

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
FORT SNELLING, MINNESOTA**

File Number: [REDACTED]

Date: 6/5/19

In the Matter of:

**In Removal Proceedings
-non detained-**

[REDACTED]
Respondent.

Charge: INA § 212(a)(7)(A)(i)(I) – an immigrant who at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act

Applications: Asylum under INA § 208; Withholding of Removal under INA § 241(b)(3), Relief under the Convention Against Torture.

ON BEHALF OF THE RESPONDENT:

[REDACTED]

ON BEHALF OF DHS:

Amy K.R. Zaske, Esq.
Asst. Chief Counsel/ICE
1 Federal Dr., Ste. 1800
Fort Snelling, MN 55111

**WRITTEN DECISION OF THE
IMMIGRATION JUDGE**

I. Background

[REDACTED],¹ Respondent, is a 28-year-old, native and citizen of Somalia. (Ex. 1). He applied for admission to the United States on or about [REDACTED] 18, 2015 at or near [REDACTED] Texas and claimed to be seeking asylum. *Id.* Following a credible fear interview, Respondent was paroled into the United States. (Ex. 9). On May 4, 2016, the Department of Homeland Security (DHS) commenced removal proceedings against Respondent with the filing of a

¹ Respondent testified his first name can also be spelled [REDACTED]. Respondent denied his first name is [REDACTED] as reflected in Exhibit 18 at 4-18. Exhibit 18 reflect documents issued February 13, 2018, by the Ministry of Interior of the Governorate of Isparta, Turkey. *Id.* Respondent's wife's accompanying letter to those documents identifies the children's father as [REDACTED] "is my husband." *Id.* at 2. Respondent testified that sometimes an "a" can be written as "aa", that an "i" can be written "ii", and that an "o" can be written as "oo." Regardless of the spelling, Respondent indicated that the pronunciation is identical.

Notice to Appear (NTA), charging Respondent with being removable pursuant to the above-captioned charge of the Immigration and Nationality Act (“the Act” or INA). (Ex. 1).

Respondent conceded service of the NTA and admitted the allegations. *Id.* He conceded the charge, and the Court sustained it. *Id.* Therefore, removability is not at issue in this case. Respondent declined to designate a country of removal. The Court designated Somalia as the country of removal should such action become necessary. Respondent subsequently filed the above listed applications for relief. (Ex. 4)

II. Evidence Presented

A. Testimony²

1. Respondent

Respondent testified about his life and his employment in Somalia, his membership in the [REDACTED] his journey to the United States, and his fears being returned to Somalia.

2. [REDACTED]

[REDACTED] testified about his life in Somalia, his knowledge of Respondent including Respondent’s clan membership, and his status in the United States.

3. [REDACTED]

[REDACTED] testified about his life in Somalia, his knowledge of Respondent including Respondent’s clan membership, and his status in the United States.

B. Documentation

Ex. 1: NTA dated September 28, 2015, with a certificate of service reflecting personal service on September 30, 2015, filed May 4, 2016.

Ex. 2: Respondent’s Motion to Change Venue, dated January 19, 2016.

Ex. 3: Respondent’s Exhibits in support of application, Tabbed A-C, unpaginated, filed February 17, 2017.

Ex. 4: Respondent’s I 589, filed February 17, 2017.

Ex. 5: Respondent’s Exhibits in support of application, Tabbed A-I, 82 pages, filed October 24, 2017.

Ex. 6: Respondent’s Motion to Advance, filed October 24, 2017.

Ex. 7: November 13, 2017 IJ Order granting Advancement, and noting, “The Court is mindful that the Respondent’s Motion uses language of what the Respondent would do if his application were granted, and conversely what the Respondent’s spouse may do if the Motion was not granted. By granting this motion to advance the master calendar date, the parties ought not conclude that the Court has prejudged the application. The Court has not.”

Ex. 8: DHS Filing: I 213, and Record of Sworn statement under Section 235(b)(1) of the Act, 10

² This Section is a summary of testimony and does not constitute a finding of fact.

pages, received January 4, 2018.

Ex. 9: Record of Determination/Credible Fear Worksheet, received January 4, 2018, 8 pages.

Ex. 10: Biometrics notice, received January 4, 2018.

Ex. 11: DHS Filing: Background Country Information, Tabbed A-D, 112 pages, filed February 2, 2018.

Ex. 12: Respondent's Filing, Witness List, and Supplemental filing, Tabbed A-C, 28 pages, filed April 9, 2018.

Ex. 13: April 25, 2018 IJ Order to Note and Mark Exhibits.

Ex. 14: US Department of State Human Rights Report – 2017 Somalia, 40 pages, received April 25, 2018.

Ex. 15: Respondent's Prehearing Filing, Tabbed A-B, 15 pages, received April 25, 2018.

Ex. 16: Respondent's Affidavit, filed October 24, 2018.

Ex. 17: Notice of Privilege of Counsel and Consequences of Filing a Frivolous Application for Asylum, dated April 25, 2018.

Ex. 18: Respondent's Filing, Tabbed A-B, 23 pages, filed May 24, 2018.

Ex. 19: Respondent's Filing, Tabbed A-B, 4 pages, filed May 24, 2018.

Ex. 20: Respondent's Motion to hold Video Teleconference Hearing, filed July 20, 2018.

Ex. 21: Respondent's Motion to hold Video Teleconference Hearing, filed August 13, 2018.

Ex. 22: August 24, 2018 IJ Order granting motion, "if technically possible."

Ex. 23: Respondent's Filing: Federal Register, Vol. 83 No. 166, pp 42695-43700, received August 29, 2018.

C. Administrative Notice

The Court takes Judicial Notice of the United States Department of States Human Rights Report for Somalia, for 2015 and 2016.

