The following statements of law are hereby incorporated into the Immigration Judge's oral decision. These statements are not the sole legal basis for the decision and are meant to be read in conjunction with any law cited in the oral decision itself.

I. Credibility

Applications for asylum made on or after May 11, 2005 are subject to the provisions of the REAL ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 231 (2005). The Court may evaluate the alien's credibility "using whatever combination of considerations seems best in the situation at hand." Id. In assessing the applicant's credibility, the Court may consider the following factors: demeanor, candor, responsiveness, inherent plausibility of the claim, the consistency between oral and written statements, the internal consistency of such statements, the consistency of such statements with evidence of record, and any inaccuracy or falsehood in such statements, even if they stray beyond the heart of the applicant's claim. INA § 208(b)(1)(B)(iii).

It is the applicant's burden to satisfy the Immigration Judge that his or her testimony is credible. See Fesehaye v. Holder, 607 F.3d 523, 526 (8th Cir. 2010). An applicant's own testimony is sufficient to meet his or her burden of proving his or her asylum claim if it is believable, consistent, and sufficiently detailed to provide a plausible and coherent account of the basis of his or her fear. 8 C.F.R. § 1208.13(a). Where it is reasonable to expect corroborating evidence for certain specific elements of an applicant's claim, such evidence should be provided. See Matter of S-M-J-, 21 I&N Dec. 722, 725-26 (BIA 1997). If the Court encounters inconsistencies in the testimony, contradictory evidence, or inherently improbable testimony, the absence of corroboration can lead to a finding that an applicant has failed to meet his or her burden of proof. See Rucu-Roberti v. INS, 177 F.3d 669, 670 (8th Cir. 1999) (indicating that when an applicant makes implausible allegations and fails to present corroborating evidence, an adverse credibility determination may be warranted); Matter of J-Y-C-, 24 I&N Dec. 260, 266 (BIA 2007); Zewdie v. Ashcroft, 381 F.3d 804 (8th Cir. 2004); Matter of S-M-J-, 21 I&N Dec. at 725-26.

If the applicant testifies credibly, the Immigration Judge may determine that the applicant must provide further corroborative evidence to meet the applicant's burden of proof. INA § (b)(1)(B)(ii). When corroborative evidence is requested, the applicant must be given an opportunity to provide the evidence or explain why the evidence is not reasonably available. Khrystotodorov v. Mukasey, 551 F.3d 775, 782 (8th Cir. 2008).

II. Asylum

In all asylum cases, the applicant "shall have the burden of establishing that he or she is eligible for any requested benefit or privilege and that it should be granted in the exercise of discretion." 8 C.F.R. § 1240.8(d). To qualify for asylum under section 208 of the Immigration and Nationality Act (INA or the Act), an applicant bears the burden of proving that he or she is a refugee within the meaning of section 101(a)(42) of the Act. The applicant must demonstrate that he or she is unable or unwilling to return to the country of origin because of persecution or a well-founded fear

of persecution on account of her race, religion, nationality, membership in a particular social group, or political opinion. INA § 101(a)(42)(A).

If an asylum applicant presents specific facts establishing that he or she has been the victim of persecution based on one of the five enumerated grounds, then the applicant is entitled to a rebuttable presumption of a well-founded fear of future persecution. 8 C.F.R § 1208.13. Absent this presumption, the applicant must demonstrate a fear that is subjectively genuine and objectively reasonable, meaning that a reasonable person in the applicant's circumstances would fear future persecution on account of one of the five protected grounds. INS v. Cardoza-Fonseca, 480 U.S. 421 (1987); Kratchmarov v. Heston, 172 F.3d 551, 553 (8th Cir. 1999) (citation omitted). Finally, the applicant must demonstrate that he or she does not fall into any of the mandatory denial categories, see INA § 208(b)(2); 8 C.F.R. § 1208.13(c), and that he or she is eligible for asylum as a matter of discretion. See INA § 208(b)(1)(A); 8 C.F.R. § 1208.14; see also Cardoza-Fonseca, 480 U.S. at 423.

A. Past Persecution

The Eighth Circuit has defined past persecution as "'the infliction or threat of death, torture, or injury to one's person or freedom on account of race, religion, nationality, membership in a particular social group, or political opinion.'" Litvinov v. Holder, 605 F.3d 548, 553 (8th Cir. 2010) (quoting Davila-Mejia v. Mukasey, 531 F.3d 624, 628 (8th Cir. 2008)).

