



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Name: A [REDACTED] E [REDACTED], O [REDACTED] ... A [REDACTED]-354

Date of this notice: 1/7/2019

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:
Kendall Clark, Molly

Userteam: Docket

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Falls Church, Virginia 22041

File: A-354 - Dallas, TX

Date:

JAN - 7 2019

In re: O- D- A- E-

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Dory B. Edwards, Esquire

ORDER:

The Immigration Judge did not prepare a separate oral or written decision in this matter setting forth the reasons for the decision, because the respondent waived appeal (Tr. at 8). However, we find that remand is warranted given the circumstances of the respondent's timely filed appeal. The record shows that the respondent appeared pro se for a master calendar hearing on October 15, 2018, where he expressed a fear of returning to Nicaragua because of political repression by the government (Tr. at 7-8). The Immigration Judge stated that the respondent was ineligible for relief on this basis because the anonymous threat he received in Nicaragua "is not something that we can allow you to stay in this country for" (Tr. at 8). However, the Immigration Judge did not provide an explanation for this statement. Further, when a respondent expresses a fear of harm in a country to which he might be removed, the Immigration Judge is required by regulation to advise him of the right to apply for asylum or withholding of removal (including protection under the Convention against Torture) and to make the application forms available. *Matter of C-B-*, 25 I&N Dec. 888, 890-91 (BIA 2012); 8 C.F.R. §§ 1240.11(c)(1)(i), (ii). The respondent was not so advised in this case.

Accordingly, the record will be remanded to the Immigration Judge to allow the respondent the opportunity to apply for asylum or other relief.

ORDER: The record is remanded to the turned to the Immigration Court for further proceedings consistent with this decision.


FOR THE BOARD

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