File: (b) (6) – Charlotte, NC

Date: DEC - 8 2016

In re: A(b)(6) B(b)(6), a.k.a. (b)(6)

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Andres Lopez, Esquire

ON BEHALF OF DHS: Cori White
Assistant Chief Counsel

CHARGE:

Notice: Sec. 212(a)(7)(A)(i)(I), I&N Act [8 U.S.C. § 1182(a)(7)(A)(i)(I)] - Immigrant - no valid immigrant visa or entry document

APPLICATION: Asylum; withholding of removal; (b)(6)

The respondent appeals from the Immigration Judge's December 1, 2015, decision denying her applications for asylum, withholding of removal, and (b)(6) Sections 208(b)(1)(A), 241(b)(3)(A) of the Immigration and Nationality Act, 8 U.S.C. §§ 1158(b)(1)(A), 1231(b)(3)(A); 8 C.F.R. §§ 1208.13, 1208.16- (b)(6) The Department of Homeland Security ("DHS") has filed a brief on appeal. We will sustain the appeal, and remand the record for completion of background checks.

We review for clear error the findings of fact, including determinations of credibility, made by the Immigration Judge. 8 C.F.R. § 1003.1(d)(3)(i). We review de novo all other issues, including whether the parties have met the relevant burden of proof, and issues of discretion. 8 C.F.R. § 1003.1(d)(3)(ii).

We find the Immigration Judge's adverse credibility finding to be clearly erroneous "[c]onsidering the totality of the circumstances" (I.J. at 4-5). Section 208(b)(1)(B)(iii) of the Act, 8 U.S.C. § 1158(b)(1)(B)(iii). We agree that the inconsistencies identified by the Immigration Judge exist, but we find that the respondent's testimony and the corroborative evidence, particularly the (b)(6) and the affidavits of the respondent's (b)(6), reconcile the discrepancies and rehabilitate her credibility. Section 208(b)(1)(B)(ii) of the Act, 8 U.S.C. § 1158(b)(1)(B)(ii). While the respondent's written asylum statement was inconsistent with her credible fear interview in regard to when her (b) (6) (1999 vs. 2009), the (b) (6) and the affidavits

of (b) (6) support a finding that (b)(6) occurred as early as the late 1990's or early 2000's (I.J. at 5; Exh. 3, Tabs H, J).[1]

Further, although the respondent's written statement, unlike her testimony, fails to allege that (b)(6) in 2014, the respondent's explanation that she forgot to mention it because she was focused on escaping sufficiently reconciles this discrepancy under the circumstances in this case (I.J. at 5; Tr. at 52, 62). We also do not find the discrepancy between the respondent's testimony and her written statement regarding whether (b)(6) called her after she changed her phone number to be clear enough to support an adverse credibility finding (I.J. at 5; Tr. at 55-56).

There is no genuine dispute that the respondent's (b)(6) for several years, and the Immigration Judge found that the respondent "may have experienced significant (b)(6) and that she '[redacted] (b)(6) (I.J. at 14). Thus, the identified discrepancies regarding the dates and specific (b) (6) do not undermine the respondent's credibility with respect to her overall claim that she suffered years of significant (b)(6). Section 208(b)(1)(B)(iii) of the Act.[2]

We also disagree with the Immigration Judge's alternative finding that the respondent did not meet her burden of proof (I.J. at 7-15). We agree with the respondent that she set forth a cognizable particular social group and that she is a member of that group (Respondent's Brief at 10-14). The respondent's proposed group, "El Salvadoran women who are (b)(6) is (b) (6) to that which we addressed in *Matter of A-R-C-G-*, 26 I&N Dec. 388 (BIA 2014) (holding that under the facts and evidence in that case, "(b) (6) " was a cognizable particular social group). In this regard, we find that the totality of the evidence, including the 2014 El Salvador Human Rights Report, establishes that the group is sufficiently particular and socially distinct in El Salvadoran society (I.J. at 2, 10).[3]

We additionally conclude that the Immigration Judge's finding that the respondent was able to (b)(6) is clearly erroneous (I.J. at 10-11). The Immigration Judge's finding is

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[1] The Immigration Judge gave the affidavits limited weight because they were not prepared contemporaneously with the incidents (b)(6) described therein, and the affiants were not made available for cross-examination (I.J. at 5-6). We point out that the affiants had no reason to document (b)(6) until requested to do so by the respondent, and the affidavits are worthy of some evidentiary weight.

[2] Although the Immigration Judge did not make a separate finding as to whether the (b)(6) rose to the level of past persecution, on this record, we find that it did (I.J. at 14; Tr. at 41-47, 50-51; Exh. 2, Tab C). 8 C.F.R. § 1208.13(b)(1).