Persecution within the meaning of the INA "does not encompass all treatment that society regards as unfair, unjust, or even unlawful or unconstitutional." Matter of V-T-S-, 21 I&N Dec. 792, 798 (BIA 1997). Rather, "'persecution is an extreme concept.'" Eusebio v. Ashcroft, 361 F.3d 1088, 1090 (8th Cir. 2004). Low-level intimidation and harassment alone do not rise to the level of persecution, Matul-Hernandez v. Holder, 685 F.3d 707, 711 (8th Cir. 2012), nor does harm arising from general conditions such as anarchy, civil war, or mob violence. Agha v. Holder, 743 F.3d 609, 617 (8th Cir. 2014). Even minor beatings or limited detentions do not usually rise to the level of past persecution. Bhosale v. Mukasey, 549 F.3d 732, 735 (8th Cir. 2008); Kondakova v. Ashcroft, 383 F.3d 792, 797 (8th Cir. 2004). Rape and severe beatings do rise to the level of persecution. See Matter of D-V-, 21 I&N Dec. 77, 78 (BIA 1993).

Further, persecution does not normally include unfulfilled threats of physical injury, Setiadi v. Gonzales, 437 F.3d 710, 713 (8th Cir. 2006), and threats that "are exaggerated, nonspecific, or lacking in immediacy" may be insufficient to establish persecution. La v. Holder, 701 F.3d 566, 571 (8th Cir. 2012). But "numerous and credible threats" combined with attempts to fulfill those threats may establish past persecution, as the asylum standard does not require the applicant "to wait for [his or her] persecutors to finally carry out their death threats before [he or she] could seek refuge here." Sholla v. Gonzales, 492 F.3d 946, 952 (8th Cir. 2007). "It is also important to consider whether an act of violence is an isolated occurrence, or part of a continuing effort to persecute on the basis of a factor enumerated in the statute." Ngure v. Ashcroft, 367 F.3d 975, 990 (8th Cir. 2004).

B. Well-Founded Fear of Future Persecution

To establish a well-founded fear of future persecution, an asylum applicant must have a subjectively genuine fear of persecution that is objectively reasonable. Zhuang v. Gonzalez, 471 F.3d 884, 890 (8th Cir. 2006). Credible testimony by an applicant may be enough to satisfy the subjective component, depending on the circumstances. Id. Once a subjective fear is established, the applicant must show that his or her fear remains "objectively reasonable" by showing it has a "basis in reality"; that is, he or she must present credible, specific, and detailed evidence that a reasonable person in the applicant's position would fear persecution. Id.

In cases where an asylum applicant has established past persecution, a regulatory presumption arises that the applicant has a well-founded fear of future persecution on the basis of his or her original claim. 8 C.F.R. § 1208.13(b)(1).[1] The Department of Homeland Security (the Department or DHS) may rebut this presumption if it establishes by a preponderance of the evidence that (1) the applicant's fear is no longer well-founded due to a fundamental change in circumstances or (2) the applicant could avoid future persecution by relocating to another part of the country and that it would be reasonable to expect him or her to do so. 8 C.F.R. § 1208.13(b)(1)(i)-(ii).

- **Fundamental Change in Circumstances**

The presumption of a well-founded fear of future persecution may be rebutted by a showing of a fundamental change in the applicant's circumstances. A fundamental change in circumstances may involve either changed conditions in the home country, such as a new political climate, or a change in personal circumstances such that the applicant no longer has a well-founded fear of persecution. See Karim v. Holder, 596 F.3d 893, 898 (8th Cir. 2010); Mambwe v. Holder, 572 F.3d 540, 548 (8th Cir. 2009). For example, the Eighth Circuit has held that an applicant who turns 18 years of age will no longer have a well-founded fear of persecution where the harm he or she suffered was based on his or her status as a minor. See Ming Li v. Holder, 769 F.3d 984, 986 (8th Cir. 2014); Ixtlilco-Morales v. Keisler, 507 F.3d 651 (8th Cir. 2007). Likewise, an applicant who fears political persecution grounded on his or her political opinion no longer has a well-founded fear when the persecuting government is no longer in power and the former victims are no longer being persecuted for their message. See Gitimu v. Holder, 581 F.3d 769 (8th Cir. 2009).

