

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 08-13371

Agency No. A78-187-617

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT APRIL 24, 2009 THOMAS K. KAHN CLERK

KRISTINA ZORBA REMON,

Petitioner,

versus

U.S. ATTORNEY GENERAL,

Respondent.

Petition for Review of a Final Decision of the
Board of Immigration Appeals

(April 24, 2009)

Before BIRCH, DUBINA and WILSON, Circuit Judges.

PER CURIAM:

Petitioner, Kristina Zorba Remon (“Remon”), petitions for review of the Board of Immigration Appeals’ (“BIA”) order affirming the immigration judge’s (“IJ”) order of removal because it found that petitioner committed a crime involving moral turpitude. *See* Immigration and Nationality Act § 212(a)(2)(A)(i)(I), 8 U.S.C. § 1182(a)(2)(A)(i)(I).

After reviewing the record, reading the parties’ briefs, and having the benefit of oral argument, we grant the petition for review, vacate the removal order and remand this case to the BIA for further consideration. We conclude that the BIA erred in going beyond the record of conviction to create a presumption of intent in order to conclude that Remon’s crime was one involving moral turpitude that subjected her to removability.

PETITION GRANTED.¹

¹The pending motion to dismiss for lack of jurisdiction is DENIED.