[3] The Immigration Judge took administrative notice of the 2014 Human Rights Report for El Salvador issued by the United States Department of State (I.J. at 2).

(b) (6)

based on the fact that the respondent (b)(6) moved away from (b)(6) in 2008, and (b) (6) in 2013 (*Id.* at 11). However, the record reflects that the respondent's (b) (6) (I.J. at 3; Tr. at 43-47, 50-51). Further, the (b) (6), a local (b)(6) threatened the respondent in (b) (6) of 2013, referred to her as (b) (6) (I.J. at 2; Tr. at 41-42). Moreover, in (b) of 2014, a (b) (6) (I.J. at 3; Tr. at 47). Thus, under the circumstances presented in this case, the Immigration Judge's finding that the respondent (b) (6) is not supported by the record (I.J. at 10-11).

The Immigration Judge also found that even if the respondent's proposed group is cognizable under the Act, she did not establish a nexus between the harm and her group membership (I.J. at 13-15). However, the record indicates that the (b) (6) confirmed as much (I.J. at 2-3; Tr. at 41-47, 51). *See Matter of N-M-*, 25 I&N Dec. 526, 532 (BIA 2011) ("A persecutor's actual motive is a finding of fact to be determined by the Immigration Judge and reviewed by [the Board] for clear error"). The record as a whole supports a finding that the respondent's membership in the particular social group of "El Salvadoran women (b)(6) " is at least one central reason that her (b)(6)

Finally, we disagree with the Immigration Judge's finding that the respondent has not demonstrated that the government of El Salvador is unable or unwilling to protect her from (b) (6) I.J. at 14-15). *Mulyani v. Holder*, 771 F.3d 190, 197-98 (4th Cir. 2014) (harm must be inflicted by the government or a private person that the government is unable or unwilling to control). We recognize that the respondent was able to obtain (b)(6) (b)(6) (in 2001 and 2008), that the police arrested and detained (b)(6) and that the respondent did not always report (b)(6) to the police because she did not want (b)(6) (I.J. at 14; Tr. at 56-59).

However, the neighbors' affidavits allege that they called the police during various episodes (b)(6) and that the police often would not intervene, and the respondent's written statement asserts that (b)(6) called the police at least 10 times over the course of several years, and that the police advised that they would not intervene unless they caught (b)(6) in the act or saw blood (I.J. at 14-15; Exh. 2, Tab C; Exh. 3, Tab J). Further, the respondent's (b)(6) , who warned her she would always be in a relationship with (b)(6) and that she would not know where the bullets came from, is a (b)(6) in El Salvador (I.J. at 2).

The 2014 El Salvador Human Rights Report does indicate some efforts have been made in the area of (b) (6) However, it also reflects that violence against women, including (b)(6) , is a "widespread and serious problem," and that the government's efforts to

combat it were "minimally effective" (2014 El Salvador Human Rights Report at 16). *Hernandez-Avalos v. Lynch*, 784 F.3d 944, 950-53 (4th Cir. 2015) (the respondent established that Salvadoran authorities were unwilling or unable to control gangs when her credible testimony and other record evidence reflected that the neighborhood police were subject to gang influence, and the country conditions evidence noted the existence of "widespread gang influence and corruption within the Salvadoran prisons and judicial system"). This information, when combined with the respondent's experiences, supports the conclusion that the respondent established that the police were unable and unwilling to protect her.

On this record, the respondent has demonstrated past persecution on account of her membership in a cognizable particular social group. 8 C.F.R. § 1208.13(b)(1). As the DHS has not demonstrated a fundamental change in circumstances or the reasonableness of internal relocation, the lead respondent is also entitled to a presumption of a well-founded fear of future persecution on the same ground (Tr. at 52-53). 8 C.F.R. §§ 1208.13(b)(1)(i), (ii). Thus, the respondent has met her burden of proving her eligibility for asylum. 8 C.F.R. § 1208.13(a).

Accordingly, we will sustain the respondents' appeal as to the denial of her asylum application, and we will remand the record for completion of background checks. As we are sustaining the respondent's appeal as to her asylum claim, we will not address the Immigration Judge's denial of the applications for withholding of removal or [redacted] (I.J. at 15-16).

ORDER: The appeal is sustained.

FURTHER ORDER: Pursuant to 8 C.F.R. § 1003.1(d)(6), the record is remanded to the Immigration Judge for the purpose of allowing the Department of Homeland Security the opportunity to complete or update identity, law enforcement, or security investigations or examinations, and further proceedings, if necessary, and for the entry of an order as provided by 8 C.F.R. § 1003.47(h).

