

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Hirsi v. Barr

Hirsi v. Barr, 17-3981-ag (2d Cir. 2020) · No. 17-3981-ag · Decided May 19, 2020

SUMMARY

The Second Circuit granted a joint stipulation to remand an asylum, withholding of removal, and CAT case to the BIA for further proceedings. The court directed the BIA to consider whether newly obtained documents corroborate the petitioner's claims, whether evidence of forced eviction, his mother's murder, and a beating by a majority clan collectively establish persecution, and whether the IJ properly evaluated corroboration, protected grounds, and the impact of the petitioner's temporary return to Somalia. The court also instructed the BIA to assess whether al-Shabaab's attack on a mosque constituted persecution and whether the petitioner established a CAT claim based on tribal membership and government acquiescence. The court expressed no view on the ultimate merits or credibility findings.

CASE DETAILS

COURT	United States Court of Appeals for the Second Circuit
WRITING FOR THE COURT	JON O. NEWMAN; JOSÉ A. CABRANES; PETER W. HALL
JURISDICTION	Federal
DECIDED	May 19, 2020
DOCKET	17-3981-ag
DISPOSITION	remanded
PROCEDURAL POSTURE	Petition for review of a November 20, 2017 order of the Board of Immigration Appeals.
PRECEDENTIAL VALUE	unpublished
PARTIES	Muhamed Ahmed Hirsi v. William P. Barr, United States Attorney General

TOPICS

immigration

removal proceedings

administrative law

appellate procedure

PRACTICE AREAS

Immigration

FACTUAL BACKGROUND

Petitioner Hirsi, a native and citizen of Somalia, applied for asylum, withholding of removal, and CAT relief. The IJ denied his applications on June 20, 2017, and the BIA affirmed on November 20, 2017. Hirsi petitioned for review, and the parties filed a joint stipulation to remand.

PROCEDURAL HISTORY

The BIA affirmed an IJ decision denying asylum, withholding of removal, and CAT relief. The parties filed a joint stipulation to remand.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The BIA shall consider: (1) whether any newly obtained documents corroborate Hirsi's claims; (2) whether the case should be remanded to the IJ to make further findings on asylum, withholding of removal, and protection under the CAT, taking into account any newly obtained documents and the issues identified in the court's order; (3) any other issue stipulated to by the parties.

CASES CITED

- *Poradisova v. Gonzales*, 420 F.3d 70, 79-80 (2d Cir. 2005)