



## Detail

Complaint Number: 746

Immigration Judge: (b)(6)

Complaint Received Date: 04/23/13

Current ACIJ  
Sukkar, Elisa M.

Base City  
(b) (6)

Status  
CLOSED

Final Action  
Complaint dismissed because it  
cannot be substantiated

Final Action Date  
04/29/13

Past ACJIS:

A-Numbers(s)	Complaint Nature(s)	Complaint Source(s)
(b)(6)	Bias Due process In-court conduct	BIA

### Complaint Narrative:

Complaint History	
04/23/13	Complaint referred to ACIJ
04/23/13	Database entry created
04/29/13	ACIJ contacts the IJ and has discussion about the complaint
04/29/13	Complaint dismissed because it cannot be substantiated

## EOIR FOIA Processing (EOIR)

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**From:** Sukkar, Elisa (EOIR)  
**Sent:** Tuesday, April 23, 2013 4:28 PM  
**To:** Moutinho, Deborah (EOIR)  
**Cc:** Keller, Mary Beth (EOIR)  
**Subject:** RE: IJC Memo - (b) (6) (BIA April 5, 2013)  
and (b) (6) (April 5, 2013) (Rider)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Thank you. EMS

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**From:** Moutinho, Deborah (EOIR)  
**Sent:** Tuesday, April 23, 2013 8:54 AM  
**To:** Sukkar, Elisa (EOIR)  
**Cc:** Keller, Mary Beth (EOIR)  
**Subject:** FW: IJC Memo - (b) (6) (BIA April 5, 2013) and (b) (6)  
(b) (6) (April 5, 2013) (Rider)

Good Morning

The attached case concerning (b) (6) is being forwarded to you on behalf of ACIJ Keller.

Thank you  
Deborah

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**From:** Henderson, Suzette M. (EOIR)  
**Sent:** Tuesday, April 23, 2013 8:48 AM  
**To:** O'Leary, Brian (EOIR); Keller, Mary Beth (EOIR)  
**Cc:** Minton, Amy (EOIR); Weil, Jack (EOIR); Moutinho, Deborah (EOIR); Henderson, Suzette M. (EOIR)  
**Subject:** IJC Memo - (b) (6) (BIA April 5, 2013) and (b) (6)  
(b) (6) (April 5, 2013) (Rider)

Good morning,

Please see the attached IJC Memo from Chairman David L. Neal. Thank you.

R/Suzette Henderson



# Memorandum

Subject	Date
(b) (6) (b) (6) (BIA April 5, 2013) and (b) (6) (b) (6) (April 5, 2013) (Rider)	April 23, 2013

To

Brian O'Leary, Chief Immigration Judge  
MaryBeth Keller, Assistant Chief Immigration Judge

From

David L. Neal, Chairman

Attached please find a copy of the Board's decision dated April 5, 2013, and relevant portions of the record in the above-referenced matter.

The Board asked me to bring this case to your attention.

This case will be held in Suzette Henderson's office for one week. If you wish to review the record, please contact Suzette Henderson.

Thank you for your attention to this matter.

Attachments

Falls Church, Virginia 22041

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Files: A (b) (6)  
A (b) (6)

Date: APR - 5 2013

In re: (b) (6)

IN REMOVAL PROCEEDINGS

APPEAL

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

APPLICATION: Reopening

The respondents,<sup>1</sup> citizens and natives of Colombia, appeal the Immigration Judge's decision, dated February 28, 2011,<sup>2</sup> denying their motion to reopen. The appeal will be dismissed.

