TAHIRIH JUSTICE CENTER®

Protecting Immigrant Women and Girls Fleeing Violence

Board of Immigration Appeals
Clerk's Office
5107 Leesburg Pike, Suite 2000
Falls Church, VA 22041

[redacted]2019

Dear Clerk's Office,

Please find the following attached for my pro bono client [redacted] File No. [redacted]

- Form EOIR-26 Notice of Appeal, and money order for $110
- EOIR-26 Addendum
- Decision of Immigration Judge
- Form EOIR-27 Notice of Entry of Appearance

Please note that the Immigration Judge signed the decision on [redacted] 2019 but it was not mailed until [redacted] 2019.

Best regards,

[redacted]
Staff Attorney
Tahirih Justice Center

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

OMB# [redacted]

Notice of Appeal from a Decision of an Immigration Judge

1. List Name(s) and "A" Number(s) of all Respondent(s)/Applicant(s):

[redacted]

Staple Check or Money Order Here. Include Name(s) and "A" Number(s) on the face of the check or money order.

WARNING: Names and "A" Numbers of **everyone** appealing the Immigration Judge's decision must be written in item #1. The names and "A" numbers listed will be the only ones considered to be the subjects of the appeal.

For Official Use Only

2. I am ☑ the Respondent/Applicant ☐ DHS-ICE *(Mark only one box.)*

3. I am ☐ DETAINED ☑ NOT DETAINED *(Mark only one box.)*

4. My last hearing was at [redacted] _____ *(Location, City, State)*

5. **What decision are you appealing?**

Mark only one box below. If you want to appeal more than one decision, you must use more than one Notice of Appeal (Form EOIR-26).

☑ I am filing an appeal from the Immigration Judge's decision *in **merits** proceedings* (example: removal, deportation, exclusion, asylum, etc.) dated [redacted] _____ .

☐ I am filing an appeal from the Immigration Judge's decision *in **bond** proceedings* dated _____ . (For DHS use only: Did DHS invoke the automatic stay provision before the Immigration Court? ☐ Yes. ☐ No.)

☐ I am filing an appeal from the Immigration Judge's decision ***denying a motion to reopen or a motion to reconsider*** dated _____ .

(Please attach a copy of the Immigration Judge's decision that you are appealing.)

Form EOIR-26
Revised Oct. 2016

6. **State in detail the reason(s) for this appeal. Please refer to the General Instructions at item F for further guidance. You are not limited to the space provided below; use more sheets of paper if necessary. Write your name(s) and "A" number(s) on every sheet.**

Please See Attached EOIR-26 Addendum.

(Attach additional sheets if necessary)

WARNING: You must clearly explain the specific facts and law on which you base your appeal of the Immigration Judge's decision. The Board may summarily dismiss your appeal if it cannot tell from this Notice of Appeal, or any statements attached to this Notice of Appeal, why you are appealing.

7. Do you desire oral argument before the Board of Immigration Appeals? ☑ Yes ☐ No

8. Do you intend to file a separate written brief or statement after filing this Notice of Appeal? ☑ Yes ☐ No

WARNING: If you mark "Yes" in item #7, you should also include in your statement above why you believe your case warrants review by a three-member panel. The Board ordinarily will not grant a request for oral argument unless you also file a brief.

If you mark "Yes" in item #8, you will be expected to file a written brief or statement after you receive a briefing schedule from the Board. The Board may summarily dismiss your appeal if you do not file a brief or statement within the time set in the briefing schedule..

9. **SIGN HERE** X [redacted]

Signature of Person Appealing
(or attorney or representative)

[redacted]

Date

Form EOIR-26
Revised Oct. 2016

10. **Mailing Address of Respondent(s)/Applicant(s)**

[redacted]
(Name)

[redacted]
(Street Address)

[redacted]
(Apartment or Room Number)

[redacted]
(City, State, Zip Code)

[redacted]
(Telephone Number)

11. **Mailing Address of Attorney or Representative for the Respondent(s)/Applicant(s)**

[redacted]
(Name)

[redacted]
(Street Address)

[redacted]
(Suite or Room Number)

[redacted]
(City, State, Zip Code)

[redacted]
(Telephone Number)

NOTE: You must notify the Board within five (5) working days if you move to a new address or change your telephone number. You must use the Change of Address Form/Board of Immigration Appeals (Form EOIR-33/BIA).

NOTE: If an attorney or representative signs this appeal for you, he or she must file *with this appeal*, a Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals (Form EOIR-27).

12. **PROOF OF SERVICE (You Must Complete This)**

I [redacted] mailed or delivered a copy of this Notice of Appeal
(Name)

on [redacted] to [redacted]
(Date) (Opposing Party)

at [redacted]
(Number and Street, City, State, Zip Code)

SIGN HERE X [redacted]
Signature

NOTE: If you are the Respondent or Applicant, the "Opposing Party" is the Assistant Chief Counsel of DHS - ICE.

WARNING: If you do not complete this section properly, your appeal will be rejected or dismissed.

WARNING: If you do not attach the fee or a completed Fee Waiver Request (Form EOIR-26A) to this appeal, your appeal may be rejected or dismissed.

HAVE YOU?

- ☐ Read all of the General Instructions
- ☐ Provided all of the requested information
- ☐ Completed this form in English
- ☐ Provided a certified English translation for all non-English attachments
- ☐ Signed the form
- ☐ Served a copy of this form and all attachments on the opposing party
- ☐ Completed and signed the Proof of Service
- ☐ Attached the required fee or Fee Waiver Request
- ☐ If represented by attorney or representative, attach a completed and signed EOIR-27

Addendum to Form EOIR-26, Item 6, Reasons for Appeal
File No. [redacted]
Foreign National: [redacted]

[redacted] (hereinafter "Respondent"), by and through her undersigned *pro bono* counsel, hereby appeals the decision of the Immigration Judge (IJ) dated [redacted] 2019. The IJ denied Respondent's Application for Asylum, Withholding of Removal pursuant to INA 241(b)(3), and Withholding of Removal under the Convention Against Torture. The IJ committed legal and/or factual errors.

THIS APPEAL SHOULD NOT BE DISMISSED SUMMARILY because: (a) the Respondent does specify the reasons for appeal below and will supplement these grounds with a written brief; (b) the appeal is not based on a finding of fact or legal conclusion that the Respondent conceded before the Immigration Court; (c) the Respondent will file a timely brief fully setting forth the grounds and reasons for reversal; (d) the appeal comes within the Board's jurisdiction under 8 C.F.R. § 1003.1 (b)(3) as an appeal from a decision of an immigration judge in removal proceedings; (e) the appeal is timely as it is filed within 30 days of the IJ's decision as provided under 8 C.F.R. § 1003.38(b); (f) the appeal meets the statutory and regulatory requirements and is not precluded by statute or regulation; and (g) the appeal is not filed for an improper purpose, such as to cause unnecessary delay and does not lack an arguable basis in law for reasons which follow.

A THREE MEMBER REVIEW IS WARRANTED to correct a decision by an Immigration Judge that is plainly not in conformity with the law or with applicable precedents.

THE RESPONDENT ASSERTS THAT THE IMMIGRATION JUDGE (IJ) MADE THE FOLLOWING ERRORS OF LAW AND/OR FACT, including *inter alia* as follows:

1. The IJ erred by failing to allow the Respondent to provide additional testimony at the second individual hearing to support her Motion to Amend her I-589 to include Political Opinion as a basis for her claim.
2. The IJ committed factual and legal error in finding that the harm Respondent faced was on account of "their private relationship" and "his need to control her in their domestic relationship" rather than Respondent's identified protected grounds.
3. The IJ committed factual and legal error by misapplying *Matter of A-B-*, 27 I&N Dec. 316 (A.G. 2018). The IJ relied on dicta in *Matter of A-B-* related to categorical

ineligibility of domestic violence-related claims to find that the personal relationship between Respondent and her persecutor was the only motivation for the persecution, without fully considering the specific facts and circumstances of her situation.

4. The IJ committed factual and legal error by failing to find that Respondent suffered past persecution on account of her political opinion in support of equality between men and women, where the Respondent testified that she was beaten and raped after disobeying her partner.
   a. The IJ erred by failing to evaluate the Respondent's political opinion within the context of her social and political environment. The IJ failed to properly consider the background country conditions information submitted in regards to the social and political environment of El Salvador which contextualizes the political nature of her actions.
   b. The IJ erred by failing to apply the one central reason standard of *INS v. Elias-Zacharias*, 502 U.S. 478 (1992).
5. The IJ committed factual and legal error by failing to find that Respondent suffered past persecution on account of her membership in the particular social group of Salvadoran Women Who Cannot Leave Their Relationship.
   a. The IJ erred by determining the particular social group is "defined by the harm." The IJ did not state which harm was the circular part of the definition of the particular social group. Respondent testified that the harm she suffered was beatings and rape.
   b. The IJ erred by failing to properly weigh, interpret, and rely upon the background country conditions information submitted in regards to social distinction.
6. The IJ committed factual and legal error by failing to find that Respondent suffered past persecution on account of her membership in the particular social group of Salvadoran Women Who are Viewed as Property By Virtue of their Positions within a Domestic Relationship.
   a. The IJ erred by determining the particular social group is "defined by the harm." The IJ did not state which harm was the circular part of the definition of the particular social group. Respondent testified that the harm she suffered was beatings and rape.

b. The IJ erred by failing to properly weigh, interpret, and rely upon the background country conditions information submitted in regards to social distinction.

