



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

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Name: YANG, SANG HAN

A 091-254-530

Date of this notice: 3/28/2014

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:
Pauley, Roger

schwarzA
User team: Docket

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8/27

Falls Church, Virginia 20530

File: A091 254 530 – Arlington, VA

Date: MAR 28 2014

In re: SANG HAN YANG a.k.a. Jung Doo Yang

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Luis A. Paoli, Esquire

ON BEHALF OF DHS: Justin Leone
Assistant Chief Counsel

CHARGE:

Notice: Sec. 237(a)(3)(D), I&N Act [8 U.S.C. § 1227(a)(3)(D)] -
False claim of United States citizenship

APPLICATION: Termination

The respondent appeals from the Immigration Judge's February 14, 2012, decision denying his motion to terminate proceedings and ordering him removed from the United States. The record will be remanded to the Immigration Court for further proceedings.

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

We find that the Immigration Judge's decision does not contain sufficient factual and legal analysis to allow us to perform adequate appellate review. *Matter of S-H-*, 23 I&N Dec. 462 (BIA 2002). In a summary decision, the Immigration Judge failed to provide reasons and bases for his conclusion that the respondent is removable as charged. Instead, he incorporated by reference the reasoning in the Department of Homeland Security's ("DHS") brief. Incorporating by reference to the record of proceedings, including the DHS's brief, is not sufficient. Based on the Immigration Judge's decision and the limited evidentiary record before us, we cannot make a clear determination of whether these proceedings should be terminated. Consequently, the record must be returned to the Immigration Judge for the preparation of a full decision. *See Matter of A-P-*, 22 I&N Dec. 468 (BIA 1999). Accordingly, the following order will be entered.

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



FOR THE BOARD

Cite as: Sang Han Yang, A091 254 530 (BIA Mar. 28, 2014)

IMMIGRATION COURT
901 NORTH STUART ST., STE.1300
ARLINGTON, VA 22203

In the Matter of

Case No.: A091-254-530

YANG, SANG HAN
Respondent

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on Feb 14, 2012
This memorandum is solely for the convenience of the parties. If the
proceedings should be appealed or reopened, the oral decision will become
the official opinion in the case.

- ☒ The respondent was ordered removed from the United States to Korea
or in the alternative to .
☐ Respondent's application for voluntary departure was denied and
respondent was ordered removed to or in the
alternative to .
☐ Respondent's application for voluntary departure was granted until
upon posting a bond in the amount of \$ _____
with an alternate order of removal to .

Respondent's application for:

- ☐ Asylum was () granted () denied () withdrawn.
☐ Withholding of removal was () granted () denied () withdrawn.
☐ A Waiver under Section _____ was () granted () denied () withdrawn.
☐ Cancellation of removal under section 240A(a) was () granted () denied
() withdrawn.

Respondent's application for:

- ☐ Cancellation under section 240A(b)(1) was () granted () denied
() withdrawn. If granted, it is ordered that the respondent be issued
all appropriate documents necessary to give effect to this order.
☐ Cancellation under section 240A(b)(2) was () granted () denied
() withdrawn. If granted it is ordered that the respondent be issued
all appropriated documents necessary to give effect to this order.
☐ Adjustment of Status under Section _____ was () granted () denied
() withdrawn. If granted it is ordered that the respondent be issued
all appropriated documents necessary to give effect to this order.
☐ Respondent's application of () withholding of removal () deferral of
removal under Article III of the Convention Against Torture was
() granted () denied () withdrawn.
☐ Respondent's status was rescinded under section 246.
☐ Respondent is admitted to the United States as a _____ until _____.
☐ As a condition of admission, respondent is to post a \$ _____ bond.
☐ Respondent knowingly filed a frivolous asylum application after proper
notice.
☐ Respondent was advised of the limitation on discretionary relief for
failure to appear as ordered in the Immigration Judge's oral decision.
☐ Proceedings were terminated.

☒ Other: Motion to terminate denied based on reasoning in DHS brief
Date: Aug 17, 2010

Appeal: Waived Reserved

Appeal Due By:

T. Snow
DAVID W. CROGLAND
Immigration Judge

Immigrant & Refugee Appellate Center | www.irac.net

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