

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT

[REDACTED]
[REDACTED]

IN THE MATTERS OF)
)
[REDACTED])
RESPONDENT)
)
IN REMOVAL PROCEEDINGS)

Case Number: A087 [REDACTED]

CHARGE: Section 237(a)(1)(B) of the Immigration and Nationality Act, as amended, in that after admission as a nonimmigrant under Section 101(a)(15) of the Act, you have remained in the United States for a time longer than permitted

APPLICATIONS: Section 208 of the Immigration and Nationality Act, as Amended: Asylum
Section 241(b)(3) of the Immigration and Nationality Act, as Amended: Withholding of Removal
8 C.F.R. § 1208.16: Withholding of Removal under the Convention Against Torture

ON BEHALF OF THE RESPONDENT:
Stewart Lin, Esq.
Lin & Valdez, LLP
9999 Bellair Blvd., Ste. 360
Houston, TX 77036

ON BEHALF OF THE GOVERNMENT:
Assistant Chief Counsel
Department of Homeland Security
[REDACTED]
[REDACTED]

WRITTEN DECISION OF THE IMMIGRATION JUDGE

I. Procedural History

The respondent is a [REDACTED] year old male, native and citizen of [REDACTED] [REDACTED] who was admitted to the United States at Los Angeles, California, on or about September 22, [REDACTED], as a nonimmigrant B2 with authorization to remain in the United States for a temporary period not to exceed March 21, [REDACTED]. Exhibit 1. On June 9, [REDACTED], the Department of Homeland Security (DHS) mailed the respondent a Notice to Appear (NTA), charging him with removability pursuant to section 237(a)(1)(B) of the Immigration and Nationality Act, as amended, (the Act). *Id.* The DHS commenced removal proceedings by filing the NTA with the Immigration Court on June 15, [REDACTED]. *Id.*

China. There are a few minor negative factor for discretion, such as the respondent used "agents" and paid a large sum of money to essentially be smuggled into United States. However, the numerous positive factors in the record far outweigh any minor negative factors and the Court is convinced that the Respondent would be persecuted if he is returned to [REDACTED]. As such, the Court finds that respondent is statutorily eligible for asylum and merits such relief as a matter of discretion.

IV. Other Forms of Relief

As the respondent has shown that he merits a grant of asylum, the Court does not find it necessary to reach the issue of whether he qualifies for withholding of removal pursuant to either section 241(b)(3) of the Act or pursuant to the Convention Against Torture.

Accordingly, after careful consideration, the following order shall be entered:

ORDER

IT IS HEREBY ORDERED that the respondent's application for asylum is GRANTED.

Date: October 28, 2013

[REDACTED]
[REDACTED]
United States Immigration Judge