7. The IJ committed factual and legal error by failing to find that Respondent suffered past persecution on account of her membership in the particular social group of Salvadoran Women.
   a. The IJ erred by finding the group was not cognizable because it was "exceedingly broad" and "only shared experiences… unites them."
   b. The IJ erred by failing to properly weigh, interpret, and rely upon the background country conditions information submitted in regards to social distinction and particularity.
8. The IJ committed factual and legal error by failing to find that Respondent suffered past persecution on account of her membership in the particular social group of Salvadoran Mothers.
   a. The IJ erred by finding the group was not cognizable because it was "exceedingly broad" and "only shared experiences… unites them."
   b. The IJ erred by failing to properly weigh, interpret, and rely upon the background country conditions information submitted in regards to social distinction and particularity.
9. The IJ committed factual and legal error by failing to find that Respondent suffered past persecution on account of her membership in the particular social group of [redacted] Women in Domestic Relationships.
   a. The IJ erred by finding the group was not cognizable because it was "exceedingly broad" and "only shared experiences… unites them."
   b. The IJ erred by failing to properly weigh, interpret, and rely upon the background country conditions information submitted in regards to social distinction and particularity.
10. The IJ committed factual and legal error by failing to find that Respondent suffered past persecution on account of her membership in the particular social group of [redacted] Women who Refuse to Conform to Societal Norms.

a. The IJ erred by failing to properly weigh, interpret, and rely upon the background country conditions information submitted in regards to social distinction and particularity.

11. Finally, the IJ committed factual and legal error by failing to find the Respondent eligible for protection under the Convention Against Torture.
    a. The IJ erred by failing to properly apply the "willful blindness" standard for acquiescence.
    b. The IJ erred by failing to properly weigh, interpret, and rely upon the background country conditions information submitted in regards to the [redacted] government's willful blindness to domestic violence.
    c. The IJ erred by failing to properly apply the "color of law" test of *Iruegas-Valdez v. Yates,* 846 F.3d 806, 812-13 (5th Cir. 2017), where Respondent's partner's brother was a [redacted] who witnessed the abuse and failed to protect Respondent.

Counsel hereby reserves the right to amend these reasons and assert additional or distinct reasons upon filing of the appellate brief, after a complete and careful consideration of all the records, including the transcription of proceedings, a review of the record evidence, and the written decision of the Immigration Judge.

Dated: [redacted]

[redacted]
Tahirih Justice Center
PRO BONO Counsel for Respondent

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
1801 SMITH ST., SUITE 900
HOUSTON, TX 77002

Tahirih Justice Center
[redacted]
1717 St. James Place Suite 450
Houston, TX 77056

In the matter of [redacted] File A [redacted] DATE: [redacted]

X Unable to forward - No address provided.
Attached is a copy of the decision of the Immigration Judge. This decision is final unless an appeal is filed with the Board of Immigration Appeals within 30 calendar days of the date of the mailing of this written decision. See the enclosed forms and instructions for properly preparing your appeal. Your notice of appeal, attached documents, and fee or fee waiver request must be mailed to: Board of Immigration Appeals
Office of the Clerk
5107 Leesburg Pike, Suite 2000
Falls Church, VA 22041

__ Attached is a copy of the decision of the immigration judge as the result of your Failure to Appear at your scheduled deportation or removal hearing. This decision is final unless a Motion to Reopen is filed in accordance with Section 242b(c)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1252b(c)(3) in deportation proceedings or section 240(b)(5)(C), 8 U.S.C. § 1229a(b)(5)(C) in removal proceedings. If you file a motion to reopen, your motion must be filed with this court:
IMMIGRATION COURT
1801 SMITH ST., SUITE 900
HOUSTON, TX 77002

__ Attached is a copy of the decision of the immigration judge relating to a Reasonable Fear Review. This is a final order. Pursuant to 8 C.F.R. § 1208.31(g)(1), no administrative appeal is available. However, you may file a petition for review within 30 days with the appropriate Circuit Court of Appeals to appeal this decision pursuant to 8 U.S.C. § 1252; INA §242.

__ Attached is a copy of the decision of the immigration judge relating to a Credible Fear Review. This is a final order. No appeal is available.

__ Other: _____

[redacted]
COURT CLERK
IMMIGRATION COURT FF

cc: [redacted]
126 NORTHPOINT DR, RM #2020
HOUSTON, TX, 77060

[redacted]

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
HOUSTON, TEXAS

In the Matters of

[redacted]

Respondent.

File No: [redacted]

CHARGE: Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (INA or the Act): Immigrant who at the time of application for admission, is not in possession of a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required.

APPLICATIONS: Asylum, pursuant to Section 208(a) of the INA; Withholding of Removal, pursuant to Section 241(b)(3) of the INA; and protection under the Convention Against Torture (CAT), pursuant to Section 1208.16 of Title 8 of the Code of Federal Regulations.

FOR RESPONDENT:
[redacted]
Tahirih Justice Center
1717 St. James Place Suite 450
Houston, Texas 77056

FOR THE GOVERNMENT:
Assistant Chief Counsel
Department of Homeland Security
126 Northpoint Drive, Room 2020
Houston, Texas 77060

DECISION OF THE IMMIGRATION JUDGE

I. Procedural History

Respondent [redacted] is a native and citizen o[redacted] who arrived in the United States on [redacted], at or near [redacted] Texas. Exh. 1. On [redacted] the Department of Homeland Security (the Department) personally served Respondent with a Notice to Appear (NTA), charging her as an immigrant who at the time of application for admission was not in possession of a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required, pursuant to Section 212(a)(7)(A)(i)(I) of the INA. *Id.*

At her initial hearing on [redacted] Respondent admitted the factual allegations set forth in her NTA and conceded the charge of inadmissibility under INA § 212(a)(7)(A)(i)(I). Based on these admissions and the concession, the Court sustained the charge after finding that inadmissibility was established by clear and convincing evidence, and designated El Salvador as

[redacted]

the country of removal. *See* INA § 240(c)(1)(A); 8 C.F.R. §§ 1240.10(c),(f). Respondent then filed her Form I-589 application for asylum, withholding of removal, and protection under the Convention Against Torture (CAT).

On [redacted] Respondent, with counsel, appeared before the Court for her individual hearing and gave testimony. The hearing was continued to [redacted] where Respondent's expert witness, [redacted] gave testimony. For the reasons set forth below, the Court will deny Respondent's applications for asylum, withholding, and protection under the CAT.

II. Summary of the Evidence

The Court considered all of the evidence of record regardless of whether it is specifically mentioned in the text of the decision. The Court heard testimony from Respondent and her witness on [redacted] and [redacted] respectively. The testimonies are incorporated in the Court's decision below, to the extent they are relevant to the Court's analysis.

Exhibit 1:	Notice to Appear ([redacted]).
Exhibit 2:	Form I-589 Application ([redacted])
Group Exhibit 3:	Updates to the Form I-589 Application [redacted]
Group Exhibit 4:	Supplemental Documents [redacted]

III. Statement of the Law

An Addendum stating the standards of law and burden of proof relevant to the issues is attached to this decision and is incorporated into this decision by reference.

IV. Analysis

A. Credibility

During the proceedings, the Court carefully listened to Respondent's testimony, and it now determines that Respondent's testimony was, as a whole, credible. However, the Court does note that there were inconsistencies between her interview with border patrol and other evidence on the record. Upon the Department's questioning, Respondent denied telling the border patrol officer (BPO) that she came to the United States to find work and to live, until she returned to [redacted] to live with her son. She also refused telling the BPO, when asked whether she had any fears or concerns about returning to [redacted] that her only fear was not being able to pay her bills upon her return to [redacted] because she could not find work in the country. During this line of questioning, Respondent mentioned that the BPO interview was rushed and she did not feel comfortable telling the officer about the physical harm to which her son's father, [redacted] subjected her, because her young niece was with her and she did not want to frighten her. However, she testified that at a subsequent interview, she went into great detail about the harm she faced in [redacted] and her fear of returning.

While the Department did not submit, for the record, the BPO interview, they did submit Respondent's interview with an asylum officer (AO). The Court notes that in this subsequent interview, Respondent told the AO that she was physically harmed by her husband [redacted] and that

[redacted]

she feared returning to [redacted] because [redacted] would kill her, and that he would be able to find her because his [redacted] belonged to the [redacted] gang. *See* Exh. 2, Tab EE at 6. However, the AO questioned Respondent about the BPO interview where she said that she came to the United States to find work. Like she explained in Court, Respondent told the AO that she gave that response because her [redacted] old niece was present with her at the interview, and she did not want to frighten her by telling the real reason she came to the United States. *See id.* She also told the AO that it was for this same reason that she told the BPO that she feared returning to [redacted] because she could not find a job to pay her bills. *Id.*

Although the Court is concerned by Respondent's lack of candor during her interview with the BPO, the Court does understand how Respondent recounting her past experience of abuse may have frightened her niece who she says was present with her during the interview. Further, the Court notes that Respondent's account of the abuse that she faced at [redacted] hands has been consistent since her interview with the AO. In addition, Respondent has provided corroborating evidence—in the form of affidavits—from her former co-workers in [redacted] who are aware of the abuse to which Respondent testified. *See* Exh. 4, Tab E. Accordingly, after considering the totality of the circumstances, the Court finds that despite these minor inconsistencies, Respondent, as a whole, testified credibly.

