

Falls Church, Virginia 22041

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File: ██████████ - Boston, MA

Date: APR - 9 2012

In re: ██████████ ██████████ ██████████ ██████████ ██████████ ██████████

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: James Feroli, Esquire

APPLICATION: Asylum; withholding of removal; Convention Against Torture

ORDER:

The respondent, a native and citizen of Cameroon, appeals from the Immigration Judge's decision dated May 3, 2010, which denied her application for asylum and withholding of removal under sections 208 and 241(b)(3) of the Immigration and Nationality Act, 8 U.S.C. §§ 1158, 1231(b)(3), and protection under the Convention Against Torture, 8 C.F.R. § 1208.16(c), but granted voluntary departure under section 240B of the Act, 8 U.S.C. § 1229c. The Department of Homeland Security has not replied to the respondent's brief on appeal. The request for oral argument is denied. 8 C.F.R. § 1003.1(e)(7). The record will be remanded.

We review Immigration Judges' findings of fact for clear error, but we review questions of law, discretion, and judgment, and all other issues in appeals de novo. 8 C.F.R. §§ 1003.1(d)(3)(i), (ii). Because the asylum application was filed before May 11, 2005, it is not subject to the provisions of the REAL ID Act of 2005. *Matter of S-B-*, 24 I&N Dec. 42, 45 (BIA 2006).

In this case, the Immigration Judge made an adverse credibility finding based on testimony that was omitted from the respondent's applications and written statements and determined that the respondent did not submit sufficient corroborating evidence (I.J. at 4-6). However, at least two of the cited omissions are arguably noted on the supplemental statement to the asylum application filed with the Court on March 3, 2010 (Exh. 6 at 51). Respondent's Brief at 10-12. Under pre-REAL ID Act standards, an asylum applicant's credible testimony may be sufficient to sustain her burden of proof without corroboration; testimony that is not entirely credible may be bolstered with corroborating evidence. *Hoxha v. Gonzales*, 446 F.3d 210, 216 (1st Cir. 2006).

The Immigration Judge also determined that, even if credible and fully supported, the respondent's claims did not establish past persecution or a well-founded fear of future persecution (I.J. at 7-10). However, with respect to the past persecution determination, the Immigration Judge did not discuss the psychological report of record (Exh. 5 at 3). Respondent's Brief at 18-19. Psychological harm may support a finding of past persecution. *Ouk v. Gonzales*, 464 F.3d 108, 111 (1st Cir. 2006).

Under the circumstances, we find that a remand is necessary so that the Immigration Judge may complete additional factfinding. 8 C.F.R. § 1003.1(d)(3)(iv). Accordingly, the record is remanded

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to the Immigration Judge for further proceedings consistent with the foregoing opinion and for the entry of a new decision.

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FOR THE BOARD