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October 15, 2014

Hon. Lisa Dornell
United States Immigration Court
George H. Fallon Federal Building
31 Hopkins Plaza, Suite 440
Baltimore, Maryland 21201

Re: Affidavits in Support of Pre-Hearing Brief for

(A)

Dear Hon. Dornell:

Attached please find the "Respondent's Pre-Hearing Brief, Witness List and Exhibits in Support of Asylum, Withholding of Removal, and Convention Against Torture Relief" filing for

Please note that Tab B: Forensic Evaluation of Medical Expert Beth Horowitz, M.D. is currently an unsigned copy. We expect to have a signed original copy on or before the date of hearing and will provide copies on the date of hearing, which is currently set for October 30, 2014.

Sincerely,

DYKEMA GOSSETT PLLC

A handwritten signature in black ink, appearing to read "E.J. Sonstroem". The signature is written in a cursive, flowing style.

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UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
BALTIMORE, MARYLAND

IN THE MATTER OF:

Respondent
In removal proceedings

File Number: .

Immigration Judge Lisa Dornell

Next Hearing Scheduled: October 30, 2014 at 8:30 a.m.

**RESPONDENT'S PRE-HEARING BRIEF, WITNESS LIST AND EXHIBITS IN
SUPPORT OF ASYLUM, WITHHOLDING OF REMOVAL, AND CONVENTION
AGAINST TORTURE RELIEF**

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**RESPONDENT'S PRE-HEARING BRIEF IN SUPPORT OF ASYLUM,
WITHHOLDING OF REMOVAL AND CONVENTION AGAINST TORTURE RELIEF**

Respondent, _____ by and through her undersigned attorneys,
hereby submits this brief and the accompanying documents in support of her application for
asylum and for withholding of removal pursuant to § 208 of the Immigration and Nationality Act
("INA"), or in the alternative withholding of removal under § 241(b)(3) of the INA or protection
pursuant to the Convention Against Torture.

I. INTRODUCTION

CLIENT _____ also sometimes referred to as _____ (the
"Respondent" or CLIENT) is a 35 year old woman, who is a native and citizen of the country
of Honduras. CLIENT timely filed a Motion for Leave to File I-589 Asylum Application or
For an Expedited Master Calendar Hearing on May 28, 2013. For roughly 19 years, CLIENT
endured chronic and brutal physical, sexual, and psychological attacks at the hands of her former
domestic partner, ABUSER _____. ("ABUSER"). ABUSER took CLIENT
as "his woman" when she was 15 years old and treated her like his property from the time she
moved in with him. ABUSER regularly beat CLIENT for perceived disobedience,
slamming her face against the wall or pavement, throwing furniture at her, and chasing her with a
machete. He felt that he was entitled to sexual relations from CLIENT on demand, and would
tie her up and rape her if she refused him.

CLIENT attempted to leave ABUSER on numerous occasions, including running
to distant family on the opposite side of Honduras, but ABUSER was always able to track
her down and bring her back by violence or threats, including to her children or family members.

ABUSER has been a truck driver and delivery man since he was a teenager, and he has
business and drug ties all over Honduras that he can use to track CLIENT. Over the course of

nineteen years, CLIENT and her family have bravely gone to the police and reported Mr. ABUSER's abuse over and over again - at least once every year. Despite these numerous complaints over many years, the police action was utterly inadequate to protect her - they never intervened in ABUSER's abuse of CLIENT they never detained ABUSER and, if he ran, they never searched for ABUSER beyond his family home or for longer than a few hours. At most, the police gave CLIENT paperwork, instructing her to do their job by delivering summonses to her own abuser. CLIENT learned that the Honduran police could not protect her from her common law husband. After an occasion in which ABUSER poured gasoline on CLIENT and threatened to immolate her, CLIENT made the difficult decision to leave her four children behind and flee far enough away that ABUSER could not reach her.

Asylum is warranted in this case because CLIENT suffered past persecution and has a well-founded fear of future persecution on account of her membership in a cognizable social group. As the evidence demonstrates, ABUSER persecuted CLIENT based on her membership in particular social groups defined as (1) Honduran women in domestic relationships who are unable to leave, and (2) Honduran women who are viewed as property by virtue of their positions within a domestic relationship. According to the Department of Homeland Security ("DHS"), both are cognizable social groups for purposes of asylum. *See Matter of A-R-C-G-*, 26 I&N Dec. 388 (BIA 2014); *Matter of L-R-*, DHS Supp. Br., Ex. C.

CLIENT'S case is exactly the type of case that warrants asylum based on social group because of how she was viewed by both her abuser and Honduran society. ABUSER viewed and treated CLIENT as his property, which he could physically and sexually abuse with impunity, knowing that the police would never arrest him for his crimes against CLIENT or directly interfere with his abuse of her. Due to the pervasive acceptance of domestic violence

in Honduran society, CLIENT suffered persecution until she finally fled to the United States in fear for her life, making the painful decision to leave her children.

CLIENT's description of her experiences are highly consistent with reports on the country conditions in Honduras, where femicide is the second leading cause of death among women of childbearing age, and where the government remains unwilling or unable to protect her from the systematic abuse she suffered from ABUSER. The experiences of women in domestic relationships in Honduras are confirmed by expert affidavits, including an affidavit from a practicing women's rights attorney in Honduras who has testified in front of the United Nations on numerous occasions as an expert on the rights of women in Honduras. The evidence submitted herewith, including expert reports of a licensed medical doctor, demonstrate that Ms. CLIENT continues to suffer from the repercussions of the abuse she reports. CLIENT now seeks asylum, or in the alternative withholding of removal, so that she may build a new life in the United States, safe from the persecution of ABUSER. Because of the severity of her past abuse, CLIENT also qualifies for the protections afforded by the Convention Against Torture.

II. FACTS AND PROCEDURAL HISTORY

CLIENT is a citizen of Honduras. She fled her native country because of severe and atrocious persecution by her former domestic partner, ABUSER. CLIENT fled to the United States where she might be safe from ABUSER's physical and sexual abuse.

A. Early Life

CLIENT was born on redacted in the rural town of redacted, near the city of San Pedro Sula, in Villanueva, Cortez, Honduras. Resp't Decl Ex. A, at ¶ 1. CLIENT, her parents, and her sisters lived with her maternal grandmother, with many of her extended

family members. *Id.* Her family was poor, working as farmers, day laborers, and other odd jobs. *Id.* When she was very young, CLIENT's mother abandoned the family. CLIENT and her sisters were often left alone as children. *Id.* at ¶ 2-3. CLIENT attended school until she completed the primary level (approximately sixth grade) when she was 15 years old. *Id.* at ¶ 5; *see also* Father's Decl. Ex. D, ¶ 5; Classbase, *Education System in Honduras*, <http://www.classbase.com/Countries/Honduras/Education-System> (last visited Oct. 10, 2014), Ex. T.