B. Asylum

1. One-Year Filing Deadline

An applicant for asylum has the burden of proving by clear and convincing evidence that her application was filed within one year after her arrival in the United States. *See* INA § 208(a)(2)(B); 8 C.F.R. § 1208.4(a)(2)(ii). In this instant case, Respondent entered the United States on [redacted], and filed her asylum application with the Immigration Court on [redacted] Exhs. 1, 2. Accordingly, the Court finds that Respondent's application for asylum was untimely, pursuant to INA § 208(a)(2)(B) and 8 C.F.R. § 1208.4(a)(2). However, Respondent's counsel argued that Respondent fits into the [redacted] class, as the Department's failure to provide Respondent with adequate notice of the one-year filing deadline caused the untimely filing of her Form I-589 application. [redacted] 305 F.Supp.3d 1176 (W.D. Wash. Mar. 29, 2018); *see also* Exh. 2, Tab GG. The Department did not object to Respondent's argument. As such, the Court finds that Respondent is not barred from applying for asylum subject to the one-year filing deadline, and will allow her to seek asylum relief.

2. Persecution

The critical inquiry in any application for asylum is whether the applicant's claimed past harm, or fear of future harm, was or will be inflicted on account of one of the protected grounds of race, religion, nationality, membership in a particular social group, or political opinion. INA § 101(a)(42)(A); *INS v. Elias-Zacarias*, 502 U.S. 478, 481 (1992). One of the five statutory grounds must be at least one central reason for the alleged persecution. INA § 208(b)(1)(B)(i); *Elias-Zacarias*, 502 U.S. at 478. Further, if the applicant cannot demonstrate a "nexus" between her asserted protected ground and the persecution she suffered, or fears, she cannot demonstrate she is a refugee within the meaning of the Act. *See* INA § 101(a)(42)(A); *see also Sharma v. Holder*, 729 F.3d 407, 412 (5th Cir. 2013). To establish a "nexus," there must be some "particularized

[redacted]

connection" between the feared persecution and one of the statutory grounds for asylum. *Faddoul v. INS*, 37 F.3d 185, 188 (5th Cir. 1994). It is not enough to establish that an applicant could be classified in one of the protected grounds; rather, the persecution feared must be inflicted "because of" that protected ground. *Elias-Zacarias*, 502 U.S. at 483. Thus, even if the applicant has suffered severe harm and has a legitimate fear of future harm, her application for relief will fail if she cannot establish a nexus to a protected ground. *See* INA § 101(a)(42)(A). For the reasons that follow, Respondent cannot establish that the persecution she fears in [redacted] was or will be inflicted on account of a protected ground.

i. On Account of a Protected Ground

Respondent indicated that she was persecuted on account of her political opinion and her membership in the following particular social groups: (1) [redacted] Women who cannot Leave Their Relationship"; (2) [redacted] Women who are viewed as Property by Virtue of their Positions within a Domestic Relationship"; (3) [redacted] Women"; (4) [redacted] in Domestic Relationships"; (5) [redacted] who Refuse to Conform to Societal Norms"; and (6) [redacted] Mothers.

While in [redacted] Respondent entered into a common-law marriage with [redacted] She met him when she was eighteen years old, and shortly thereafter, on [redacted] their son, [redacted] was born. She and [redacted] began living together after she found out she was pregnant; [redacted] rented a home for them to share. When [redacted] was three months old, they moved in with [redacted] parents, and shared the residence with [redacted] father, mother [redacted] brother [redacted] sister-in-law, and his grandmother [redacted] The abuse began after they moved in with his parent's, in around [redacted] 2006. Initially, living with [redacted] family was okay, but that changed: they stopped paying her to take care of [redacted] and [redacted] mistreated her by humiliating her, screaming at her, obliging her to take care of [redacted] and forcing her to do the house chores and to work at a restaurant.

When Respondent told [redacted] about the mistreatment she was receiving from [redacted] he became upset with her. Soon after, [redacted] also began mistreating her; he refused to bring milk home fo[redacted] and in 2010, while they were still residing with his family, [redacted] began hitting her. The first time he beat her, Respondent wanted to leave the home to visit her mother, but [redacted] did not want her to leave because he had seen her putting on make-up. So, he hit her, pushed her, dropped her to the floor, and told her that she was not going to leave the house. After the attack, Respondent stayed home, and [redacted] left the house. [redacted] who is a police officer, was home when this happened, but he did nothing. Additionally, when she became pregnant for the second time and [redacted] found out, he got upset and began to fight her: he pulled her by her arm, told her she was worthless, and hit her on her stomach. Two days later, Respondent began to feel back pains so she went to the hospital, where the doctor informed her that she lost the baby. When [redacted] found out about the miscarriage, he had no reaction.

In 2010 or 2011, Respondent left the home she shared with [redacted] and his family. When Respondent left their home, she went to live with her parents, and she stayed with her parents for a short time. However, she later moved in with [redacted] again, after he rented a home for them to share, because she needed help supporting [redacted] This new home was right across the street from his parent's house. This time around, the mistreatment at [redacted] hands became worse

[redacted]

because [redacted] began spending a lot of time with his brother [redacted] an [redacted] gang member. [redacted] began humiliating her and telling her that she was good for nothing.

In 2011, Respondent began working at a [redacted] and [redacted] became angry that she was working, and he would wait for her outside of her job for hours, and when she left work, he would pull her by her arm and push her into the car. [redacted] was also employed, he worked as a computer, internet, and cable technician throughout [redacted] but he was able to make his own schedule, which allowed him to monitor Respondent at her job. Her co-workers were aware of the bad treatment to which [redacted] was subjecting her: after [redacted] grabbed her by the neck and left bruises and scratches on her neck and arm for going to the beach with her co-worker without seeking his permission, Respondent told her co-workers, [redacted] and [redacted], about the abuse. Further, in 2013, [redacted] pulled out his belt and started hitting Respondent because he saw her sister's boyfriend put his arm around both her and her sister's shoulders. Additionally, [redacted] once put a gun to her head, told her that he could do to her whatever he wanted, and that he would not think twice about killing her. Moreover, one day, [redacted] came home happy and wanted to have sexual relations, but Respondent refused. He then raped Respondent and told her that he could have her whenever he wanted. Further, after a woman with whom [redacted] had a relationship began calling Respondent and Respondent confronted him about the situation, [redacted] hit her with the phone, causing her to bleed. [redacted] witnessed the altercation.

A day after the altercation [redacted] went back to her parents' house to live. While she was staying at her parent's home, [redacted] would go to their home to humiliate her by telling her that she was not going to be anybody in life without him. Her mother allowed [redacted] to come to their home whenever he wanted; however, her father would tell [redacted] to stop bothering her, but [redacted] would not respond. [redacted] did this twice a week. After living with her parents for two to three months, Respondent relocated to an apartment in [redacted] because of [redacted] harassment. Her new apartment was an hour and a half bus ride from her parent's home. She did not disclose the location of her new apartment to anyone, but after about a month, [redacted] found her there. When he found her, he told her that he could find her anywhere. Shortly thereafter, on [redacted] Respondent left [redacted] for the United States, in order to escape [redacted]

Furthermore, Respondent also testified that when she was eight or nine years old, her father began going in to her bed at night to touch her private parts. She managed to escape his sexual assault when she relocated to her grandmother's house. However, a year later, after her grandmother passed away, she went back home to live with her parents. At her parent's home, her father proceeded to molest her, but stopped when she was thirteen years old, because her brother heard her scream during the molestation and asked what happened. Respondent did not disclose the abuse to her brother.

The evidence suggests that the harm Respondent faced at [redacted] hands was a result of their private relationship. He mistreated her because he felt that because they were in a domestic relationship, he could treat her however he wanted. [redacted] would beat her for a variety of reasons, which all dealt with his need to control her in their domestic relationship. He beat her because she wanted to go to see her mother when he did not want her to leave the house, because he was unhappy about her pregnancy, because she went to the beach with co-workers without first getting his approval, because she questioned him about his relationship with another woman, and because a man put his arm around her shoulder. In addition, while unfortunate, the rape that Respondent experienced at [redacted] hands was also due to his need to control her. As she testified, on the day

[redacted]

he raped her, he came home happy and wanted to have sexual relations, but when she refused, he raped her and told her that he could have her whenever he wanted. Also, when he pointed a gun to her head, he told her that he could do to her whatever he wanted. While [redacted] subjected Respondent to cruel and repugnant treatment, the Attorney General has found that such violent conduct of a private actor in a domestic relationship is not on account of a protected ground. *See Matter of A-B*, 27 I&N Dec. 316 (A.G. 2018); *see also* Attached Addendum at 14-15 (Nexus). Similarly, with regards to Respondent's father sexually assaulting her, the evidence also does not show that Respondent was subjected to this abhorrent conduct on account of a protected ground. *See A-B-*, 27 I&N Dec. at 316.

a. Political Opinion

Respondent's attorney, during closing arguments, stated that Respondent held a political opinion because she believed that women were equal to men and that men did not have the right to rape women at will. Further, Respondent's attorney said that Respondent expressed this political opinion when she refused to comply with the gender expectations in [redacted] by going to school, refusing to stay home, and saying no to rape. In *Rivas-Martinez v. INS*, the Fifth Circuit Court of Appeals held that an applicant can be found to have a political opinion even when they do not express it overtly, but in such instances, the Court should evaluate whether an applicant held a political opinion or engaged in political conduct within the context of that applicant's social and political environment. 997 F.2d 1143, 1147 (5th Cir. 1993). In evaluating whether the applicant held a political opinion, the Court must look to "some evidence, direct or circumstantial" to show that the applicant did in fact hold a political opinion. *Id.* Once it is established that the applicant held a political opinion, the applicant must show that the persecution was due to her political opinion. *Elias-Zacarias*, 502 U.S. at 482.