III. **Credibility**

As Respondent's application was filed after [REDACTED] 11, 2005, the credibility provisions of the REAL ID Act govern. INA § 208(b)(1)(B) n. 65.2. Consistent with the REAL ID Act, the following factors may be considered in assessing an applicant's credibility: 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, whether or not such inaccuracy or falsehood goes to the heart of the applicant's claim. INA § 208(b)(1)(B)(iii); see also Matter of J-Y-C-, 24 I&N Dec. 260, 262 (BIA 2007). An adverse credibility finding must be supported by "specific and cogent" reasons that have a legitimate nexus to the finding in the case. Matter of A-S-, 21 I&N Dec. 1106, 1109-10 (BIA 1998). Specific, cogent reasons include presenting testimony that does not match the alien's application or the testimony of other witnesses. Litvinov v. Holder, 605 F.3d 548, 555 (8th Cir. 2010). The REAL ID Act also states that where the Immigration Judge (IJ) requires corroboration, the applicant has the burden of providing corroborative evidence or a compelling explanation for its absence. 8 C.F.R. § 1208.16(b); Matter of S-M-J-, 21 I&N Dec. 722, 724 (BIA 1997).

The Court finds that the Respondent's testimony was internally consistent and consistent

with his earlier statements, See Ex. 4; Ex. 16, and that Respondent's demeanor, candor, and the plausibility of his account all suggest that the Respondent was a credible witness, and the Court finds him to be. The Court particularly notes that Respondent's credible demeanor when describing the harm he endured when his forearm suffered an open fracture.

Respondent's witness, [REDACTED], was also internally consistent. He was candid. He offered plausible testimony. It was consistent with other evidence in the record. The Court finds [REDACTED] credible.

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IV. Relief

A. Asylum

1. *Legal Standard*

The applicant carries the initial burdens of proof and persuasion for establishing his eligibility for asylum. INA § 208(b)(1)(B); 8 C.F.R. § 1208.13(a). To establish eligibility for a grant of asylum, an applicant must meet the definition of a "refugee," defined as an individual who is unwilling or unable to return to his country of nationality because of past persecution or because he has a well-founded fear of future persecution on account of his race, religion, nationality, membership in a particular social group, or political opinion. INA § 101(a)(42)(A); 8 C.F.R. § 1208.13(a).

If the applicant can establish that he suffered past persecution, then he is entitled to a rebuttable presumption that his fear of future persecution is "well-founded." 8 C.F.R. § 1208.13(b)(1). The government can rebut this presumption if a preponderance of the evidence shows either: (1) that there has been a "fundamental change in circumstances such that the applicant no longer has a well-founded fear of persecution" in his native country; or (2) that he "could avoid persecution by relocating to another part" of the country and that "it would be reasonable to expect the applicant to do so." 8 C.F.R. § 1208.13(b)(1)(i)-(ii). See also Bushira v. Gonzales, 442 F.3d 626, 631 (8th Cir. 2006); Matter of D-I-M-, 24 I&N Dec. 448, 450-51 (BIA 2008).

Asylum, unlike withholding of removal, may be denied in the exercise of discretion to an alien who establishes statutory eligibility for relief. See I.N.S. v. Cardoza-Fonseca, 480 U.S. 421, 441 (1987); Matter of Mogharrabi, 19 I&N Dec. 439, 447 (BIA 1987).

2. *Past Persecution*

a. The harm suffered rose to the level of 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 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). 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).

“ ‘Persecution is an extreme concept.’ ” Eusebio v. Ashcroft, 361 F.3d 1088, 1090 (8th Cir. 2004). See also Kebede v. Gonzales, 481 F.3d 562, 564 (8th Cir. 2007) (concluding there was no past persecution where applicant was arrested by police and detained for three days without food, but not beaten or physically harmed). Although 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), longer terms of imprisonment or attempts on an applicant’s life can establish past persecution. See Sanchez Jimenez v. U.S. Atty. Gen., 492 F.3d 1223, 1233 (11th Cir. 2007) (concluding that “attempted murder is persecution,” regardless of whether the applicant suffered any actual injuries); Matter of V-T-S-, 21 I&N Dec. 792, 798 (BIA 1997) (noting that kidnapping is a very serious offense). For example, the Eighth Circuit has held that detention in a camp for several years where the applicant was denied contact with his family and was required to perform forced labor on account of his political opinion constituted past persecution, even though the applicant did not suffer any physical harm. Phommasoukha v. Gonzales, 408 F.3d 1011, 1015 (8th Cir. 2005).

The Court concludes that the harm suffered by Respondent in Somalia rose above the level of a “minor beating or brief detention” and to level of persecution as described in our case law. See Eusebio, 361 F.3d at 1090. In 2010 Respondent began volunteering for, and was later hired by, the Center for Peace and Human Rights (CPHR) as an event organizer and community liaison.³ See Exs. 5 at 4-5, 16 at 2. CPHR was funded by international Non-Governmental Organizations (NGO). As an event organizer, Respondent was to organize youth soccer participation, as an alternative to al Shabaab. See Ex. 16 at 3.

On a day in 2012, Respondent was first confronted with members of al Shabaab. At that time, al Shabaab was in control of ██████████⁴ where Respondent lived. Two men came to Respondent’s office at CPHR and directed Respondent: “you need to stop this” and “You have to stop soccer organizing youth.”⁵ Respondent told the men that he would do so. ██████████ also used a microphone (or megaphone) to announce to the public that there would be no more soccer.

³ Respondent indicated he had graduated high school before obtaining this position. When Respondent was employed by CPHR, he was paid \$500.00 monthly.

