

Falls Church, Virginia 22041

File: ██████████ - Baltimore

Date:

In re: ██████████

MAR 12 2007

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: James Feroli, Esquire

ON BEHALF OF DHS: Nelson A. Vargas-Padilla
Assistant Chief Counsel


APPLICATION: Reopening

This matter was last before us on October 11, 2006, when we dismissed the respondent's appeal of the Immigration Judge's May 11, 2005, decision, denying the respondent's applications for relief from removal. On January 5, 2007, the respondent submitted a timely motion to reopen based on ineffective assistance of prior counsel, Sopo ██████████. The Department of Homeland Security (DHS) has opposed the respondent's motion to reopen. The respondent's motion will be granted.

In support of her motion to reopen, the respondent submitted documents in compliance with the requirements set forth in *Matter of Lozada*, 19 I&N Dec. 637 (BIA 1988), for an ineffective assistance of counsel claim. The respondent likewise submitted a translated letter from the Guinean political party RPG which attempts to corroborate the particulars of the respondent's asylum application. The respondent claims that her prior counsel, Mr. ██████████, failed to prepare and introduce this letter into the record despite its apparent availability. The respondent further charges Mr. ██████████ of failing to meaningfully address the Immigration Judge's credibility finding and of failing to present this letter to the Board on appeal. We observe that the Immigration Judge's decision denying the respondent's applications for relief from removal relied, in part, on a perception that the respondent's testimony regarding the existence of this particular document "makes no sense," and on the respondent's failure to provide corroboration of her political party membership, activities, arrest and release from detention (I.J. at 9-10). Given this language in the Immigration Judge's decision, we will, as a prudent measure, reopen proceedings so that the Immigration Judge may further consider and evaluate the respondent's applications for relief from removal, in light of the respondent's allegations in her motion to reopen. In view of the foregoing, the following orders shall be entered.

ORDER: The respondent's motion to reopen is granted.

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



FOR THE BOARD