

6/24/2015

USCIS

Chicago Asylum Office

181 West Madison Street, Suite 3000

Chicago, IL 60602

**Re: Ms. FIRST NAME LAST NAME A# NUMBER**

**Case Brief in Support of Applicant’s Claim for Asylum**

**I. INTRODUCTION**

Ms. FIRST NAME LAST NAME (Ms. LAST NAME) seeks asylum following continuous incidents of domestic abuse she suffered in the hands of her ex-boyfriend, while in her native country of El Salvador. The El Salvadorian government has proven ineffective in protecting Ms. LAST NAME and other El Salvadorian women from harm including domestic partner abuse and femicide.

Respondent, FIRST NAME LAST NAME, appeared before Immigration Judge Susan Castro at the Bloomington, Minnesota Immigration Court for a master calendar hearing on December 9, 2014. The Respondent filed an application for asylum, withholding of removal and relief under the Convention Against Torture at a subsequent master calendar hearing on DATE, 2014.

**II. FACTUAL BACKGROUND**

1. **Events in El Salvador leading to Ms. LAST NAME’s Past Persecutions and Eventual Flight**

 Ms. LAST NAME first met her ex-boyfriend while traveling to school when she was 14 years old. Her ex-boyfriend was 23 years old at the time. About six months after their first encounter, when Ms. LAST NAME was 14 years old, a relationship developed between the two and her ex-boyfriend appeared to be kind and attentive, and “always said nice things” to her.

When Ms. LAST NAME’s mother discovered that Ms. LAST NAME had a sexual relationship with her boyfriend, she lit a towel on fire, pushing the towel towards Ms. LAST NAME, telling Ms. LAST NAME that if she was going to have sex, then she should burn. After this incident, Ms. LAST NAME chose to leave home to live with her boyfriend. In addition, she believed that moving in with him would be a better option than living with her mother. Ms. LAST NAME’s mom was working and had also decided to go back to school to receive her college degree. Ms. LAST NAME’s mom was often absent at home, and because Ms. LAST NAME was the oldest, her mother expected her to take care of her great grandmother and her younger sister. When her mother came back from work and school, she would verbally abuse Ms. LAST NAME if any of these expectations were not completed.

Five or six months after Ms. LAST NAME and her ex-boyfriend began living together, her ex-boyfriend became involved with the MS-13 gang. After Ms. LAST NAME’s ex-boyfriend became involved in the MS-13 gang, he became progressively more controlling. He asked her to leave school at random times and inquired about her daily activities and the friends she associated with.

After Ms. LAST NAME’s ex-boyfriend joined the MS-13 gang, he regularly physically and sexually abused her. Incidents of physical abuse involved him pushing her to the ground, kicking her in the head, and throwing her into walls. Ms. LAST NAME’s ex-boyfriend would beat Ms. LAST NAME with electrical or phone cords, whipping her in the legs, arms, body, and face. If Ms. LAST NAME tried to cover herself, he would use a broomstick to stab at her and hit her. Ms. LAST NAME reported that he broke several broomsticks beating her. She had nosebleeds, and when he hit her in the eyes, they became swollen and red inside. She has a bump on her head from him hitting her on the head. If Ms. LAST NAME had visible injuries, he would not allow her to go to school.

Incidents of sexual abuse occurred frequently as well. 3 months after Ms. LAST NAME moved in with her ex-boyfriend, he raped her. Whenever she returned from school, he forced her to have sex with him even if she did not want to. If she resisted, he would hit her and force her to have sex.

Ms. LAST NAME’s mother heard about the abuse and tried to take Ms. LAST NAME to Ms. LAST NAME’s mother’s house or Ms. LAST NAME’s aunt’s house to get away from the ex-boyfriend. Ms. LAST NAME does not know how but he always found out where she was. He would bring her back to his house by force, beat her, and choke her. Sometimes, he would wrap his hand with a t-shirt and begin punching her and choking her with the t-shirt. Ms. LAST NAME’s ex-boyfriend threatened anyone who put up any kind of resistance. At one point, when Ms. LAST NAME’s mother was attempting to defend Ms. LAST NAME, Ms. LAST NAME’s ex-boyfriend broke Ms. LAST NAME’s mother’s nose.