In a decision dated November 10, 2010, the Immigration Judge denied the respondents' application for asylum, withholding of removal, and protection under the Convention Against Torture ("CAT"). See sections 208 and 241(b)(3) of the Immigration and Nationality Act, 8 U.S.C. §§ 1158 and 1231(b)(3); 8 C.F.R. § 1208.16(c). The denial was based on an adverse credibility finding, and alternatively even assuming the lead respondent to be credible, that she failed to demonstrate past persecution, a well-founded fear of future persecution or the likelihood that she would suffer torture (I.J. 1 at 6-7<sup>3</sup>). The respondents did not appeal the Immigration Judge's November 2010 decision, but rather timely filed a motion to reopen claiming ineffective assistance of counsel. The Immigration Judge denied the motion to reopen in (b) (6) February 2011 decision. The respondents' appeal of that decision is now before us.

We review for clear error the findings of fact, including the determination of credibility, made by the Immigration Judge. 8 C.F.R. § 1003.1(d)(3)(i). We review de novo all other issues, including whether the parties have met the relevant burden of proof, and issues of discretion. 8 C.F.R. § 1003.1(d)(3)(ii). The respondents' application for relief was filed after May 11, 2005, and is thus subject to the statutory amendments made by the REAL ID Act of 2005. *Matter of S-B-*, 24 I&N Dec. 42 (BIA 2006).

The respondents' compliance with the procedural requirements set forth in *Matter of Lozada*, 19 I&N Dec. 637 (BIA) *aff'd*, 857 F.2d 10 (1st Cir.1988), is not at issue (I.J. 2 at 2). Rather, the

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<sup>1</sup> The respondents are a mother, the lead respondent (A(b) (6)) and her minor son (A(b) (6)). The son is a derivative beneficiary on his mother's asylum application.

<sup>2</sup> The decision was served on the parties on March 1, 2011.

<sup>3</sup> We refer to the Immigration Judge's decision dated November 10, 2010, denying relief and protection as "I.J. 1" and to the Immigration Judge's decision denying the motion to reopen as "I.J. 2".

Immigration Judge denied the motion finding that the respondents were unable to demonstrate that counsel's actions were so deficient as to prevent the respondents from presenting their claim (I.J. 2 at 2). *See Dakane v. U.S. Att'y Gen.*, 399 F.3d 1269, 1273-74 (11th Cir. 2005). As we affirm the Immigration Judge's denial of the motion based on (b) (6) finding that the respondents were not prevented from meaningfully presenting their claim, and were unable to demonstrate prejudice, we need not address the filing fee issue.<sup>4</sup>

In denying the motion, the Immigration Judge relied primarily on (b) (6) adverse credibility finding and found that the lead respondent's statement in support of the motion further put her credibility at issue (I.J. 2 at 2). As the Immigration Judge offered specific and cogent reasons for finding the lead respondent not credible, the respondents are unable to persuade us that the credibility findings are clearly erroneous. *See Carrizo v. U.S. Att'y Gen.*, 652 F.3d 1326, 1332 (11th Cir. 2011).

While the lead respondent's application states that she first filed for relief in November 2009, which would have been within a year of her arrival, she did not testify to this fact (I.J. 1 at 3). In the motion, the lead respondent states that the former attorney's paralegal fabricated this fact. The paralegal, however has submitted a statement to the contrary. In addition, the paralegal, former counsel, and a client of former counsel all dispute the lead respondent's assertion that the paralegal falsely held himself out to be an attorney (Respondents' Motion at Exh. D).

Moreover, despite the respondents' assertion that applicants commonly rely on counsel to prepare their applications (Respondents' Br. at 11), the lead respondent nevertheless attested to the truth of the statements in her application in Immigration Court (I.J. 2 at 2; Tr. at 14-15). The Immigration Judge also noted that the lead respondent attested to the truth of the information in her application without asking for additional time to review it (I.J. 2 at 2). Finally, the lead respondent previously testified before an asylum officer concerning her application (I.J. 2 at 2; Respondents' Motion, Exh. D at 45 (former counsel's confirmation of prior asylum officer interview)). Thus we agree with the Immigration Judge that the lead respondent cannot now disavow the contents of the application (I.J. 2 at 2). *See Matter of X-M-C-*, 25 I&N Dec. 322, 327 (BIA 2010) (holding that after receiving warnings and testifying to truth of asylum application, subsequent withdrawal did not preclude a finding of frivolousness).

