

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
800 DOLOROSA STREET, SUITE 300
SAN ANTONIO, TX 78207

In the Matters of)
)
RAM [REDACTED])
ES [REDACTED])
)
Respondents)
)
In Removal Proceedings)
)

Case Nos.: A 213-4 [REDACTED] (Lead)
A 213-4 [REDACTED] (Rider)

MIGRANT PROTECTION
PROTOCOLS

CHARGE: Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (“INA”) as amended, in that you are an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa or other valid entry document required by the INA.

APPLICATIONS¹: INA § 208: Asylum;
INA § 241(b)(3): Withholding of Removal.

APPEARANCES:

ON BEHALF OF THE RESPONDENT

Julius J. Cohen, Esq.
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San Antonio, Texas 78205

ON BEHALF OF THE GOVERNMENT

U.S. Immigration & Customs Enforcement
Office of the Chief Counsel
1015 Jackson-Keller, Suite 100
San Antonio, Texas 78213

WRITTEN DECISION AND ORDERS OF THE IMMIGRATION JUDGE

I. PROCEDURAL HISTORY

Respondent, [REDACTED] and her son, [REDACTED] are natives and citizens of Honduras.² See Exhs. 1, 1A. The Department of Homeland Security (“DHS”) initiated these removal proceedings against Respondents by filing Notices to Appear (“NTA”) with the Court. See *id.* On August 29, 2019, DHS personally served Respondent and [REDACTED] with their respective NTA. See *id.* DHS alleges that Respondents: (1) are not citizens or

¹ Please note, the parties did not seek relief under the Convention Against Torture.

² The lead Respondent, [REDACTED] will be referred to as “Respondent” throughout the decision. Respondent’s child— [REDACTED]—is a derivative on Respondent’s application. See Exh. 9 at 2.

persons' [] recognizability and the social dynamics around strangers often renders a strategy of internal relocation implausible and depending on the situation, even impossible because those they are fleeing learn of their whereabouts." *See id.* Thus, the Court finds that [REDACTED] could not relocate within Honduras to avoid a future threat to his life or freedom. Therefore, the Court finds that relocation within Honduras would be unreasonable.

In sum, [REDACTED] has established that he is statutorily eligible for withholding of removal. *See* 8 C.F.R. § 1208.16(b)(1). Therefore, the Court must grant him relief for withholding of removal. INA § 241(b)(3)(A); *see also Mikhail*, 115 F.3d. at 306.

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

ORDERS OF THE IMMIGRATION JUDGE

IT IS HEREBY ORDERED that Respondent's (A 213-4 [REDACTED]) application for asylum pursuant to Section 208 of the INA be **DENIED**, and she be ordered **REMOVED** from the United States to **HONDURAS**;

IT IS FURTHER ORDERED that Bryant's (A 213-4 [REDACTED]) derivative application for asylum pursuant to Section 208 of the INA be **DENIED**, and he be ordered **REMOVED** from the United States to **HONDURAS**;


IT IS FURTHER ORDERED that Respondent's (A 213-4 [REDACTED]) application for withholding of removal be **GRANTED**, and her removal to Honduras be **WITHHELD** pursuant to Section 241(b)(3) of the Act;

IT IS FINALLY ORDERED that [REDACTED] (A 213- [REDACTED]) application for withholding of removal be **GRANTED**, and his removal to Honduras be **WITHHELD** pursuant to Section 241(b)(3) of the Act.

RIGHT TO APPEAL

The parties are advised that they have a right to appeal this decision to the Board. Any appeal must be received by the Board within 30 days of the date of this order. Failure to comply with the deadline will result in a waiver of the party's right to appeal and the present order will become administratively final. *See* 8 C.F.R. § 1003.38.

Date: March 11, 2020


Daniel J. Santander
United States Immigration Judge

Respondent: Waived/Reserved Appeal
DHS: Waived/Reserved Appeal
Deadline to Appeal: April 10, 2020