

U.S. Department of Justice
Executive Office for Immigration Review

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

File: [REDACTED] - Portland, OR

Date: DEC - 5 2017

In re: [REDACTED]

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Brian P. Conry, Esquire

APPLICATION: Cancellation of removal

ORDER:

In light of the January 27, 2017, decision and order of the United States Court of Appeals for the Ninth Circuit, the record is remanded to the Immigration Judge to allow the respondent to pursue an application for cancellation of removal under section 240A(a) of the Immigration and Nationality Act, 8 U.S.C. § 11229b(a) and for the court to enter relevant findings of fact. *See* 8 C.F.R. § 1003.1(d)(3)(iv) (stating that the Board may not engage in fact finding in the course of deciding appeals except for taking administrative notice of commonly known facts). Accordingly, the record is remanded for further proceedings and the entry of a new decision not inconsistent with the decision of the Ninth Circuit.



FOR THE BOARD