



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*

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P.O. Box 11898
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Name: O [REDACTED] E [REDACTED]

A [REDACTED]

Date of this notice: 07/12/2006

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

Donna Carr

Donna Carr
Acting Chief Clerk

Enclosure

Panel Members:
OSUNA, JUAN P.

gilmorec

U.S. Department of Justice
Executive Office for Immigration Review

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

File: A [REDACTED]

Date: JUL 12 2006

In re: E [REDACTED] O [REDACTED]

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Julia M. Morgan, Esquire

ON BEHALF OF DHS: Darrin Hetfield
Assistant Chief Counsel

CHARGE:

Notice: Sec. 237(a)(1)(B), I&N Act [8 U.S.C. § 1227(a)(1)(B)] -
In the United States in violation of law

ORDER:

PER CURIAM. The Department of Homeland Security (DHS) has appealed from the Immigration Judge's decision dated April 8, 2005. We affirm the Immigration Judge's decision granting the respondent, a native and citizen of Uganda, asylum under section 208 of the Immigration and Nationality Act, 8 U.S.C. § 1158. The Immigration Judge properly determined that the respondent was an unaccompanied minor during the 1-year period after his arrival in the United States on July 23, 2000, and therefore, established extraordinary circumstances excusing the untimely filing of his asylum application (I.J. at 16). See 8 C.F.R. § 1208.4(a)(5)(iii). Turning to the merits of the claim, we affirm the Immigration Judge's conclusion that the respondent established past persecution in Uganda on account of his membership in the Acholi tribe (I.J. at 18-19). Similarly, we affirm the Immigration Judge's conclusion that the respondent established a well-founded fear of future persecution from the government based on his Acholi tribal membership, as well as the possibility that he could be identified as a former member of the Lord's Resistance Army (LRA) (I.J. at 19). Finally, because the respondent was a boy between the ages of 11 and 13 during the relevant period, we are not persuaded that he had the requisite personal culpability for ordering, inciting, assisting, or otherwise participating in the persecution of others on account of a protected ground as a former child soldier in the LRA (I.J. at 16-18). See *Hernandez v. Reno*, 258 F.3d 806 (8th Cir. 2001). Nor are we persuaded, again based on the respondent's age, that he can be charged with having committed serious nonpolitical crimes outside the United States prior to his arrival. See section 208(b)(2)(A)(iii) of the Act. Accordingly, the appeal is dismissed.

A [REDACTED]

FURTHER ORDER: Pursuant to 8 C.F.R. § 1003.1(d)(6), the record is remanded to the Immigration Judge for the purpose of allowing the Department of Homeland Security the opportunity to complete or update identity, law enforcement, or security investigations or examinations, and further proceedings, if necessary, and for the entry of an order as provided by 8 C.F.R. § 1003.47(h). See Background and Security Investigations in Proceedings Before Immigration Judges and the Board of Immigration Appeals, 70 Fed. Reg. 4743, 4752-54 (Jan. 31, 2005).



FOR THE BOARD