



## Detail

Complaint Number: 727

Immigration Judge: (b)(6)

Complaint Received Date: 02/22/13

Current ACIJ  
Santoro, Christopher A.

Base City  
(b) (6)

Status  
CLOSED

Final Action  
Oral counseling

Final Action Date  
02/28/13

Past ACJIS:

A-Numbers(s)	Complaint Nature(s)	Complaint Source(s)
(b)(6)	Bias In-court conduct Legal	Media

Complaint Narrative: Inflammatory dicta in oral decision granting asylum

Complaint History	
02/28/13	Oral counseling
03/05/13	Database entry created

(b) (6)

(b) (6)



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

(b) (6) Esq.

DHS/ICE Office of Chief Counsel - (b)(6)&(b)(7)(C)

(b) (6)

(b)(6)&(b)(7)(C)

Name: (b) (6)

Riders: (b) (6)

(b) (6)

(b) (6)

Date of this notice: (b) (6)

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:

Creppy, Michael J.  
Grant, Edward R.  
Mullane, Hugh G.

My  
Enclosure



**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*

**(b) (6)**

**DHS/ICE Office of Chief Counsel - (b)(6)&(b)(7)(C)**  
**(b)(6)&(b)(7)(C)**

**Name:** (b) (6)

(b) (6)

**Riders:** (b) (6)

(b) (6)

(b) (6)

**Date of this notice:** (b) (6)

Enclosed is a copy of the Board's decision in the above-referenced case. This copy is being provided to you as a courtesy. Your attorney or representative has been served with this decision pursuant to 8 C.F.R. § 1292.5(a). If the attached decision orders that you be removed from the United States or affirms an Immigration Judge's decision ordering that you be removed, any petition for review of the attached decision must be filed with and received by the appropriate court of appeals within 30 days of the date of the decision.

Sincerely,

*Donna Carr*

**Donna Carr  
Chief Clerk**

**Enclosure**

**Panel Members:**

**Creppy, Michael J.  
Grant, Edward R.  
Mullane, Hugh G.**

Falls Church, Virginia 22041

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Files: (b) (6)

Date:

(b) (6)

(b) (6)

In re:

(b) (6)

IN ASYLUM AND/OR WITHHOLDING PROCEEDINGS

APPEAL

ON BEHALF OF APPLICANTS: (b) (6) Esquire

AMICUS CURIAE FOR APPLICANTS: (b) (6) Esquire<sup>1</sup>

ON BEHALF OF DHS: (b) (6)  
Assistant Chief Counsel

APPLICATION: Asylum; withholding of removal

(b) (6)

(b) (6)

(b) (6)



(b) (6)

(b) (6)

ORDER: The appeal is sustained.

FURTHER ORDER: The applicants are ordered removed from the United States to (b) (6).

*Edward R. Gero*

FOR THE BOARD

<sup>6</sup> (b) (6)

<sup>7</sup> (b) (6)

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
UNITED STATES IMMIGRATION COURT

(b) (6)

ORAL DECISION OF THE IMMIGRATION JUDGE

(b) (6)

(b) (6)

(b) (6)

(b) (6)

(b) (6)

(b) (6)



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(b) (6)

There is nothing in the exercise of discretion that would bar asylum to the applicants. The biometrics have been checked and there are no problems. Therefore, the Court will grant asylum in the exercise of discretion to (b) (6) and, as derivatives, to his wife and children.

In the light of an asylum grant, I am not going to make any ruling on withholding of removal.

The Court's orders are as follows:

- (1) Asylum is granted to all respondents;
- (2) any order of removal that has been entered by the Department of Homeland Security is vacated;
- (3) these proceedings will be terminated.

