

CENTRAL AMERICAN ASYLUM



Moderator: Honorable Judge Paul Schmidt

Speaker: Andrea Rodriguez

Speaker: Lisa Johnson-Firth, Principal, Immigrants First PLLC –
Manassas, VA

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May 2019



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Outline of Presentation



1. Background on most violent countries in Central America: El Salvador, Guatemala and Honduras
2. Gang violence and government response
3. Resources for country conditions and table of contents
4. Credible Fear Process, release process
5. Asylum checklist – to dos
6. Preparing declaration post Matter of A-B-, using experts
7. Overview of relevant case law



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Country Conditions: El Salvador



3 most visible waves of immigration:

1950s: Collapse of coffee and cotton industry in San Miguel and La Union

1980s: Consequences of Armed Conflict (TPS, NACARA)

2000 to present: Post-civil war violence. Human suffering same as during the armed conflict



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Conditions in Guatemala & Honduras



Guatemala

1954: Coup

1960-1996: Armed Conflict/Genocide

1980s to present: Rise of criminal organizations

Honduras

1980s: Weapons and drug trafficking routes created (“Honduran Bridge”)

1990s: Hurricane Mitch, Rising crime, violence, corruption

2000s: New surge of drug trafficking and gang violence

2009: Military Coup

2010-Present: Rise in homicide rate, corruption, gang violence



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Gang Culture, Takeover and Gangs as Government



Third Generation Gangs:

Substantial Control socially and physically of territory: Ex: Los Zetas Taking Over Mexico and Central America – all major drug routes

Influence in politics: collusion with state actors, infiltration of state institutions and procurement of votes.

Exercising power like a State: Extortion (like taxes); Used to support family of jailed gang members (spike between 2001-2004); Extortion vs. Renta; Usurping of homes; Fondo Social Para Vivienda (FSV) in El Salvador; Negotiating lives with deeds

De Facto government: Control of neighborhoods and negotiation with government (trash pickup, construction of playgrounds)

Generate their own revenue and deal out their own form of justice, protect those they want to protect – create a collective societal identity



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Gang Culture and Takeover



UNHCR:

A refusal to give in to the demands of a gang is viewed by gangs as act of betrayal and gangs typically impute anti-gang sentiment to the victim whether or not she voices actual gang opposition



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Government Response to Gangs



Punitive Measures

- Anti-vagrancy laws

- Sombra Negra

- Mano Dura in 2004

- Security Commission analyzes state response to insecurity in 2015

- Extraordinary Security Measures in 2016

- Reinforcement of fatalist culture (“La tumba o la carcel es mi destino”)

- State does not recognize internal displacement

Not focused on protection

Government Ineffective and Overtaken by Gangs



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Effect of War, Poverty and Gangs



Result: The most violent countries in the world:

Homicides:

- El Salvador—108.64 per 100,000; global ranking #1 (2015)
- Honduras—63.75 per 100,000; global ranking #3 (2015)
- Guatemala—31.21 per 100,000; global ranking #11 (2014)

Femicides:

- El Salvador, 13.5 per 100,000, global ranking #2 (2010-2015)
- Honduras, 13.4 per 100,000, global ranking #3 (2010-2015)
- Guatemala, 8.2 per 100,000, global ranking #14 (2010-2015)

(source: Karen Musalo, Dir. Center for Gender and Refugee Studies)

Result: Migration, Caravans, Smuggling, Human Trafficking into the United States.



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Country Research Resources



- The “Usuals”: The not-so-objective State Dept. Report, Amnesty International, Human Rights Watch, Freedom House, WOLA Reports, Insight Crime Articles, International Crisis Group, Heinrich Böll Stiftung: CentroAmerica
- Sheller Center for Social Justice at Temple University Beasley School of Law and the Washington Office on Latin America (WOLA)
<https://www2.law.temple.edu/csj/atoc/> (annotated TOC)
- CGRS Country Conditions memoranda and indices
<https://cgrs.uchastings.edu/request-assistance/requesting-assistance-cgrs>
- UNCHR Attorney Resources: Claims from Central America: UNHCR Guidelines for Assessing the International Protection Needs of Asylum Seekers (El Salvador, Honduras, Guatemala)
<https://www.unhcr.org/claims-from-central-america.html>



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Current Update on Border Issues



