



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Name: O [REDACTED]-N [REDACTED], J [REDACTED]

A [REDACTED]-919

Date of this notice: 7/22/2020

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:
Gorman, Stephanie

Humedy
User team: Docket

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Falls Church, Virginia 22041

File: A [REDACTED]-919 – San Diego, CA

Date:

JUL 22 2020

In re: J [REDACTED] O [REDACTED]-N [REDACTED]

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: William J. Baker, Esquire

APPLICATION: Cancellation of removal under section 240A(b) of the Act; asylum;
withholding of removal; protection under the Convention Against Torture

The respondent, a native and citizen of Mexico, has appealed from the Immigration Judge's September 6, 2018, decision denying his application for cancellation of removal under section 240A(b)(1) of the Immigration and Nationality Act, 8 U.S.C. § 1229b(b)(1); and his applications for asylum and withholding of removal under sections 208(b)(1)(A) and 241(b)(3) of the Act, 8 U.S.C. §§ 1158(b)(1)(A), 1231(b)(3); and protection under the Convention Against Torture, 8 C.F.R. §§ 1208.16-1208.18. The Department of Homeland Security has not filed a brief in opposition to the appeal.

We conclude that a remand is warranted in this case because the Immigration Judge's one-and-a-half-page decision is insufficient for review. In his decision, the Immigration Judge states that "this Court is not going to reiterate the respondent's testimony for those of you who are reviewing this. This Court presumes that you will review the transcript." (IJ at 2). However, except for taking administrative notice of commonly known facts, the Board may not engage in fact-finding in the course of deciding appeals, 8 C.F.R. § 1003.1(d)(3)(iv). The Immigration Judge's decision also contains legal conclusions without accompanying legal analysis.

Because the decision is devoid of the requisite factual findings and legal analysis, we will remand the record to the Immigration Judge for the issuance of a new decision. *See Matter of S-H-*, 23 I&N Dec. 462, 463 (BIA 2002) (remanding to the Immigration Judge, noting the lack of factual findings and legal analysis); *Matter of A-P-*, 22 I&N Dec. 468, 473-77 (BIA 1999) (explaining that an Immigration Judge's decision must contain the reasons underlying his or her determinations; reflect the Immigration Judge's analysis of the applicable statutes, regulations, and legal precedents; and clearly set forth the Immigration Judge's legal conclusions). We express no opinion on the ultimate outcome of this case. Accordingly, the following order will be entered.

ORDER: The record is remanded to the Immigration Judge for the limited purpose of issuing a new decision in accordance with the foregoing decision.



FOR THE BOARD