- **Internal Relocation**

A well-founded fear of persecution does not exist where the applicant could avoid persecution by relocating to another part of the country and such relocation would be reasonable. 8 C.F.R. § 1208.13(b)(2)(ii). In other words, the applicant's fear of persecution must be countrywide. See Mohamed v. Ashcroft, 396 F.3d 999, 1003 (8th Cir. 2005). To determine the reasonableness of relocation, courts look to, but are not limited to, the following factors: "whether the applicant would face other serious harm in the place of suggested relocation; any ongoing civil strife within

[1] In the absence of past persecution, an applicant can still merit asylum "if [he or she] shows there is a reasonable possibility that [he or she] will experience persecution upon removal." Thu v. Holder, 596 F.3d 994, 999 (8th Cir. 2010).

the country; administrative, economic, or judicial infrastructure; geographical limitations; and social and cultural constraints, such as age, gender, health, and social and familial ties." Hagi-Salad v. Ashcroft, 359 F.3d 1044, 1048 (8th Cir. 2004) (citing 8 C.F.R. § 208.13(b)(1)(i)(B)); see e.g., Melecio-Saquil v. Ashcroft, 337 F.3d 983, 988 (8th Cir. 2003) (holding that relocation was reasonable where recent changes in country conditions "greatly increased the likelihood" that the applicant could find a safe place to live upon his return). Nonetheless, depending on the circumstances, such factors may not be relevant in all cases; and therefore, are not necessarily determinative of whether it would reasonable for an applicant to relocate. See 359 F.3d at 1048-49.

- **Humanitarian Asylum**

When an asylum applicant has established past persecution, but the presumption of future persecution is rebutted, he or she may request a humanitarian grant of asylum based on either severe past persecution or some other serious harm. 8 C.F.R. 1208.13(b)(1)(iii)(A); Kangu v. Holder, 781 F.3d 912 (8th Cir. 2015). To qualify as "severe," the persecution must have been "particularly atrocious." See Mambwe, 572 F.3d 540, 547 (8th Cir. 2009) (citation and internal quotation marks omitted); see also Abrha v. Gonzales, 433 F.3d 1072, 1076 (8th Cir. 2006). Severe past harm arises from persecution on a protected ground that was "atrocious" and produced "long-lasting effects." See Mambwe, 572 F.3d at 547; Matter of N-M-A-, 22 I&N Dec. 312 (BIA 1998). Courts may consider "the degree of harm suffered, the length of time over which the harm was inflicted, and evidence of psychological trauma resulting from the harm." Mambwe, 572 F.3d at 550 (citation and internal quotation marks omitted).

Even if an applicant cannot meet the first prong, he or she may still merit humanitarian asylum if there is a "reasonable possibility" that he or she may suffer "other serious harm" upon removal to his or her home country. 8 C.F.R. 108.13(b)(1)(iii)(B). The applicant bears the burden of proving that he or she would suffer other serious harm if removed. Matter of L-S-, 25 I&N Dec. 705, 710 (BIA 2012). When considering the possibility of "other serious harm," the focus should be on current conditions and the potential for new physical or psychological harm that the applicant might suffer. Id. at 714. While "other serious harm" must equal the severity of persecution, it may be wholly unrelated to the past harm. Id. The applicant need only establish a "reasonable possibility" of such "other serious harm"; a showing of "compelling reasons" is not required. Id. Moreover, an applicant does not need to demonstrate a nexus between the "other serious harm" and a protected ground under the Act. Id.

C. Nexus

An asylum applicant must demonstrate that the persecution he or she fears was or would be "on account of" his or her race, religion, nationality, membership in a particular social group, or political opinion. 8 C.F.R. § 1208.13(a); see INS v. Elias-Zacarias, 502 U.S. 478, 483 (1992) (explaining that an asylum claim fails unless the applicant establishes the requisite nexus between the alleged harm and a statutorily protected ground). For an applicant to show that he or she has been targeted on account of a protected ground, the applicant must demonstrate that his or her claimed ground was at least "one central reason" for the claimed harm. INA § 208(b)(1)(B)(i);

Matter of N-M-, 25 I&N Dec. 526 (BIA 2011). The protected ground cannot be "incidental, tangential, superficial, or subordinate to another reason." Matter of J-B-N- & S-M-, 24 I&N Dec. 208, 212-14 (BIA 2007). An applicant may show a persecutor's motives through direct or circumstantial evidence. Elias-Zacarias, 502 U.S. at 483. Such evidence may include statements by persecutors, or treatment of other similarly situated people. See Matter of S-P-, 21 I&N Dec. 486, 494 (BIA 1996).