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Credible Fear Process



- Credible Fear Interview should be granted in expedite removal proceedings where person has expressed fear of return because of torture and/or persecution based upon a protected ground. 48 hours to prepare.
- The standard for credible fear is that an applicant show “a significant possibility, taking into account the credibility of the statements made by the [applicant] in support of the [applicant’s] claim and such other facts as are known to the [adjudicator], that the [applicant] could establish eligibility for asylum.” 8 U.S.C. § 1225(b)(1)(B)(v); see 8 C.F.R. § 208.30(e)(2).
- It is intended to be a low screening standard for admission into the usual full asylum process,” see 142 Cong. Rec. S11491-02 (Sept. 27, 1996) (statement of Sen. Hatch) – purpose is not to show more likely than not will succeed with immigration judge.” see Asylum Officer Manual, “Credible Fear,” (Feb. 18, 2014) at 15.[1]



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Credible Fear Process



Immigration Judge de novo review w/in 7 days of Negative Decision:

- **Standard of review.** The immigration judge shall make a de novo determination as to whether there is a significant possibility, taking into account the credibility of the statements made by the alien in support of the alien's claim and such other facts as are known to the immigration judge, that the alien could establish eligibility for asylum under section 208 of the Act or withholding under section 241(b)(3) of the Act or withholding under the Convention Against Torture. 8 C.F.R. 1003.42.
- 8 C.F.R. § 1003.42(d) is evidence that an IJ does not have to give deference to an asylum officer's credible fear finding.
- "To limit the evidence before the Immigration Judge to that which was previously considered by the USCIS would result in de facto appellate review of the USCIS decision, which is inconsistent with the law and regulations as have construed them." Matter of Antonio Figueroa, 25 I. & N. Dec. 596 (2011).



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Reasonable Fear Process



Is for persons who have a prior deportation order and enter unlawfully. Entitled only to withholding only proceedings. Higher standard than credible fear. Subject to mandatory detention in most jurisdictions.

Can reopen for asylum before reinstatement of removal order by DHS, but even in that situation it may be possible to re-open the removal order – sparse case law.

If subject to withholding only then like subject to mandatory detention, except in Fourth Circuit.



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Tips for Fear Process

Speak slowly and pause often to give the interpreter time to interpret.

Make eye contact with the AO. It is okay to cry. Can ask for break.

Provide specific details and tell story chronologically.

It is important to share the full story. Ask to repeat question.

If you don't know answer, say so. And let AO know when don't understand.

Understand process and if loose that right to review by IJ.

If pass, given NTA and possibility of release, subject to new William Barr decision denying those who passed credible fear interview right to release.

If lose, goes to IJ and should prepare the case. If lose before IJ, no appeal, but Can ask for a re-interview by an AO.



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Due Process Challenges to Vacate CFI Denial with IJ



Very short interview, not adequate trauma-informed questions by AO

No interpreter

Lack of breaks, distracting behavior by AO like tapping fingers, etc.

Distress not accounted for or accommodated

Children may have been taken – Dora v. Sessions

Interviews conducted in a group setting/lack of privacy

Intimidation – threatening will see children if deny fear and sign deport

Prosecution for re-entry may violate Art 31 of Refugee Convention, forbidding penalization of asylum seekers re: illegal re-entry

Actively denying right to counsel or not having legal orientation program.



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Release After CFI/RFI

May obtain parole before or after interview, thus arriving alien and if apprehended not eligible for bond, but could potentially adjust

After interview, judges had option to release on bond, subject to what will happen after AG Barr's decision in Matter of M-S- that now not eligible for bond and must be held on mandatory detention. There is a 90 day window on this.

Relying on the Jennings v. Rodriguez 583 U.S. ____ (2018) that immigration detainees do not have a right to a periodic bond hearing, Barr held that immigration law requires some asylum-seekers who have passed the initial threshold for consideration via credible fear interview to be subject to mandatory detention for the duration of their case, making the right to counsel almost impossible for most.

Withholding only not eligible for release on bond at all unless in Virginia jurisdiction for detention re: Cabrera Diaz v. Hott
(argued at EDVA on March 21, 2019)



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Asylum Cases Must Be Team Approach

- Ego aside, lawyers – this is about your client. Without your client's trust and cooperation you have no case
- Lawyer is the behind-the-scenes strategist, The client is center-stage actor and lawyer's job is to help client present in the best light
- Build rapport from moment you meet client: consultation – spot issues, overview of case strengths/ weaknesses; checklist for file and client of what is needed
 - see handout; tell your client next steps and include them on decision making
- Set realistic client expectations about the case and what is needed from client



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Matter of A-B-, 27 I&N Dec. 316 (A.G. 2018)



In Matter of A-B- overrules a prior decision, Matter of A-R-C-G-, 26 I&N Dec. 338 (BIA 2014), which held that “married women in Guatemala who are unable to leave their relationship” could receive asylum protection.