B. CLIENT Meets And Moves In With Her Abuser

CLIENT met ABUSER through friends when she was fifteen and he was sixteen years old. *See* Resp't Decl. Ex. A, ¶ 1. ABUSER showed an immediate interest in Ms. CLIENT and he began following her, observing her, and visiting her family home after Ms. came home from school. *Id.* at ¶ 6. He grew increasingly possessive of Ms. CLIENT *Id.* at ¶¶ 10-11. Soon thereafter, ABUSER claimed Ms. CLIENT as "his girlfriend" and imposed himself on her sexually. *Id.* at ¶ 8. Ms. CLIENT soon moved in with ABUSER and became pregnant. *Id.* at ¶¶ 9 and 24. The couple was considered married by Honduran society. *Id.* at ¶ 9. They would go on to have four children, three daughters and one son. *Id.* at ¶ 31; *see also* Birth Certificate of Daughter, Ex. G; Birth Certificate of Son

Ex. H; Birth Certificate of Daughter, Ex. I; Birth Certificate of Daughter, Ex. J.

Soon after CLIENT moved in with ABUSER, ABUSER became verbally abusive to CLIENT, calling her "bitch" and "whore." Resp't Decl. Ex. A, at ¶¶ 11-12, 36 and 41. He regularly accused CLIENT of infidelity, manipulating her to be submissive to his will

in order to prove to him that she was faithful. *Id.* at 2, ¶ 6.; *see also* CLIENT'S Sister Decl. Ex. E, at ¶ 16 ("ABUSER wanted to diminish her will.").

It did not take long before ABUSER began to physically beat CLIENT for perceived disobedience or infidelity. Resp't Decl. Ex. A, at ¶¶ 13 and 36; *see also* CLIENT'S father's Decl. Ex. D, at ¶ 7. CLIENT initially sought refuge from ABUSER by fleeing to her grandparents' house. Resp't Decl. Ex. A, at ¶ 14; *See* sister's Decl. Ex. E, at ¶¶ 8-9. ABUSER promised not to strike CLIENT again, and CLIENT believed him and returned with him to their home. Resp't Decl. Ex. A, at ¶ 15.

C. ABUSER Kidnaps CLIENT

The second time ABUSER beat CLIENT, CLIENT again fled from Mr. ABUSER and sought refuge with her grandparents. *Id.* at ¶ 16. Through a mutual friend, ABUSER convinced CLIENT to leave her grandparents' house and accompany her friend to the local bus station, where ABUSER was waiting with a borrowed car. *Id.* at ¶¶ 18-19. ABUSER grabbed CLIENT, forced her into the car, and drove her to the city of Tegucigalpa, where he kept her captive in a relative's house for two days. *Id.* at ¶¶ 19-20.

ABUSER's family and friends actively helped ABUSER facilitate the kidnapping of CLIENT by luring CLIENT out of her grandparents' house, lending Mr. ABUSER a car, and allowing to ABUSER to hold CLIENT at their house. *Id.* at ¶¶ 18-21.

CLIENT's grandfather immediately reported CLIENT's kidnapping to the police. *Id.* at ¶ 22-23. The police did not look for CLIENT. *Id.* Instead, they handed CLIENT'S grandfather a warrant and asked him to deliver it to ABUSER. *Id.* The police stated that the warrant would expire after 12 hours, at which point if ABUSER was not in custody, the

complaint would be dismissed as if the incident had never occurred. *Id.* ~~ABUSER~~ did not report to the police station, and the police did not follow up on the incident. *Id.*

D. ~~ABUSER~~ Publicly Humiliates ~~CLIENT~~ With Impunity

Over a period of time, ~~ABUSER~~'s jealousy and need for control over ~~CLIENT~~ intensified. *Id.* at ¶ 33; *see also* ~~father's~~ Decl. Ex. D, at ¶ 11. He did not want ~~CLIENT~~ to leave the house unaccompanied. Resp't Decl. Ex. A, at ¶ 30; *see also* ~~father's~~ Decl. Ex. D, at ¶ 7; ~~daughter's~~ Decl. Ex. F, at ¶ 9. He asked their children to spy on ~~CLIENT~~ and report her movements and actions to him. Resp't Decl. Ex. A, at ¶ 30; *see also* Decl.

~~client's daughter~~, Ex. I at ¶¶ 10-11 and 23. On multiple occasions, ~~ABUSER~~ discouraged or prevented ~~CLIENT~~ from working, which resulted in her being completely financially dependent on him. Resp't Decl. Ex. A, at ¶¶ 76-81; Hond. Police Rep. Dated Feb. 10, 2011, Ex. L ("[Complainant's] common law husband came home drunk and told [] the complainant [that she] was not going to work...").

~~ABUSER~~ humiliated ~~CLIENT~~ in public repeatedly, demonstrating his ownership of and dominance over her. Resp't Decl. Ex. A, at ¶¶ 45-46 ("He never treated me with respect because he thought that he owned me."); *see also* ~~sister's~~ Decl. Ex. E, at ¶¶ 16-17 ("He wanted to show everyone that he could do whatever he wanted with that woman, because she was his property."). At a party, he grew jealous when another man looked at ~~CLIENT~~ and he responded by beating ~~CLIENT~~ in the middle of the party and in front of their friends, establishing his physical control over ~~CLIENT~~. Resp't Decl. Ex. A, at ¶ 27; *see also* ~~father's~~

Decl. Ex. D, at ¶¶ 7 and 10. No one at the party interceded on ~~CLIENT~~'s behalf. *Id.* ~~CLIENT~~ was mortified by ~~ABUSER~~'s treatment of her in front of their friends. *Id.*

ABUSER did not allow CLIENT to express herself through clothing that he felt was too nice or provocative. Resp't Decl. Ex. A, at ¶ 28-29. He would publicly strip CLIENT of clothing he did not like. *Id.*; sister's Decl. Ex. E, at ¶¶ 16-17 ("[ABUSER] sought to beat her or undress her on the streets."). On multiple occasions, he destroyed CLIENT's clothes by ripping them apart or burning them. Resp't Decl. Ex. A at ¶ 28-29. He then pulled CLIENT out of the house by her hair and sent CLIENT naked through the village streets, humiliating her in front of their neighbors and the local church. *Id.* CLIENT took to hiding her clothing from ABUSER. *Id.*