Ms. LAST NAME also tried going to her father’s house that was in a different village. When her father wasn’t home, Ms. LAST NAME’s ex-boyfriend arrived with other members of MS-13 who forced their way into the house and took her by force back to her boyfriend’s house.

At a party she and her ex-boyfriend attended together, she recognized her best friend from 9th grade. Ms. LAST NAME began chatting with her friend. However, her ex-boyfriend assumed that she had left to talk to other guys. When she returned, he took her outside, choked her, and beat her to the point that her “white pants became all red with blood.” Her body became badly bruised from the beatings. She saw her mom passing by on the road and yelled “Help.” When Ms. LAST NAME and her ex-boyfriend returned home, he had a calm demeanor, but then proceeded to beat Ms. LAST NAME and force her to have sex with him. Ms. LAST NAME said this was the worst abuse she experienced.

After this incident, in December 2013, when Ms. LAST NAME was 16 years old, Ms. LAST NAME moved back in with her mother. She was able to do this because Ms. LAST NAME’s mother convinced another member of MS-13 to let her take Ms. LAST NAME out of Ms. LAST NAME’s ex-boyfriend’s house that night. Her ex-boyfriend stopped coming to Ms. LAST NAME’s mother’s house to take her back, but her ex-boyfriend continued to pursue her. He would wait for her after school at the edge of town by an alley. He would tell her that she was his property and that he would not let her go.

As a result of his constant stalking, Ms. LAST NAME began to take the bus to school. She would take another mini bus up to the hill where her house is located. Eventually, her ex-boyfriend found out that she was taking the bus to school. He would wait for her at the corner where the bus would drop her off and talk to her, saying, “Why are you trying to hide yourself? You belong with me. You are not going to be with anyone else…I can be with whoever I want because in the end you are my property.” He also continued to inquire about her activities at school, asking, “Why did you do this or that at school?”

Whenever she got off the bus to board the mini bus, he would pull her by the arm and grab her neck and choke her. He would drag her back to his house and say, “Why do you want to leave? You are mine.” Once, he told her that if she ever tried to get away from him, he would kill her, threatening to cut her body into pieces and throw it into a river near her mother’s house.

Ms. LAST NAME does not know how her ex-boyfriend found out about her decision to take the bus to school, or about her activities and schedule at school. However, after noticing that there were some kids at school who would follow her and watch her, she concluded that her ex-boyfriend learned these things through other students at school associated with the MR-13 gang.

After Ms. LAST NAME moved in with her mother, her ex-boyfriend continued to sexually assault her as well. Although he eventually, he pursued another girl but continued to sexually assault her. He would knock on her door and demand sex. While pursuing other women, he would tell her that she belonged to him and threatened to kill her if she left.

The last incident of abuse occurred a week before she left for the United States. Her mother asked her to get adult diapers for her grandma, and she took the bus to the stop. Once she got off the bus, he noticed her, and said, “Why are you downtown?” He grabbed her and took her to his house, where he began beating her and raped her.

Ms. LAST NAME has never been to the hospital as a result of her abuse. She does, however, have scars on her arms, head, and shoulder. The scar on her shoulder is from an incident when her ex-boyfriend pushed her to the ground. When he pushed her, a mirror broke into pieces beneath her, cutting her back and leaving a scar on her right shoulder.

Ms. LAST NAME’s mother reported the abuse to the police, but the police did nothing. After this, Ms. LAST NAME never told her friends or the police about the abuse as she feared that her ex-boyfriend would have the MR-13 gang members do something horrible to her. Her family encouraged her to leave El Salvador. Her mother said that it would be better to leave as he would never leave her.