Issue presented: whether being a victim of private criminal activity constitutes a cognizable "particular social group" for purposes of an application for asylum and withholding of removal.

While the case seems to destroy psg grounds for asylum law, it is, in fact, a narrow decision. What is disturbing is the overflow of negative dicta, but it is the attorney's job to both argue the non-bindingness of the dicta but also still prepare cases to a heightened standard.



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Tips for Arguing Around Matter of A-B-



Grace v. Whitaker, No. 18-cv-01853 (D.D.C., Dec. 19, 2018), reviewing the application of A-B- to the credible fear process, is the most insightful decision on A-B-.

- Government has not blanket ruled out domestic violence or gang-based claims, stating that such a blanket rule would violate Refugee Protocol.
- “Unable or unwilling to control” standard is not ambiguous; it “was settled at the time the Refugee Act was codified, and therefore, the Attorney General’s condoned or complete helplessness standard is not a permissible construction.”
- One central reason nexus still exists even if personal relationship with persecutor.

Nevertheless, advocates must do extra prep work:

- Maintain that A-B- does not overrule Cece v. Holder and its progeny
- Prep good Declaration and country reports – State Dept Rep. gutted – need objective evidence of recognition of social group (like teacher’s union/gay club)
- Hone in on particular trait of victim of persecution – like a past action that delineates social group



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Tips for Arguing Around Matter of A-B-



- Avoid circularity: instead of gangs targeting young El Salvadoran men, rather targeting men who refuse gang recruitment or women who are persecuted on account of gender, rather than because they suffer domestic violence (avoiding defining the group by the persecution they suffer).
- Assert all possible social groups
- Return to the three part social group test: immutable, particular (discrete class of persons) and socially distinct (distinct entity – country reports, statement, experts) (See, Matter of Acosta, 19 I&N Dec. 211 (BIA 1985); Matter of S-E-G-, 24 I&N Dec. 579 (BIA 2008); Matter of E-A-G-, 24 I&N Dec. 591 (BIA 2008); Matter of M-E-V-G-, 26 I&N Dec. 227 (BIA 2014); and Matter of W-G-R-, 26 I&N Dec. 20 (BIA 2014))
- “unable or unwilling to control” is lower than CAT “willful blindness.” Use country reports/experts judiciously to show government actor/de facto government actor to greatest extent, but remind IJ of standard.



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Tips for Successful Asylum Case

Credibility is key: Persuasive and consistent declaration and testimony are essential and must be consistent with country reports. Credibility is the quality of being trusted and believed in. Synonyms: trustworthiness, reliability, dependability, integrity. Credibility for asylum means: 1. believability and integrity of client's declaration and testimony 2. internal and external consistency of evidence

Provide strong corroborative evidence: witness declarations, police reports, medical records, expert reports, country-condition reports, etc.

Submit a well-written brief focusing on current favorable case law and distinguishing adverse case law; look to the future and provide alternate PSGs and theories

Start case early – preserve evidence of trauma in declaration/psych eval soon after getting case, Send off for evidence from country of origin asap

Line up experts early – at least six months before individual

Checklist of evidence and tailor the country reports to your case
good TOC and highlight articles.



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Trauma Informed Questioning

Definition of trauma: person experienced, witnessed or confronted with events that involved threatened or actual death or serious injury; threat to physical, mental or emotional integrity to self or others; involved intense fear, horror or helplessness.

Exs: abuse, harassment, witnessing killing or dead bodies, sexual violence, torture, detention, deprivation, isolation

Symptoms of trauma: fear, lack of focus, anger, sadness, lack of trust, nightmares, flashbacks, intrusive memories, anxiousness, pain, headaches, problems sleeping and eating, loss of memory, hyper arousal, depression



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Trauma Informed Questioning

Suggestions for working with trauma victims:

- Acknowledge how hard something may be to discuss
- Build trust with client: take it slow, listen, eye contact, value client
- Ask gently: “I wonder if you could tell me...?”
- Explain why you need painful details
- Avoid interrogating style
- If severe trauma case perhaps use expert first and allow details to come out in expert report – esp. sexual violence cases
- Be aware of shame of mental health issues in other cultures
- Bring client back to point of safety if dissociates and at end of interview. Establish hope.
- Observe your own feelings of secondary trauma and seek support



