

JURISDICTION

The Eighth Circuit Court of Appeals has jurisdiction to review the BIA's decision. Section 106(a) of the Immigration and Nationality Act of 1952 (INA), 8 USC Sec. 1105(a); Sec. 309(c)(4) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009 (Sept. 30, 1996) (IIRIRA), as amended by Act of Oct. 11, 1991, Pub. L. No. 104-302,

Most apposite cases: Matter of Z, 201 I&N Dec. 707(BIA 1993); Matter of G, Int. Dec. 3215 (BIA 1993); Matter of Patel, Int. Dec. 3157(BIA 1991).

Most apposite constitutional provisions: None

Most apposite statutory provisions: Sec. 101(a)(13 INA, 8 USC Sec. 1101(a)(13).

STATEMENT OF THE CASE

A. Course of Proceedings and Disposition Below

the petitioner, Vuyiswa Nyirenda, a 30-day period of voluntary departure. On

something tragic could happen to her children while they were in Zambia. On or about February 22, 1994, Vuyiswa's children arrived in London so she could visit

1. Petitioner Had no Intention of Evading Inspection.

In the case at bar, the petitioner testified that she had no intention to evade

alert them they were approaching an inspection point despite the fact she should have done so, since the children were supposed to feign sleep at the checking point. (A.R. 201). Instead, petitioner's daughter testified that her mother asked her whether she had read the sign and petitioner did not say anything to her daughter indicating that they had passed the border. Thus, the children could not have been feigning sleep at this time, since they were unaware that they were approaching the checkpoint. In this regard, the BIA adopts the IJ's misstatement on the record.

2. Petitioner Was Not free From Official Restraint

4. Humanitarian Reasons

The record in this case indicates that petitioner did indeed attempt to bring

that what petitioner done was illegal, but the IJ and BIA could have used

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court to make a decision that will enable her to live out the rest of her life near her close relatives who will take care of her.

Dated: _____

Respectfully submitted,

By _____

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