The Immigration Judge also noted an additional discrepancy concerning when the lead respondent was fired from her job at a salon, according to the lead respondent because of her sexual orientation. The Immigration Judge found that she testified inconsistently as to when that took place and the discrepancy spanned a number of years (I.J. 1 at 6). The respondents have not addressed this discrepancy on appeal.

Further, the Immigration Judge noted additional inconsistencies after the respondents filed the motion. The lead respondent in the motion for the first time states that she suspected (b) (6) the father of her son, was cheating on her and that he was previously violent (I.J. 2 at 2-3;

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<sup>4</sup> The Immigration Judge held that because the respondents were not filing a motion exclusively on their asylum claim, they were not exempt from submitting the required filing fee (I.J. 2 at 1). The respondents assert that because their motion sought reopening to seek asylum, no fee was required (Respondents' Br. at 8-9).

Respondents' Motion, Exh. A). During the hearing, however, when specifically asked about any problems that she had with (b) (6) the lead respondent did not testify about any violence or possible infidelity (I.J. 2 at 2-3; Tr. at 33-34). The respondents do not address these inconsistencies on appeal.

The respondents allege ineffective assistance because former counsel did not argue changed circumstances to justify the lead respondent's delay in filing her asylum application (Respondents' Br. at 13-14). See 8 C.F.R. § 1208.4(a)(4). The respondents argue that it was only after the lead respondent's mother found out about her sexual orientation and notified friends and family in Colombia, that she was threatened and began to fear returning to Colombia (Respondents' Br. at 14-15). The lead respondent, however, provided different reasons for her late application and former counsel's statement is consistent with one of those reasons previously provided by the lead respondent.

The lead respondent testified that she did not timely file because her mother had her identity documents; former counsel's statement says that the lead respondent provided this same reason (I.J. 1 at 3; Respondents' Motion, Exh. D at 45; Tr. at 64-65). Former counsel stated that the lead respondent on three occasions, in addition to at her asylum interview and at the hearing, stated that she filed her application late because her mother was hiding her identity documents as her mother hated that she was a lesbian (Respondents' Motion, Exh. D at 45). Former counsel stated that the Immigration Judge did not find the respondent credible concerning her sexual orientation. See *Ali v. U.S. Att'y Gen.*, 643 F.3d 1324, 1329-30 (11th Cir. 2011) (noting no ineffective assistance where attorney does not put forth claim considered to be futile). Moreover, the lead respondent testified that she did not timely file because of her ignorance of the law (I.J. 2 at 2; Tr. at 68). Neither of these reasons justifies the untimely filing. See 8 C.F.R. §§ 1208.4(a)(4), (5).

The respondents also argue that former counsel did not adequately prepare the case by failing to review a translated copy of the lead respondent's application with her, submit corroborating evidence, timely familiarize herself with the claim, and sufficiently present her claim, among other errors (Respondents' Br. at 4, 12, 23-24). The respondents' former counsel, her paralegal, and a former client submitted statements disputing the allegations (Respondents' Motion, Exh. D). The Immigration Judge found the respondents' claim not credible for, *inter alia*, the reasons discussed above. The respondents have not persuaded us that the credibility determination is clearly erroneous. Moreover, even if the credibility determination is considered clearly erroneous, and former counsel was found to be ineffective, we agree with the Immigration Judge that the respondents are unable to demonstrate prejudice as the outcome would not have been different (I.J. 2 at 2-3). See *Ali v. U.S. Att'y Gen.*, *supra*, at 1329-30; *Dakane v. U.S. Att'y Gen.*, *supra*, at 1274.