Ms. LAST NAME entered the United States on June 8, 2014 by crossing the border into Rio Grande City, Texas, where immigration eventually arrested her after she crossed the border.

Since entering the United States, her ex-boyfriend contacted her via Facebook, notifying her that he knew she was in the United States, sending her a message saying, “Looks like you found yourself a husband. Someday you will have to return here.” He believes that the only reason she is allowed to be in the United States is through a partner/boyfriend. When she attempted to respond to the message, she was unable to because the profile no longer existed. Since sending that message, he has not tried to contact her because he does not have her phone number.

Ms. LAST NAME does not believe she would be safe if she returns. She believes that her ex-boyfriend would follow her or force her mom to tell where Ms. LAST NAME is. She also believes that her ex-boyfriend may harm her mom again.

**II. MS. LAST NAME 'S REQUEST FOR ASYLUM SHOULD BE GRANTED**

 Ms. LAST NAME qualifies for asylum. She is currently living outside of El Salvador. She has suffered past persecution on account of her membership in a particular social group of “El Salvadorian women” and her political opinion of refusing to accept abusive treatment as a woman. She merits a grant of asylum based on the severity of the past persecution she suffered, including being raped, beaten, stalked, and psychologically tormented by her ex-boyfriend on various occasions. She also has a well-founded fear of future persecution by her ex-boyfriend’s gang associates, who have assisted her ex-boyfriend in his pursuit of her in the past. She has also received threats of harm from her ex-boyfriend’s gang associates indirectly through her ex-boyfriend. The El Salvadorian government has failed to protect her and has offered no reassurance that it could protect Ms. LAST NAME should she return to El Salvador.

1. **The Harm Ms. LAST NAME Suffered Constitutes Persecution**

Ms. LAST NAME's history shows that the harm she endured from her ex-boyfriend constitute past persecution. The multiple rapes, physical harm to both herself and her family, and ongoing threats to herself and her family rise to the level of persecution[[1]](#footnote-1). Ms. LAST NAME was never taken to the hospital, but several incidents of physical harm resulted in permanent scarring. The fact that Ms. LAST NAME was 15-16 years old when she endured the bulk of the physical harm exacerbates the gravity of the harm.[[2]](#footnote-2) In addition, harm and threats to family members can constitute harm when the applicant is the intended target.[[3]](#footnote-3) On several occasions, Ms. LAST NAME’s ex-boyfriend broke into Ms. LAST NAME’s mother’s house, Ms. LAST NAME’s aunt’s house, and Ms. LAST NAME’s father’s house to search for Ms. LAST NAME with the help of gang associates. When Ms. LAST NAME’s mother attempted to defend her, he attacked her. Furthermore, Ms. LAST NAME’s ex-boyfriend’s fellow gang members have assisted her ex-boyfriend in stalking her. Ms. LAST NAME’s ex-boyfriend has also coerced Ms. LAST NAME into seeing him by threatening her with gang violence.

1. **Ms. LAST NAME Was Persecuted on Account of Being an El Salvadorian Woman**

The *Acosta* standard proposes that persecution on account of membership in particular social group should mean "persecution that is directed toward an individual who is a member of a group of persons all of whom share a *common, immutable characteristic*. The shared characteristic might be an innate one such as sex, color, or kinship ties . . . "[[4]](#footnote-4) Domestic and international authorities have long recognized that gender can define a particular social group based on the *Acosta* standard.[[5]](#footnote-5)

Ms. LAST NAME's particular social group, El Salvadorian women, is defined by nationality and gender. Circuit courts have also explicitly recognized particular social groups defined by nationality and gender.[[6]](#footnote-6) “El Salvadorian women” as a particular social group has been specifically acknowledged by at least one immigration court, under the *Acosta* standard as well as the social visibility standard.[[7]](#footnote-7)