Respondent has presented no evidence to show, as her attorney argued, that her refusal to be subject to the gender norm: by going to school, refusing to stay at home, and saying no to sexual assault at her father and [redacted]ands, was an expression of her political opinion. *Id.* at 1148; Grp. Exh. 4, Tab H; *See* Attached Addendum at 14 (Political Opinion). Instead, the evidence presented shows that as Respondent testified, she wanted to attend school to get her high school diploma, so she went. While [redacted] did not pay for her schooling, he also did not stop her from going to school. In addition, while Respondent went out to the beach with her co-workers without [redacted] permission, she never testified that this decision served a greater purpose; she wanted to go to the beach with her co-workers, so she went. Furthermore, Respondent was thirteen years old when she screamed after her father tried to sexually molest her, and she never once indicated that her decision to scream was on account of any reason other than the fact that she did not like what her father was doing. Similarly, Respondent in her affidavit, stated that she decided to leave [redacted] once and for all after he hit her in front of her son during their altercation about another woman. *See* Exh. 2, Tab A at 6. As such, the evidence suggests that both [redacted] and Respondent's father subjected her to abuse because they knew they had some level of control over her, due to their intimate relationship with her, of which they took advantage. There is no indication that they believed Respondent held a political opinion and abused her because of that political opinion. Therefore, Respondent has not met her burden in establishing a nexus between the harm she was subjected to, and a political opinion she now says she held at the time of the harm. *See* Attached Addendum at 15 (Political Opinion).

[redacted]

b. Membership in Particular Social Groups

Respondent informed the Court that she fears persecution based on her membership in six different proposed particular social groups (PSGs). For the reasons specified below, the Court finds that Respondent has not established that any past or future harm that she faced in [redacted]vas on account of her membership in a cognizable particular social group.

i. [redacted]*Women Who Cannot Leave Their Relationship*" and [redacted]*Women Who are Viewed as Property by Virtue of their Positions within a Domestic Relationship"*

The Attorney General, in *Matter of A-B-*, reiterated that a particular social group cannot be defined by the harm. 27 I&N Dec. at 335. As such, each proposed PSG listed above is impermissible because they are defined by the harm. Even if the proposed PSGs were properly defined, the Court finds that they do not meet the social distinction requirement as based on the evidence presented, Respondent has failed to show that the[redacted]society recognizes people who are members of the proposed PSGs as distinct groups of people. *See* Exhs. 2-4; *see also Matter of A-B-*, 27 I&N Dec. at 336 (citing *Matter of R-A-*, 22 I&N Dec, at 918). Instead, the proposed PSGs are merely descriptions of individuals sharing certain traits and experiences. *Id.*

ii. [redacted]; and "[redacted]*Women in Domestic Relationships*"

The Court finds that these proposed PSGs are not cognizable as they fail to meet the particularity and social distinction requirements. First, the proposed PSGs fail to meet the particularity requirement because the groups are exceedingly broad and encompass a diverse cross section of society, and only shared experiences – being [redacted] women or mothers, or being [redacted]women in domestic relationships – unites them. *Orellana-Monson v. Holder*, 685 F.3d 511, 521 (5th Cir. 2012). Further, there is no evidence that [redacted]women or mothers, or [redacted]women in domestic relationships share "particular political orientation, interests, lifestyle, or any other identifying factors." *Id.* at 522. Second, the proposed PSGs fail to meet the social distinction requirement because from the evidence presented, there is no showing that the Salvadoran society considers [redacted] Women", [redacted]Mothers", or [redacted] Women in Domestic Relationships" to be distinct groups in the[redacted]society. *See* Exhs. 2-4.

iii. [redacted]*Women who Refuse to Conform to Societal Norms*"

The Court finds that the proposed PSG fails to meet the particularity and social distinction requirements. First, the proposed PSG fails to meet the particularity requirement because it is defined subjectively and not in a manner sufficiently particular that the group would be recognized, in the [redacted]society, as a discrete class of persons. *See S-E-G-*, 24 I&N Dec. at 584; *see also Matter of M-E-V-G-*, 26 I&N Dec. at 239 (finding that a particular social group must not be "amorphous, overbroad, diffuse, or ***subjective***") (emphasis added).

Second, the PSG also fails to meet the social distinction requirement because the evidence presented does not suggest that members of the proposed PSG, are generally recognizable by others in the[redacted]community. *See* Exhs. 2-4; *see also S-E-G-*, 24 I&N Dec. at 586–87; *see also M-E-V-G-*, 26 I&N Dec. at 242. Further, "[p]articular social group definitions that seek to avoid particularity issues by defining a narrow class – such as[redacted]Women who Refuse to

[redacted]

Conform to Societal Norms– will often lack sufficient social distinction to be cognizable as a distinct group, rather than a description of individuals sharing certain traits or experiences." *See A-B-*, 27 I&N Dec. at 336 (citing *Matter of R-A-*, 22 I&N Dec. 906, 918 (BIA 2001).

Because Respondent has failed to demonstrate that the persecution she fears i[redacted] was or will be inflicted on account of a protected ground, she cannot demonstrate that she is a refugee within the meaning of the Act. *See* INA § 101(a)(42)(A). Therefore, the Court must deny her claim for asylum and need not analyze the remaining elements of her claim. *See* INA § 208 (b)(1); *see also A-B-*, 27 I&N Dec. at 340 ("[I]f an alien's asylum application is fatally flawed in one respect—for example, for failure to show membership in a proposed social group . . .—an immigration judge or the Board need not examine the remaining elements of the asylum claim") (citing *Perez-Rabanales v. Sessions*, 881 F.3d 61, 67 (1st Cir. 2018)) (internal citations omitted).

C. Withholding of Removal

As Respondent cannot satisfy the standard for asylum, she also cannot meet the more demanding standard for withholding of removal. *See Thuri v. Ashcroft*, 380 F.3d at 793; *Efe v. Ashcroft*, 293 F.3d 899, 906 (5th Cir. 2002). Accordingly, the Court will deny Respondent's application for withholding of removal pursuant to INA § 241(b)(3)(C).

D. Protection under the CAT – Statement of the Law and Findings

After considering Respondent's testimony and the evidence on the record, the Court finds that Respondent has not established that she warrants protection under the CAT. *See* 8 C.F.R. §§ 1208.16(c), 1208.17(a). Without addressing whether the past harm Respondent suffered constitutes torture, or whether she would be able to relocate within[redacted]r to avoid future torture, the Court finds that Respondent is ineligible for protection under the CAT because she failed to demonstrate that th[redacted]overnment would acquiesce in her future torture. *See* 8 C.F.R. § 1208.18(a)(1).

Respondent indicated that her life would be in danger if she returned to [redacted]and that the [redacted] government would acquiesce to any future torture that she may face in [redacted] Exh. 2. Respondent testified that she never sought police protection from the abuse she experienced while she was in [redacted]and that the police would not be able to protect her from [redacted]because his brother [redacted]s a police officer and his other brother, [redacted] is a member of th[redacted]gang. Further, Respondent testified that she had a friend who reported her husband to the police, and while he was put in jail, the police eventually released him. In addition, Respondent also testified that [redacted] to deter her from calling the police, once told her that if she reported him, he would be released from jail after just one month.

The Court notes that Respondent has presented evidence showing that violence against women remains a serious issue in [redacted], even though the [redacted] government criminalizes rape and other forms of abuse towards women. *See* Grp. Exh. 4, Tab H, Tab L at 217. The penalty for rape is generally six to ten years' imprisonment, with a maximum of twenty years imprisonment. *Id.* Tab L at 217. While, as Respondent testified, the[redacted]police are at times unable to successfully prevent domestic violence from continuing, the evidence shows that they have been taking steps to punish the abusers—albeit their ineffectiveness in permanently deterring the abusive behavior. The[redacted]government has also taken steps in protecting the victims:

[redacted]

the executive and judicial branches conducted public awareness campaigns against domestic violence and sexual abuse, and the Secretariat of Social Inclusion "defined policies, programs, and projects on domestic violence and continued to maintain one shared telephone hotline and two separate shelters for victims of domestic abuse." *Id.* at 218. Under similar circumstances, Courts have held that government ineffectiveness does not equate government acquiescence. *See Garcia-Milian v. Holder*, 755 F.3d 1026, 1034 (9th Cir. 2014) (finding that police ineffectiveness does not equate to police acquiescence); *see also Amilcar-Orellana v. Mukasey*, 551 F.3d 86, 92 (1st Cir. 2008) (finding that [redacted] government being wholly incapable of protecting witness against gang does not constitute government acquiescence); *see also Garcia v. Holder*, 746 F.3d 869, 873-74 (8th Cir. 2014) (finding no government acquiescence because the evidence presented does not compel the finding that the [redacted] government's inability to control MS-13 violence was due to willful blindness).