The respondents allege that former counsel's ineffectiveness resulted in a failure to demonstrate that the lead respondent is a bisexual in a lesbian relationship, and thus a member of a particular social group, and to argue that the untimely asylum filing was excused (Respondents' Motion at 10-11). However, even assuming ineffective assistance of counsel, the lead respondent's credibility about her sexual orientation, and that the respondents' untimely filing is excused, the respondents nevertheless are not eligible for asylum. The lead respondent testified that although she was not open about her homosexuality in Colombia, she nonetheless



experienced harassment and discrimination (I.J. 1 at 4-5). Such treatment, however, is not severe enough to constitute persecution (I.J. 1 at 6). *See, e.g. Djonda v. U.S. Att'y Gen.*, 514 F.3d 1168, 1174 (11th Cir. 2008); *but see Jiaren Shi v. U.S. Att'y Gen.*, No. 12-10997, 2013 WL 424360, at \*\*5-8 (11th Cir. Feb. 5, 2013) (holding week-long detention, corporal punishment and intended suppression of religious practices compel a finding of past persecution). Nor do the respondents assert that the lead respondent suffered past persecution (Respondents' Motion at 21). Thus, the respondents are not entitled to the presumption of a well-founded fear of future persecution. *See* 8 C.F.R. § 1208.13(b)(1).

In addition, the respondents are otherwise unable to demonstrate an objectively based well-founded fear of persecution (I.J. 1 at 6; I.J. 2 at 3). The respondents allege that they will be harmed because the lead respondent's mother notified family and friends of the lead respondent's sexual orientation (Respondents' Br. at 3, 14, 16). The respondents assert that the lead respondent began receiving hateful emails and messages from family members condemning her lifestyle (Respondents' Br. at 3). Even assuming such threats from family and friends, the respondents have not demonstrated an objectively based well-founded fear of persecution by the government or individuals that the government is unable or unwilling to control. *See Matter of Pierre*, 15 I&N Dec. 461, 461 (BIA 1975) (noting the burden on the alien to demonstrate that a government is unable or unwilling to control those who might persecute others).

The respondents refer to country condition evidence of homophobia and extrajudicial killings. However, as the Immigration Judge noted there was no "official" discrimination and there were authorized Gay Pride marches in Colombia (I.J. 1 at 7). Moreover, the respondents have highlighted violence perpetrated primarily by non-government, illegal armed groups and gangs (Respondents' Br. at 16; Respondents' Motion, Exh. G at 83-84, 90). To the extent that police abuse or government violence is present, it tends to be against transgendered individuals and activists (Respondents' Motion, Exh. F at 65, 77). The lead respondent is neither.

In addition, the respondents are unable to demonstrate that the lead respondent would face harm country-wide. *See Mazariegos v. U.S. Att'y Gen.*, 241 F.3d 1320, 1326-27 (11th Cir. 2001). Although the respondents assert that the problems are widespread (Respondents' Br. at 17), the evidence submitted discusses certain cities and the area of Antioquia (Respondents' Motion, Exh. G at 88-90, 101-02). Nor have the respondents offered any cogent arguments that the Immigration Judge erred in not reopening for them to pursue protection under the CAT, as they have not demonstrated that any alleged attorney error resulted in prejudice. The respondents are unable to demonstrate that the proceedings should be reopened because there is no "reasonable probability" that even assuming error on the part of former counsel the outcome would be different. *Ali v. U.S. Att'y Gen.*, *supra*, at 1329-30.

The respondents' assertions of the Immigration Judge's misconduct and bias are unfounded. The respondents allege that the Immigration Judge did want to further develop testimony because she was concerned with the length of the hearing, and they noted the proximity to the lunch hour (Respondents' Br. at 24). The Immigration Judge, however, asked the respondents' counsel if there was anything further, and she stated no (Tr. at 72). It was only after that time, after the respondents had rested, that the Immigration Judge noted the time (Tr. at 72). The Immigration Judge did not prevent the respondents from developing their case. Moreover, although the respondents fault the Immigration Judge for excluding the testimony of (b) (6) the

