

Falls Church, Virginia 22041

2 2019

File: [REDACTED] - Atlanta, GA

Date:

JUL

In re: Manuel Leonidas DURAN-ORTEGA

IN REMOVAL PROCEEDINGS

APPEAL AND MOTION

ON BEHALF OF RESPONDENT: Gracie H. Willis, Esquire

ON BEHALF OF DHS: Andrew J. Hewitt

of removal; Convention Against Torture

APPLICATION: Reopening; asylum; withholding of

or was ordered removed in absentia on
respondent's motion to reopen his removal
respondent's appeal of this decision on
ant to a March 26, 2019, order of the
the Government is opposed
record will be

The respondent, a native and citizen of El Salvador
January 31, 2007. An Immigration Judge denied the re-
proceedings on April 24, 2018, and we dismissed the
October 17, 2018. This case is now before us pursuant
United States government. The respondent has requested a
motion to remand. Upon further review, the appeal will be sustained and the
remanded for further proceedings.

credibility findings
§ 1003.1(d)(3)(i).

This Board reviews the Immigration Judge's factual findings, including credibility
and predictions as to the likelihood of future events, for clear error. 8 C.F.R.
We review all other issues de novo. 8 C.F.R. § 1003.1(d)(3)(ii).

requiring
y filed a
in the request

following the circuit court remand, we issued a briefing schedule on April 23, 2019,
the parties to file briefs with the Board on or before May 14, 2019. The respondent filed
May 17, 2019. Also on that date, a group of journalist organizations made a request to
appear as amici curiae along with a brief in support of the respondent. We have
of amici curiae and accept their brief for filing.

Department of Homeland Security ("DHS") filed a motion
ndent opposes the DHS motion. Alternatively, he requests
DHS's brief be accepted. We agree with the respondent that
d cause for filing his brief over a week after the deadline set by the
Board. Therefore, we deny the DHS motion to accept the respondent's
request to file a reply brief is moot.

Subsequently, on June 6, 2019, the respondent requested
to accept a late-filed brief. The respondent's request is moot because
leave to file a reply brief. The DHS has not provided good
the DHS has not provided good

hat
rea because

Turning to the arguments timely raised on remand, we reject the respondent's contention that
rescission of his in absentia removal order or termination of these proceedings as required

[REDACTED]

his Notice to Appear, Form I-862, does not set forth the time and date of his hearing¹

[REDACTED]

material difference concerning violence against journalists when comparing the 2007 Country

Report submitted by the respondent (at 10) to the respondent's 2010 Country Report. However,

the 2007 Country Report's only mention of violence against journalists relates to complaints that the 2007 Country Report did not adequately investigate a journalist's death in 1997. In contrast, the 2010 Country Report reported experiencing some violence against journalists. The 2010 Country Report describes at least one occasion when journalists contacted



and the entry of a new [redacted] decision consistent with this opinion.

T. J. [redacted]

FOR THE BOARD