(b) (6)

United States Immigration Judge

A  
A

(b) (6)

# Immigration Judge Complaint Intake Form

**HQ Use Only:**  
complaint #: \_\_\_\_\_  
source: first / subsequent

**Date Received at OCIJ: February 22, 2013**

complaint source type	
<input type="checkbox"/> anonymous <input type="checkbox"/> respondent's attorney <input type="checkbox"/> third party (e.g., relative, uninterested attorney, courtroom observer, etc.) <input type="checkbox"/> other: _____	<input type="checkbox"/> BIA <input type="checkbox"/> respondent <input type="checkbox"/> OIL <input type="checkbox"/> EOIR <input type="checkbox"/> OPR <input type="checkbox"/> DHS <input type="checkbox"/> OIG <input type="checkbox"/> Main Justice <input checked="" type="checkbox"/> media
complaint receipt method	
<input type="checkbox"/> letter <input type="checkbox"/> fax <input type="checkbox"/> IJC memo (BIA) <input type="checkbox"/> unknown	<input checked="" type="checkbox"/> email <input type="checkbox"/> phone (incl. voicemail) <input type="checkbox"/> in-person <input type="checkbox"/> other: _____
date of complaint source (i.e., date on letter, date of appellate body's decision)	complaint source contact information
2/22/13  <b>Additional complaint source details</b> (i.e., DHS component, media outlet, third party details, A-number)  (b) (6)	name: AG's news clips/media sources address: _____ _____ email: _____ phone: _____ fax: _____

IJ name	base city	ACIJ
(b) (6)	(b) (6)	Santoro (Dufresne)
relevant A-number(s)	date of incident	
(b) (6)	1/26/2010	
allegations		
Inflammatory dicta in oral decision granting asylum		
nature of complaint		
<input type="checkbox"/> in-court conduct <input type="checkbox"/> incapacity	<input type="checkbox"/> out-of-court conduct <input checked="" type="checkbox"/> other: dicta in decision unnecessary to resolution of claim	<input type="checkbox"/> due process <input type="checkbox"/> bias <input type="checkbox"/> legal <input type="checkbox"/> criminal

007172

**Moutinho, Deborah (EOIR)**

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**From:** Keller, Mary Beth (EOIR)  
**Sent:** Monday, March 04, 2013 2:28 PM  
**To:** Santoro, Christopher A (EOIR); Moutinho, Deborah (EOIR)  
**Subject:** RE: Database entry - (b) (6)

Great, no problem. Complaints = database entry, unless and until we get the definition of complaint pared down.

And, sometimes ACIJs want to do other things in addt'n to oral counseling, so I didn't want to jump to a disposition conclusion before you were ready-

Thanks for all the info and handling so quickly. The circuit will weigh in next.

*MaryBeth Keller*

Assistant Chief Immigration Judge

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**From:** Santoro, Christopher A (EOIR)  
**Sent:** Monday, March 04, 2013 2:22 PM  
**To:** Keller, Mary Beth (EOIR); Moutinho, Deborah (EOIR)  
**Subject:** RE: Database entry - (b) (6)

I'm good with all of that – I didn't put in a disposition b/c I didn't know whether we were treating this as a complaint or just a database entry.

**Christopher A. Santoro**  
Assistant Chief Immigration Judge

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**From:** Keller, Mary Beth (EOIR)  
**Sent:** Monday, March 04, 2013 2:17 PM  
**To:** Santoro, Christopher A (EOIR); Moutinho, Deborah (EOIR)  
**Subject:** RE: Database entry - (b) (6)

Chris,  
Yes, this one should go in as you have it –

As far as the nature of the problem, to avoid use of "other", I think we can characterize this as "in court" (it was an oral decision I think), "legal" (BIA found legal error in a couple of aspects) and possibly "bias" (did (b) (6) inflammatory/speculative language suggest an extrajudicial bias?).

And the final disposition is oral counseling, right?

Let me know your thoughts.  
Mtk

*MaryBeth Keller*

Assistant Chief Immigration Judge

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**From:** Santoro, Christopher A (EOIR)  
**Sent:** Monday, March 04, 2013 11:41 AM  
**To:** Moutinho, Deborah (EOIR)  
**Cc:** Keller, Mary Beth (EOIR)  
**Subject:** Database entry - (b) (6)

Deborah,

Attached, at Judge Keller's request, is an intake form for a Judge (b) (6) issue I dealt with last week. It's not really an IJ complaint so I'm not sure how to best record it in the database.

**Christopher A. Santoro**  
Assistant Chief Immigration Judge