lead respondent's girlfriend, and her husband (Respondents' Br. at 24-25), she did not exclude or prevent their testimony. Rather, at no time did the respondents' former counsel offer these two individuals as potential witnesses. The Immigration Judge would have overstepped (b) (6) limits as an impartial adjudicator had (b) (6) insisted on their testimony when the respondents' counsel had made a decision not to call these two individuals. See *Min Thiha Tun v. U.S. Att'y Gen.*, 343 F. App'x 411, 422-23 (11th Cir. 2009) (unpublished) (discussing Immigration Judge's role and noting that limiting testimony may focus the proceedings); see also *Ali v. U.S. Att'y Gen.*, *supra*, at 1329-30 (discussing tactical decisions not necessarily being ineffective assistance of counsel).

The respondents allege bias because the Immigration Judge faulted them for not timely appealing, but rather for filing a motion to reopen (Respondents' Br. at 25-26). The Immigration Judge noted that the respondents made a choice to file for reopening as opposed to appealing the November 2010 decision, but (b) (6) did so in the context of determining whether former counsel was ineffective (I.J. 2 at 3). The respondents also assert bias because despite the Immigration Judge's denial of the motion for failure to submit a filing fee, she continued to assert other bases for denying the motion (Respondents' Br. at 26). This does not reveal bias, but rather the Immigration Judge making an alternative holding.

Finally, the respondents allege bias based on the Immigration Judge's remarks about the lead respondent's appearance (Respondents' Br. at 26-27). The Immigration Judge noted that the lead respondent looked strikingly similar to (b) (6) (Tr. at 13-14). (b) (6) comments, although gratuitous, are not indicative of any stereotyping, and thus do not demonstrate prejudice or bias. See *Todorovic v. U.S. Att'y Gen.*, 621 F.3d 1318, 1325-27 (11th Cir. 2010) (rejecting credibility determinations based on improper stereotyping of gay men). Thus, contrary to the respondents' assertion, the comments on the lead respondent's similarity to (b) (6) did not taint the proceedings.<sup>5</sup>

In (b) (6) 2010 decision, the Immigration Judge stated that it was not clear why the lead respondent was harassed or treated differently in public considering her claim that she had not disclosed her sexual orientation to anyone (except for her priest) and considering that the Immigration Judge "did not observe" and the lead respondent "did not identify anything in her demeanor or physical appearance that would lead someone to suspect that she was a homosexual" (I.J. 1 at 5). Because the lead respondent stated that she had a reputation for being homosexual because of innuendos and rumors (Tr. at 23, 31), we do not rely on this portion of the Immigration Judge's findings concerning (b) (6) observation or (b) (6) statement of the lead respondent's demeanor or physical appearance (I.J. 1 at 5) to support the adverse credibility finding. The respondents are unable to demonstrate bias or prejudice such that they did not receive a full and fair hearing. Accordingly the following order will be entered.<sup>6</sup>

<sup>5</sup> The Immigration Judge inquired whether the women were related because the "look very much alike," and (b) (6) noted that they looked like sisters (Tr. at 13). In fact, the respondents' former counsel noted that when she met them at her office, she said, "my God, you guys look a lot alike" (Tr. at 14).

<sup>6</sup> We note that on June 15, 2012, the Secretary of Department of Homeland Security announced that certain young people, who are low law enforcement priorities, will be eligible for deferred



ORDER: The respondents' appeal is dismissed.



FOR THE BOARD

Temporary Board Member Ellen Liebowitz respectfully dissents, and out of an abundance of caution, would remand the record for the respondent to have another opportunity to present her claim regarding her fear of returning to Colombia on account of her sexual orientation.

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action. A respondent in these proceedings may be eligible to seek deferred action. Information regarding DHS' Consideration of Deferred Action for Childhood Arrivals may be obtained on-line ([www.uscis.gov](http://www.uscis.gov) or [www.ice.gov](http://www.ice.gov)) or by phone on USCIS hotline at 1-800-375-5283 or ICE hotline at 1-888-351-4024.