- **Protected Ground – Membership in a Particular Social Group**

An applicant seeking asylum based on membership in a particular social group must demonstrate: (1) membership in a group that is comprised of members who share an immutable characteristic, is defined with particularity, and is socially distinct within the society in question, and (2) that his or her membership in the group is a central reason for the claimed persecution. Matter of A-B-, 27 I&N Dec. 316 (A.G. 2018). If the alleged persecutor is a private actor, the applicant must also show that his or her home government would be unwilling or unable to protect him or her. Id.

When requesting asylum on account of membership in a particular social group, applicants must "clearly indicate, on the record and before the immigration judge, the exact delineation of any proposed particular social group." Id. at 344. A proposed particular social group must "exist independently of the harm asserted." See Matter of A-B-, 27 I&N Dec. at 334-335 (If a particular social group is "defined by the persecution of its members, then the definition of the group moots the need to establish actual persecution."). Thus, a proposed particular social group is not cognizable unless its members "share a narrowing characteristic other than their risk of being persecuted." Id. (internal citations omitted).

A cognizable particular social group must include members who share a common immutable characteristic; it should be defined with particularity; and the group must be socially distinct within the society in question. Ngugi v. Lynch, 826 F.3d 1132, 1137-38 (8th Cir. 2016). First, a particular social group requires members to share an immutable characteristic. Matter of W-G-R-, 26 I&N Dec. 208, 210 (BIA 2014). An immutable characteristic is one "that the members of the group either cannot change, or should not be required to change because it's fundamental to their individual identities or consciences." Matter of Acosta, 19 I&N Dec. 211, 233 (BIA 1985). Second, the group must be particular. Matter of W-G-R-, 26 I&N Dec. at 212. To satisfy the particularity requirement, a group must be discrete and have definable boundaries. Id. at 214. Third, the group must be socially distinct. Id. at 212. Social distinction means that the group must be perceived as a group by society, regardless of whether society can identify the group's members by sight. Id. at 216-17. To demonstrate social distinction, an applicant must provide evidence showing that society in general perceives, considers, or recognizes persons sharing the particular characteristic to be a group. Id. at 217. This social distinction inquiry may require looking into the culture and society of an applicant's home country to determine if the class is discrete and not amorphous. Id. at 214. Social distinction does not require "ocular" visibility. Id. at 216.

- **Protected Ground – Political Opinion**

To establish "persecution on account of political opinion," an applicant must show that his political opinion is the "particular belief or characteristic" that his persecutor seeks to overcome. See Matter of Acosta, 19 I&N Dec. 211, 234-35 (BIA 1985) (explaining that "'persecution on account of political opinion' refers not to the ultimate political end that may be served by persecution, but to the belief held by an individual that causes him to be the object of the persecution"). Further, the United States Supreme Court has held that persecution or well-founded fear of persecution on account of political opinion refers to persecution on account of *the victim's* political opinion, not *the persecutor's* political opinion. INS v. Elias-Zacarias, 502 U.S. 478, 481 (1992) (finding that a Guatemalan guerrilla organization's attempt to conscript the alien into its military forces did not necessarily constitute persecution on account of political opinion); see also Matter of E-A-G-, 24 I&N Dec. 591, 597 (BIA 2008).

If persecution occurs on account of political opinion, it does not matter whether the applicant actually holds the political opinion that the persecutor attributes to him. See Marroquin-Ochoma v. Holder, 575 F.3d 574, 577 (8th Cir. 2009); see also De Brenner v. Ashcroft, 388 F.3d 629, 635 (8th Cir. 2004). For instance, "[i]t is the political opinion attributed to the victim, not the political opinion of the persecutor, that is ultimately relevant." Marroquin-Ochoma, 575 F.3d at 577. Additionally, the applicant's political opinion or imputed political opinion must be "at least one central reason" for the persecution. See id.; see also Carmenatte-Lopez v. Mukasey, 518 F.3d 540, 541 (8th Cir. 2008).

