



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Name: A H , A

A -492

Date of this notice: 7/18/2018

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:
Adkins-Blanch, Charles K.
Kelly, Edward F.
Snow, Thomas G

Userteam: Docket

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Falls Church, Virginia 22041

File: [REDACTED] 492 – Oakdale, LA

Date:

JUL 18 2018

In re: A [REDACTED] A [REDACTED] H [REDACTED]

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Robert A. Free, Esquire

ON BEHALF OF DHS: Autumn Cheramie
Assistant Chief Counsel

APPLICATION: Reopening

The respondent, a native and citizen of Iraq and a member of the Kurdish minority, appeals from an Immigration Judge's March 5, 2018, decision denying his motion to reopen proceedings to apply for protection under the Convention Against Torture, 8 C.F.R. §§ 1208.16-1208.18. On April 13, 2018, the Board accepted a brief from amici curiae, which submitted additional evidence. The Department of Homeland Security (DHS) filed a response on April 23, 2018. The respondent filed a brief and motion to remand on May 10, 2018. We will sustain the appeal and grant the respondent's motion.

We review the findings of fact, including the determination of credibility, made by the Immigration Judge under the "clearly erroneous" standard. 8 C.F.R. § 1003.1(d)(3)(i). We review all other issues, including issues of law, discretion, or judgment, under a de novo standard. 8 C.F.R. § 1003.1(d)(3)(ii).

Given the evidence of country conditions submitted by the respondent and amici curiae, and the submission of an application for relief (Form I-589) by the respondent, we find that the respondent has established materially changed country conditions in Iraq with regard to his application for protection under the Convention Against Torture. We therefore will sustain his appeal and grant his motion to reopen. See 8 C.F.R. § 1003.23(b)(4)(i); *Matter of J-J-*, 21 I&N Dec. 976 (BIA 1997). We will remand the record for further proceedings.

ORDER: The appeal is sustained, and proceedings are reopened.

FURTHER ORDER: The record is remanded for further proceedings consistent with the foregoing opinion and for the entry of a new decision.



FOR THE BOARD