Though arguably improperly imposed,[[8]](#footnote-8) “El Salvadorian women” also meets the additional requirements of social visibility and particularity. *Matter of C-A-* sets out two elements for a particular social group to be established. It provides that the group must be distinct and recognizable in society, and a distinctive trait shared by the members of the group will indicate its social visibility.[[9]](#footnote-9) Women are a recognizable and distinct social group. *Matter of C-A-* explicitly offers “sex” as a social group that is “easily recognizable and understood by others to constitute social groups.”[[10]](#footnote-10)

Ms. LAST NAME was persecuted on account of status as an El Salvadorian woman in a variety of ways. On multiple occasions, Ms. LAST NAME’s husband expressed his male dominance over Ms. LAST NAME, telling Ms. LAST NAME that she was his “property” and that she “belonged” to him, even while pursuing other women. He told her that if she tried to leave him, he would kill her. Once, after breaking into Ms. LAST NAME’s mother’s house, he threatened to kill her and to “cut her up into pieces and throw her remains in the dirt ditch”. Ms. LAST NAME’s boyfriend often intercepted Ms. LAST NAME on her way home or on her way to school, forcing her to go to his house where he would beat her and rape her.

1. **Ms. LAST NAME Has a Well-Founded Fear of Future Persecution**

An applicant is presumed to have a well-founded fear of future persecution if a reasonable person in the applicant's circumstances would fear persecution as well.[[11]](#footnote-11) Furthermore, the harm and persecutor need not be identical to that which formed the basis for the past persecution.[[12]](#footnote-12) Unless Department of Homeland Security establishes, by preponderance of evidence, that "there has been a fundamental change in circumstances such that the applicant no longer has a well-founded fear of persecution" the presumption that a well-founded fear exists shall not be rebutted.[[13]](#footnote-13)

 Ms. LAST NAME suffered past persecution. In order to rebut a well-founded fear of persecution, the burden is on the government to show if there has been a fundamental change in circumstances that would remove the well-founded fear of future persecution. The record supports a finding that the presumption cannot be rebutted.

As an El Salvadorian woman, Ms. NAME continues to have a well-founded fear of future persecution. Since coming to the United States, Ms. LAST NAME’s ex-boyfriend has sought out Ms. LAST NAME’s contact information and threatened her, telling her that he knows that she will have to return to El Salvador eventually. At least one reason behind his actions is Ms. LAST NAME’s status as a woman and the expression of her political opinion that asserting her freedom from abuse as a woman by escaping El Salvador.

**i. It is Unreasonable for Ms. LAST NAME to Relocate within El Salvador**

Due to Ms. LAST NAME's young age, coupled with the high rate of femicide in El Salvador, it is unreasonable for her to locate to another place within El Salvador. Ms. LAST NAME is only seventeen years old, and if she were to relocate to another location away from her home in Colonia 22 de Abril in El Salvador away from her family and friends, she is likely to become vulnerable to the general dangers that exist for young women throughout El Salvador. The 2012 report by the Small Arms Survey organization reported that El Salvador has the highest rate of femicide in the world at a rate of 12.0 per 100,000 people. Rape and other sexual crimes against women are also widespread. According to the 2013 U.S. Department of State Human Rights Report on El Salvador, the FGR reported nearly 5,000 cases of alleged sexual crimes against women in the fall of 2013. The report also noted that the government of El Salvador has failed to effectively implement laws against sexual harassment and domestic violence.

From an economic standpoint, Ms. LAST NAME again is quite restricted. She has not yet graduated high school, and lived under the guardianship and care of her mother before and after living with her ex-boyfriend. Even after entering the United States, she has not lived independently. To expect her to relocate and live in another area of El Salvador on her own is unreasonable.