⁴ ██████████ can also be spelled Xudder. The place is also known as Odder. See Exs. 5 at 36, 11 at 1. While Xudder is the spelling on the maps at Exhibits 5 at 36 and 11 at 1, the Court chooses ██████████ as the spelling for this opinion as ██████████ is the spelling provided in the Credible Fear documents. See Ex. 9 at 2,6. ██████████ is also the spelling on the Respondent’s birth certificate. See Ex. 3 at 1-2. See also Ex. 5 at 19. The Court notes the spelling from Respondent’s I-589 (Ex. 4 at 1) as ██████████.

⁵ Respondent explained to the ██████████ that while the men spoke Somali, they did not natively speak Respondent’s dialect, ██████████. See Ex. 11 at 12 for an explanation of the distinction between ██████████ and ██████████ tiri.

In 2013, Respondent was at home in [REDACTED] [REDACTED] was still in control of [REDACTED]⁶ and the situation in the town had gotten worse. Men who Respondent believed were with [REDACTED] came to Respondent's home and one demanded to marry Respondent's 15 year-old sister, [REDACTED].⁷ Respondent said "no." The men left. When they were leaving they said that if Respondent played any soccer there would be "trouble." Respondent thought that the men were trying to get an opportunity to kill him; Respondent worried. A month and a half later, the men returned at night to Respondent's home.⁸ Respondent and two friends were watching soccer on television.⁹ Respondent's sister was also in the home. The men entered, uninvited, and kicked Respondent, telling him that he was not sleeping.¹⁰ They woke up his sister who was sleeping. The men took Respondent, Respondent's friends, and Respondent's sister. Respondent does not know where his sister, [REDACTED], was taken. [REDACTED] has never been seen since that night.

The men who took Respondent beat him with a chain-like weapon, which Respondent's head was covered in a bag. Respondent was beaten for three hours.¹¹ During the period of time, Respondent heard the men talk with each other and say, "hit him" and "kill him." Respondent believes that they intended for Respondent to hear them. Respondent was also pushed and Respondent fell. See Ex. 9 at 6. Respondent's hand was broken. Respondent's forearm was broken, to the degree that the bone came out of the skin; Respondent endured an open fracture. See also Ex. 18 at 19-20, 22. The longest visible scarring is six to eight inches long along his right forearm. Id. at 20. Respondent also has a one inch scar on the back of his wrist and another arm scar which is two to three inches. Respondent's head was also cut. See Ex. 18 at 21. Respondent's head injuries required seven stitches. See Exs. 9 at 6; 18 at 21. Respondent's eye was swollen and bleeding, and he could not see due to the injuries.

The beating was painful. Respondent was very afraid he would be killed. Respondent lost consciousness. The beating ceased but Respondent does not know why. After regaining consciousness, Respondent heard the men call Respondent's maternal uncle, Uncle [REDACTED] to come and get Respondent. When Uncle [REDACTED] arrived, Respondent could not see due to injuries to his eye, and could not walk.

Uncle [REDACTED] arrived for Respondent and took him for medical care. The local doctor informed them that there was nothing that he could do. This pronouncement also scared Respondent. Respondent's Uncle [REDACTED] then took Respondent to Kenya for medical treatment. Respondent's medical treatment in Kenya lasted three to four months, and involved two surgeries. Uncle [REDACTED], Respondent's aunt, and Respondent's mother paid for the expense of the treatment in

⁶ See Ex. 5 at 19.

⁷ The Court observes there is no minimum legal age for marriage in Somalia's constitution. See 2015 United States Department of State Human Rights Report for Somalia at 37. Further there were "no known efforts by the government or regional authorities to prevent early and forced marriage." See 2015 United States Department of State Human Rights Report for Somalia at 37; 2016 United States Department of State Human Rights Report for Somalia at 35; 2017 United States Department of State Human Rights Report for Somalia at 35. This speaker also spoke the Af-Maxaa-tiri dialect.

⁸ Respondent testified that although his eyes were covered, he thought that there were four men; Respondent indicated there were four men when he discussed the incident in his credible fear interview. See Ex. 9 at 6.

⁹ Respondent explained that he had bought a small generator for power to watch the television. They had closed the front door to the home and ensured it remained closed "all the time."

¹⁰ Respondent testified the speaker tried to appear as if he was speaking Af-Maay-tiri, but he was not.

¹¹ Respondent believes there were four men who beat him.

Kenya.

Afterwards, Respondent returned to Somalia and relocated to Mogadishu, because he believed he could hide in that city. He stayed in the Kilometer 4 area, and switched houses where he stayed. Respondent did not work for [REDACTED] because it had closed. Respondent did not report the harm suffered to the police for fear the authorities would “give it up” to those who had caused him harm.¹² Respondent noted that in his opinion, the police are not paid well, and the government is weak. Respondent received contact from the former director of [REDACTED] who said that [REDACTED] was now in control of Ethiopian troops who were acting as peacekeepers. Respondent then returned to [REDACTED], where he stayed for three months; while in [REDACTED] Respondent volunteered for [REDACTED] as there was no funding to be paid. The Ethiopian troops told the community that people cannot leave because of the conflict. Then the Ethiopian troops decided to leave,¹³ and told the townspeople that they should come with them, because if they stayed they could be killed when the troops left. About 2500 people left when the troops left, including Respondent and his family. Respondent and his family¹⁴ left for Ceel Berde, Somalia, where they stayed for about a month and a half. Respondent and his family then left for Mogadishu, where Respondent’s mother-in-law resided. Respondent worked as a school teacher for about four months, before returning to work for [REDACTED] which had reopened.

Respondent left Somalia in February 2015 after he learned a friend of his, and co-soccer player, [REDACTED], was killed. See Ex. 5 at 21-30. They had worked together, although [REDACTED] had worked for an [REDACTED] which was not [REDACTED] Id. [REDACTED] was arrested in 2013 and went missing after that. Id. Respondent learned of [REDACTED] death in 2014. Respondent left Somalia because he believed that because of their ties and their similar work, as well as that [REDACTED] had also fled [REDACTED] for [REDACTED]¹⁵ and that [REDACTED] had also been threatened in the same manner as Respondent had, that he (Respondent) was targeted to be killed too. Further, Respondent testified he had previously been told he would be searched for, and he would be killed.