D. Government Action

To qualify for asylum, an applicant must show that the persecution was inflicted by the government of a country or by persons or an organization that the government is unwilling or unable to control. Quinteros v. Holder, 707 F.3d 1006, 1009 (8th Cir. 2013); Cubillos v. Holder, 565 F.3d 1054, 1057 (8th Cir. 2009); see also Matter of Acosta, 19 I&N Dec. at 222 (holding same). To establish persecution by private actors, the applicant must show more than just that the government has difficulty controlling private behavior, rather he or she must demonstrate that the government condoned the private behavior or at least demonstrated a complete helplessness to protect the victims. Salman v. Holder, 687 F.3d 991, 995 (8th Cir. 2012). In particular, "the fact that police take no action on a particular report does not necessarily mean that the government is unwilling or unable to control criminal activity, because there may be a reasonable basis for inaction." Id. (internal citations omitted); see Matter of A-B-, 27 I&N Dec. at 337 (applicants "must show not just that the crime has gone unpunished, but that the government is unwilling or unable to prevent it"). Proof that the persecutor had a malignant or punitive intent is not required. Matter of Kasinga, 21 I&N Dec. 357, 365 (BIA 1996).

E. Mandatory Denials of Asylum

1. One-Year Bar

To be eligible for asylum, an applicant must first prove by clear and convincing evidence that he

or she filed the application within one-year of his or her last arrival to the United States or that he or she qualifies for an exception to the one-year deadline. See INA § 208(a)(2)(B)-(D); 8 C.F.R. § 1208.4(a)(2); Malonga v. Mukasey, 546 F.3d 546, 550 (8th Cir. 2008) (an alien must file an application within one year of arrival or April 1, 1997, whichever is later). The one-year filing deadline may be excused if the applicant demonstrates either (i) changed circumstances, which materially affected his or her eligibility for asylum, or (ii) extraordinary circumstances related to the untimely filing of the application. INA § 208(a)(2)(D); Kenyeres v. Ashcroft, 538 U.S. 1301, 1302 (2003) (noting that a showing of changed circumstances or extraordinary conditions are necessary to excuse a delay).

2. Persecutor Bar

Asylum is unavailable where the evidence indicates that the applicant has "ordered, incited, assisted, or otherwise participated in the persecution of" others on one of the five protected grounds. See INA § 208(b)(2)(A)(i).

The DHS bears the initial burden to show evidence that *indicates* the applicant assisted or otherwise participated in persecution. Matter of Negusie, 27 I&N Dec. 347, 366 (BIA 2018) (citing Matter of A-H-, 23 I&N Dec. 774, 786 (A.G. 2005)). "[T]he proper focus is not on the alien's motives, but 'rather on the intent of the perpetrator of the underlying persecution.'" Id. at 367 (quoting Matter of J.M. Alvarado, 27 I&N Dec. 27, 29 (BIA 2017). If the DHS meets this initial burden, then the applicant bears the burden of proving "by a preponderance of the evidence that the persecutor bar does not apply either because he did not engage in persecution or because he acted under duress." Id. Any "assistance" rendered could trigger the bar. See United States v. Hansl, 439 F.3d 850 (8th Cir. 2006); United States v. Friedrich, 402 F.3d 842 (8th Cir. 2005). However, persecution of others cannot be imputed merely by membership in a group that perpetrated such conduct, without more. See Matter of Rodriguez-Majano, 19 I&N Dec. 811 (BIA 1988).

3. Particularly Serious Crime Bar

An applicant who has been "convicted by final judgment of a particularly serious crime;" and thus, "constitutes a danger to the community" is not entitled to asylum in the United States. INA § 208(b)(2)(A)(ii). Any conviction for an aggravated felony is automatically a particularly serious crime, as is any other conviction that "the Attorney General may designate." See INA § 208(b)(2)(B)(i)-(ii); see also INA § 101(a)(43). A crime need not be an aggravated felony in order to be considered "particularly serious;" if evidence indicates that the crime by its nature is within the "range" of particular seriousness, the parties may introduce evidence either way. See Matter of N-A-M-, 24 I&N Dec. 336, 343-45 (BIA 2007). "If the elements of an offense are found to potentially bring it within the ambit of a particularly serious crime, all reliable information that is relevant to the determination may be considered." Matter of G-G-S-, 26 I&N Dec. 339, 343 (BIA 2014) (citing Matter of N-A-M-, 24 I&N Dec. 342 (BIA 2007)).

