

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

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

File: A (b)(6) – Lumpkin, GA

Date:

In re: (b)(6)

MAY - 7 2018

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: James Gilchrist, Esquire

ON BEHALF OF DHS: Matthew E. Burns
Assistant Chief Counsel

APPLICATION: Cancellation of removal

The Department of Homeland Security (DHS) has appealed from the Immigration Judge's January 10, 2018, decision finding the respondent removable as charged and determining that he is eligible for cancellation of removal pursuant to section 240A(b)(1) of the Immigration and Nationality Act, 8 U.S.C. § 1229b(b)(1).

On appeal, the DHS challenges only the Immigration Judge's determination that the respondent has established that his qualifying relative would suffer exceptional and extremely unusual hardship.

The Immigration Judge's factual findings are not clearly erroneous. *See* 8 C.F.R. § 1003.1(d)(3)(i). Based on these facts, we affirm the Immigration Judge's conclusion that the respondent's qualifying relative would experience exceptional and extremely unusual hardship if the respondent is removed to El Salvador. Therefore, the appeal will be dismissed.

ORDER: The appeal is dismissed.

FURTHER ORDER: Pursuant to 8 C.F.R. § 1003.1(d)(6), the record is remanded to the Immigration Judge for the purpose of allowing the Department of Homeland Security the opportunity to complete or update identity, law enforcement, or security investigations or examinations, and further proceedings, if necessary, and for the entry of an order as provided by 8 C.F.R. § 1003.47(h).



FOR THE BOARD