



**U.S. Department of Justice**

Executive Office for Immigration Review

*Board of Immigration Appeals  
Office of the Clerk*

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Honolulu, HI 96813-4999**

**Name: Z [REDACTED], H [REDACTED]**

**A [REDACTED]-062**

**Date of this notice: 1/22/2020**

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:  
Creppy, Michael J.  
Liebowitz, Ellen C  
Hunsucker, Keith

Userteam: Docket

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*RL*

Falls Church, Virginia 22041

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File: A [REDACTED]-062 – Honolulu, HI

Date: **JAN 22 2020**

In re: H [REDACTED] Z [REDACTED]

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Albert S. Chow, Esquire

APPLICATION: Asylum

The respondent, a native and citizen of China, appeals from an Immigration Judge's decision dated April 3, 2018, denying his application for asylum under section 208(b)(1)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1158(b)(1)(A).<sup>1</sup> The Department of Homeland Security has not filed a response to the appeal. The record will be remanded.

We review findings of fact determined by an Immigration Judge, including credibility findings, under a "clearly erroneous" standard. 8 C.F.R. § 1003.1(d)(3)(i). We review questions of law, discretion, and judgment, and all other issues in appeals from decisions of Immigration Judges de novo. 8 C.F.R. § 1003.1(d)(3)(ii).

After the entry of the Immigration Judge's decision denying relief, the United States Court of Appeals for the Ninth Circuit issued a decision with application to this matter. Specifically, in *Guo v. Sessions*, 897 F.3d 1208 (9th Cir. 2018), the court found that a native and citizen of China had experienced past persecution when he was arrested at a home church, detained for 2 days, beaten to the point of bruises and minor injury, and forbidden from continuing to worship in the home church. *Guo v. Sessions*, 897 F.3d at 1211-17. In light of this new caslaw, we conclude that a remand is warranted for further fact-finding in this matter.

On remand, both sides should be permitted an opportunity to present additional relevant evidence, and the Immigration Judge should issue a new order upon consideration of any new evidence.

In remanding this record, we express no opinion as to the ultimate outcome on the respondent's application for relief.

Accordingly, the following order will be entered.

<sup>1</sup> The respondent does not meaningfully challenge the denial of his withholding of removal and Convention Against Torture claims, and thus, we deem these claims waived on appeal. *See Matter of R-A-M-*, 25 I&N Dec. 657, 658 n.2 (BIA 2012) (failure to substantively appeal an issue addressed in an Immigration Judge's decision renders that issue as waived on appeal).

ORDER: The record is remanded for further proceedings consistent with this order.

  
FOR THE BOARD