ABUSER would often beat or attack CLIENT in the streets of their neighborhood. *Id.* at ¶¶ 44-46; father's Decl. Ex. D, at ¶ 8; sister's Decl. Ex. E, at ¶ 17. One Christmas Day, he chased CLIENT through the woods with a machete. father's Decl. Ex. D, at ¶ 9; *see also* daughter's Decl. Ex. F, at ¶ 23; Resp't Decl. Ex. A, at ¶¶ 38 and 45. In fact, CLIENT's medical evaluation revealed that CLIENT has a raised scar on her hip from a sharp object such as a machete. Forensic Evaluation, Ex. B, at 2 ("CLIENT has a linear hypopigmented lesion on her right side flank, consistent with laceration with a sharp object."). In another incident, he slammed CLIENT's head into the pavement over and over. Resp't Decl. Ex. A, at ¶¶ 38 and 45; *see also* Decl. Ex. D, at ¶ 20 ("[ABUSER] has hit the ground with CLIENT's head too many times during all these years.").

CLIENT's neighbors, and even their local pastor, would hear CLIENT screaming, but would not physically intercede to prevent CLIENT from being abused. Resp't Decl. Ex. A, at ¶ 44; *see also* daughter's Decl. Ex. F, at ¶ 21; *see also* father's Decl. Ex. D, at ¶ 18. Mr. ABUSER threatened the neighbors not to get involved in his marital relationship, and the neighbors complied by not intervening in the domestic violence. Resp't Decl. Ex. A, at ¶ 48; *see*

also daughter's Decl. Ex. F, at ¶ 21 ("people were watching but neither the neighbors nor the family dared to defend my mother"); sister's Decl. Ex. E, at ¶ 19 ("Abuser would hit anyone who defended client from his attacks."). On occasion, client's neighbors would passively shout at Abuser, shelter the children or client, or allow the children to use their phones to call client's family. Resp't Decl. Ex. A, at ¶ 48; Father's Decl. Ex. D, at ¶ 18. The neighbors also called the police on at least one occasion, but the police did not stop Abuser from abusing client. Resp't Decl. Ex. A, at ¶ 49; Father's Decl. Ex. D, at ¶ 13.

The neighbors who initially tried to help client eventually stopped concerning themselves with the relationship between client and Abuser, accepting that Mr. Abuser had the right to enforce his will on client within their marriage. See Resp't Decl. Ex. A, at ¶ 49. ("My neighbors learned not to get involved when Abuser beat me, and he would get away with his violence against me."). In client's neighborhood, other married women were also abused by their common law husbands, but society did not defend these women. *Id.* at ¶ 50 (describing how no one, including client, got involved when the neighbor's husband came looking for her with a machete).

E. ABUSER's Systematic Physical and Sexual Abuse Intensifies

Over the course of their nineteen-year relationship, ABUSER repeatedly beat and raped Respondent. *Id.* at ¶ 31. ABUSER expected client to perform certain household duties, including serving him food. *Id.* at ¶ 36; Father's Decl. Ex. D, at ¶ 12. If Mr. ABUSER did not approve of the food she served, or if she did not respond promptly enough to his requests, ABUSER would fly into a rage, screaming obscenities at client and beating client mercilessly – picking her up by her hair, punching her in the face, slamming

her face against the wall, attacking her with a machetè, and throwing objects such as furniture at her. Resp't Decl. Ex. A, at ¶¶ 35-40; *Father's* Decl. Ex. D, at ¶ 21 ("He would lift her with one hand and slap or punch her face with the other hand. He rejoiced in hitting *client* in the face."). *CLIENT* always had bruises on her arms and the back of her legs. *Father's* Decl. Ex. D, at ¶ 20. On multiple occasions, *abuser* threatened to kill *client*. Resp't Decl. Ex. A, at ¶ 38; *Father's* Decl. Ex. D, at ¶ 15. *client's* children were so afraid of this possibility, that they hid the knives in the house when *ABUSER* began beating *client's* daughters; Decl. Ex. F, at ¶ 16.

ABUSER also expected *client* to provide him with sex within the relationship whenever he requested it. See Resp't Decl. Ex. A, at ¶ 41. If she refused him, *ABUSER* would accuse *client* of infidelity in order to manipulate her into proving that she was faithful by agreeing to have intercourse with him. *Id.* If this did not work, *ABUSER* would lock his children in another room and then physically pull *client* into their bedroom, lock her in or tie her up with rope, and rape her. *Id.* at ¶¶ 41-43; *daughters* Decl. Ex. F, at ¶¶ 17-18 ("One time, I saw my mother tied up from the hands and legs in her bedroom... She was screaming because he was raping her."); *Father's* Decl. Ex. D, at ¶ 19 ("*Abuser* would lock their children in one room, to prevent them from seeing what he was going to do... *Abuser* would lock *client* and himself in another room where he tortured *client*"); *sister's* Decl. Ex. E, at ¶ 10. *client* would often submit to intercourse in order to avoid her children witnessing forcible rape. See Resp't Decl. Ex. A, at ¶ 42.

F. Failed Escape Attempts and Inadequate Police Protection

On many occasions, *client* would take her children and leave *abuser* fleeing to a relative's house. Resp't Decl. Ex. A, at ¶¶ 61-62. In one instance when *abuser*

drove his motorcycle in front of CLIENT's father's truck and forced the truck off the road in order to prevent CLIENT from leaving him. *Id.* at ¶¶ 63-64; Father's Decl. Ex. D, at ¶ 26. If CLIENT stayed away too long, ABUSER would come find her and either forcibly remove her from the house where she was staying or otherwise threaten or coerce her into coming back with him. Resp't Decl. Ex. A, at ¶¶ 65-66 and 71; Sister's Decl. Ex. E, at ¶¶ 15 and 18; father's Decl. Ex. D, at ¶¶ 9 and 14. ABUSER would attack anyone who intervened for CLIENT or destroy the homes of CLIENT's relatives in order to gain access to CLIENT. Resp't Decl. Ex. A, at ¶¶ 66-67; Sister's Decl. Ex. E, at ¶ 19; father's Decl. Ex. D, at ¶¶ 14, 17 and 29 (ABUSER threatened me, saying: "Don't get involved. This is my woman!"). CLIENT would often return with ABUSER to protect her relatives. Resp't Decl. Ex. A, at ¶¶ 66, 67 and 70; father's Decl. Ex. D, at ¶ 27. ABUSER would not provide for CLIENT or their children financially when she left him, knowing that the children could starve if CLIENT did not come back. Resp't Decl. Ex. A, at ¶ 76.

