U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals
Office of the Clerk

5201 Leesburg Pike, Suite 1300
Falls Church, Virginia 22041

Hutchins, Thomas, Esquire
6121 Lincolnia Road, Suite 400-C,
Alexandria, VA 22312-0000

U.S. INS/SPD
606 S. Olive Street, 8th Floor
Los Angeles, CA 90014

Name: R██████-O██████, ████L.   A███████-253

Date of this notice: 12/08/2003

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

Jeffrey Fratter
Chief Clerk

Enclosure

Panel Members:
     MILLER, NEIL P.

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            12/11/03

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File: A███ 253█ San Pedro

Date:

DEC 0 8 2003

In re: A███ R███-C███████████o

IN REMOVAL PROCEEDINGS

APPEAL

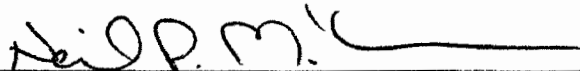ON BEHALF OF RESPONDENT: Thomas Hutchins, Esquire

CHARGE:

Notice: Sec.   212(a)(6)(A)(i), I&N Act [8 U.S.C. § 1182(a)(6)(A)(i)] -
Present without being admitted or paroled

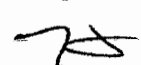APPLICATION: Protection under the Convention Against Torture

ORDER:

PER CURIAM. Pursuant to the August 18, 2003, order of the United States Court of Appeals for the Ninth Circuit, the record is remanded to the Immigration Judge for further proceedings consistent with 8 C.F.R. § 1240.10(c), and consistent with the court's order. The respondent has asked that an attorney skilled in immigration law be appointed to represent him at his removal hearing. We note that the regulations require that the Department of Homeland Security (the "DHS," formerly the Immigration and Naturalization Service) assign an attorney to represent incompetent aliens in removal proceedings who are not accompanied by a guardian, relative, or friend. 8 C.F.R. § 1240.2(b). The respondent appeared alone at his earlier removal proceeding, and indicated that there was no guardian, relative or friend to assist him. The respondent therefore appears to be in the position that the DHS must assign an attorney to represent him.

_____Neil P. M'C_____
FOR THE BOARD

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