Ellen Rubowitz

FOR THE BOARD

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
CHARLOTTE, NORTH CAROLINA

IN THE MATTER OF	)	IN REMOVAL PROCEEDINGS
	)	
A(b)(6) B(b)(6)	)	File No: (b) (6)
	)	
Respondent.	)	December 1, 2015
	)	

CHARGE: Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act ("INA" or "Act")

APPLICATIONS: Asylum, Withholding of Removal, and (b)(6) (b)(6)

ON BEHALF OF RESPONDENT:
Andres Lopez, Esq.

ON BEHALF OF THE GOVERNMENT:
Cori White, Esq.
Office of the Chief Counsel
U.S. Department of Homeland Security

WRITTEN DECISION OF THE IMMIGRATION JUDGE

I. Procedural History

The respondent is a 44 year-old female citizen of El Salvador who entered the United States on July 6, 2014 and was encountered by Customs and Border Protection agents. On August 19, 2014, the Department of Homeland Security ("DHS") served the respondent with a Notice to Appear ("NTA") charging her with removability pursuant to section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act ("INA" or "Act"). Exhibit 1. At a master calendar hearing on December 15, 2014, the respondent, through counsel, admitted the allegations set forth in the NTA, conceded the charge, and El Salvador was designated as the country of removal. The Court, therefore, finds by clear and convincing evidence that the respondent is removable as charged to the country of El Salvador. INA § 240(c)(3)(A).

On March 30, 2015, the respondent submitted an application for asylum, withholding of removal under the Act, and (b)(6) . Exhibit 2. On September 1, 2015, the Court held an individual hearing on the respondent's applications for relief and reserved for entry of this written decision.

II. Evidence Presented

The court has reviewed and considered all evidence submitted by the parties, whether it is expressly referred to in this decision or not.

A. Documentary Evidence

Exhibit 1: Notice to Appear
Exhibit 2: Respondent's Application for Asylum, Withholding of Removal, and (b)(6) (Form I-589) with supporting documents (tabs A through C) filed March 30, 2015
Exhibit 3: Respondent's supporting documents (with tabs D through J) filed August 4, 2015

The Court takes administrative notice of the country conditions as described in the 2014 U.S. Department of State Human Rights Practices Report for El Salvador, available at http://www.state.gov/documents/organization/236900.pdf (hereinafter "2014 El Salvador Country Report"). 8 C.F.R. § 1208.12(a); *Quitanilla v. Holder*, 758 F.3d 570, 574 n. 6 (4th Cir. 2014); *Ai Hua Chen v. Holder*, 742 F.3d 171, 179 (4th Cir. 2014).

B. Testimonial Evidence

The testimony of the respondent is summarized as follows:

The respondent testified she was born in El Salvador on (b) (6) and has a high school diploma. Sometime in 1999 the respondent married (b) (6) (hereinafter (b)(6) .

At the beginning of her testimony, the respondent adopted her sworn statement submitted in support of her Form I-589 application. Exhibit 2, tab B at 12-14; *see Matter of E-F-H-L-*, 26 I&N Dec. 319, 322 n.3 (BIA 2014) (citing *Matter of Fefe*, 20 I&N Dec. 116, 118 (BIA 1989)).

In addition to her sworn statement, the respondent testified about a conversation she had in (b) (6) 2013 with (b) (6) , who she claims is a (b) (6) On that occasion (b)(6) , and he called the (b) (6) . (b) (6) warned the respondent (b)(6) or words to that effect. The respondent interpreted these statements to be (b) (6) and tended to support (b)(6) (b)(6)

Between (b) (6) 2013 and (b) 2014 the respondent spoke (b)(6) approximately five times in person and six to seven times by telephone, mostly about (b)(6) Occasionally (b) (6) would threaten the respondent when (b)(6) , and tell her (b) (6) . The respondent testified her (b)(6) in (b) (6) 2014.

The respondent last saw (b)(6) , 2014, at which time (b) (6) The respondent was allowed to (b) (6)

The respondent claims she received anonymous telephone threats she believes came from (b)(6) . The calls were made at night and threatened to kill the respondent, although she did not recognize the caller's voice. The respondent reported the calls to the local police who recommended she change the chip in her telephone to another number. The respondent received three more calls after she changed the telephone chip; (b) (b)(6) were aware of her new telephone number.

The respondent testified she moved away to another colony in 2008 after she and (b) (6) but noted (b)(6) . The respondent moved (b)(6) because she was tired of (b)(6) The respondent would stay with her (b)(6) The respondent contends she did not have anywhere else to go because El Salvador is a small place, and (b) (6) . The respondent was tired of going to the police because "they don't do anything."