While Respondent was detained for a fairly short period of time, the injuries he suffered are more than serious injuries, and cannot be properly described as “minor.” This is because arm bones broke through Respondent’s skin (an open fracture) and because it took two surgeries and months to physically recover. The Court is also mindful that Respondent lost consciousness during the beatings, which were inflicted by a chain-like device. Further, due to the nature of the injuries, Respondent had to seek extensive medical treatment outside of his home country. Additionally, the extent of Respondent’s injuries remains clearly visible today. See Ex. 18 at 19-22. Therefore, the extreme nature of the harm suffered by Respondent, combined with the prolonged period needed for recovery, warrants a conclusion that the Respondent has suffered harm rising to the level of persecution.

b. The persecution was “on account of” a protected ground

¹² On cross examination, Respondent reiterated the same concern, but phrased it that the police will be bribed and “the police will allow them to harm him.”

¹³ See also Ex. 5 at 19.

¹⁴ Respondent’s wife and children.

¹⁵ Respondent related that he had advised [REDACTED] to not leave [REDACTED] to return to [REDACTED] or, but [REDACTED] had not listened to his advice.

In order to qualify for asylum, the persecution in question must be 'on account of at least one of five specially protected grounds: race, religion, nationality, membership in a particular social group, or political opinion. INA § 101(a)(42)(A). Although the protected ground does not need to be the sole reason for the persecution, it must be at least one central reason. Matter of J-B-N- & S-M-, 24 I&N Dec. 208, 212-14 (BIA 2007).

A particular social group requires that members have 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 is fundamental to their individual identities or consciences." Matter of Acosta, 19 I&N Dec. 211, 233 (BIA 1985), overruled in part on other grounds. The group must also be socially distinct and particular. Matter of W-G-R-, 26 I&N Dec. at 212. Social distinction is not determined by the persecutor's perception but "exists where the relevant society perceives, considers, or recognizes the group as a distinct social group." Id. at 217-18. Particularity requires that the group is distinct enough that it "would be recognized, in the society in question, as a discrete class of persons." Matter of S-E-G-, 24 I&N Dec. 579, 584 (BIA 2008).

The Eighth Circuit has previously held that clan membership can constitute a particular social group. Hagi-Salad v. Ashcroft, 359 F.3d 1044, 1045 (8th Cir. 2004). See also Matter of H-, 21 I&N Dec. 337, 342-43 (BIA 1996) (concluding that clan membership in Somalia can be a particular social group because "clan membership is a highly recognizable, immutable characteristic that is acquired at birth and is inextricably linked to family ties"). As the Eighth Circuit noted, clan membership is especially prominent in Somalia as "Somalis have segmented themselves into patrilineal clans that dominate political and social life." Hagi-Salad, 359 F.3d at 1045-46 (noting also that "[c]lans are the key social group for virtually all Somalis").

The Court concludes that based on Eighth Circuit case law, country condition reports, and testimony in the record, that members of the Haran sub-clan are members of a particular social group. The Independent Advisory Group on Country Information (IAGCI) country condition report reflects that there are four major clans, Darod, Hawiye, Isaaq, and Dir and that there are two additional clans, Digil and Mirifle "collectively referred to as Rahanweyn" which take an intermediate position, below majority clans, and above minority groups.¹⁶ See Ex. 11 at 35. These four major clans are nomadic. Id. at 42-43. Another country condition report, the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) reflects that the Isaaq is not conclusively a major clan, and (in addition to the Darod, Hawiye, and Dir) that there is another large group instead, the Rahanweyn who are members of either the Digil and Mirifle clans. See Ex. 11 at 12. The Darod, Hawiye, Dir, and Issaq are nomadic. Id. at 12-13. The Rahanweyn are agro-pastoralists; agro-pastoralists have a different clan structure. Id. at 13. Respondent indicated at the time of his credible fear interview that the tribe to which he belonged is the Rahanweyn. See Ex. 9 at 6. Respondent identified his tribe as a minority. Id. Respondent also identified that the reason he was targeted was "because I was a minority so they

¹⁶ Minority groups, include the Bantu, Benadiri, Rer Hamar, Brawanese, Swahili, Tumal, Yibir, Madhiban, Hawrarsame, Muse Dheryo, Faqayaqub, and Gabooye. See United States Department of State Human Rights Report for Somalia for 2015 report at 39; 2016 report at 37.) See also Ex. 11 at 57. Minority groups are comprised of Somalis who are not part of the clan structure. See Ex. 11 at 12.

knew I was a minority.” *Id.* Respondent also indicated he is “Rahaweyn, Haran” on his I-589, which he affirmed as true at his individual hearing. *See* Ex. 4 at 1. Respondent and his witnesses testified Respondent is Haran. Respondent’s witness, [REDACTED], explained that he and Respondent lived in the same city, [REDACTED], and that Respondent organized soccer. [REDACTED] knows that Respondent is [REDACTED] because “everyone knows his tribal forefathers.”¹⁷ [REDACTED] testified that he was born in [REDACTED] and knows Respondent to have worked for an NGO. [REDACTED] explained that it was possible to know people in [REDACTED] “from one side of town to another side” because the town was so small. [REDACTED] knows Respondent to be a member of the Haran clan, a “very small, weak tribe,” one that is smaller than his own.¹⁸ The Court concludes that Respondent has established that he is a member of the Haran sub-clan of the Rahanweyn through his testimony and the testimony of his witnesses. The Court further concludes that Respondent’s sub-clan is not a majority clan, and that the Rahanweyn is not a majority clan.

