

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

JUN 9 2021

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

KESLY SYLVESTRE,

Petitioner,

v.

MERRICK B. GARLAND, Attorney  
General,

Respondent.

No. 20-71316

Agency No. A209-391-477

ORDER

Before: SILVERMAN, NGUYEN, and R. NELSON, Circuit Judges.

The government's unopposed motion to remand this case to the Board of Immigration Appeals ("BIA") (Docket Entry No. 49) is granted.

The decision of the BIA currently under review (*Matter of K-S-E-*, 27 I. & N. Dec. 818 (BIA 2020)) is vacated. This matter is remanded to the BIA for further consideration of the determinations that petitioner had firmly resettled in Brazil, and that petitioner failed to establish that the Haitian government was unable or unwilling to control the individuals he fears.

All other pending motions are denied as moot.

Petitioner's removal is stayed pending a decision in this matter by the BIA.

This order served on the agency acts as and for the mandate of this court.

**VACATED and REMANDED.**