Moreover, Respondent testified that she did not inform the police of the sexual assault she faced at [redacted] her father's hands, or the physical abuse to which [redacted] subjected her. Accordingly, Respondent never gave the [redacted] government a chance to act on her behalf. Furthermore, in regards to Respondent's testimony that [redacted] brother, [redacted] (a police officer) was home when [redacted] physically assaulted her but did nothing to help her, the evidence suggests that [redacted] was not acting under the color of law when he failed to help her. *See Iruegas-Valdez v. Yates*, 846 F.3d 806, 812-13 (5th Cir. 2017). Instead, the evidence shows that he resided at the home with [redacted] and Respondent, the assault occurred while he was home, and he did not use his official capacity to engage in the assault or to further the assault. *Id.*

Accordingly, the Court finds that Respondent has not met her burden in establishing that the [redacted] government would acquiesce to any future torture she may face were she removed to [redacted] Therefore, Respondent's application for protection under the CAT will be denied.

[redacted]

ORDERS

IT IS HEREBY ORDERED that Respondent's application for asylum pursuant to INA § 208 be **DENIED.**

IT IS FURTHER ORDERED that Respondent's application for withholding of removal pursuant to INA § 241(b)(3) be **DENIED.**

IT IS FURTHER ORDERED that Respondent's request for withholding of removal under the Convention Against Torture pursuant to 8 C.F.R. § 1208.16(c) be **DENIED.**

IT IS FINALLY ORDERED that Respondent be **REMOVED** from the United States to her native country of **EL SALVADOR** on the charge contained in her Notice to Appear.

RIGHT TO APPEAL

The parties are advised that they have a right to appeal this decision to the BIA. Any appeal must be received by the BIA within 30 days of the date of this order. Failure to comply with the deadline will result in a waiver of the party's right to appeal and the present order will become administratively final. *See* 8 C.F.R. § 1003.38.

Date: [redacted]

[redacted]
Immigration Judge

[redacted]

STANDARD LANGUAGE ADDENDUM: ASYLUM, WITHHOLDING OF REMOVAL, & CONVENTION AGAINST TORTURE

CREDIBILITY & CORROBORATION

Before determining whether the applicant meets the statutory criteria for the requested relief, the Court should address his or her credibility. *See Chun v. INS*, 40 F.3d 76, 79 (5th Cir. 1994); *see also Zhang v. Gonzales*, 432 F.3d 339, 345 (5th Cir. 2005). Applications for relief made on or after May 11, 2005 are subject to the credibility assessment standards articulated in the REAL ID Act.[1] *Matter of S-B-*, 24 I&N Dec. 42 (BIA 2006). Under the Act, Immigration Judges are instructed "to follow a 'commonsense' approach while taking into consideration the individual circumstances of the specific witness and/or applicant." *Matter of J-Y-C-*, 24 I&N Dec. 260, 262 (BIA 2007) (internal quotations omitted).

The applicant's credibility, standing alone, may determine the outcome. *Wang v. Holder*, 569 F.3d 531 (5th Cir. 2009). A credibility finding may be based on the demeanor, candor, or responsiveness of the applicant; the inherent plausibility of the applicant's account; the consistency between the applicant's written and oral statements; the internal consistency of each statement; the consistency of such statements with other evidence of record; any inaccuracies in such statements; or any other relevant factor. INA §§ 208(b)(1)(B)(iii), 240(c)(4)(C). The applicant should satisfactorily explain any material discrepancies or omissions. *Id.*

When the Court makes an adverse credibility finding, it must base this determination on specific and cogent reasons as supported by the record rather than speculations or generalizations. *Matter of S-A-*, 22 I&N Dec. 1328, 1331 (BIA 2000); *Mwembie v. Gonzales*, 443 F.3d 405, 409-14 (5th Cir. 2006) (castigating the Immigration Judge's credibility finding due to her "incorrect and irrational assumptions about human behavior and especially the behavior of people from foreign cultures"). Nevertheless, inconsistencies, inaccuracies, or falsehoods need not go the heart of the applicant's claim; rather, the Court may rely on *any* inconsistency or omission so long as the totality of the circumstances establishes a lack of credibility. *Wang*, 569 F.3d at 537-40 (adopting *Lin v. Mukasey*, 534 F.3d 162, 167 (2d Cir. 2008)).

If the Court is satisfied that the applicant's testimony is "credible, is persuasive, and refers to specific facts sufficient to demonstrate that the applicant has satisfied [his or her] burden of proof," corroboration is unnecessary. INA §§ 208(b)(1)(B)(ii), 240(c)(4)(B). Nevertheless, the Court may require the applicant to corroborate otherwise credible testimony where such evidence is reasonably obtainable. *Matter of S-M-J-*, 21 I&N Dec. 722, 725 (BIA 1997); *Rui Yang v. Holder*, 664 F.3d 580, 586 (5th Cir. 2011) (finding that an applicant's credible testimony alone may be sufficient to sustain his burden of proof "*only if corroboration is not reasonably available*") (emphasis in original). When the Court determines that an applicant should provide corroborating evidence, "such evidence *must be provided* unless the applicant demonstrates that [he or she] does not have the evidence and cannot reasonably obtain the evidence." INA §§ 208(b)(1)(B)(ii), 240(c)(4)(B) (emphasis added).

[1] REAL ID Act, Div. B of Pub. L. No. 109-13, 119 Stat. 231, 305 (codified in pertinent parts at 8 U.S.C. § 1229a(c), INA § 240(c) (forms of relief other than asylum) and 8 U.S.C. § 1158(b), INA § 208(b) (asylum)).

[redacted]

ASYLUM

In order to qualify as a refugee under the Immigration and Nationality Act ("INA" or "the Act"), an applicant must demonstrate past persecution or a well-founded fear of future persecution on account of one of the five statutory grounds: race, religion, nationality, political opinion, or membership in a particular social group. INA § 208(b)(1)(A) (referring to the definition of "refugee" in INA § 101(a)(42)(A)); 8 C.F.R. § 1208.13(b)(1). "If an [applicant]'s asylum application is fatally flawed in one respect . . . an immigration judge or the Board need not examine the remaining elements of the asylum claim. *Matter of A-B-*, 27 I&N Dec. 316, 340 (A.G. 2018). An applicant who establishes that he or she is a "refugee" under INA § 101(a)(42)(A) must still convince the Court that a grant of asylum is warranted as a matter of discretion. INA § 208(b)(1)(A); *Mikhael v. INS*, 115 F.3d 299, 303 (5th Cir. 1997).

A. Persecution

Primarily, the Court must assess whether the applicant has alleged persecution. Persecution is generally defined as "a threat to the life or freedom of, or the infliction of suffering or harm upon, those who differ in a way regarded as offensive." *Matter of Acosta*, 19 I&N Dec. 211, 222 (BIA 1985), *overruled on other grounds by Matter of Mogharrabi*, 19 I&N Dec. 439 (BIA 1987); *see also Abdel-Masieh v. INS*, 73 F.3d 579, 583 (5th Cir. 1996) (reiterating the BIA's definition of persecution). Persecution, however, does not encompass all treatment that society regards as unfair, unlawful, or unconstitutional. *Matter of V-T-S-*, 21 I&N Dec. 792, 798 (BIA 1997); *Majd v. Gonzales*, 446 F.3d 590, 595 (5th Cir. 2006).

Persecution is more than mere discrimination or harassment. *Matter of V-F-D-*, 23 I&N Dec. 859, 863-64 (BIA 2006); *Tesfamichael v. Gonzales*, 469 F.3d 109, 119 (5th Cir. 2006). Various forms of physical violence, including rape, torture, assault, and beatings, amount to persecution. *Matter of D-V-*, 21 I&N Dec. 71 (BIA 1993); *Matter of B-*, 21 I&N Dec. 66 (BIA 1995); *Matter of N-M-A*, 22 I&N Dec. 312 (BIA 1998). Yet, the harm resulting from persecution does not have to be physical. *Tamara-Gomez v. Gonzales*, 447 F.3d 343, 348-49 (5th Cir. 2006). It can take other forms "such as the deliberate imposition of severe economic disadvantage or the deprivation of liberty, food, housing, employment or other essentials of life." *Abdel-Masieh*, 73 F.3d at 583 (quoting *Matter of Laipenieks*, 18 I&N Dec. 433, 456-57 (BIA 1983)). Whereas persecution does not require the applicant to establish permanent or serious injuries, *Matter of O-Z- & I-Z-*, 22 I&N Dec. 23, 25-26 (BIA 1998), persecution nevertheless requires an "extreme" level of conduct. *Arif v. Mukasey*, 509 F.3d 677, 680 (5th Cir. 2007). An asylum applicant need not demonstrate a single act that amounts to persecution; the cumulative effect of multiple threats and attacks may form the basis of a claim for relief. *See Eduard v. Ashcroft*, 379 F.3d 182, 188 (5th Cir. 2004).

In addition, persecution, as contemplated in the INA, involves harm that is inflicted upon the applicant "in order to punish [him or her] for possessing a belief or characteristic a persecutor seeks to overcome." *Matter of Acosta*, 19 I&N Dec. at 223; *Arif*, 509 F.3d at 680. Furthermore, persecution must be perpetrated by the government or forces that the government is unwilling or unable to control. *Adebisi v. INS*, 952 F.2d 910, 914 (5th Cir. 1992); *Tesfamichael*, 469 F.3d at 113. The applicant can establish the government's unwillingness or inability to control its forces if he or she shows that the government "condoned [] or at least demonstrated a complete

[redacted]

helplessness to protect the victims." *Shehu v. Gonzales*, 443 F.3d 435, 437 (5th Cir. 2006) (citing *Galina v. INS*, 213 F.3d 955, 958 (7th Cir. 2000)).