The Court recognizes that DHS contended in its closing that Respondent’s evidence regarding being a member of a sub-clan did not make sense. The Court finds that argument misplaced. DHS submitted Exhibit 11, which regards the Rahanweyn group as comprised of more than one clan. (“Politically, since 1999, the Rahanweyn clans have”; “...as they encountered difficulties in receiving full representation within the Rahanweyn group”; “The Garre are often considered as part of the Digil/Rahanweyn group....”). *See* Ex. 11 at 13, 20, 21 (ACCORD report). Thus, it is clear to the Court from documentary evidence submitted by DHS that the Rahanweyn are comprised of more than one clan or group;¹⁹ from the credible testimony the Court finds that the Haran is a sub-clan of the Rahanweyn. Respondent’s sister Mayan is Haran as well; consequently she is a member of a minority sub-clan of the Rahanweyn. The record reflects that Somali NGOs have documented that female members of minority clans have been subjected to “rape perpetrated with impunity....” *See* Ex. 14 at 32.²⁰ The Court finds the evidence does make sense, and that it is credible. Further, the Court finds that Respondent was targeted was explained at his credible fear interview (as it was transcribed), “because I was a minority so they know I was a minority.” *See* Ex. 9 at 6. The Respondent explained it moments later in his credible fear interview that the reason he was targeted was, “Three things, my work, I was playing and watching soccer and because I refused my sister to them and since I am a minority so they can kill me or do whatever they want.” *Id.*²¹ Given Respondent’s testimony is credible, that Respondent’s witnesses confirm not only Respondent’s identity but also his clan membership as Haran, and given the record which demonstrates that the Haran sub-clan is a minority clan, the Court concludes that Respondent

¹⁷ The Court observes that DHS did not press the witness on his knowledge of Respondent’s clan/subclan.

¹⁸ The Court observes that while DHS pressed this witness about how long he had known Respondent, they did not press the witness regarding his knowledge of Respondent’s clan/subclan.

¹⁹ The Court observes that the United States Department of State Human Rights Report for Somalia for 2015 recognized that “fighting among clans and subclans....” United States Department of State Human Rights Report for Somalia for 2015 at 3. *See also* 2016 report at 3; 2017 report at 3. Emphasis supplied. Further, “[t]raditional judgments sometimes held entire clans or subclans responsible for....” *See* United States Department of State Human Rights Report for Somalia for 2015 at 9. *See also* 2016 report at 9; 2017 report at 9. Emphasis supplied. In other words, the clan structure in Somalia includes not only clans, but subclans. *See also* Ex. 11 at 8 ACCORD report (“...there are numerous sub-clan and interclan conflicts going on simultaneously.”)

²⁰ *See also* United States Department of State Human Rights Report for Somalia for 2015 at 33; United States Department of State Human Rights Report for Somalia for 2016 at 31.

²¹ “Do whatever they want” would include taking of one’s sister, and being powerless to stop the taking.

suffered persecution on behalf of his clan membership.

Another qualifying type of persecution is persecution on account of the applicant's political opinion. Respondent's counsel indicated that Respondent had five political opinions: (1) "in contradiction with [REDACTED]": working for a human rights organization for general equality, human rights, as to girls, and involved in soccer; (2) "promoting democracy": in support of open elections and democracy; (3) "'promoting democracy' as a part of 'in contradiction with al Shabaab'"; (4) against the Somali government as he did not subscribe to their laws and al Shabaab and cooperating with the police force and (especially in Mogadishu), where al Shabaab used the police force to target Respondent to suppress his political opinion as promoting democracy and human rights and separately targeted Respondent by elements of the government; (5) promoting peace and human rights, and against the government's attempt to recruit child soldiers as al Shabaab recruits, attempts which Respondent opposed. Respondent's testimony did establish that he held a political opinion, and that he was persecuted for holding such opinion (or for holding an imputed political opinion).

When Respondent appeared at the border of the United States, Respondent clearly indicated that al Shabaab, which came to control Hudur, told the town members there would be no working for an NGO and no soccer. See Ex. 9 at 6. Respondent did work with an NGO for human rights. Id.

When Respondent testified at his individual hearing he explained what had happened in Hudur. Three men also came to Respondent's home. The leader told Respondent that he should marry Respondent's younger sister and demanded of Respondent, "Given her to me." Respondent also told the three men that he would not give permission for his younger sister to be married to the leader of the group. The men told Respondent to "stop this," and to "stop the soccer organizing of youth." Respondent was worried that these men were trying to get an opportunity to kill him. The men left, telling him that he should not play soccer or there would be trouble.

A month and a half later, Respondent's home was broken into, while Respondent and his friends were watching soccer on television. Respondent, his friends, and sister were taken out of the house by those who came uninvited to his home. Respondent's sister has not been seen since.²² Id. Respondent suffered the injuries detailed, *supra*. Id. Respondent testified that the reason he became a target was because of the work he did with and NGO, the Center for Peace and Human Rights (CPHR). Respondent was clear, he was against child soldiers, for human rights, for girls to go to school,²³ and against al Shabaab.²⁴

²² DHS questioned Respondent over this issue, due to Respondent's evidence in Exhibit 5 at 4. Respondent denied that his sister [REDACTED] was taken only for a night. The Court credits Respondent's testimony on this point. The Court notes that Respondent remains in contact with family in Somalia, and believes it would be reasonable that they would tell him if [REDACTED] had been seen since the night she was taken. This is because not only is [REDACTED] a sister to the Respondent, but also because Respondent, who is male, is the oldest in the sibship.