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Working With Mental Health Expert

Options: clinical psychologist (emotional, mental therapy) psychiatrist (medical), social worker, counselor – make sure licensed – get referrals

Ask:

- how much experience working with trauma and or asylum seekers?
- for CV and redacted report
- how much time will be spent with client
- what is methodology? Testing? Interviewing? Observations?
- what knowledge do they have of client's country? Language?
- ask for report to specifically address credibility/malingering and need for treatment in future

Provide and Prepare:

- Client declaration, if have and other personal documents such as IDs, medical records, documents verifying credibility of client statements
- Prepare expert for court



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Overcoming Credibility Issues

1. Build trust with client: take it slow, listen, eye contact, value client input, understand client's country conditions before interviewing, know the law, properly set client expectations
2. Observe body language of client and yourself
3. Know how to question
4. Observe if signs of trauma and take it even slower
5. Assess if need psychological evaluation and/or other expert report
6. Ensure consistency between: all prior immigration documentation (credible fear report, I 213, prior filed applications, immigration and criminal history), client declaration and all other evidence and testimony
7. Rehearse testimony until consistent, but not "canned"



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Working With Country Expert

An expert witness is broadly defined as one who is qualified as an expert by knowledge, skill, experience, training, or education and who has specialized knowledge that will assist the Immigration Judge to understand the evidence or to determine a fact in issue. Matter of D-R-, 25 I. & N. Dec. 445 (BIA 2011) (citing Fed. R. Evidence 702).

Considerations in Using Experts:

How to find experts

- NEW – CGRS expert witness database

Written reports vs. telephonic or live testimony?

- IJ discretion to accept telephonic testimony

Is the report/testimony based on the Respondent's particular case?

Make sure really an expert and not overused. Specific

Experience on a matter of importance. Supplemental to reports



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Drafting Client Declaration Statement

As much as possible know the law and country conditions before interviewing – otherwise you do not know who to guide interview, get information you need

Attend to basic needs of comfort and security of client in interview setting and set expectations of interview:

- purpose, length, confidentiality
- multi-step process of at least two to three rounds of questioning and clarification
- identify other witnesses and documentation needed

Be the lawyer and write a clear and concise story of the client with the spirit of what client was trying to say, not necessarily the words.

Use an intro section to lay out client biographic information and an overview of why claiming asylum ; guidance for reader. Use headings and go chronologically. Be detained with dates, etc. unless could contradict self in testimony then be more general. Paint a picture, make it real: who, what, where, why, how – sight, sounds, smell, taste, feelings, experiences.



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Styles of Interview Questions

Styles of questions range from open to leading and have pros and cons – they are tools in your tool box to take a credible statement and testimony

1. Open questions allow explanation, build rapport with lawyer, accuracy

Ex: Very open: “What happened to you in Guatemala?”

Ex: Open: “What happened on April 14, 2006?” (limited by time)

“Describe your relationship with your father” (limited to person)

2. Closed questions seek to narrow information and pin it down. Good to get refinement on details/dates but restrict client story and can cause information to be missed if use too much – creates gaps

3. Ex: What color was the car? Yes/No questions are a severely restricted form of closed questions to be used to clarify information or if client is becoming difficult in answering.

Ex of closed question: how fast was the car going?

Ex of closed yes/no question: Was the car exceeding the speed limit?

4. Leading questions assert the answer desired in the question. Limit use in taking a declaration except to clarify

Ex: The car was going over 65 miles per hour, correct?

Ex: Isn't it true that?

Ex: Didn't you say that you were robbed by gangs?



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Putting It All Together

- Write thorough and well-argued **brief** with **supporting and distinguishing case law**. Fact section split between personal and country conditions
- Consider carefully your **witnesses** and **prepare** them well – allow sufficient time to prepare and consider preparing witnesses even before filing deadline to see if any other information comes up to be submitted in court
- Prepare a good **opening and closing**, even if judge does not allow you to use them: opening – lays out direction of case – key facts, key law closing – chance to summarize theory of case and address weaknesses.
- Maintain positive and creative **mindset** throughout. Always be prepared to adapt to new information.



