

Closing Argument

The asylum office should grant John Doe's application because he meets all elements of eligibility. He suffered past persecution when the Taliban threatened via written letter to punish him. Threats alone amount to persecution where they are imminent, menacing, and/or cause significant actual suffering or harm. *See, e.g., Escobedo Marquez v. Barr*, 965 F.3d 561, 565 (7th Cir. 2020). As documented in the country conditions index, 'night letters' from the Taliban like the one Mr. Doe received are a signal it has marked a victim, or even his family, for death. Furthermore, the discovery of the letter caused both Mr. Doe and his wife profound psychological harm, manifested in symptoms like nightmares, that only resolved after their arrival in the United States, where the Taliban cannot get to them. Importantly, the Taliban singled out Mr. Doe because of his held and imputed political opinions in support of the West and its efforts to build a democracy in Afghanistan. The letter states they targeted Mr. Doe because of, in the Taliban's words, his work supporting the invader's goals.

Such past persecution creates an un rebutted presumption of future persecution. But even setting aside his past persecution, Mr. Doe has a well-founded fear of future persecution on account of his held and imputed political beliefs, and because (among other particular social groups) he is an immediate relative of his father, Mr. Doe senior, and his brother Tom Doe, who were a prosecutor of the Taliban, and a translator for the U.S. embassy and military, respectively. Mr. Doe's fear of persecution is reasonable if he faces a 10% or greater possibility of serious harm. *See INS v. Cardoza-Fonseca*, 480 U.S. 421, 439–40 (1987). The letter discussed above is evidence that it is not only plausible, but likely, the Taliban would persecute Mr. Doe. And country conditions documents submitted confirm the Taliban is seeking people similarly situated to Mr. Doe and kidnapping and/or killing them, among other harms. Mr. Doe remains on the Taliban's radar; after his family fled Afghanistan, the Taliban raided his home and seized documents and other belongings. The Taliban also almost certainly has his biometric records. They are in control of all of Afghanistan; there is nowhere Mr. Doe or his family could be safe.

Alternatively, Mr. Doe qualifies for asylum per *Matter of L-S-*, 25 I&N Dec. 705 (BIA 2012) because he suffered past persecution on account of a protected ground and faces a "reasonable possibility of other serious harm" were he forced to return to Afghanistan.

Mr. Doe is not subject to any bars to asylum eligibility. He asks that your office grant his application so that he, his wife Jane, his son John, and his daughter Jessica can survive, free from the violence of the Taliban.