Fear of general conditions of violence within a country is not persecution. *Matter of Mogharrabi*, 19 I&N Dec. at 447; *Eduard*, 379 F.3d at 190. Generalized conditions of strife, including rampant crime within a country, do not support an asylum claim unless the applicant has been *individually targeted on the basis of a protected ground. Eduard*, 379 F.3d at 190. Similarly, private acts of violence unrelated to a protected ground do not constitute persecution. *See Thuri v. Ashcroft*, 380 F.3d 788 (5th Cir. 2004).

Past Persecution

A specific finding as to whether an applicant has proven past persecution must be made in each case. *Matter of D-I-M-*, 24 I&N Dec. 448 (BIA 2008). An applicant may establish refugee status based on past persecution if he or she can demonstrate being severely harmed on account of a protected ground by government actors or individuals the government is unwilling or unable to control. *Abdel-Masieh*, 73 F.3d at 583; INA § 208(b)(1)(B)(i).

If an applicant establishes past persecution, he or she is entitled to a rebuttable presumption of a well-founded fear of future persecution. 8 C.F.R. § 1208.13(b)(1). The presumption may be rebutted if the Department of Homeland Security ("DHS") establishes by a preponderance of the evidence that: (1) there has been a fundamental change of conditions that removes the threat to the applicant, or (2) the applicant could avoid the threat by relocating to another part of the country of removal and it would be reasonable to do so. *Matter of M-Z-M-R-*, 26 I&N Dec. 28 (BIA 2012); *Zhu v. Gonzales*, 493 F.3d 588, 596–97 (5th Cir. 2007).

Future Persecution

An applicant who fails to present a credible basis for a claim of past persecution may nevertheless prevail on a theory of future persecution. 8 C.F.R. § 1208.13(b)(2). To establish a well-founded fear of persecution, the applicant need not prove past persecution. *Cabrera v. Sessions*, 890 F.3d 153, 159 (5th Cir. 2018). Instead, the applicant must demonstrate that he or she would suffer persecution based on a protected ground in his or her country of nationality and that "[h]e or she is unable or unwilling to return to, or avail himself or herself of the protection of, that country because of such fear [of persecution]." *Id.* An applicant may establish a well-founded fear of persecution if he or she would be singled out individually for persecution or if there is a "pattern or practice" of persecution of "similarly situated" persons. *Id.* at § 1208.13(b)(2)(iii).

An applicant has a well-founded fear of future persecution if he or she can demonstrate "a subjective fear of persecution, and that fear [is] objectively reasonable." *Eduard,* 379 F.3d at 189 (quoting *Lopez–Gomez v. Ashcroft,* 263 F.3d 442, 445 (5th Cir. 2001)); *Cardoza-Fonseca*, 480 U.S. 421, 430-31 (1987). The subjective component is satisfied if the applicant's fear is genuine, based on credible testimony and the evidence in the record. *Chen v. Gonzales*, 470 F.3d 1131, 1135 (5th Cir. 2006). The objective prong requires a showing that persecution is a reasonable possibility—even a slim possibility is sufficient. *INS v. Cardoza-Fonseca*, 480 U.S. at 440 (finding that a 10 percent possibility of persecution is adequate). To establish the objective reasonableness of a well-founded fear of persecution, an applicant must prove:

[redacted]

(1) that he or she possess a belief or characteristic a persecutor seeks to overcome by means of punishment of some sort;
(2) that the persecutor is already aware, or could become aware, that the applicant possesses this belief or characteristic;
(3) that the persecutor has the capability of punishing the applicant; and
(4) that the persecutor has the inclination to punish the applicant.

Zhao v. Gonzales, 404 F.3d 295, 307 (5th Cir. 2005) (internal citation omitted).

Additionally, in cases where the applicant does not show past persecution and a national government is not the alleged persecutor, the applicant bears the burden of showing that "the persecution is not geographically limited in such a way that relocation within the applicant's country of origin would be unreasonable." *Lopez-Gomez*, 263 F.3d at 445; *see also* 8 C.F.R. § 1208.13(b)(3)(i); *Matter of Acosta*, 19 I&N Dec. at 235 (finding that "[an applicant] must show that the threat of persecution exists . . . country-wide"). However, if the government is the feared persecutor, the DHS must rebut the presumption of the government's willingness and ability to persecute an individual anywhere within its jurisdiction, and establish by a preponderance of the evidence that under the circumstances, relocation is reasonable. 8 C.F.R. § 1208.13(b)(3)(ii).

B. Nexus

The applicant must demonstrate that the persecution is "on account of" one of the five enumerated grounds: race, religion, national origin, political opinion, or membership in a particular social group. INA § 101(a)(42)(A). *See also INS v. Elias-Zacarias*, 502 U.S. 478 (1992); *Tamara-Gomez*, 447 F.3d at 349. The REAL ID Act of 2005, as incorporated into the INA, further requires that one of the protected grounds constitutes "at least one central reason" for the alleged persecution. INA § 208(b)(1)(B)(i); *Shaikh v. Holder*, 588 F.3d 861, 864 (5th Cir. 2009).[2] Although it need not be the dominant factor, the protected ground "cannot be incidental, tangential, superficial, or subordinate to another reason for harm." *Matter of J-B-N- & S-M-*, 24 I&N Dec. 208, 214 (BIA 2007).

It is insufficient to show that the applicant could be classified within one of the protected grounds; rather, the persecution he or she experienced needs to have been *because of* that protected ground. *Elias-Zacarias*, 502 U.S. at 483; *Faddoul v. INS*, 37 F.3d 185, 188 (5th Cir. 1994). Whether the requisite nexus exists depends on the views and motives of the persecutor. *Matter of W-G-R-*, 26 I&N Dec. 208, 224 (BIA 2014). An applicant may provide direct or circumstantial evidence of the persecutor's motives to establish that he or she was singled out for persecution on account of a statutorily listed factor. *Matter of S-P-*, 21 I&N Dec. 486, 489 (BIA 1996); *Sharma v. Holder*, 729 F.3d 407, 412-13 (5th Cir. 2013).

[1] Note, the REAL ID Act applies only to applications for asylum or withholding of removal made on or after its effective date, May 11, 2005.

[redacted]

C. Protected Grounds

Political Opinion

An applicant's political opinion may be one the applicant actually holds or one that is imputed to him or her. *Matter of S-P-*, 21 I&N Dec. at 489-90. In order to demonstrate the requisite nexus between persecution and an applicant's political opinion, the applicant must prove that he or she holds a political opinion and "that the persecutors know of his [or her] political opinion and [have] or will likely persecute him [or her] *because* of it." *Ontunez-Tursios v. Ashcroft*, 303 F.3d 341, 351 (5th Cir. 2002) (emphasis in original); *Gomez-Mejia v. INS*, 56 F.3d 700, 701 (5th Cir. 1995) (denying relief for an applicant whose persecutors were unaware of his alleged political opinion). To determine the persecutor's motivation in a political opinion claim, the Court must examine the record "for direct or circumstantial evidence from which it would be reasonable to conclude that those who threatened or harmed the [applicant] were in part motivated by an assumption that [his or her] political views were antithetical to their cause." *Matter of T-M-B-*, 21 I&N Dec. 775, 778 (BIA 1997). Further, persecution on account of political opinion must be due to the *victim's* political opinion, not that of the persecutors. *See Elias-Zacarias*, 502 U.S. at 482; *see also Revencu v. Sessions*, 895 F.3d 396 (5th Cir. 2018). The mere fact that a group may have a "general political motive" in causing societal instability does not mean that every victim of that group's violence was persecuted on account of his or her political opinion. *Matter of Acosta*, 19 I&N Dec. at 234-35.

Political opinion encompasses more than electoral and formal political ideology or action. *E.g. Matter of N-M-*, 25 I&N Dec. 526 (BIA 2011) (finding that anti-corruption beliefs can constitute a political opinion if the applicant's whistle blowing is directed at the government and the government believes that the whistle blowing represents a threat). Typically, neutrality, or a failure to participate in a political act cannot be considered a political opinion. *Matter of E-A-G-*, 24 I&N Dec. 591, 596-97 (BIA 2009) (finding that refusing to join the MS-13 in Honduras, without more, is not a political opinion). However, overt political action is not always required; the Court should evaluate whether an applicant held a political opinion or engaged in political conduct within the context of that applicant's social and political environment. *See Rivas-Martinez v. INS*, 997 F.2d 1143, 1147 (5th Cir. 1993) (finding that the applicant held a political opinion despite the fact that she never explicitly articulated it to her persecutors). For example, relief should not be denied where an applicant did not take an overt action, but still became the victim "of a government which did not require political activity or opinion to trigger its oppression." *Coriolan v. INS*, 559 F.2d 993, 1004 (5th Cir. 1977).