²³ The record also reflects that women faced discrimination in various areas of life, including education. See Ex. 14 at 33; See also United States Department of State Human Rights Report for Somalia for 2015 at 35; United States Department of State Human Rights Report for Somalia for 2016 at 33.

²⁴ Respondent's evidence includes photos of him participating in gender-based violence training at the Somali Women Empowerment Center. See Ex. 15 at 5-6. Initially, DHS objected to this exhibit; the Court held its ruling in abeyance until the [REDACTED] 29, 2018 hearing. The Court admitted the exhibit, giving it the weight deemed appropriate. The Court notes DHS had no questions for Respondent regarding the photographs, although they were admitted.

Respondent's explanation in his credible fear determination is similar and consistent with his testimony at his individual hearing. Altogether, the Court finds this demonstrates that the harm Respondent suffered was "part of a continuing effort to persecute on the basis of a factor enumerated in the statute," and that Respondent's actual and perceived political opinion was one central reason why he was harmed. See Ngure, 367 F.3d at 990; Matter of J-B-N & S-M-, 24 I&N Dec. at 212-14. The Court finds that Respondent suffered harm on account of his clan and on account of his political opinion, and that the harm rose to the level of persecution.

c. The government was unable or unwilling to control the persecutors

Finally, the Court concludes that the Somali government was unable or unwilling to control the actors that persecuted Respondent. In order to qualify for asylum purposes, the persecution must be 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). To establish persecution by private actors, the applicant must show more than just that the government has difficulty controlling private behavior, rather he 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 considering the history of Somalia, the Court observes that after Somalia's president was overthrown in 1991, Somalia was without an effective central government. See Ex. 5 at 44. Not until 2004 was there an agreement to establish a new government. *Id.* In August 2012, Somalia's first formal parliament in more than twenty years was sworn in. *Id.* at 41, 44. A report by the East and Horn of Africa Human Rights Defenders Project published in February 2016 (EARHRDP report) found that Somali human rights workers have "faced an onslaught on their rights to life, security of individuals and freedom from arbitrary detention."²⁵ Private actors, such as a [REDACTED], have "threatened" human rights workers and "carried out a number of killings targeting them for denouncing the widespread and brutal human rights abuses taking place across the country."²⁶

Respondent testified that he believed his captors and those who inflicted the harm upon him were from a [REDACTED]. Respondent submitted the Federal Register, as published on [REDACTED] 27, 2018, just two days before the Respondent's hearing. See Ex. 23. That exhibit reflects that Somalia was initially designated for Temporary Protected Status (TPS) on September 16, 1991, and that such designation "prevented nationals of Somalia from safely returning." *Id.* at 2. The TPS designation has been extended, consecutively since 1991. *Id.* The current designation is for a period through March 17, 2020. *Id.* The Secretary of Homeland Security has determined that "Somalia's security situation remains fragile and volatile, with ongoing armed militias, African Union Mission in Somalia (AMISOM) troops, and [REDACTED]."²⁷ *Id.* Further, "[c]ivilians continue to be threatened by violence in Somalia," and [p]arts of Somalia remained trapped in unresolved inter-clan conflicts."²⁸ *Id.* Respondent also submitted the most previous notice in the Federal Register, published January 17, 2017. See Ex. 12 at 17-23. In that notice, the Secretary of Homeland Security observed that in 2012,

²⁵ See Ex. 5 at 41. The Court also observed that the EARHRDP report found Somalia topped the 2015 Global Impunity Index for the first time due to the Government's unwillingness and/or inability to carry out investigations. See Ex. 5 at 45.

²⁶ *Id.*

²⁷ Emphasis supplied.

²⁸ *Id.*

the Secretary had “both extended and redesignated Somalia for TPS and added ongoing armed conflict as an additional basis for Somalia’s TPS designation.” *Id.* at 18. The United States Department of State Human Rights Report for Somalia for each of 2015, 2016, and 2017 all reflect in the Executive Summary section of the report that significant human rights abuses included killings of civilians by al Shabaab, Somali security forces, and unknown assailants. (See United States Department of State Human Rights Report for Somalia for 2015 report at 1, 2016 report at 1, 2017 report at 1). Further, civilian authorities did not maintain effective control of security forces and that impunity remained the norm. (See United States Department of State Human Rights Report for Somalia for 2015 report at 1; 2016 report at 1-2; 2017 report at 1-2.) Additionally, “minority groups ... continued to be disproportionately subjected to killings, torture, rape, kidnapping for ransom, and looting of land and property with impunity by faction militias and majority clan members, often with the acquiescence of federal and local authorities.” (See United States Department of State Human Rights Report for Somalia 2015 report at 39, 2016 report at 36, 2017 report at 37).

Respondent claims he was harmed by private actors. While an applicant need not report abuse to the police if doing so is futile, see *Gathungu v. Holder*, 725 F.3d 900, 906-09 (8th Cir. 2013), failure to report abuse to the police can be significant. See *Shaghil v. Holder*, 638 F.3d 828, 834 (8th Cir. 2011). Respondent testified he is afraid of the police in Somalia; in 2015 when he left Somalia the police were working with al Shabaab. Respondent’s belief is similar to information contained in the EARHRDP report. See Ex. 5 at 55. (“We did not inform the authorities because we couldn’t take the risk they would be alerted.”). Further, evidence reflects that government officials “frequently engaged in corrupt practices.” See United States Department of State Human Rights Report for Somalia for 2015 at 30. The Court recognizes that Somali law provides for criminal penalties for corruption by officials, but that the government “did not implement the law effectively.” *Id.* The EARHRDP report notes examples of two human rights workers who were killed in Somalia, but for whom the government has not acted or investigated. See Ex. 5 at 55-56. Therefore, the Court concludes that the government of Somalia was completely helpless in controlling the militia/al-Shabaab, including those that persecuted Respondent.