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New Changes to Asylum Law

04/29/2019 White House Memo:

- Pay fee for asylum application and initial work permit
- All asylum applications must be adjudicated within six months of application
- Place asylum applicants with positive CFIs into asylum only proceedings



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Helpful Asylum Cases-Family Ties

See Asylum Law Chart

- Matter of L-E-A, 27 I&N Dec. 40 (BIA 2017): “To establish eligibility for asylum on the basis of membership in a particular social group composed of family members, an applicant must not only demonstrate that he or she is a member of the family but also that the family relationship is at least one central reason for the claimed harm”
 - Watch out for AG overturning this case!
- Salgado-Sosa v. Sessions, 882 F.3d 451 (4th Cir. 2018): Fourth Circuit found that “at least one central reason” for persecution was membership in family.
- Limitation: Velasquez v. Sessions, 866 F.3d 188 (4th Cir. 2017): Evidence consistent with acts of private violence or that merely shows that an individual has been the victim of criminal activity does not constitute evidence of persecution on a statutorily protected ground.



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Helpful Cases: Women as PSG

Immutability



- Immutability: An attribute is “immutable” if it is a characteristic that members of the group “either cannot change or should not be required to change because it is fundamental to their individual identities or consciences. Sex, color, kinship, and shared past experiences are prototypical examples of an immutable characteristic that can form the basis of a particular social group. Matter of Acosta, 19 I&N Dec. at 233.
 - Example: The particular social groups of (1) “Salvadoran women,” or, in the alternative, (2) “separated Salvadoran women without male protection,” or, in the alternative, (3) “Salvadoran women who openly adhere to feminist ideologies” are immutable because members cannot or should not be required to change their status as “single,” “separated,” “Salvadoran,” “unmarried,” or “adhering to feminist ideologies.”



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Helpful Cases: Women as PSG Particularity

- Particularity: The Board has held that a particular social group must also have a clearly defined, discrete boundary of who is a member of the group Matter of M-E-V-G-, 26 I&N Dec. 227, 239 (BIA 2014) (“A particular social group must be defined by characteristics that provide a clear benchmark for determining who falls within the group). The group’s boundaries must be easily delimited and verified in the society in question. Temu v. Holder, 740 F.3d 887, 895 (4th Cir. 2014) (holding a social group must have identifiable boundaries to meet the particularity element); see also Matter of W-G-R-, 26 I&N Dec. at 214. It must also “not be amorphous, overbroad, diffuse, or subjective.” Matter of W-G-R-, 26 I&N Dec. at 239.
 - Example: In this case, the Respondent’s social groups are limited by the clear terms of “single,” “Salvadoran,” “women,” “separated,” “adhering to feminist ideologies,” and “who lack male protection.” The members of this group are limited to those who possess these characteristics. The proposed social groups are precisely defined and are not amorphous or overbroad. As such, they meet the particularity requirement.



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Helpful Cases:

Women as PSG-Social Distinction

- Social Distinction: Finally, a particular social group must be sufficiently socially distinct to constitute a recognized class of persons within the applicant's society. Matter of M-E-V-G-, 26 I&N Dec. at 237; Matter of C-A-, 23 I&N Dec. 951, 959 (BIA 2006 (stating that sex or family relationships are easily recognizable as particular social groups). To meet this requirement, the applicant must provide evidence that "society in general perceives, considers, or recognizes persons sharing the particular characteristic to be a group." Matter of W-G-R-, 26 I&N Dec. at 217.
 - Example: In this case, the country reports demonstrate that Salvadoran society treats women differently than man. Specifically, as noted above, the high levels of violence against women shows that the society as a whole views women as socially distinct in El Salvador. Additionally, the Salvadoran government's creation of specialized courts for violence against women further demonstrates that Salvadoran women need specialized protection and, as such, are viewed as a distinct group from the general population in El Salvador.



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Helpful Cases: Mental Health Cases



- Temu v Holder, 740 F.3d 887, 897 (4th Cir. 2014): Fourth Circuit found that the proposed group of “individuals with bipolar disorder who exhibit erratic behavior” shared a common, immutable characteristic because bipolar is incurable and therefore immutable and, despite the fact that erratic behavior could theoretically be treated with medication, individuals in the proposed group were highly unlikely to actually have access to medication that controls their erratic behavior, and therefore, the behavior was, practically speaking, incurable.
- Matter of J-R-G-P-, 27 I&N Dec. 482 (BIA 2018): If an applicant “establishes that abusive or squalid conditions in pretrial detention facilities, prisons, or mental health institutions in the country of removal are the result of neglect, a lack of resources, or insufficient education,” but does not establish there is a specific intent to commit “torture” in said places, the applicant has not established a significant likelihood of torture in the future.