On two occasions, CLIENT attempted to hide from ABUSER by fleeing to more distant relatives in Copan, on the other side of Honduras. *Id.* at ¶ 68. She hoped that Mr. ABUSER would be unable to find her in Copan, but Mr. ABUSER found her using his drug networks and his knowledge of Honduras from his job as a truck driver. *Id.* at ¶ 69; *see also* father's Decl. Ex. D, at ¶ 31 (discussing Mr. ABUSER's drug and gang ties). In both instances, CLIENT came back with ABUSER in order to protect her relatives from further violence. Resp't Decl. Ex. A, at ¶ 70. CLIENT was never successfully able to run from Mr. ABUSER within Honduras. *See Id.* at ¶¶ 71-72.

CLIENT and her family repeatedly reported ABUSER's actions to the police, making reports approximately once every six months to a year over the course of nineteen years.

Id. at ¶¶ 52-53; *see also* ~~Sister's~~ Decl. Ex. E, at ¶ 20. Each time they went to the police, the police would process the complaint, provide them with a warrant, and ask them to deliver the warrant to ~~ABUSER~~. Resp't Decl. Ex. A, at ¶ 53; *see, e.g.* Domestic Violence Complaint Dated May 24, 2012, Ex. N. The police did not investigate or directly intervene in the relationship between ~~client~~ and ~~Abuser~~. *Id.* at ¶ 56. They did not stop Mr.

~~Abuser~~ from abusing ~~client~~. *Id.*; ~~sister's~~ Decl. Ex. E, at ¶ 20. Despite the risk to herself, ~~CLIENT~~ would comply with the request to deliver the warrant to ~~ABUSER~~. Resp't Decl. Ex. A, at ¶ 53. ~~ABUSER~~ would leave the house so that he could not be found, and, after 12 hours, the police would inform ~~CLIENT~~ and her family that the warrant and complaint had expired. *Id.* at ¶¶ 55-56; *see also* ~~father's~~ Decl. Ex. D, at ¶ 13 (describing police response) and at ¶ 31 ("In general the police do not put much effort into stopping domestic violence.") ~~CLIENT~~ grew tired of making fruitless complaints to the police. Resp't Decl. Ex. A, at ¶ 59.

G. Escape to the United States and Application for Asylum

In May 2012, ~~CLIENT~~ finally made the difficult decision to leave her children and flee to the United States when ~~ABUSER~~ poured gasoline on ~~CLIENT~~ and threatened to light a match in order to kill her. *Id.* at ¶¶ 82-85; *see also* ~~sister's~~ Decl. Ex. E, at ¶ 5. Through the help of a cousin, ~~CLIENT~~ was able to leave ~~ABUSER~~, raise money, and prepare the necessary documentation to come to the United States, where ~~CLIENT~~ has relatives. Resp't Decl. Ex. A, at ¶¶ 86-90. ~~CLIENT~~ traveled to the United States-Mexico border with acquaintances and crossed into the United States near Hidalgo, Texas on a raft on June 16, 2012, at which time she was detained at the border by DHS. *Id.* at 90-92.

On June 16, 2012, DHS questioned *CLIENT* and *CLIENT* informed DHS that she feared being persecuted or tortured were she returned to Honduras. *Id.* DHS released Ms. *CLIENT* and *CLIENT* traveled to Baltimore to live with a cousin. Credible Fear Worksheet, Ex. P, at 2. On March 11, 2013, *CLIENT* passed a credible fear interview, which determined that she had a credible fear of persecution and that there is a significant possibility that *CLIENT*'s claims could be found credible in a full asylum or withholding of removal hearing. *See* Credible Fear Worksheet, Ex. P. *CLIENT*'s Motion for Leave to File I-589 Asylum Application or For an Expedited Master Calendar Hearing was filed on May 28, 2013.

CLIENT is happy and feels safe in the United States. Resp't Decl. Ex. A, at 13, ¶ 93. *CLIENT* is very afraid to return to Honduras, especially since *ABUSER* continues to harass her family about her whereabouts and threatens to kill her. *Id.* at ¶ 95; *SISTER*'s Decl. Ex. E, at ¶ 11; *FATHER*'s Decl. Ex. D, at ¶ 40. *CLIENT* is also exceedingly concerned about the increased level of violence that continues to occur in Honduras since she has left, especially the gang violence that has resulted in the rape of her daughters and the murder of the father of her daughter's child. Resp't Decl. Ex. A, at ¶¶ 97-100; *see also* Death Certificate of *daughter's boyfriend*, Ex. K.

III. LEGAL ARGUMENTS

Respondent was persecuted on account of her membership in the particular groups of Honduran women in domestic relationships who are unable to leave and Honduran women who are viewed as property by virtue of their positions within a domestic relationship. Respondent is a "refugee" under section 101(a)(42)(A) of the INA because she suffered severe and systematic past persecution and has a well-founded fear of future persecution on account of her membership in a particular social group. *See* INA §§ 208(b)(1)(A) & (B)(i); 8 C.F.R. § 1208.13(a).

Furthermore, the government of Honduras is unable and unwilling to protect respondent, her fear of persecution is country-wide and it is impossible and unreasonable for her to relocate within Honduras because her persecutor is a truck driver who has a nationwide network of contacts developed over twenty years as a truck driver. *Id.* Furthermore, his profession affords him the ability to travel to many parts of the country. *Id.* Lastly, Honduras is widely known as the most dangerous country in the world, with the highest per capita murder rate of any country. *See* PBS Newshour, *Gangs "Do Whatever They Want" in Honduras City Known as Most Dangerous Place*, July 30, 2013. Returning **CLIENT** to Honduras would place her in imminent danger, regardless of where she was located.