When determining if a crime is "particularly serious," the Court examines the nature of the conviction, the underlying facts and circumstances, and the type of sentence imposed. Tian v.

Holder, 576 F.3d 890, 897 (8th Cir. 2009). Length of sentence is not dispositive; the focus is not on recidivism, but on the seriousness of the crime. See Matter of N-A-M-, 24 I&N Dec. at 342; Matter of R-A-M-, 25 I&N Dec. 657 (BIA 2012). The Board has noted that "[c]rimes against persons are more likely to be categorized as 'particularly serious crimes,'" although some crimes against property might also be particularly serious. Matter of Frentescu, 18 I&N Dec. 244, 247 (BIA 1982).

4. Serious Nonpolitical Crimes

Asylum is unavailable where there is probable cause to believe that the applicant has committed a serious, nonpolitical crime outside the United States prior to his or her arrival. INA § 208(b)(2)(A)(iii); 8 C.F.R. § 1208.16(d)(2); see also Zheng v. Holder, 698 F.3d 710, 712-14 (8th Cir. 2012); Matter of E-A-, 26 I&N Dec. 1, 3 (BIA 2012). "[A] serious crime must be a capital crime or a very grave punishable act. Minor offences punishable by moderate sentences are not" within the serious nonpolitical crime ground of exclusion. Matter of Frentescu, 18 I&N Dec. 244, 246 (BIA 1982). If a criminal act is "atrocious," the Court need not balance its criminal and political aspects. If "an alien has sought to advance his agenda by atrocious means, the political aspect of his offense may not fairly be said to predominate over its criminal character." INS v. Aguirre-Aguirre, 526 U.S. 415, 430–32 (1999). Crimes of murder and terrorism have been deemed atrocious. See Matter of E-A-, 26 I&N at 4.

5. National Security Risk and Terrorism Related Activities

Asylum cannot be granted where there are reasonable grounds for regarding the applicant as a danger to the nation security of the United States or where an alien has engaged in terrorist activities as described in INA § 212(a)(3)(B)(i)(I)-(IV), (VI) and INA § 237(a)(4)(B). See INA § 208(b)(2)(A)(iv)-(v).

6. Firm Resettlement

Asylum is not available for applicants who firmly resettled in another country prior to arriving in the United States. INA § 208(b)(2)(A)(vi). An applicant is considered to be firmly resettled if, prior to arrival in the United States, he or she entered another country with, or received while in the country, an offer of citizenship or another permanent resident status. 8 C.F.R. § 1208.15. The applicant may overcome this consideration if he or she can show by a preponderance of evidence that either (a) entry into that country was a necessary consequence of flight from persecution, did not result in significant ties there, and he or she remained no longer than necessary, or (b) that conditions there were so "substantially and consciously restricted" so as to preclude resettlement therein. 8 C.F.R. § 1208.15. An offer of permanent resettlement in that country need not be current in order to trigger the bar. See Sultani v. Gonzales, 455 F.3d 878 (8th Cir. 2006). In considering a country's restrictiveness, the Immigration Judge must consider the applicant's circumstances in context, by comparing his or her living conditions, freedom to travel or own property, to work, and access to education, reentry and naturalization to those for others within that country. 8 C.F.R § 1208.15(b).

It is the Department's burden to present prima facie evidence of firm resettlement. Matter of A-G-G-, 25 I&N Dec. 486 (BIA 2011). The Department can meet its burden by presenting either direct (government documentation, e.g.) or indirect evidence. Id. at 501-02. If met, the burden shifts to the asylum applicant to make his or her showing as described above. Id.; see also Matter of D-X- & Y-Z-, 25 I&N Dec. 664 (BIA 2012).

F. Discretion

An asylum applicant must also establish that he or she is eligible for asylum as a matter of discretion, as asylum may be denied in an exercise of discretion even if the applicant is statutorily eligible. See INA § 208(b)(1); 8 C.F.R. § 1208.14(a); see also INS v. Cardoza-Fonseca, 480 U.S. 421, 423 (1987). If an applicant has committed crimes, especially crimes that are dangerous or violent, his or her asylum application may be denied as a matter of discretion even if those crimes fall outside of the mandatory denial categories listed above.