/2018

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:
Grant, Edward R.

Userteam: Docket

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OK

Falls Church, Virginia 22041

File: [REDACTED]-956 – Baltimore, MD

Date: DEC 20 2019

In re: J [REDACTED] C [REDACTED] T [REDACTED]

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Danielle Beach-Oswald, Esquire

APPLICATION: Reopening

This matter was last before the Board on November 12, 2015, when we dismissed the respondent's appeal from the Immigration Judge's decision denying the respondent's applications for asylum, withholding of removal, and protection under the Convention Against Torture. On April 12, 2018, the respondent filed a motion to reopen. The record before us does not contain a reply to the motion from the Department of Homeland Security (DHS) and the motion is therefore deemed unopposed. The motion will be granted.

With certain exceptions, an alien is entitled to file one motion to reopen and the motion must be filed not later than 90 days after the final administrative order. *See* section 240(c)(7) of the Immigration and Nationality Act, 8 U.S.C. § 1229a(c)(7); 8 C.F.R. § 1003.2(c)(2). There is an exception for motions to reopen that seek to apply or reapply for asylum or withholding based on changed conditions or circumstances arising in the country of nationality. *See* 8 C.F.R. § 1003.2(c)(3)(ii); *see also* section 240(c)(7)(C)(ii) of the Act. The respondent contends that his motion falls within the exception to the 90-day filing requirement because the motion is based on changed country conditions.

The respondent asserts that since his last hearing, his relatives in Cameroon have been arrested, interrogated, threatened, and beaten by government officials. Officials also allegedly killed the family's dog. The respondent alleges that the mistreatment of his relatives has been to discourage the respondent from continuing with his anti-government political activities in the United States. The respondent has submitted with his motion documents that include statements from his father, his mother, his brother, and a neighbor in Cameroon; medical records; photographs; and recent country conditions evidence. The country conditions evidence reflects the increasing use of violence by the Cameroonian government and a tightening on freedom of speech.

We recognize that an adverse credibility determination was made in prior proceedings, and our decision to reopen should not be construed as affecting that determination. However, we conclude that the respondent has submitted sufficient evidence to warrant a new hearing on whether he

would qualify for asylum or related relief based on future harm in Cameroon. Given the new evidence concerning country conditions in general and the evidence as to the respondent's personal situation, as well as the lack of any affirmative opposition by the DHS, we will grant the motion to reopen and will remand the record to the Immigration Judge for further proceedings. In remanding, we express no opinion about the correct outcome of this matter.

ORDER: The motion to reopen is granted.

FURTHER 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