Ms. LAST NAME has also shown that she cannot safely and reasonably relocate to another area of El Salvador to escape persecution from her ex-boyfriend. Her ex-boyfriend has made it clear that he intends to hunt her down wherever she goes in El Salvador, a threat made plausible by his history of being able to track her down and learn her schedule through the aid of MS-13 gang members, the largest gang in Central America with over 70,000 members. Additionally, El Salvador is the smallest country in Central America (roughly the size of Massachusetts), so that Ms. LAST NAME’s ex-boyfriend – aided by his gang associates – could in fact track her down with ease.

1. **The El Salvadorian Government Cannot Protect Ms. LAST NAME**

The El Salvadorian government has proved at worst, unwilling and at best, unable to protect Ms. LAST NAME from harm on account of being an El Salvadorian woman. Furthermore, the high rate of gender-related violence, and the limited training of the police in dealing with such claims coupled with the lack of programs that help victimized women, there is little hope that Ms. LAST NAME will be able to avail herself to the protection of El Salvador. Current country condition information indicates that the El Salvadorian government has made dismal efforts to protect El Salvadorian women from ever-increasing rates of kidnapping, rape and murder. Investigation and prosecution of these crimes after they occur is an even more trouble reflection on the government’s inability to protect El Salvadorian women.

1. **The Government Continuously Failed to Protect Ms. NAME**

Ms. LAST NAME’s mother sought help from the government and it failed to Ms. LAST NAME’s mother reported the abuse Ms. LAST NAME endured after the ex-boyfriend essentially abducted her from Ms. LAST NAME’s aunt’s house and mother’s house to the police. The police were unresponsive to these reports and failed to act in any way.

 **ii. Current Country Conditions Support Ms. NAME's Claim for Asylum**

El Salvador is one of the deadliest peacetime countries in the world, but for women, “it is exponentially worse.”[[14]](#footnote-14) As of 2011, El Salvador had the highest rate of femicide, or gender-motivated killing of women, in the world. Since 2000, the rate of reported cases of femicide rose from 200 to over 600 in 2011. Reports of domestic violence have increased as well. In 2000, there were about 1,500 reported cases of domestic violence. In 2009 and 2010, over 6,000 cases were reported each year. Despite progressive legislative and policy actions to address violence against women, including a law passed in 2012 criminalizing violence against women, less than 3% of reported femicide cases are resolved by the courts. Furthermore, institutions involved in investigating and prosecuting cases remain severely underfunded, understaffed, and ineffective.

El Salvador's history of patriarchal norms that have existed for centuries, coupled with the legacy of violence, intimidation and ongoing impunity left behind by death squads and civil wars, indicate that these misogynistic forms of violence are deeply rooted at both institutional and individual levels. In addition, aggressors are emboldened by the knowledge that the likelihood of a conviction for their crimes is virtually nonexistent, further normalizing the violence. In El Salvador, “boys are brought up to think they own girls and women – that they have the right to use their bodies however they want”. Thus, El Salvadorian culture not only shows high numbers of violence against women, but also accepts these violent acts as part of a social norm.[[15]](#footnote-15)

 Law enforcement's lack of help for women is also noted. Police and judicial officials often view women as the cause of the partner's abusive behaviors, and either tells the women to work it out amongst themselves or to make sure abuse does not happen by keeping their partners satisfied.

According to the Country Reports on Human Rights Practices for 2013, the El Salvadorian Constitution prohibits discrimination on gender and laws prohibit and criminalize rape (spousal and aggravated), setting penalties between six to twenty years in prison. However, even with 4,826 cases of alleged sexual crimes reported during 2013 and 1,904 alleged cases of domestic violence, the government does not enforce the law effectively due to the inadequate training to investigate and assist sexual crimes by the police.[[16]](#footnote-16) The numbers stated in the reports are staggering, yet even with such a high number of victims, the El Salvadorian government does not try to address this problem as effectively as it could or should.