A. Respondent Has Suffered Severe And Atrocious Past Persecution

The physical, sexual, and psychological abuse suffered by Respondent over a period of approximately 19 years rose to the level of persecution as that term has been defined by the Board of Immigration Appeals ("BIA"). Although persecution is not defined in the INA, the BIA has defined persecution as a "threat to life or freedom of, or the infliction of suffering upon, those who differ in a way that is regarded as offensive" and as encompassing behavior broader than threats to life or freedom. *See Matter of Acosta*, 19 I&N Dec. 211, 233 (BIA 1985); *INS v. Stevic*, 467 U.S. 407, 428 n. 22 (1984). The BIA has previously held that persecution includes rape, physical abuse and threats. *See Matter of D-V-*, 21 I&N Dec. 77, 78-79 (BIA 1993). The pattern of abuse described by Respondent is consistent with BIA precedent that has found past persecution in other cases. The Department of Justice has also expressly stated that domestic violence and sexual abuse can constitute past persecution, finding "rape...sexual abuse and domestic violence...are forms of mistreatment directed at girls and women and they may serve as evidence of past persecution on account of one or more of the five grounds." *Considerations for Asylum Officers Adjudicating Asylum Claims from Women*, Memorandum to All INS

Officers/HQASM Coordinators from Phyllis Coven, Department of Justice Office of International Affairs, May 26, 1995, Ex. Q at 185; *see also In re D-V-*, 21 I. & N. Dec. 77, (BIA 1993) (recognizing that rape is a form of persecution).

For approximately 19 years, Respondent was threatened, beaten, raped, and subjected to extreme forms of cruelty by her former domestic partner because of her membership in the groups detailed above. *See generally* Resp't Decl. Ex. A; *see also* ~~father's~~ Decl. Ex. D at ¶ 39 ("If she stayed longer, I would be crying for her death. I have seen my daughter all beaten up, with her eyes swollen, her beautiful face damaged."). For example, Respondent was punched, had her face slammed against the wall and the pavement, threatened with a machete knife and had furniture thrown at her by ~~Abuser~~. *See* Resp't Decl. Ex. A, at ¶¶ 35-40. After a thorough medical evaluation a licensed and respected doctor in Washington, DC stated that: Ms. ~~CLIENT~~ "presents physical evidence highly consistent with a history of abuse by a domestic partner." Forensic Evaluation, Ex. B at 2.

B. Respondent Was Persecuted On Account Of Her Membership In Particular Social Groups

Both the Executive Office of Immigration Review and DHS have recently recognized domestic violence-based persecution claims as forming a valid basis for asylum. Most recently, the BIA held that "married women in Guatemala who are unable to leave their relationship" can constitute a cognizable particular social group that forms the basis for an asylum claim or withholding of removal claim under sections 208(a) and 208(b)(3) of the INA. *See Matter of A-R-C-G-*, 26 I&N Dec. 388 (BIA 2014). Additionally, in April 2009, DHS submitted a brief to the BIA in an asylum case involving a Mexican woman who endured years of domestic abuse and was eventually granted asylum based on her fear of persecution by her former domestic partner. *See Matter of L-R-*, DHS Supp. Br., Ex. C at 71-73. The DHS brief stated that it

“accepts that in some cases a victim of domestic violence may be a member of a cognizable particular social group and may be able to show that her abuse was or would be persecution on account of such membership.” *Id.* At 71. Additionally, the DHS set forth two social groups which would satisfy the immutability, particularity, and social distinction requirements for a successful asylum claim. *Id.* The two social groups the DHS brief suggested were as follows: (1) “Mexican women in a domestic relationship who are unable to leave;” and (2) “Mexican women who are viewed as property by virtue of their position within a domestic relationship.” *Id.* at 73.

Abuser persecuted Respondent on account of her membership in the cognizable social groups of Honduran women in a domestic relationship who are unable to leave and Honduran women who are viewed as property by virtue of their positions within a domestic relationship. The record establishes that Abuser persecuted CLIENT because of his perception that she occupied a subordinate position in their relationship- that she was his property- and treated her as such by claiming CLIENT as his woman and one time going so far as to kidnap her when she ran away to avoid his abuse. Resp’t Decl. Ex. A, at ¶¶ 16-23. Furthermore, this behavior is tolerated by Honduran society as demonstrated by the fact that, although CLIENT and other family members reported his abuse to the police, the police would either fail to look for Abuser after the report or they would stop looking for him if they did not find him at the house he and CLIENT shared. *See* Resp’t Decl. Ex. A, at ¶ 56 (“The police would sometimes come by the house and look for Abuser but since he was not there, they did not look for him further.”). Additionally, Honduran society fosters this abusive conduct and is pervaded by the culture of machismo, which teaches that women are property of their intimate partners and that women are second-class citizens. Herrmannsdorfer Decl. Ex. R, at ¶ 20. The

fact that Honduran society is pervaded by a culture of machismo is further evidenced by the fact that CLIENT'S daughters have similarly been claimed as the property of local male gang members. Resp't Decl. Ex. A, at ¶ 97 ("[T]he situation for women has become much worse. I see this through my daughters. Gang members have claimed my oldest two daughters as 'their woman' and forced my daughters to be with them.").

As discussed further below, there is also significant independent evidence that legal and social norms in Honduran society accept and tolerate domestic violence related to an abuser's sense of ownership. According to a 2010 report by Freedom House, violence against women in Honduras "occurs against a backdrop of marginalization in which women experience limited levels of civic participation and high levels of poverty and discrimination. Few cases of domestic violence are investigated or reach the courts, and laws prohibiting gender-based discrimination are often not enforced." Freedom House, COUNTRIES AT THE CROSSROADS 2010: HONDURAS, 2010, *available at* <http://www.freedomhouse.org/report/countries-crossroads/2010/honduras#.VD2InvldV8E>. Claudia Herrmannsdorfer, a practicing women's rights attorney in Honduras who has testified in front of the United Nations on numerous occasions as an expert on the rights of women in Honduras, confirms that domestic violence continues to be accepted in Honduran society because of the machismo culture.

Herrmannsdorfer Decl. Ex. R, at ¶ 20. When compared with Ms. Herrmannsdorfer's declaration, CLIENT's testimony is highly consistent with the conditions as they currently exist in Honduras. *See* Resp't Decl. Ex. A.

1. Respondent's Social Group is Based on Immutable Characteristics

To qualify as a social group, members of the group must "share a common, immutable characteristic." *Matter of Acosta*, 19 I&N Dec. at 233.; *see also Crespin-Valladares*, 632 F.3d at

124 (recognizing the BIA’s long-standing interpretation requires that group members share a characteristic that “the members of the group either cannot change, or should not be required to change because it is fundamental to their individual identities or consciences.”). The social groups at issue here – Honduran women in domestic relationships who are unable to leave and Honduran women who are viewed as property by virtue of their positions within a domestic relationship—are defined by nationality, gender and intimate relationship. Both gender and nationality have been recognized as immutable. *See Matter of Kasinga*, 21 I&N Dec. 357, 366 (BIA 1996); *Fatin v. INS*, 12 F.3d 1233, 1240 (3d Cir. 1993); *Mohammed v. Gonzalez*, 400 F.3d 785, 796-98 (9th Cir. 2005).