Particular Social Group

A particular social group is defined as being: (1) one whose members share immutable characteristics, (2) particular, and (3) socially distinct. *See Matter of Acosta*, 19 I&N Dec. at 233-34. In order to establish immutability, the applicant must demonstrate that the members of the group share a common characteristic that they "either cannot change, or should not be required to change because it is fundamental to their individual identities or consciences." *Id.* at 233. To be particular, the group's boundaries must be ascertainable and membership in the group cannot be too vague, uncertain, or subjective. *Matter of A-M-E & J-G-U-*, 24 I&N Dec. 69 (BIA 2007). The Board defined the "particularity" requirement as, 'whether the proposed group can accurately be described in a manner sufficiently distinct that the group would be recognized, in the society in

[redacted]

question, as a discrete class of persons.'" *Matter of A-B-*, 27 I&N Dec. 316, 330 (A.G. 2018) (citing *Matter of E-A-G-*, 24 I&N Dec. 591, 594 (BIA 2008); *Hernandez de la Cruz v. Lynch*, 819 F.3d 784, 786-87 (5th Cir. 2016) (internal citation omitted). Finally, Social distinction requires that the group be regarded as a discrete segment of society, but literal, ocular visibility of the group is not determinative. *Matter of W-G-R-*, 26 I&N Dec. at 208; *Matter of M-E-V-G-*, 26 I&N Dec 227 (BIA 2014); *Orellana-Monson v. Holder*, 685 F.3d 511, 519 (5th Cir. 2012). When an applicant identifies his or her proposed particular social group, the immigration judge must evaluate whether the group meets the common immutable characteristic, particularity, and social distinction requirements. *Cabrera v. Sessions*, 890 F.3d 153, 162-63 (5th Cir. 2018).

The Attorney General overruled *Matter of A-R-C-G-*, 26 I&N Dec. 338 (BIA 2014) in determining that to be cognizable, a particular social group must "exist independently" of the harm asserted in the application for asylum. *Matter of A-B-*, 19 I&N Dec. at 334 (internal citations omitted). Consistent with *Matter of M-E-V-G-*, a proposed particular social group must be "defined by characteristics that provide a clear benchmark for determining who falls within the group." 26 I&N Dec. at 239. Accordingly, "[s]ocial groups defined by their vulnerability to private criminal activity likely lack the particularity required under *M-E-V-G-*, given that broad swaths of society may be susceptible to victimization." *Matter of A-B-*, 27 I&N Dec.at 335. Further, "social group definitions that seek to avoid particularity issues by defining a narrow class . . . will often lack sufficient social distinction to be cognizable as a distinct social group, rather than a description of individuals sharing certain traits or experiences." *Id.* at 336. Therefore, "[a] particular social group must avoid, consistent with the evidence, being too broad to have definable boundaries and too narrow to have larger significance in society." *Id.*

Additionally, the Attorney General determined that "[a]n applicant seeking to establish persecution based on violent conduct of a private actor must show more than difficulty controlling private behavior." *Id.* at 337. "The applicant must show that the government condoned the private actions or at least demonstrated a complete helplessness to protect the victims." *Id.* In addition, "[w]hen private actors inflict violence based on a personal relationship with a victim, then the victim's membership in a larger group may well not be "one central reason" for the abuse." *Id.* at 338-39. Similarly, "[w]hen the alleged persecutor is not even aware of the group's existence, it becomes harder to understand how the persecutor may have been motivated by the victim's 'membership' in the group to inflict the harm on the victim." *Id.* at 339 (quoting *Matter of R-A-*, 22 I&N Dec. 906, 919 (BIA 1999)).

D. Discretion

Asylum may be denied as a matter of discretion, even if the applicant is statutorily eligible. *See* INA § 208(b)(1)(A). In determining whether a favorable exercise of discretion is warranted, both favorable and adverse factors should be considered under the totality of the circumstances. *Matter of Pula*, 19 I&N Dec. 467, 473 (BIA 1987); *Matter of H-*, 21 I&N Dec. 337, 347 (BIA 1996). Humanitarian factors, such as age, health, or family ties, should be considered in the exercise of discretion. *Matter of H-*, 21 I&N Dec. at 347-348. Serious adverse factors can include the fraudulent circumvention of orderly refugee procedures or participation in violent crime. *Matter of Pula,* 19 I&N Dec. at 473; *Matter of McMullen*, 19 I&N Dec. 90, 99 (BIA 1984). However, "the danger of persecution should generally outweigh all but the most egregious . . . adverse factors." *Matter of Pula,* 19 I&N Dec. at 474.

[redacted]

WITHHOLDING OF REMOVAL

An applicant for withholding of removal must show that his or her "life or freedom would be threatened in that country because of [his or her] race, religion, nationality, membership in a particular social group, or political opinion." INA § 241(b)(3)(A); *Roy v. Ashcroft*, 389 F.3d 132, 138 (5th Cir. 2004). This requires the applicant to establish a "clear probability" of persecution, meaning that it is "more likely than not" that he or she will be subject to persecution on account of a protected ground if returned to the country of removal. *See Cardoza-Fonseca*, 480 U.S. at 430; *Efe*, 293 F.3d at 906. This standard of proof is a more stringent standard than the "well-founded fear" standard required for asylum. *INS v. Stevic*, 467 U.S. 407, 429-30 (1984). Therefore, if an applicant has failed to satisfy the requirements for asylum, he or she necessarily cannot meet the higher burden of proof to merit withholding of removal. *Dayo v. Holder*, 687 F.3d 653, 658-59 (5th Cir. 2012); *Majd*, 446 F.3d at 595.

There is no statutory time limit for bringing a withholding of removal claim. *Bouchikhi v. Holder*, 676 F.3d 173, 180 (5th Cir. 2012) (citing *Arif*, 509 F.3d at 680). Unlike asylum, once an applicant establishes that he or she qualifies for withholding of removal, relief is mandatory—the applicant may not be returned to the country where he or she would suffer persecution. INA § 241(b)(3)(A); *Shaikh*, 588 F.3d at 864. Notably, there is no derivative benefit in withholding of removal. *Matter A-K-*, 24 I&N Dec. 275, 279 (BIA 2007).

In order to qualify for withholding of removal, "an [applicant] must show either persecution by the government in the country to which he [or she] is returnable, or persecution at the hands of an organization or person from which the government cannot or will not protect the [applicant]." *Matter of McMullen*, 17 I&N Dec. at 545. The applicant must demonstrate that the government "condoned [the non-governmental actor's actions] or at least demonstrated a complete helplessness to protect the victims." *Shehu v. Gonzales*, 443 F. 3d at 437.

Persecution, again, is generally defined as "a threat to the life or freedom of, or the infliction of suffering or harm upon, those who differ in a way regarded as offensive." *Matter of Acosta*, 19 I&N Dec. at 222, *overruled on other grounds by Matter of Mogharrabi*, 19 I&N Dec. 439 (BIA 1987); *see also Abdel-Masieh*, 73 F.3d at 583 (reiterating the BIA's definition of persecution). Though harm need not be physical or long-lasting, the acts involved must rise to a level of "extreme" conduct. *Arif*, 509 F.3d at 680.

The nexus requirement for withholding of removal is similar to the requirement for asylum; therefore, when determining whether an applicant fears persecution "because of" a protected ground, the Court may consider cases that discuss the "on account of" requirement. *Elias-Zacarias*, 502 U.S. at 481-83 (1992); *see also Matter of C-T-L-*, 25 I&N Dec. at 347-48. A protected ground must be "at least one central reason" for the persecution. *Shaikh v. Holder*, 588 F. 3d at 861. Notably, country conditions, while relevant, are insufficient, standing alone, to obtain withholding. *See Matter of G-A-*, 23 I&N Dec. 366, 368-72 (BIA 2002). There applicant must provide evidence of specific grounds that demonstrate he or she would be personally at risk due to a characteristic that the persecutor seeks to overcome. *Id.*

Similarly to asylum, if an applicant for withholding of removal demonstrates that he or she suffered past persecution in the proposed country of removal, it is presumed that it is more likely than not that he or she would suffer persecution if removed. The burden shifts to the DHS to

[redacted]

demonstrate either that a fundamental change in circumstances has occurred in that country or that the applicant could safely relocate to another area in the proposed country of removal to avoid future persecution. *Matter of D-I-M-*, 24 I&N at 450; 8 C.F.R. § 1208.16(b)(1)(i). Unlike asylum, withholding of removal does not require a showing that the applicant has a *subjective* fear of persecution. *Zhang*, 432 F.3d at 344. Nevertheless, the clear probability of persecution standard requires the applicant to demonstrate a higher *objective* likelihood of persecution than required for asylum. *See Chen*, 470 F.3d at 1138.

CONVENTION AGAINST TORTURE (WITHHOLDING OF REMOVAL)

To be granted protection under the Convention against Torture ("CAT"), an applicant must establish 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. §§ 1208.16(c)(2). As with asylum and withholding of removal under the INA, an applicant's credible testimony "may be sufficient to sustain the burden of proof without corroboration." *Id.* § 1208.16(c)(2). Torture is "an extreme form of cruel and inhuman treatment and does not include lesser forms of cruel, inhuman or degrading treatment or punishment." *Id.* § 1208.18(a)(2). Unlike persecution, torture "does not require a nexus to specific statutory grounds." *Tamara-Gomez*, 447 F.3d at 350; *see also* 8 C.F.R. § 1208.18(a)(1) (stating that torture may be inflicted "for any reason based on discrimination of any kind"). For an act to constitute torture, it must be:

> (1) an act causing severe physical or mental pain or suffering; (2) intentionally inflicted; (3) for a proscribed purpose; (4) by or at the instigation of or with the consent or acquiescence of a public official who has custody or physical control of the victim; and (5) not arising from lawful sanctions.

Matter of J-E-, 23 I&N Dec. 291, 297 (BIA 2002) (citing 8 C.F.R. § 208.18(a) (defining torture and offering guidance on acts that do and do not constitute torture)). Proscribed purposes include, but are not limited to: (1) punishment for an act the applicant committed or is suspected of committing; (2) intimidation or coercion; and (3) release of information or pronouncement of a confession. *See* 8 C.F.R. § 1208.18(a)(1). Adjudicating an application for relief under the CAT requires "a two part analysis." *Tamara-Gomez*, 447 F.3d at 350.