###  While governmental programs, such as the Instituto Salvadoreño para el Desarrollo de la Mujer , are available to battered women and children, the report indicates that the Fiscalia General de la Republica reported4,826 cases of alleged sexual crimes resulting in a mere 392 convictions during the year. Of the cases of sexual harassment that were reported, only 33 out of 552 cases resulted in a conviction. In both instances, conviction rates fall below 10%.

The majority of the violence against women in El Salvador occurs at the hands of gangs in El Salvador, namely Barrio 18 and MS-13. Gang members use sexual violence and rape as a weapon to intimidate and terrorize local communities. New recruits are often encouraged to participate in sexual violence as part of their initiation into gang culture or as a means of strengthening ties with other gang members. Violence is primarily directed towards various member’s girlfriends or women and girls who are not affiliated with the group.[[17]](#footnote-17)

 These “girlfriends” seldom voluntarily approach gang members, but rather are stalked and assaulted by gang members. Gang members have approached and begun sexual relations with girls as young as 8 or 9 years old.[[18]](#footnote-18) Young Salvadoran girls interviewed for a 2014 report conducted by the UNHCR report being sexually harassed by gang members who demanded that they be their girlfriends.[[19]](#footnote-19) Many girls drop out of school because of the threats posed to both them and their family members from gang members, one interviewee explain that “[gangs] go into the school and take girls out and kill them.”[[20]](#footnote-20) Research conducted in El Salvador shows the inability of the state to control gang violence, worse than other similar countries in Central America. [[21]](#footnote-21)

 Gang activity is a pervasive problem in El Salvador. Although it is difficult to obtain an exact statistic on gang membership in El Salvador, researchers estimate this number to be anywhere between 10,500 and 39,000. [[22]](#footnote-22) Ms. LAST NAME’s ex-boyfriend had been in a gang called MS-13, the biggest organized gang in Central America. The ex-boyfriend and his fellow gang members continue to operate after Ms. LAST NAME’s departure from El Salvador.

In the context of a broken social and political systems, gangs have become extremely powerful, frequently acquiring funds through extortion. The growth of violent gangs in El Salvador puts particular pressure on youth, who report that it is increasingly difficult to escape gang recruitment. A reduction in money allocated to social services during the 1990s has particularly disadvantaged young people in El Salvador, meaning a steep decrease in the life opportunities and access to the formal economy. This has greatly facilitated the emergence of youth gangs. Young people that resist entry into gangs frequently find themselves targeted for physical abuse or death.[[23]](#footnote-23)

El Salvador’s repressive tactics of law enforcement has done little to mitigate the influence of gangs, experts believing that recent government crackdowns on gangs have in fact catalyzed gang activity, who now operate in more clandestine means. This was exemplified by the “Mano Dura” (“Firm Hand”) and “Súper Mano Dura” (“Super Firm Hand”) anti-gang policies imposed by President Francisco Flores in 2003, in turn

 Dangers for women in El Salvador remain prevalent and insufficiently addressed by El Salvadorian authorities. Should Ms. LAST NAME be returned to El Salvador, the El Salvadorian government would be at worst, unwilling, and at best, unable to assure her of protection.

1. **The Severity of the Past Persecution Merits a Grant of Asylum**

Ms. LAST NAME should be granted humanitarian asylum based on the severe nature of her past persecution. Ms. LAST NAME suffered unrelenting abuse by her ex-boyfriend at the young age of fourteen and fifteen. She was kidnapped, repeated raped, falsely imprisoned and beaten. Ms. LAST NAME has several spots of permanent scarring from the severity of the physical beatings.

Though she is a resilient young woman, the harm she suffered would be extreme even for an adult. The fact that Ms. LAST NAME was between the ages of fourteen and sixteen years old when she endured the bulk of the physical harm exacerbates the gravity of the harm.[[24]](#footnote-24) Furthermore, the harm and threats to her family members has caused her ongoing anxiety knowing that their well-being is in danger because of her. Just as persecution should be evaluated from a child specific lens, so should the severity of the past persecution. In essence, Ms. LAST NAME’s adolescence was taken from her by an abusive and malicious boyfriend. The harm cannot be undone and for these reasons she should not be forced to return to El Salvador.