An intimate relationship may also be considered immutable where “economic, social, physical or other constraints made it impossible for the applicant to leave the relationship during the period when the persecution was inflicted” or “if the abuser would not recognize a divorce or separation as ending the abuser’s right to abuse the victim.” *See Matter of R-A-*, DHS Supp. Br., Ex. N at 75. In Respondent’s case, both conditions that render an intimate relationship immutable are present. Economic restraints were present because CLIENT worked only intermittently in low-paying factory jobs making clothing. Resp’t Decl. Ex. A, at ¶ 77. When she did work—a total of 8 months in 19 years—ABUSER would sometimes refuse to let her go to work and demand that she stay home. *See, e.g.*, Hond. Police Rep. Dated Feb. 10, 2011, Ex. L (“[Complainant’s] common law husband came home drunk and told [] the complainant [that she] was not going to work...”). Furthermore, he would manipulate her into returning home after an abusive episode by denying her money, knowing that she had no way to feed the children without financial support from him. Resp’t Decl. Ex. A, at ¶ 76 (“He knew that without giving me money for [the children’s] food, I had to go back home with him.”). Social constraints

existed because others in Respondent's community, consistent with Honduran society, typically refused to help Respondent. For example, *Abuser* on more than one occasion stripped *Client* of her clothes and dragged her into the middle of the street with no intervention from other people. Resp't Decl. Ex. A, at ¶ 28. On another occasion, *Abuser* became jealous at a party and began beating *Client* in front of the other attendees and no one intervened. Resp't Decl. Ex. A, at ¶ 27; *see also father's* Decl. Ex. D, at ¶¶ 7 and 10. When Respondent sought police protection, nothing ever came of it. *Abuser* was not arrested, the police would briefly look for him and then give up shortly thereafter. *See* Resp't Decl. Ex. A, at ¶ 56. Mr. *Abuser* physically restrained the Respondent, going so far as to kidnap her on one occasion when she attempted to escape his violence. Resp't Decl. Ex. A, at ¶ 20. ("He kidnapped me and drove me to some of his family's house in Tegucigalpa, Honduras. I could not leave."). He would frequently use physical force to take her into their bedroom, lock her in and rape her while their children were in the other room. Resp't Decl. Ex. A, at ¶¶ 41-42; *see also, daughter's* Decl. Ex. F, at ¶ 17.

Abuser also made it clear that he did not recognize separation as ending the relationship and his right to abuse the Respondent. She escaped on several occasions but he would always show up and use physical force or manipulation to extract her from the places in which she was staying. *Father's* Decl. Ex. D, at ¶ 35. He would threaten her life and the lives of her family members who were allowing her to stay with them and he would cause property damage to the homes of her family members who gave her a place to stay. *See* Resp't Decl. Ex. A, at ¶¶ 66-67 ("*Abuser*...threatened my cousins with a machete for getting involved."); *see also father's* Decl. Ex. D, at ¶ 14. Thus, because "it is beyond the power of [*Client*] to change *Abuser's* perception of her role within the domestic relationship, and

because constraints made it impossible for her to leave, this relationship constitutes an immutable characteristic.” *Matter of Acosta*, I&N Dec. at 233-34.

2. Respondent’s Social Group is Socially Distinct and Particular

Each social group described above is socially distinct because each are “perceived as a group by society” and are particular because they are not “too amorphous to provide an adequate benchmark for determining group membership.” *Matter of M-E-V-G-*, I&N Dec. 227 (BIA 2014). DHS suggests social distinction and particularity may be established by showing that the individual belongs to a “segment of society that will not be accorded protection from harm.” *See Matter of R-A-*, DHS Supp. Br. At 65, Ex. D at 77. In Respondent’s case, the lack of protection provided by the police demonstrates that the state would not protect her from persecution. The police never detained Abuser despite the fact that Respondent went to the police at least one time a year for the entirety of the abusive relationship. *See* Resp’t Decl. Ex. A, at ¶¶ 52-59. Women who are victims of domestic violence in Honduras are not accorded any meaningful government protection from abuse. *See* Herrmannsdorfer Decl. Ex. R, at ¶¶ 36-51. Furthermore, women who attempt to prosecute their abusers almost always fail. *Id.* at ¶ 56.

Moreover, Respondent’s membership in these social groups is socially distinct and particular because it is based on a familiar-type relationship. *See Crispin-Valladares*, 632 F.3d 117, 124-26 (4th Cir. 2011) (finding the “BIA itself has previously stated that ‘[s]ocial groups based on innate characteristics such as...family relationship are generally easily recognizable and understood by others to constitute social groups”); *see also Matter of R-A-*, DHS Supp. Br., Ex. D at 78 (stating that “domestic relationship” is susceptible of being defined “in a manner that entails considerable particularity”). CLIENT was forced to live with Abuser for 19 years and bore four children to Abuser.

3. The Government of Honduras is Unwilling or Unable to Control Persecutors of Domestic Violence, Including Abuser

Respondent has a well-founded fear of persecution by her abuser, (Abuser) a person whom the government of Honduras is unwilling or unable to control. *See, e.g., M.A. A26851062 v. INS*, 858 F.2d 210, 218 (4th Cir. 1988) (stating asylum is warranted if petitioner can show the “government is unwilling or unable to control the offending group”). The government of Honduras’s unwillingness or inability to control Abuser is not hypothetical.

Respondent’s experience that the Honduran government is unwilling or unable to control perpetrators of domestic violence is consistent with the declaration of the country conditions expert, Ms. Herrmannsdorfer, as well as reports of credible U.S. and international agencies and organizations. *See, e.g., Herrmannsdorfer Decl., Ex. R*, at ¶ 28 (“In Honduras, where law enforcement authorities do not interject themselves into the home and the culture approves the subjugation of women, domestic violence too often escalates until the woman ends up murdered by her partner.”); *See also, United Nations News Centre, Honduras Must Address Widespread Impunity for Crimes Against Women, Girls*, July 10, 2014 (“The climate of fear, in both the public and private spheres, and the lack of accountability for violations of human rights of women, is the norm rather than the exception.”); United States Department of State, Country Reports on Human Rights Practices for 2013, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220453#wrapper> (“Violence against women and impunity for perpetrators continued to be a serious problem.”).