The respondent testified that in (b) 2014 and (b) (6) , told her (b) (6)

Other aspects of the respondent's testimony are reflected in the Court's analysis below. The remainder of the respondent's testimony is contained in the verbatim transcript of the individual hearing held on September 1, 2015.

III. Asylum

A. Burden of Proof

Any individual who is physically present in the United States, irrespective of status, may receive asylum, in the exercise of discretion, provided she filed a timely application and qualifies as a refugee within the meaning of section 101(a)(42)(A) of the Act. INA § 208. An alien bears the burden of proving eligibility for asylum. *Naizgi v. Gonzales*, 455 F.3d 484, 486 (4th Cir. 2006); INA § 208(b)(1)(B)(i); 8 C.F.R. § 1208.13(a). To establish asylum eligibility under the Act, the applicant must show that she was subjected to past persecution or that she has a "well-founded" fear of future persecution "on account of race, religion, nationality, membership in a particular social group, or political opinion." 8 C.F.R. §1208.13(b)(1). An alien who establishes past persecution is entitled to a rebuttable presumption that she has a well-founded fear of future persecution. *Id.* Absent past persecution, an applicant may independently establish a well-founded fear of persecution. *Ngarurih v. Ashcroft*, 371 F.3d 182, 187 (4th Cir. 2004).

[1] The Court notes this Spanish name translates as (b) (6) in English.

B. One Year Time Bar

An alien applying for asylum must show "by clear and convincing evidence that the application has been filed within one year after the date of the alien's arrival in the United States." INA §208(a)(2)(B). The DHS concedes, and the Court finds, that the respondent entered the United States on July 6, 2014, and her asylum application was timely filed on March 30, 2015.

C. Credibility

An alien requesting asylum bears the evidentiary burden of proof and persuasion in connection with any application under section 208 of the Act. *See* INA § 208(b)(1)(B)(i); 8 C.F.R. § 1208.13(a); *Mirisawo v. Holder*, 599 F.3d 391, 396 (4th Cir. 2010). For any application for asylum filed after May 11, 2005, certain provisions of the REAL ID Act of 2005 regarding corroboration and credibility are applicable. INA § 208(b)(1)(B)(iii). An applicant's own testimony is sufficient to meet the burden of proving their asylum claim, if it is believable, consistent, and sufficiently detailed to provide a plausible and consistent account of the basis of their fear. 8 C.F.R. § 1208.13(a).

An immigration judge must provide specific, cogent reasons for making an adverse credibility determination. *Djadjou v. Holder*, 662 F.3d 265, 273 (4th Cir. 2011). In evaluating an asylum applicant's testimony, "omissions, inconsistencies, contradictory evidence and inherently improbable testimony are appropriate bases for making an adverse credibility determination." *Id.* Even the existence of only a few such inconsistencies can support an adverse credibility determination. *Id.* Following passage of the REAL ID Act of 2005, an inconsistency can serve as a basis for an adverse credibility determination "without regard to whether [it] goes to the heart of the applicant's claim. *Qing Hua Lin*, 736 F.3d 343, 352-53 (4th Cir. 2013) (citing INA § 208(b)(1)(B)(iii)).

Considering the totality of the circumstances and all relevant factors, the Court may base a credibility determination on any of the following: (1) the applicant's demeanor, candor, or responsiveness; (2) the inherent plausibility of the applicant's account; (3) the consistency between the applicant's or witness's written and oral statements, the internal inconsistencies of each statement, and any inaccuracies or falsehoods in such statements, without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant's claim; (4) consistency of the applicant's statements with other evidence of record, including the reports of the Department of State on country conditions; or (5) any other relevant factor. INA §§ 208(b)(1)(B)(iii); 241(b)(3)(c); *see also Singh v. Holder*, 699 F.3d 321, 328 (4th Cir. 2012).

Where the Court determines that the applicant should provide evidence corroborating the alien's testimony, such evidence must be provided unless the applicant does not have the evidence and cannot reasonably obtain it. INA § 208(b)(1)(B)(ii); *see Jian Tao Lin v. Holder*, 611 F.3d 228, 237 (4th Cir. 2010) (even for credible testimony, "corroboration may be required when it is reasonable to expect such proof and there is no reasonable explanation for its absence") (internal citation and quotation marks omitted). Lack of corroborative evidence is not necessarily fatal to an asylum application, however, as "[a]n individual can, without

corroboration, satisfy this standard simply by presenting credible testimony about specific facts that would cause a similarly situated person to likewise fear persecution." *Jian Tao Lin*, 611 F.3d at 236 (internal citation omitted); see also 8 C.F.R. § 1208.13(a); 8 C.F.R. §1208.16(b)(2)(i).