1. **The Ongoing Threats from Ms. NAME’s Husband’s Gang-member Friends Constitutes Other Serious Harm that Merits a Grant of Asylum**

Ms. LAST NAME should be granted humanitarian asylum based the other serious harm she would suffer if she is forced to return to El Salvador. The ongoing threat from Ms. LAST NAME’s ex-boyfriend and gang associates constitutes other serious harm severe enough to merit a grant of asylum. Both Ms. LAST NAME’s ex-boyfriend and his gang associates were accomplices in the brutal harm he caused Ms. LAST NAME.

The ex-boyfriend’s gang associates supported him in his abduction of Ms. LAST NAME, not questioning the ex-boyfriend’s brutal treatment of Ms. LAST NAME, helping the ex-boyfriend break into Ms. LAST NAME’s mother’s, aunt’s, and father’s house, and providing the ex-boyfriend with information on Ms. LAST NAME’s schedule and whereabouts. The ex-boyfriend’s friends accompanied him when he kidnapped Ms. LAST NAME from Ms. LAST NAME’s father’s house, helping to break into Ms. LAST NAME’s father’s home and fully supporting her abduction. They aided Ms. LAST NAME’s ex-boyfriend in his incessant attempts to reclaim Ms. LAST NAME whenever she tried to hide.

In addition to the specific harm from her ex-boyfriend and his friends, Ms. LAST NAME also faces serious harm in one of the world’s most dangerous countries to be a woman. In 2011, El Salvador had the highest rate of femicide in the world, at 18 deaths per 100,000 people. Furthermore, between the years of 2010 and 2012, averages of 461 rapes per year were reported. Local authorities estimate that these numbers represent fewer than 20% of rapes that occurred, with the majority remaining unreported.[[25]](#footnote-25) As a young El Salvadorian woman, Ms. LAST NAME remains extremely vulnerable if she is returned to El Salvador.

**III. CONCLUSION**

 Ms. LAST NAME’s asylum application should be granted. She suffered rape and physical beatings all between the ages of 14 and 16. She continues to fear for her safety on the basis of being an El Salvadorian woman at the hands of her ex-boyfriend and his gang associates. The deeply patriarchal culture of El Salvador that nurtures misogyny and normalizes domestic violence and femicide has made the El Salvadorian government incapable of protecting Ms. LAST NAME. Should her continued fear not constitute a well-founded fear of persecution, the gravity of the harm she suffered at such a young age and the seriousness of the ongoing threats constitute other serious harm that merits a grant of humanitarian asylum. For the foregoing reasons, we respectfully request that you grant Ms. LAST NAME asylum in the United States.