Because Respondent suffered the infliction or threat of death, torture, or injury to his person or freedom on account of a protected ground, namely his membership in a particular social group of his clan membership, and in political opinion, the Court concludes that Respondent has met his burden in establishing that he suffered past persecution.

3. Well-Founded Fear of Future Persecution

Because Respondent has satisfied his burden of showing that he suffered past persecution on account of his membership in a particular social group, he is entitled to a presumption of a well-founded fear of future persecution on the basis of his claim. 8 C.F.R. § 1208.13(b)(1). The burden then shifts to DHS to establish by a preponderance of the evidence that there has been a fundamental change in circumstances or that Respondent reasonably could avoid the persecution by relocating to a different part of the country. 8 C.F.R. § 1208.13(b)(1)(i)-(ii).

DHS has not met its burden of establishing that there has been a fundamental change in circumstances in Somalia or that Respondent could reasonably relocate within the country to avoid persecution. DHS has not submitted any sufficient evidence suggesting that country

conditions have changed sufficiently or that relocation is possible.²⁹ DHS specifically inquired of Respondent whether Respondent could relocate to Puntland or Somaliland. Respondent denied being able to do so, noting that he doesn't have their speech accent, and because Somalia is tribal. The Court recognizes that Respondent's answer is consistent with the IAGCI report submitted by DHS. See Ex. 11 at 40. ("Internal relocation to Somaliland and Puntland from other areas of Somalia would only be viable for former residents and/or those who are members of locally-based minority groups.").³⁰ It is also consistent with the ACCORD report. Id. at 12. ("Indeed the perceived majority of the population are composed of the ethnic nomadic-pastoralist Somalis who speak Af-Maxaa-tiri (i.e. the "noble clans" of the Darood, Hawiye, Dir and – depending on one's perspective – the Isaaq), which became the official language of Somalia after independence. The other large group is composed of the mainly sedentary ago-pastoralist people, residing in the inter-riverine area between the Juba and Shabelle rivers in Southern Somalia, known as Digil-Mirifle or Rahanweyn. They speak Af-Maay-tiri, which is quite distinct from Af-Maxaa-tiri.").³¹ Additionally, Respondent's witness [REDACTED] explained to DHS on cross-examination that "if you live where you don't belong, you can be abused because no one is there to speak on your behalf." See also Matter of H-, 21 I&N Dec. 337, 342-43(BIA 1996). The Court notes that Respondent's siblings remain in [REDACTED], and are afraid because others are looking for Respondent.³² Respondent's siblings are also [REDACTED], as clan lineage is patrilineal. As members of a small tribe they are afraid of getting hurt, as there is "no one to look out for them."³³ Respondent's siblings' fear is credible, not only given the warning Respondent received, but because of examples provided in the EARHDRP report. See Ex. 5 at 54-57. Further, Respondent remains a target because of his political opinion and previous paid and volunteer work for CPHR. Respondent also cannot return to the Hudur area. As the 2017 United States Department of State Human Rights Report for Somalia reflects, "some towns and rural areas in the southern and central regions remained under the control of Al-Shabaab and affiliated militias."³⁴ See 2017 United States Department of State Human Rights Report for Somalia at 6-7. Al-Shabaab detained persons in the areas of its control and "incarcerated them for relatively minor 'offenses' such as smoking, having illicit content on cell phones, listening to music, watching or playing soccer, wearing a brassiere, or not wearing a hijab." Id. at 5. Thus DHS has failed to prove that this government provides sufficient protection to members of the Haran subclan or that there are areas of Somalia where members of the Haran subclan can receive protection.

Therefore, the Court finds that the conditions in Somalia have not sufficiently changed and that Respondent could not avoid persecution by relocating to another part of the country, and so

²⁹ The Court recognizes that with the Secretary's designation of Somalia as TPS, in the manner in which it was designated, that this burden would be a difficult one to meet for a member of a minority clan and subclan, such as Respondent's.

³⁰ See ACCORD report map at Ex. 11 at 31.

³¹ Respondent affirmed that he speaks Af-Maay-tiri, as did the interpreter present on [REDACTED] 29, 2018. He explained that just by saying "hello" one can distinguish the languages.

³² Respondent testified on cross-examination that his brother [REDACTED] receives calls, containing threats. The calls detail that al Shabaab knows his brother fled, that they know who he [REDACTED] is, that they will catch Respondent and catch him [REDACTED], and that they were aware of the school [REDACTED] attended. As a consequence of the "constant" calls, [REDACTED] stopped attending that school and began attending another [REDACTED] also moved from the neighborhood where he lived.

³³ Respondent explains that he sends them money, and this is how they support themselves.

³⁴ The Court takes note of the location of Hudur as being in this general area. See ACCORD report map at Ex. 11 at 31.

Respondent has a well-founded fear of persecution on the basis of his past persecution. Because Respondent is unwilling or unable to return to his country of nationality because of past persecution and a well-founded fear of future persecution on account of his membership in a particular social group and his political opinion, and because the Court concludes that asylum is warranted as a matter of discretion, the Court will grant Respondent's application for asylum.³⁵

B. Withholding of Removal

The Court need not address Respondent's claim for withholding of removal under INA § 241(b)(3) because it is granting Respondent's application for asylum.

C. Convention Against Torture

The Court need not address Respondent's claim for withholding of removal under the Convention Against Torture because it is granting Respondent's application for asylum.

ORDERS

IT IS HEREBY ORDERED that Respondent's application for asylum under INA § 208 be **GRANTED**.



Katherine L. Hansen
Immigration Judge

³⁵ Because the Court grants Respondent's application for asylum based on Respondent's membership in the Haran sub-clan and on his political opinion, the Court does not reach the other asylum claims raised in Respondent's application, including Respondent's claim based on religion.