Despite the fact that CLIENT reported Abuser’s abuse to the police at least once a year for the duration of their 19 year relationship, he was never detained by the police for such

abuse. *See* Resp't Decl. Ex. A, at ¶¶ 52-59. When the police responded at all, they would briefly look for Abuser and then give up and never pursue an investigation after they were unable to locate him within a span of only a few of hours. *See* Resp't Decl. Ex. A, at ¶ 56.

4. Respondent is Entitled to a Presumption of Well-Founded Fear of Future Persecution

Where an applicant has established past persecution on account of a statutorily protected ground, like Respondent does with respect to domestic violence social groups, she is presumed to have a well-founded fear of future persecution. 8 C.F.R. § 208.13(b)(1). To rebut this presumption, the Government must prove, by a preponderance of the evidence, that (1) conditions in Honduras have changed to the extent that Respondent no longer has a well-founded fear of future harm if she were to return; or (2) Respondent could avoid future persecution by relocating to another part of Honduras and, under the circumstances, it would be reasonable to do so. *Id.* at § 208.13(b)(1)(i). The government cannot meet this burden. The conditions in Honduras have not significantly changed for the better since Respondent left Honduras in 2012, and requiring CLIENT to relocate within Honduras would be ineffective and unreasonable because Abuser would likely find her again like he did when she previously attempted to flee within Honduras. *See* Resp't Decl. Ex. A, at ¶ 69.

a. Conditions in Honduras Have Not Improved

The country conditions that enabled Abuser to abuse and persecute Respondent still persist. According to the most recent reports, incidents of death as a result of violence against women has increased over 263.4 percent between 2005 and 2013. United Nations News Centre, *Honduras Must Address Widespread Impunity for Crimes Against Women, Girls*, July 10, 2014. Furthermore, femicide is considered the second leading cause of death amongst

women of reproductive age in Honduras. United Nations Women, *Femicide in Latin America* (April 4, 2013), *available at* <http://www.unwomen.org/en/news/stories/2013/4/femicide-in-latin-america>. To make matters worse, prosecution rates and investigation rates for these crimes are low. A Prosecutor for Women in Honduras stated to *Tiempo*, a newspaper in San Pedro Sula, that in 2012, the number of femicides continued to “increase steadily” because of the lack of investigations.” See Immigration and Refugee Board of Canada, *Honduras: Domestic Violence, Including Legislation and Protection Available to Victims (2010-November 2013)*, December 12, 2013. Additionally, the coordinator of the Office of the Special Prosecutor for Women stated in a newspaper article that there is a “high level of impunity” in cases of spousal and family violence. *Id.* Murders of women went unpunished in 90 percent of cases. *Id.*

b. Relocating in Honduras would be Ineffective

Whether or not Respondent could avoid persecution by *Abuser* elsewhere in Honduras is not a speculative question. In the past, Respondent attempted to escape to Copan, Honduras; however, *Abuser* was able to locate her and take her back to their home near San Pedro Sula. Resp’t Decl. Ex. A, at ¶ 69. *Abuser* has been a truck driver since he was a teenager, and because of his profession, he knows the country very well and has connections throughout. *Id.* If respondent is required to return to Honduras, *Abuser* would likely use his significant connections to track *Client* down and force her back into the extremely abusive relationship she was forced to endure for almost 19 years Furthermore, Honduras is a small country, roughly the size of Ohio, which makes the option of relocation even less likely to be effective. See Kasinga, 21 I&N Dec. at 367 (court noted the small size of respondent’s country was a factor in the court’s finding that respondent had shown that no reasonable internal relocation alternative existed); Compare Honduras, CIA WORLD FACTBOOK,

<https://www.cia.gov/library/publications/the-world-factbook/geos/ho.html> (last visited Oct. 10, 2014) (stating that Honduras is 112,090 square kilometers), and Amanda Briney, List of U.S. States by Area, ABOUT.COM, <http://geography.about.com/od/usmaps/a/states-area.htm> (last visited Oct. 10, 2014) (stating that Ohio is 116,096 square kilometers). Relocation is particularly ineffective and may be precluded when state actors such as the police tolerate the feared persecution as is the case with Honduran police. *See* UNHCR Guidance Note on Refugee Claims Relating to Victims of Organized Gangs (March 2010), Ex. U at 221, p. 52 (noting “[r]elocation is normally not considered relevant where the feared persecution emanates from, or *is condoned or tolerated by*, State agents, as State agents are presumed to exercise authority in all parts of the country. This, therefore, generally precludes relocation where State agents are *complicit* with the gang activities or in cases involving a fear of arbitrary and unlawful State measures.”)(emphasis added).

Respondent also has reason to believe Abuser is continuing to look for her. The only thing that Abuser ever asks of his children when he sees them is the whereabouts of CLIENT’s daughter’s. Decl. Ex. F, at ¶ 24; *see also* Resp’t Decl. Ex. A, at ¶ 96. Furthermore, he has sent other people to threaten Respondent’s sister, implying he would hurt her if she did not disclose CLIENT’s location to him. sister’s Decl. Ex. E, at ¶ 11. Accordingly, because relocating internally in Honduras would be ineffective in protecting Respondent from persecution by Abuser, the presumption of a well-founded fear of future persecution cannot be overcome by suggesting that Respondent can relocate in Honduras.

c. Requiring Respondent to Relocate in Honduras would be Unreasonable

Even assuming that Respondent could avoid Abuser by relocating to Honduras, ordering her to relocate within the country would not be reasonable. Relocation must be

reasonable under the totality of the circumstances. 8 C.F.R. § 208.13(b)(1)(i)(B). In this case, relocation would unreasonably require Respondent to try to sever all ties to family and friends in a region without any support. Given her lack of employment experience, it is unlikely she would be able to find employment sufficient to support herself and her children. *See Knezevic v. Ashcroft*, 367 F.3d 1206, 1214 (9th Cir. 2004) (finding it unreasonable to expect a family to start their lives in a new town with no property or home, and the prospect of great difficulty in finding employment).

The well-foundedness of Respondent's fear is un-rebuttable however, assuming *arguendo* that it was somehow rebutted, she maintains a well-founded fear of future persecution as detailed below.