 Respectfully submitted,

 Sarah Brenes

 Attorney at Law

1. *Matter of Kasinga*, 21 I&N Dec. 357, 362 (BIA 1996) [↑](#footnote-ref-1)
2. *Ngengwe v. Mukasey*, 543 F.3d 1029, 1036-37 (8th Cir. 2008); *Mambwe v. Holder*, 572 F.3d 540, 549-50 (8th Cir. 2009); *Matter of Chen*, 20 I&N Dec. 16 (BIA 1989) [↑](#footnote-ref-2)
3. *El-Sheikh v. Ashcroft*, 388 F.3d 643, 646 (8th Cir. 2004) [↑](#footnote-ref-3)
4. *Matter of Acosta*, 19 I&N Dec. 211, 233 (BIA 1985) (Emphasis added) [↑](#footnote-ref-4)
5. Brief of *Amicus Curiae* of American Immigration Lawyers Association to the Board of Immigration Appeals in the Matters of M.J.V; R.D.C.P-G; and A.R.C-G et. al, November 14, 2012 (hereinafter “Brief of *Amicus Curiae*” at 16-22 ; See Also *Matter of E-A-*G, 24 I&N Dec. 591 (BIA 2007); *Xiu Fei Wang v. Attorney General*,222 Fed. Appx. 176 (3d Cir. 2007); *Elena Koudriachova et al. v. Attorney General*, 490 F.3d 255 (2nd Cir. 2007) [↑](#footnote-ref-5)
6. *Hassan v. Gonzalez*, 484 F.3d 513 (8th Cir. 2007) (recognizing Somali women as a particular social group) *Fatin v. INS* 12 F.3d 1233, 1240 (3d Cir. 1993) (recognizing Iranian women as a particular social group). [↑](#footnote-ref-6)
7. In the Matter of \_\_\_\_\_\_\_\_, Bloomington Immigration Court, June 27, 2013 at 60 [↑](#footnote-ref-7)
8. “Brief of *Amicus Curiae*” at 22-25 [↑](#footnote-ref-8)
9. *Matter of C-A-*, 23 I&N Dec. at 959 (BIA 200) [↑](#footnote-ref-9)
10. *Matter of C-A-*, at 958. [↑](#footnote-ref-10)
11. Matter of Mogharrabi, I&N Dec. 439 (BIA 1987) [↑](#footnote-ref-11)
12. *Hassan v. Gonzalez*, 484 F.3d 513, 520 (8th Cir. 2007) [↑](#footnote-ref-12)
13. Asylum Officer Basic Training Course, Asylum Eligibility Part II: Well-Founded Fear 26 (Mar. 13, 2009). Retrieved from: <http://www.uscis.gov/sites/default/files/USCIS/Humanitarian/Refugees%20%26%20Asylum/Asylum/AOBTC%20Lesson%20Plans/Well-Founded-Fear-31aug10.pdf> [↑](#footnote-ref-13)
14. Wholf, T. (2015, April 11). El Salvador set to become deadliest peacetime country in the world. Retrieved from http://www.pbs.org/newshour/rundown/el-salvador-set-become-deadliest-peace-time-country-world/ [↑](#footnote-ref-14)
15. Lakhani, N. (2013, June 7). Violence against women rises in El Salvador. Retrieved from http://www.aljazeera.com/indepth/features/2013/06/20136493135956422.html [↑](#footnote-ref-15)
16. U.S. Department of State. (2013, March 21). El Salvador 2013 Human Rights Report. Retrieved from http://www.state.gov/documents/organization/220654.pdf [↑](#footnote-ref-16)
17. Associated Press. (2014, November 6). El Salvador's horrifying culture of gang rape. Retrieved from http://nypost.com/2014/11/06/the-youth-are-theirs-el-salvadors-horrifying-culture-of-gang-rape/ [↑](#footnote-ref-17)
18. Latin America News Dispatch. (2014, November 7). Retrieved from http://latindispatch.com/2014/11/07/violence-against-women-is-widespread-in-el-saldadors-gangs/ [↑](#footnote-ref-18)
19. UN High Commissioner for Refugees (UNHCR), Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the need for International Protection, 13 March 2014, available at: http://www.refworld.org/docid/532180c24.html [accessed 4 August 2014] [↑](#footnote-ref-19)
20. Ibid. [↑](#footnote-ref-20)
21. Ibid. [↑](#footnote-ref-21)
22. Ibid. [↑](#footnote-ref-22)
23. Ibid. [↑](#footnote-ref-23)
24. *Ngengwe v. Mukasey*, 543 F.3d 1029, 1036-37 (8th Cir. 2008); *Mambwe v. Holder*, 572 F.3d 540, 549-50 (8th Cir. 2009); *Matter of Chen*, 20 I&N Dec. 16 (BIA 1989) [↑](#footnote-ref-24)
25. Overseas Security Advisory Council. (2014, June 3). El Salvador 2013 Human Rights Report. Retrieved from: http://www.state.gov/documents/organization/220654.pdf [↑](#footnote-ref-25)