**A 011 222 333 COLBERT, Sarah P. (Respondent)**

**EOIR – 26, #6 Reasons for this appeal (continued)**

**[SAMPLE #1]**

1. The Immigration Judge erred in applying the standard for cumulative harm as articulated in Matter of O-Z- & I-Z-, I&N Dec. 23 (BIA 1998). The Immigration Judge erronesouly found that the harm suffered by the Respondent was just one event, when the Respondent credibly testified about numerous incidents of threats and persecution.
2. The Immigration Judge's finding that Respondent did not fear harm by the government or a group the government cannot control was clearly erroneous, as Respondent credibly testified that she feared harm from the MS-13, which her testimony and the record show the Guatemalan government is unable to control. The Immigration Judge’s finding should be reviewed as it is clearly erroneous under 8 C.F.R. § 1003.1(d)(3)(i).
3. Respondents may supplement this notice with additional grounds for appeal upon reviewing the transcript of the hearing.

**[SAMPLE #2]**

1. The Immigration Judge erred by failing to fully assess the Respondent’s claim under 8 C.F.R. § 1208.13. The Immigration Judge did not properly consider the Respondent’s claim based on an imputed political opinion, as indicated in his application and described in her testimony. The Respondent was targeted on account of her imputed political opinion based on his family members’ alleged involvement with the Ogaden National Liberation Front. The immigration judge noted that while detained, the Respondent was questioned about her own alleged involvement with the ONLF as well as questioned about the activities of her family members. The Immigration Judge justified the harms he suffered at the hands of the government without proper support in the record. The Immigration Judge justified the government’s actions stating the harm occurred during a police investigation without citing to evidence in the record. The Immigration Judge failed to clearly address the imputed political opinion claim.
2. The Immigration Judge erred by inconsistently characterizing the Respondent’s past harm and misapplying BIA caselaw to the facts in Respondent’s case. In denying her asylum claim, the immigration judgecharacterized the harm the Respondent suffered as “harsh mistreatment”. The Immigration Judge denied Respondent’s claim to asylum citing to Matter of R-*,* 20 I&N Dec. 621 (BIA 1992), stating that “mistreatment of a person by police in the course of an investigation does not establish eligibility for asylum or withholding of removal.” Yet in the next section of the decision, the Immigration Judge found the harm the Respondent suffered was “sufficiently severe as to constitute ‘torture’”, which does not appear to be clearly contemplated under Matter of R-.
3. Respondents may supplement this notice with additional grounds for appeal upon reviewing the transcript of the hearing.