1           A.    No, well, that was a problem with the mother  
2 because the mother was withholding the child at one point and  
3 finally gave her back her son.  And I know the Court wanted to  
4 see him.

5           Q.    Yes, well, the Department wanted to --

6           A.    I know.

7           Q.    Who is present in the courtroom?  Who are these  
8 two individuals seated in the courtroom?

9           A.    Well, this was the witness that we talked about,  
10 Your Honor.

11          Q.    Okay.  That's (b) (6)

12          A.    That's correct.

13          Q.    Okay.

14          A.    And the other lady's name escapes me at the  
15 moment, (b) (6).  She has a relationship with her.

16          Q.    Okay.  So why don't we have them wait outside?

17          A.    I was going to tell them.  As a matter of fact I  
18 thought I told (b) (6) to wait in the waiting room.

19          Q.    Are they related, the witness and the respondent?  
20 They look very much alike.

21          A.    I know.  I've noticed that, too.

22          Q.    They look like sisters.

23          A.    Yes, but not to my knowledge are they related.  
24 No.

25          Q.    Okay.  The similarity is striking, actually.

1 A. The height.  
2 Q. Their face.  
3 A. I agree with you [indiscernible]. When I met her  
4 in my office I said, my God, you guys look a lot alike.

5 Q. Okay.

6 JUDGE TO (b) (6)

7 Q. (b) (6) if you could please stand and raise  
8 your right hand. And do you solemnly swear or affirm that the  
9 testimony you will provide in these proceedings will be the  
10 truth, the whole truth and nothing but the truth, so help you  
11 God?

12 A. Yes, I do swear.

13 Q. Thank you.

14 JUDGE TO (b) (6)

15 Q. (b) (6) any changes or amendments to the I-589?

16 A. Other than her address, Your Honor, I don't  
17 believe there are any changes. No.

18 Q. No? Okay.

19 JUDGE TO (b) (6)

20 Q. Ma'am, the purpose of this hearing this morning  
21 is to take your testimony on the application for asylum that you  
22 have submitted. Okay. This was the application that you  
23 initially submitted at the asylum unit and that was subsequently  
24 referred to the Court for its review. Okay. Your attorney has  
25 advised the Court that other than your address, there are no

deadline” for appeal when, in fact, (b) (6) and her counsel made a conscious decision not to appeal the decision denying her asylum relief. The IJ also erroneously concluded that (b) (6) motion to reopen must be denied for failure to submit a filing fee; however, despite this conclusion, the IJ continued to list why (b) (6) believed, even if properly filed, that the motion to reopen should be denied. The IJ could have denied the motion on this ground alone without adjudicating the merits, nonetheless the IJ wanted to make known (b) (6) position and opposition to the merits of (b) (6) motion.

The inappropriate remarks and bias of the IJ began at (b) (6) individual hearing and continued through the adjudication of her motion to reopen. From the onset of the hearing, it was evident that the IJ did not believe that (b) (6) was in a same-sex relationship because of her appearance and demeanor. The IJ clearly violated the Ethics and Professionalism Guide for Immigration Judges when (b) (6) made irrelevant remarks at (b) (6) individual hearing about (b) (6) appearance and the appearance of (b) (6) girlfriend, (b) (6)

At the beginning of (b) (6) individual hearing, the IJ asked, as is normal procedure, who the other individuals present in the courtroom were. **See Record of Proceedings.** At the time (b) (6) three witnesses (b) (6) —were in the courtroom. In reference to (b) (6) girlfriend, the IJ then asked, “are they related, the witness and Respondent? They look like sisters.” (b) (6) former counsel, (b) (6) answered, “I noticed that too but not to my knowledge are they related.” The IJ then proceeded to state “the similarity is striking;” to which (b) (6) counsel responded, “the height,” and the IJ disagreed, stating “no, the face.” **See Record of Proceedings.** This exchange regarding the appearance of (b) (6) and her girlfriend was entirely inappropriate for an Immigration Judge, especially since stereotypes and remarks regarding the appearances of

members of the gay, lesbian, bisexual, and transgendered community are prohibited. *See e.g. Todorovic v. Holder*, \_\_ F.3d \_\_, 2010 WL 3733999 (11th Cir. 2010).

