



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

Dutt, Alexis Ann
Karam Law
2950 Metro Drive
Suite 201
Bloomington, MN 55425

DHS/ICE Office of Chief Counsel - BAL
31 Hopkins Plaza, Room 1600
Baltimore, MD 21201

Name: C [REDACTED], D [REDACTED] A [REDACTED]

A [REDACTED]-366

Date of this notice: 6/12/2020

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:
Donovan, Teresa L.

Userteam: Docket

For more unpublished decisions, visit
www.irac.net/unpublished/index

g

Falls Church, Virginia 22041

File: A-366 – Baltimore, MD

Date:

JUN 12 2020

In re: D-A-C

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Alexis Ann Dutt, Esquire

ON BEHALF OF DHS: Jennifer L. Hastings
Assistant Chief Counsel

APPLICATION: Reopening

On November 15, 2019, the respondent filed a motion to reopen these removal proceedings based on changed country conditions in his native Cameroon. The motion will be granted and the record will be remanded for further proceedings consistent with this decision.

The respondent's motion to reopen is time and number barred. *See* sections 240(c)(7)(A) and (C)(i) of the Act, 8 U.S.C. §§ 1229a(c)(7)(A) and (C)(i) and 8 C.F.R. § 1003.2(c)(2) (an alien may file one motion to reopen and it shall be filed within 90 days of the date of entry of a final administrative order of removal). A final administrative order of removal was issued in this case on October 27, 2005, when we dismissed the respondent's appeal.¹ On July 31, 2007, we denied the respondent's prior motion to reopen which was also based on changed country conditions in Cameroon.

However, this time limit does not apply if the basis for the motion is to seek asylum or withholding of removal based on changed country conditions, if the alien's evidence of the same "is material and was not available and would not have been discovered or presented at the previous proceeding." *See* section 240(c)(7)(C)(ii) of the Act. In determining whether evidence accompanying a motion to reopen demonstrates a material change in country conditions that would justify reopening, we compare the evidence of country conditions submitted with the motion to those that existed at the time of the merits hearing below. *See Matter of S-Y-G-*, 24 I&N Dec. 247, 253 (BIA 2007). The respondent was ordered removed in absentia on May 26, 2004. Therefore, we must compare the evidence of country conditions submitted with the respondent's November 2019 motion to those that existed in May 2004.

The respondent bears the burden of establishing changed country conditions that are materially different from those conditions at the time of his original removal proceedings. New facts

¹ The respondent, who is the subject of an in absentia removal order, is not required to rescind the order before seeking reopening to apply for asylum and withholding of removal based on changed country conditions arising in his country of nationality. *See Matter of J-G-*, 26 I&N Dec. 161 (BIA 2013).

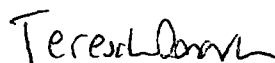
presented with the motion may include circumstances that show an intensification of a pre-existing threat of persecution or new instances of persecution of the same kind suffered in the past. *See* The alien “bears a ‘heavy burden’ ” of proving that if proceedings were reopened, with all the attendant delays, the newly presented evidence would likely change the result in the case. *Matter of Coehlo*, 20 I&N Dec. 464, 472 (BIA 1992) (quoting *INS v. Abudu*, 485 U.S. 94 (1988)).

The respondent previously sought reopening based on his claim of past persecution and fear of persecution on account of his political opinion and his support of the Southern Cameroons National Council (SCNC), “an organization that works for the Anglophone minority through secession of the Southern Cameroons” (Motion at 5). In his current motion, he also asserts that he has a fear of persecution by the Cameroonian government given its pattern of persecution against Anglophone Cameroonians. The conditions for Anglophones have always been difficult but recently conditions are significantly worse. He claims that the government’s interest in him and his family is significantly greater now (Motion at 12).

The respondent has demonstrated changed country conditions in Cameroon given the intensification of a pre-existing threat of persecution against the Anglophones. *See e.g. Sangi v. Whitaker*, 757 Fed. Appx. 247 (2018). The respondent’s motion is supported by his written statement, statements from his wife, his brother, and several other people, numerous news articles, and documentation showing he merits reopening in discretion. The documentation shows that the respondent fears he will be targeted due to his support for Bafut, a charitable organization supporting the injured and displaced in Cameroon (Motion at 7; Attachment A pages 1-4, 9-10). Other affidavits state that since 2017 there has been a government crackdown against the Anglophones (Motion at Attachment A, pages 14-16, 21). Che Churchill Che writes in an unsigned letter that the situation in Cameroon has deteriorated since 2016, especially in the English-speaking regions, the respondent’s brother was killed in 2012, and his cousin was killed in October 2019 by the government (Motion at Attachment A, pages 22-23). Further, the news articles attached to the motion discuss an “escalating crisis” for Anglophones in Cameroon during the last 3 years (Motion at Attachment B at 41). Given the changed country conditions, especially the pattern of persecution against the Anglophones, we will grant the motion to reopen and remand to afford the respondent the opportunity to apply for asylum, withholding of removal, and protection under the Convention Against Torture. The parties will have the opportunity to supplement the record on remand.

ORDER: The motion to reopen is granted.

FURTHER ORDER: The record will be remanded to the Immigration Judge for further proceedings consistent with this decision and the entry of a new decision.



FOR THE BOARD