



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals  
Office of the Clerk*

5107 Leesburg Pike, Suite 2000  
Falls Church, Virginia 22041

DiRaimondo, Michael P., Esquire  
401 Broadhollow Road, Suite 302  
Melville, NY 11747-0000

Office of the District Counsel/NYC  
26 Federal Plaza, Room 1130  
New York, NY 10278

Name: GRANATUROVA, IRINA  
Riders: 77-543-520 77-543-521

A77-543-519

Date of this notice: 6/20/2007

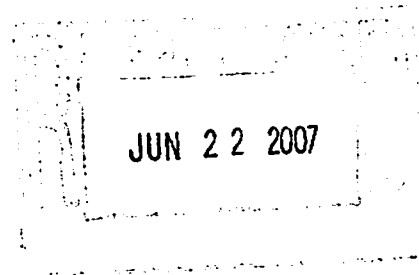
Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

*Donna Carr*

Donna Carr  
Chief Clerk

Enclosure



Panel Members:  
PAULEY, ROGER

*Bior*

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

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

File: A77-543-519 - New York

Date:

In re: GRANATUROVA, IRINA

JUN 20 2007

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: DiRaimondo, Michael P., Esquire

ORDER:

PER CURIAM. The respondent has appealed from the Immigration Judge's decision dated August 25, 2005. In his summary order, the Immigration Judge denied the respondent's application for withholding of removal pursuant to section 241(b)(3) of the Immigration and Nationality Act (the "Act"), 8 U.S.C. § 1231(b)(3), and his request for protection under Convention Against Torture. 8 C.F.R. §§ 1208.16-18. The record will be remanded to the Immigration Judge for further proceedings consistent with this order.

A review of the record of proceeding reveals that the Immigration Judge's decision is defective in that it does not comply with the rules that we have set forth in Matter of S-H-, 23 I&N Dec. 462 (BIA 2002), and Matter of A-P-, 22 I&N Dec. 468 (BIA 1999). Specifically, a summary order, by itself, is insufficient in the instant case because the respondent applied for withholding of removal and protection under the Convention Against Torture. Cf. Matter of A-P-, supra (holding that a summary decision may only be issued when the respondent chooses not to apply for relief or applies only for voluntary departure). The record does not contain a separate oral decision by the Immigration Judge. To the extent that pages 124 and 125 of the transcript could be considered a separate oral decision, they do not accurately, clearly, and completely summarize the findings of fact supported by the record, including explicit findings as to the credibility of witnesses, nor do they reflect the Immigration Judge's analysis of the applicable statutes, regulations, and legal precedents, and clearly set forth the Immigration Judge's legal conclusions. Matter of S-H-, supra; Matter of A-P-, supra.

As we consider a complete decision by the Immigration Judge necessary for our review of this matter, we will remand the record for further proceedings and the entry of a new decision. Upon receipt of the record, the Immigration Court shall take such steps as are necessary and appropriate to enable preparation of a proper oral decision including a new hearing, if necessary. Accordingly, the record is remanded to the Immigration Court for further proceedings.

  
FOR THE BOARD

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

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

File: A77-543-520 - New York

Date:

In re: GRANATUROV, ALEXANDER

JUN 20 2007

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: DiRaimondo, Michael P., Esquire

ORDER:

PER CURIAM. The respondent has appealed from the Immigration Judge's decision dated August 25, 2005. In his summary order, the Immigration Judge denied the respondent's application for withholding of removal pursuant to section 241(b)(3) of the Immigration and Nationality Act (the "Act"), 8 U.S.C. § 1231(b)(3), and his request for protection under Convention Against Torture. 8 C.F.R. §§ 1208.16-18. The record will be remanded to the Immigration Judge for further proceedings consistent with this order.

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FOR THE BOARD

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

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

File: A77-543-521 - New York

Date:

In re: GRANATUROVA, VALERIA

JUN 20 2007

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: DiRaimondo, Michael P., Esquire

ORDER:

PER CURIAM. The respondent has appealed from the Immigration Judge's decision dated August 25, 2005. In his summary order, the Immigration Judge denied the respondent's application for withholding of removal pursuant to section 241(b)(3) of the Immigration and Nationality Act (the "Act"), 8 U.S.C. § 1231(b)(3), and his request for protection under Convention Against Torture. 8 C.F.R. §§ 1208.16-18. The record will be remanded to the Immigration Judge for further proceedings consistent with this order.

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FOR THE BOARD



U.S. Department of Justice

*BIA Decisions  
- LOZADA*

Executive Office for Immigration Review

*Board of Immigration Appeals  
Office of the Clerk*

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5201 Leesburg Pike, Suite 1300  
Falls Church, Virginia 22041

**DiRaimondo, Michael P., Esquire  
401 Broadhollow Rd., Suite 302  
Melville, NY 11747-0000**

**Office of the District Counsel/NY  
26 Federal Plaza, Room 1130  
New York, NY 10278**

**Name: BUNJAJ, LUIGJ  
Riders: 78-714-187**

**A78-714-186**

**Date of this notice: 11/23/2004**

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

**Frank Krider  
Acting Chief Clerk**

Enclosure

**Panel Members:**

**HOLMES, DAVID B.  
MILLER, NEIL P.  
OSUNA, JUAN P.**

Falls Church, Virginia 22041

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Files: A78 714 186 - New York  
A78 714 187

Date:

NOV 23 2004

In re: LUIGJ BUNJAJ  
FLORA BUNJAJ

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENTS: Michael P. DiRaimondo, Esquire

ON BEHALF OF DHS: Virna Wright  
Assistant Chief Counsel

CHARGE:

Notice: Sec. 212(a)(6)(A)(i) of the Act, I&N Act [8 U.S.C. § 1182(a)(6)(A)(i)] -  
Present without being admitted or paroled (both respondents)

APPLICATION: Reopening

This matter was last before the Board on March 5, 2003, when we affirmed an Immigration Judge's order denying asylum, withholding of removal, and protection under the Convention Against Torture. The respondents now move the Board pursuant to 8 C.F.R. § 1003.2 to reopen proceedings because of alleged ineffective assistance of counsel and changed country conditions. The Department for Homeland Security ("DHS," formerly the Immigration and Naturalization Service) opposes the motion. The motion will be granted.

The respondents claim ineffective assistance by their prior counsel because he failed to submit evidence of their family members' grants of asylum (Exhibit B at ¶ 5). Respondents' Motion to Reopen, prior counsel's declaration acknowledging his inadequate representation. We conclude that the respondents were substantially in compliance with the requirements of *Matter of Lozada*, 19 I&N Dec. 637 (BIA 1988), and have demonstrated that they were denied the opportunity to present evidence that may be material to their claim, should a sufficient relationship between the family members' successful claims of asylum and the respondents' claim be established. See *Esposito v. INS*, 987 F.2d 108 (2d Cir. 1993). Therefore, the motion to reopen is granted. We will remand the case to the Immigration Judge for further proceedings consistent with the above and for consideration of any additional evidence, including that which was submitted with the appeal.

A78 714 186 et al.

In view of the foregoing, the following order shall be entered.

ORDER: The motion to reopen is granted.

Neil P. H. U.  
FOR THE BOARD