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
1 FEDERAL DRIVE, SUITE 1850
FORT SNELLING, MN 55111

Gray Plant Mooty
Eyler, Dean C
80 S. Eighth Street
Suite 500
Minneapolis, MN 55402

In the matter of [REDACTED] [REDACTED]

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

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

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

IMMIGRATION COURT
1 FEDERAL DRIVE, SUITE 1850
FORT SNELLING, MN 55111

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

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

— Other: Order of the Immigration Judge.

dc

COURT CLERK
IMMIGRATION COURT

FF

cc: OFFICE OF THE PRINCIPAL LEGAL ADVISOR
1 FEDERAL DR., SUITE 1800
FORT SNELLING, MN, 55111

Notice of Appeal from a Decision of an
Immigration Judge

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

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

[REDACTED]

For Official Use Only

! WARNING: Names and "A" Numbers of **everyone** appealing the
Immigration Judge's decision must be written in item #1.

2. I am ☐ the Respondent/Applicant ☒ DHS-ICE (Mark only one box.)
3. I am ☐ DETAINED ☒ NOT DETAINED (Mark only one box.)
4. My last hearing was at Ft. Snelling, MN (Location, City, State)

5. What decision are you appealing?

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

- ☒ I am filing an appeal from the Immigration Judge's decision in **merits proceedings** (example: removal, deportation, exclusion, asylum, etc.) dated June 7, 2019.
- ☐ I am filing an appeal from the Immigration Judge's decision in **bond proceedings** dated _____ . (For DHS use only: Did DHS invoke the automatic stay provision before the Immigration Court? ☐ Yes. ☐ No.)
- ☐ I am filing an appeal from the Immigration Judge's decision **denying a motion to reopen or a motion to reconsider** dated _____ .

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

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

The Immigration Judge erroneously granted the Respondent's application for asylum. First, the Immigration Judge erred in concluding that the Respondent has suffered past persecution by either a government actor or a private actor that the government was unable or unwilling to control. The respondent must show that the harm they suffered was inflicted either by the government of a country or by persons or an organization that the government was unable or unwilling to control. *Acosta*, 19 I&N Dec. at 222. The respondent must show more than a difficulty in controlling private behavior but that the government "condoned" the private actions or at the very least displayed a complete inability to protect the respondent. *Menjivar v. Gonzales*, 416 F.3d 918, 921 (8th Cir. 2005); *Matter of A-B-27* I&N Dec. 316 (A.G. 2018). But the Respondent has not overcome his burden of proof showing the the government condones the actions of Al-Shabaab as both the Somali government and U.N sanctioned African Union Mission forces have been in active conflict with Al-Shabaab since its inception. See, Exhibit 5, pg. 54. Additionally, as Al-Shabaab's control of land has been significantly reduced by the pro-Somali government forces since the peak of Al-Shabaab's control in 2010, the Somali government has indicated a willingness to control Al-Shabaab's behavior. *Id.* Thus, the Respondent has not demonstrated persecution by either a government actor or a private actor the the government is unable or unwilling to control. Therefore, the Respondent has not suffered past persecution.

Second, although the Respondent has not suffered past persecution, even if he did arguendo, the Immigration Judge erred in ruling that the DHS has failed to overcome the presumption that internal relocation would be unreasonable. If the DHS, "establishes by a preponderance of evidence that, under all the circumstances, it would be reasonable for the applicant to relocate" it should be reasonable for that respondent to internally relocate. 8 C.F.R. § 1208.13(b)(3)(ii). The DHS has met this burden by demonstrating that the Respondent could relieve his fear of persecution by relocating to other areas of Somalia. The ideal place for internal relocation seems to be Mogadishu as Mogadishu has been free of Al-Shabaab control since 2011, the Respondent has several siblings residing in the area, and the Respondent lived there for several months free from persecution. These facts rebut the presumption that it would be unreasonable for the Respondent to internally relocate and thus invalidates his claim for asylum.

The DHS reserves the right to raise additional arguments after receipt of the Immigration Judge's decision and transcript.

(Attach additional sheets if necessary)

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

7. Do you desire oral argument before the Board of Immigration Appeals? ☐ Yes ☒ No
8. Do you intend to file a separate written brief or statement after filing this Notice of Appeal? ☒ Yes ☐ No

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

9.



X

[Handwritten Signature]

Signature of Person Appealing
(or attorney or representative)

7/11/19

Date

10.

Mailing Address of Respondent(s)/Applicant(s)	
[REDACTED]	(Name)
[REDACTED]	(Street Address)
[REDACTED]	(Apartment or Room Number)
[REDACTED]	(City, State, Zip Code)
	(Telephone Number)

11.

Mailing Address of Attorney or Representative for the Respondent(s)/Applicant(s)	
Dean Eyler	
	(Name)
80 South Eighth Street	
	(Street Address)
Suite 500	
	(Suite or Room Number)
55402	
	(City, State, Zip Code)
	(Telephone Number)

NOTE: You must notify the Board within five (5) working days if you move to a new address. You must use an alien's Change of Address Form (Form EOIR-33/BIA).

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

12.

PROOF OF SERVICE
(You Must Complete This)

I Kenneth R. Knapp mailed or delivered a copy of this Notice of Appeal
(Name)
on 7/1/19 to Respondent and respondent's counsel
(Date) (Opposing Party)
at [REDACTED]
(Number and Street, City, State, Zip Code)



X

Signature

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

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

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

- ☐ Read all of the General Instructions
- ☐ Provided all of the requested information
- ☐ Completed this form in English
- ☐ Provided a certified English translation for all non-English attachments

HAVE YOU?

- ☐ Signed the form
- ☐ Served a copy of this form and all attachments on the opposing party
- ☐ Completed and signed the Proof of Service
- ☐ Attached the required fee or Fee Waiver Request