5. Respondent Subjectively and Objectively Fears Future Persecution

Even without the benefit of the past persecution presumption, Respondent subjectively and objectively has a well-founded fear of future persecution. *Gandziami-Mickou v. Gonzales*, 445 F.3d 351, 353 (4th Cir. 2006) ("The 'well-founded fear of persecution' standard contains both subjective and objective components."). As demonstrated by her sworn declaration and her credible fear interview, Respondent fears future persecution. Resp't Decl. Ex. A, at ¶ 94 ("I worry that [*Abuser*] will come to the United States and find me. This happens to me often, especially when I am alone."); *see also*, Credible Fear Worksheet, Ex. P, at 4 ("He always makes threats, even from afar, saying that he will kill me. I can't return to my country because of him.").

Respondent's experiences demonstrate that Respondent is genuinely fearful of future persecution at the hands of *Abuser*. Respondent's fear of returning is objectively reasonable because "a reasonable person in [her] circumstances would fear persecution."

Mogharrabi, 19 I&N Dec. at 445. Respondent escaped her persecutor before, only to be found again, kidnapped and brought back to live with him again. Resp't Decl. Ex. A, at ¶ 71.

Furthermore, *Abuser* has previously promised to refrain from abusing *CLIENT* before, only to continue with the same behavior over and over again despite Respondent's resistance.

Father's s Decl. Ex. D, at ¶ 27.

Respondent has learned that *Abuser* is looking for her. Her fears are also objectively reasonable because they are substantiated by the country conditions in Honduras and research on the trends in domestic violence. In total, these circumstances establish at the very least a ten percent chance that Respondent would be persecuted if returned to Honduras, which is all the law requires. *Crespin-Valladares*, 632 F.3d at 126 (“[A]n alien need only show that his removal would create a ‘reasonable possibility’—as low as ten percent chance—of persecution.”). Thus, the evidence of unchanged country conditions, *Abuser*'s ability to track down Respondent within Honduras, and his repeated attempts to locate her while she lived in Honduras after she left, establish an objective well-founded fear of future persecution if Respondent is returned to her native country.

A. Respondent is Eligible for Withholding of Removal

As an alternative to asylum, Respondent is eligible for withholding of removal under INA § 241(b)(3) because her “life or freedom would be threatened in [Honduras] because of [her] race, religion, nationality, membership in a particular social group, or political opinion.”

Respondent's abuser continues to reside in Honduras and the country conditions that allowed the abuse to continue persist, as discussed above. Given *Abuser*'s past conduct and statements, and his continued desire to reclaim *CLIENT* as his woman, he is “more likely than not” to persecute her if she returned to Honduras. *See Stevic*, 467 U.S. at 429-30. Because Ms.

client's life and freedom would be threatened in Honduras, she qualifies for withholding of removal under the Act.

B. Respondent Is Entitled to Protection under the Convention Against Torture

An applicant is entitled to withholding of removal under the Convention Against Torture (“CAT”) if she shows that it “is more likely than not that he or she would be tortured if removed to the proposed country of removal.” 8 C.F.R. § 208.16(c)(2). Under the CAT, torture is defined as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as...punishing...her for an act...she...has committed or is suspected of having committed, or intimidating or coercing...her...or for any reason based on discrimination of any kind” and “inflicted...with the...acquiescence of...public official[s].” *Id.* at § 208.18(a)(1).

The motivation for the infliction of torture is irrelevant. *Lizama v. Holder*, 629 F.3d 440, 449 (4th Cir. 2011). “Acts constituting torture are varied, and include beatings,” *Bromfield v. Mukasey*, 543 F.3d 1071, 1079 (9th Cir. 2008); *see also Al-Saher v. INS*, 268 F.3d 1143, 1147 (9th Cir. 2001), and “acute mental anguish.” *Comollari v. Ashcroft*, 378 F.3d 694, 697 (7th Cir. 2004); *see also Habtemicael v. Ashcroft*, 370 F.3d 774, 782 (8th Cir. 2004) (torture includes “prolonged mental pain or suffering [that] either is purposefully inflicted or is the foreseeable consequence of a deliberate act”). The past harm Respondent endured—systematic beatings and rapes, upon threats of greater violence, indicate the likelihood of future torture. *See* 8 C.F.R. § 208.16(c)(3)(i) (“[A]ll evidence relevant to the possibility of future torture shall be considered, including...[e]vidence of past torture.”). The “willful blindness” of the Honduran government to the torture suffered by Respondent, constitutes “acquiescence.” *Zelaya v. Holder*, 668 F.3d 159, 167-168 (4th Cir. 2012); *see also Ali v. Reno*, 237 F.3d 591, 598 (6th Cir. 2001) (opining that

the “Convention appears to compel protection for a victim” in “a situation in which the authorities ignore or consent to severe domestic violence”). Respondent reported Mr. ~~Abuser's~~ abuse to the police at least once a year for 19 years and yet ~~Abuser~~ was never detained or otherwise held accountable. Resp't Decl. Ex. A, at ¶¶ 52-56. The country conditions discussed above show that the Honduran government is willfully blind to the torture that Respondent has suffered and will likely suffer if forced to return.

C. No Bars to Asylum Apply

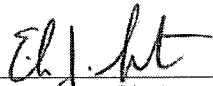
Respondent is not barred from seeking asylum by any of the exceptions to asylum listed in INA § 208(b)(1). Affirmative bars include the applicant's: (1) participation in persecution; (2) conviction of a serious crime; (3) commission of a serious nonpolitical crime outside of the United States; (4) supported terrorist activity; and (5) attainment of firm resettlement in a third country before arriving in the United States. 8 C.F.R. § 208.13(c).

Respondent has never participated in persecution, been convicted of a serious crime or committed a serious nonpolitical crime outside the United State or supported terrorist activity. Respondent's Asylum Application Form I-589 filed on May 28, 2013. Nor did Respondent attain firm resettlement in a country outside of the United States. “An alien is considered firmly resettled only if, prior to arrival in the United States, he or she entered into another nation with, or while in that nation received, an offer of permanent residence status, citizenship, or some other type of permanent resettlement...” 8 C.F.R. § 208.15 (2008). Respondent spent a matter of several weeks traveling through Guatemala and Mexico, and did not establish any ties to either Guatemala or Mexico or obtain an offer of permanent resettlement from either country. Resp't Decl. Ex. A, at ¶ 92. Therefore, Respondent did not attain firm resettlement in any country before arriving in the United States.

IV. Conclusion

For the above reasons, Respondent's case is credible and compelling. Thus, Respondent's case warrants asylum, though Respondent is also entitled to withholding of removal or relief pursuant to the Convention Against Torture.

Dated: October 15, 2014



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