Further, the Ethics and Professional Guide explicitly prohibits this behavior stating, “[a]n Immigration Judge who manifests bias or prejudice in a proceeding impairs the fairness of the proceeding and brings the immigration process into disrepute. Examples of manifestations of bias or prejudice include but are not limited to...negative stereotyping...and *irrelevant reference to personal characteristics*.” *See Ethics and Professionalism Guide for Immigration Judges at Section IX Acting with Judicial Temperament and Professionalism* (emphasis added). The IJ had an exchange regarding (b) (6) thoughts about how strikingly similar the appearance between (b) (6) and her girlfriend appeared to be. These completely irrelevant references to the personal characteristics, not only of (b) (6) but of (b) (6) girlfriend as well, tainted (b) (6) entire asylum hearing, denied her due process, and were in clear violation of the Ethics and Professional Guide for Immigration Judges.

## V. CONCLUSION

The IJ abused (b) (6) discretion in finding that (b) (6) had not established the requisite prejudice necessary to prevail on her claim of ineffective assistance of counsel. The failure to provide documentary or testimonial evidence from (b) (6) girlfriend (b) (6) when (b) (6) credibility was put in doubt clearly evidences the prejudice (b) (6) suffered. Had (b) (6) and her husband been able to provide corroborating testimony regarding not only (b) (6) same-sex relationship with (b) (6) but also in regard to the changed circumstances (b) (6) experienced upon the exposure of her sexual orientation to her family in the United States and Colombia as well as corroborating evidence that (b) (6) has an objectively reasonable fear of returning to Colombia now that her sexual orientation is commonly known in her Colombian hometown.

# Immigration Judge Complaint Intake Form

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

Date Received at OCIJ: \_\_\_\_\_

complaint source information	
<b>complaint source type</b>	
<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 checked="" type="checkbox"/> BIA <input type="checkbox"/> respondent <input type="checkbox"/> other: _____
<input type="checkbox"/> ____ Circuit <input type="checkbox"/> EOIR <input type="checkbox"/> OPR <input type="checkbox"/> OIL <input type="checkbox"/> DHS <input type="checkbox"/> OIG <input type="checkbox"/> Main Justice <input type="checkbox"/> media	
complaint receipt method	
<input type="checkbox"/> letter <input type="checkbox"/> fax <input checked="" type="checkbox"/> IJC memo (BIA) <input type="checkbox"/> unknown	
<input type="checkbox"/> email <input type="checkbox"/> phone (incl. voicemail) <input type="checkbox"/> in-person <input type="checkbox"/> other: _____	
date of complaint source	complaint source contact information
(i.e., date on letter, date of appellate body's decision)  April 5, 2013	name: IJC Memo address: _____ _____ _____ email: _____ phone: _____ fax: _____
additional complaint source details	
(i.e., DHS component, media outlet, third party details, A-number)  A (b) (6)	

complaint details		
IJ name	base city	ACIJ
IJ (b) (6)	(b) (6)	ACIJ Sukkar
relevant A-number(s)	date of incident	
A (b) (6)	November 4, 2010	
allegations		
The judge made a comment that the respondent and her girlfriend looked alike – “like sisters.” The attorney of record agrees with the comments. On appeal, a different attorney, takes issue with the comments and finds them inappropriate in a sexual orientation case. The BIA found there was no bias.		
nature of complaint		
<input checked="" type="checkbox"/> in-court conduct <input type="checkbox"/> incapacity <input type="checkbox"/> out-of-court conduct <input type="checkbox"/> other: _____		
<input checked="" type="checkbox"/> due process <input checked="" type="checkbox"/> bias <input type="checkbox"/> legal <input type="checkbox"/> criminal		



