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Attorney for Respondent

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
SAN FRANCISCO, CALIFORNIA

In re the Matter of)	File No. A78 888 888
)	
BULWINDER SINGH)	RESPONDENT'S MOTION TO
)	LIMIT ISSUES ON REMAND
Respondent,)	
)	Hearing Date: March 24, 2003
In Removal Proceedings.)	Hearing Time: 1:00 p.m.
_____)	Immigration Judge: IJ DiCostanzo

Respondent hereby moves the Court for an order limiting the issues in the proceedings herein to the issues indicated by the Board of Immigration Appeals (BIA) in its order remanding the matter to the Court.

In the order remanding, the BIA observed that the Court had declined to make a credibility finding "...but implied [the respondent] testified credibly. See I.J. at 9-10." Therefore, the BIA considered the issue of credibility as resolved.

The BIA further noted that the Court had not addressed the issue of whether respondent had been singled out on account of an imputed political opinion.

The BIA indicated that it wished two issues addressed in the remanded proceedings:

1. "The testimony given by the respondent makes it likely that he was singled out on account of an imputed political opinion because the police (accurately) believed him to be a Sikh who desired a separate state, and because the police (mistakenly) associated him with terrorist Sikhs. Consequently, we will remand to enable the Immigration Judge to address this issue."

2. “...we will also remand the record to permit the Immigration Judge to consider the alien for relief under the Convention Against Torture.” At the time of the last merits hearing, this body of law was not in effect.

Respondent submits that were the above issues resolved in respondent’s favor at the next merits hearing, the last remaining issue would be whether the Service is able to satisfy its burden of establishing that since the time respondent was persecuted, conditions in India have changed to such an extent that he no longer would have a reasonable well-founded fear of future harm.

Therefore, based upon the foregoing, it is requested that the Court issue an Order limiting the issues to the three questions outlined in this Motion. The entire scope of the testimony should not be re-litigated.

Dated: February 13, 2002

Respectfully submitted,

AMY L. BECERRA
Attorney for the Respondent

CERTIFICATE OF SERVICE

I, AMY L. BECERRA, do hereby certify that on February 13, 2002, a copy of the foregoing motion was delivered to the Office of District Counsel, U.S. Immigration and Naturalization Service, 550 Kearny Street, Room 1000, San Francisco, California.

Dated: February 13, 2002.

AMY L. BECERRA