I. "More Likely Than Not" Standard

First, the Court must determine whether an applicant "more likely than not" will be tortured if removed to his or her country of removal. *Id.* For an applicant to qualify for protection under CAT, "specific grounds must exist that indicate the individual would be personally at risk." *Matter of S-V-*, 22 I&N Dec. 1306, 1313 (BIA 2000). The mere existence of a consistent pattern of human rights violations in a particular country does not constitute a sufficient ground for finding that a particular person would more likely than not be tortured upon return to that country. *Id.* In assessing whether the applicant has satisfied the burden of proof, the Court must consider all evidence relevant to the possibility of future torture, including:

> (i) Evidence of past torture inflicted upon the applicant; (ii) Evidence that the applicant could relocate to a part of the country of removal where he or she is not

likely to be tortured; (iii) Evidence of gross, flagrant or mass violations of human rights within the country of removal, where applicable; and (iv) Other relevant information regarding conditions in the country of removal.

8 C.F.R. § 1208.16(c)(3). Eligibility for CAT relief cannot be established by stringing together a series of suppositions to show that torture is more likely than not to occur unless the evidence shows that each step in the hypothetical chain of events is more likely than not to happen. *Matter of J-F-F-*, 23 I&N Dec. 912, 917-18 (A.G. 2006).

II. State Action

Second, the Court must determine whether there is "sufficient state action involved in that torture." *Tamara-Gomez*, 447 F.3d at 351. An applicant establishes sufficient state action by demonstrating that he or she more likely than not will suffer torture "inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity" in the country of removal. *See* 8 C.F.R. § 1208.18(a)(1). "Acquiescence of a public official requires that the public official, prior to the activity constituting torture, have awareness of such activity and thereafter breach his or her legal responsibility to intervene to prevent such activity." *Id.* § 1208.18(a)(7). "[B]oth actual knowledge and willful blindness fall within the definition of the term acquiescence." *Hakim v. Holder*, 628 F.3d 151, 156 (5th Cir. 2010) (internal quotation marks and citations omitted). The Court must determine whether "the government [might] look the other way and therefore be at least complicit in whatever might happen to [the respondent] . . . and . . . if the government were aware of any penalties being meted out and took no action to protect the respondent.'" *Id.* at 156 (quoting *Chen*, 470 F.3d at 1141-42). "Neither the failure to apprehend the persons threatening the [applicant], nor the lack of financial resources to eradicate the threat or risk of torture constitute sufficient state action for purposes of the [CAT]." *Tamara-Gomez*, 447 F.3d at 351.

Additionally, "government acquiescence need not necessarily be an officially sanctioned state action." *Iruegas-Valdez v. Yates*, 846 F.3d 806, 812 (5th Cir. 2017) (quoting *Garcia v. Holder*, 756 F.3d 885, 891 (5th Cir. 2014)). Instead, "an act is under color of law when it constitutes a misuse of power, possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law." *Id.*; *see also United States v. Causey*, 185 F.3d 407, 442 (5th Cir. 1999). The "use of official authority by low-level officials, such a[s] police officers, can work to place actions under the color of law even where they are without state sanction." *Iruegas-Valdez*, 846 F.3d at 813 (quoting *Garcia*, 756 F.3d at 892) (alterations in original).

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

OMB# [redacted]

Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals

(Type or Print)
NAME AND ADDRESS OF REPRESENTED PARTY

[redacted] (First) [redacted] (Middle Initial) [redacted] (Last)

[redacted] (Number and Street) [redacted] (Apt. No.)

[redacted] (City) [redacted] (State) [redacted] (Zip Code)

ALIEN ("A") NUMBER
(Provide A- number of the party represented or the visa beneficiary in this case.)
[redacted]

USCIS Visa Appeal (Provide beneficiary name)

Fine (Provide fine number)

Disciplinary case (Provide docket number)

Attorney or Representative (please check one of the following):

☑ I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest court(s) of the following states(s), possession(s), territory(ies), commonwealth(s), or the District of Columbia (use additional space on reverse side if necessary) and I am not subject to any order disbarring, suspending, enjoining, restraining or otherwise restricting me in the practice of law in any jurisdiction (if subject to such an order, do not check this box and explain on reverse).

Full Name of Court [redacted] **Bar Number (if applicable)** [redacted]

☐ I am a representative accredited to appear before the Executive Office for Immigration Review as defined in 8 C.F.R. § 1292.1(a)(4) with the following recognized organization:

☐ I am a law student or law graduate of an accredited U.S. law school as defined in 8 C.F.R. § 1292.1(a)(2).

☐ I am a reputable individual as defined in 8 C.F.R. § 1292.1(a)(3).

☐ I am an accredited foreign government official, as defined in 8 C.F.R. § 1291.1(a)(5), from _____ (country).

☐ I am a person who was authorized to practice on December 23, 1952, under 8 C.F.R. § 1292.1(b).

Attorney or Representative (please check one of the following):

☑ I hereby enter my appearance as attorney or representative for, and at the request of, the party named above.

☐ EOIR has ordered the provision of a Qualified Representative for the party named above and I appear in that capacity.

I have read and understand the statements provided on the reverse side of this form that set forth the regulations and conditions governing appearances and representations before the Board of Immigration Appeals. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

SIGNATURE OF ATTORNEY OR REPRESENTATIVE **EOIR ID NUMBER** **DATE**

X [redacted] [redacted] [redacted]

NAME OF ATTORNEY OR REPRESENTATIVE, ADDRESS, FAX & PHONE NUMBERS, & EMAIL ADDRESS

Name [redacted] (First) [redacted] (Middle Initial) [redacted] (Last)

Address: [redacted] (Number and Street)

[redacted] (City) [redacted] (State) [redacted] (Zip Code)

Telephone: [redacted] Facsimile: [redacted] Email: [redacted]

☐ Check here if new address

Indicate Type of Appearance:

☑ Primary Attorney/Representative ☐ Non-Primary Attorney/Representative

I am providing pro bono representation. Check one: ☐ yes ☐ no

Proof of Service

I (Name) [redacted] mailed or delivered a copy of this Form EOIR-27 on (Date) [redacted]

to the ☑ DHS (U.S. Immigration and Customs Enforcement – ICE) at [redacted]

☐ DHS (U.S. Citizenship and Immigration Services – USCIS) at _____

☐ EOIR Disciplinary Counsel at _____

X [redacted] _____

Signature of Person Serving

APPEARANCES - An appearance for each represented party shall be filed on a separate Form EOIR-27 by the attorney or representative appearing in each appeal or motion to reopen or motion to reconsider before the Board of Immigration Appeals (see 8 C.F.R. § 1003.38(g)), even though the attorney or representative may have appeared in the case before the Immigration Judge or the U.S. Citizenship and Immigration Services. If information is omitted from the Form EOIR-27 or it is not properly completed, the appearance may not be recognized and the accompanying filing may be rejected. When an appearance is made by a person acting in a representative capacity, his/her personal appearance or signature constitutes a representation that, under the provisions in 8 C.F.R. part 1003, he/she is authorized and qualified to represent individuals and will comply with the EOIR Rules of Professional Conduct in 8 C.F.R. § 1003.102. Thereafter, substitution or withdrawal may be permitted upon approval by the Board of a request of the attorney or representative of record in accordance with *Matter of Rosales*, 19 I&N Dec. 655 (1988). Please note that appearances for limited purposes are not permitted. *See Matter of Velasquez*, 19 I&N Dec. 377, 384 (BIA 1986). Attorneys and Accredited Representatives (with full accreditation) must first update their address in eRegistry before filing a Form EOIR-27 that reflects a new address.

FREEDOM OF INFORMATION ACT - This form may not be used to request records under the Freedom of Information Act or the Privacy Act. The manner of requesting such records is in 28 C.F.R. §§ 16.1-16.11 and appendices. For further information about requesting records from EOIR under the Freedom of Information Act, see How to File a Freedom of Information Act (FOIA) Request With the Executive Office for Immigration Review, available on EOIR's website at http://www.justice.gov/eoir.

PRIVACY ACT NOTICE - The information requested on this form is authorized by 8 U.S.C. § 1362 and 8 C.F.R. § 1003.3 in order to enter an appearance to represent a party before the Board of Immigration Appeals. The information you provide is mandatory and required to enter an appearance. Failure to provide the requested information will result in an inability to represent a party or receive notice of actions in a proceeding. EOIR may share this information with others in accordance with approved routine uses described in EOIR's system of records notice, EOIR-001, Records and Management Information System, 69 Fed. Reg. 26,179 (May 11, 2004), or its successors and EOIR-003, Practitioner Complaint-Disciplinary Files, 64 Fed. Reg. 49237 (September 1999).

CASES BEFORE EOIR - Automated information about cases before EOIR is available by calling (800) 898-7180 or (240) 314-1500.

ADDITIONAL INFORMATION:

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete this form is six (6) minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Executive Office for Immigration Review, Office of the General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041.

BARRI
FINANCIAL GROUP

BARRI MONEY SERVICES, LLC
ISSUER

[redacted]

[redacted]

Date 04/02/19

Pay to the order of: [redacted]

Amount: [redacted]

Pay only: [redacted]

[redacted]

MEMO [redacted]

[redacted]

Payable through Bank of Oklahoma, Bartlesville OK
86-105/1031

PURCHASER ADDRESS

[redacted]