



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals  
Office of the Clerk*

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Falls Church, Virginia 22041

Wang, Charleston C.K.  
WANGLAW  
6924 Plainfield Road  
Cincinnati, OH 45236

DHS/ICE Office of Chief Counsel - CLE  
1240 E. 9th St., Room 585  
Cleveland, OH 44199

Name: TOYI, OMARI

A 098-157-322

Date of this notice: 7/1/2016

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:  
Kendall-Clark, Molly

schwarzA  
User team: Docket

Falls Church, Virginia 22041

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File: A098 157 322 – Cleveland, OH

Date:

**JUL - 1 2016**

In re: OMARI TOYI

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Charleston C.K. Wang, Esquire

ON BEHALF OF DHS: Kris K. Stoker  
Assistant Chief Counsel

APPLICATION: Reopening

ORDER:

The respondent has filed a motion to reopen, seeking to apply or reapply for asylum or withholding of removal based on changed conditions or circumstances arising in the country of nationality. 8 C.F.R. § 1003.2(c)(3)(ii). The Department of Homeland Security (DHS) has opposed the motion. While we express no views as to the ultimate outcome of the respondent's case, we find that reopening is warranted based on the evidence presented.<sup>1</sup> Accordingly, the motion is granted, and the record is remanded to the Immigration Judge for further proceedings, and for the entry of a new decision.

  
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FOR THE BOARD

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<sup>1</sup> As the DHS points out in its opposition, the Immigration Judge found the respondent not credible as to his past experience, and the Board upheld the adverse credibility finding in the prior decision. However, the adverse credibility finding did not affect the respondent's assertion that he is of the Hutu ethnicity (I.J. at 2), thus the adverse credibility finding does not preclude the respondent's asylum and withholding of removal claim based on his ethnicity.