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Helpful Cases: Gang Recruitment



- **Matter of E-A-G-, 24 I.&N. Dec. 591 (BIA 2008)**: BIA held that “Honduran males who resisted gang recruitment” did not constitute a PSG because that group was not socially visible within Honduran society.
- **Matter of S-E-G-, 24 I.&N. Dec. 579 (BIA 2008)**: BIA held that youth in El Salvador who were subjected to recruitment efforts by MS-13, and who resisted gang membership “based on their own personal, moral, and religious opposition to the gang’s values and activities” did not constitute a PSG because they did not have particularity.
- ****REMEMBER TO UNDERSTAND WHY YOUR CLIENT WAS BEING RECRUITED!** (Family ties, viewed as property, etc)



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Helpful Cases: Gang Former Gang Membership

- Examples of former members of groups recognized as part of a particular social group:
 - Former member of a violent criminal Kenyan faction called the Mungiki - Gatimi v. Holder, 578 F.3d 611(7th Cir. 2009).
 - Former soldier - Velasquez-Velasquez v. INS, 53 Fed.Appx. 359, (6th Cir. 2002).
 - Former KGB agents - Koudriachova v. Gonzales, 490 F. 3d 255 – (2nd 2007).
 - Former police or military members - Cruz-Navarro v. INS, 232 F. 3d 1024 (9th Cir. 2000).
 - Former military officers - Chanco v. INS, 82 F. 3d 298, (9th Cir. 1996).
 - Former members of the national police - Matter of Fuentes, 19 I&N Dec. 658 (BIA 1988).



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Helpful Cases: Gangs-Other Basis?



Religion

- Some applicants assert that they fear gang-related persecution on account of their religious beliefs
- Quinteros-Mendoza v. Holder, 556 F. 3d 159 (4th Cir. 2009)
 - Applicant was confronted by gang members a number of times at different locations, including at his church in El Salvador.
 - claimed that the gang members threatened to hurt him if he continued to attend church
 - applicant stopped attending church and gang members continued to harass and persecute him for extortion purposes
 - Application denied because the respondent's religion was incidental to the harm he suffered.

Political Opinion

- INS v. Elias-Zacarias, 502 US 478 (1992).
 - Refusal to join a gang does not constitute a political opinion
 - Resistance to a gang can stem from a host of other reasons
- Marroquin-Ochoma v. Holder, 574 F. 3d 574 (8th Cir. 2009).
 - Opposition to a gang may have a political dimension, but is not necessarily politically motivated
 - Even if the gang operated in a "political framework," a political motive underlying the gang's forced recruitment would be inadequate to establish that the gang believes resistance to recruitment is an anti-gang political opinion
- Santos-Lemus v. Mukasey, 542 F. 3d 738 (9th Cir. 2008)
 - Anti-Gang sentiment is not a political opinion



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Common Types of Persecution

“[A]ctions must rise above the level of mere harassment to constitute persecution.”
Dandan v. Ashcroft, 339 F.3d 567, 573 (7th Cir.2003) (internal quotation marks omitted).

- **Threats of Death:** Li v. Gonzales, 405 F.3d 171, 177 (4th Cir.2005); see also Crespin-Valladares v. Holder, 632 F.3d 117 (4th Cir, 2011) (finding three death threats amounted to persecution).

- **Extortion:** “[E]conomic penalties ‘rise to the level of persecution’ only if such “sanctions are sufficiently harsh to constitute a threat to life or freedom.” Ahmed v. Ashcroft, 396 F.3d 1011, 1012 (8th Cir.2005); see also Stevic, 467 U.S. at 418, 104 S.Ct. 2489. (“[Persecution] has also been construed to encompass economic sanctions sufficiently harsh to constitute a threat to life or freedom.”)

- **Physical Beatings**

- **Emotional Torture** (ie rape child in front of parent)



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Internal Relocation—How to use the Human Rights Reports



- **Honduras** (pg. 14): “There were areas where authorities could not assure freedom of movement because of criminal activity and a lack of significant government presence.”
- **El Salvador** (pgs. 12-13): “In-country Movement: The major gangs controlled their own territory. Gang members did not allow persons living in another gang’s controlled area to enter their territory, even when travelling via public transportation. Gangs forced persons to present government-issued identification cards (containing their addresses) to determine their residence. If gang members discovered that a person lived in a rival gang’s territory, that person risked being killed, beaten, or not allowed to enter the territory.”



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