Based on the respondent's testimony and the documentary evidence provided, the Court finds that the respondent is not credible for several cogent and specific reasons. First, the respondent testified (by way of adoption of her written statement) that (b) (6) [redacted] 1999. On cross-examination, the respondent was asked to explain why she told an asylum officer during her credible fear interview that the (b)(6) [redacted] Exhibit 1, credible fear worksheet at 4. The respondent explained the omission on the fact she only gave summary statements to the asylum officer, and the (b)(6) [redacted] 2014. The Court finds the respondent's explanation to be unpersuasive, and notes she bears the burden of proof and corresponding risk of an inconclusive record. *Salem v. Holder*, 647 F.3d 111, 116 (4th Cir. 2011). The Court finds this inconsistency relates to a material fact that is central to the respondent's claim, and therefore does not support her credibility.

Second, the respondent testified that she was (b)(6) [redacted] in (b) (6) [redacted] 2014 and preceded her decision to flee El Salvador. On cross-examination, the respondent was asked to explain why her sworn statement filed in support of her asylum application makes no reference her (b)(6) [redacted] in (b) (6) [redacted] 2014. Exhibit 2, tab C at 14. Again, the respondent failed to provide a persuasive explanation for this omission other than to say she did not report (b)(6) [redacted] to the police and the incident "slipped her mind." The omission in the respondent's declaration is significant as it goes to the heart of her claim as one of the precipitating events that led her to flee El Salvador. The Court finds this inconsistency does not support her credibility.

Third, the respondent was asked on cross-examination why her sworn statement makes no reference to her claim she received anonymous threats by telephone after she changed her number. The respondent explained that (b)(6) [redacted] would contact her through (b)(6) [redacted] but conceded this fact was not in her sworn statement because she "forgot to mention it." The respondent failed to provide an explanation for the absence of this important evidence, and the Court finds the omission does not support her credibility.

In light of these inconsistencies and omissions in her testimony, the Court finds that the respondent is not credible. Upon consideration of the record as a whole and the totality of the circumstances, the Court makes an adverse credibility determination and therefore denies the respondent's application for asylum. *Ilunga v. Holder*, 777 F.3d. 199, 207 (4th Cir. 2015) (citations omitted); *Hui Pan v. Holder*, 737 F.3d 921, 930 (4th Cir. 2013) (citing *Rusu v. United States*, 296 F.3d 316, 323 (4th Cir. 2002) ("an unfavorable credibility determination is likely to be fatal to such a claim")).

As an alternative finding, the Court will address whether the respondent has sufficiently corroborated her claim despite her lack of credibility. 208(b)(1)(B)(ii); *Hui Pan v. Holder*, 737 F.3d at 930; *Matter of L-A-C-*, 26 I&N Dec. 516, 518 (BIA 2015).

D. Corroboration

The REAL ID Act altered the INA's requirement regarding corroborating evidence. *Singh v. Holder*, 699 F.3d 321, 328 (4th Cir. 2012). Pursuant to the REAL ID Act, "when a trier of fact is not fully satisfied with the credibility of an applicant's testimony standing alone, the trier of fact may require the applicant to provide corroborating evidence 'unless the applicant does not have the evidence and cannot reasonably obtain the evidence.'" *Id.* at 329 (citing 8 U.S.C. § 1158(b)(1)(B)(ii) [INA § 208(b)(1)(B)(ii)] and *Matter of J-Y-C-*, 24 I&N Dec. 260, 262 (BIA 2007) ("The amendments to the [REAL ID] Act continue to allow an alien to establish eligibility for asylum through credible testimony alone, but they also make clear that where a trier of fact requires corroboration, the applicant bears the burden to provide corroborative evidence, or a compelling explanation for its absence.")). The method of authentication that the party submitting the evidence utilizes may affect the weight of the evidence, and the Court "retain[s] broad discretion to accept a document as authentic or not based on the particular factual showing presented." *See Lin v. Holder*, 771 F.3d 177, 186-87 (4th Cir. 2014); *Matter of D-R*, 25 I&N Dec. 445, 458 (BIA 2011).

The respondent produced several documents as corroborative evidence to establish her (b) (6) 2001 and (b) (6) 2008. Exhibit 3, tab H at 46-63. The (b) (6) (b) (6), 2001 states at the time of (b) (6), and (b) (6) *Id.* at 46. By contrast, (b) (6), 1998 produced by the respondent reflects the respondent is only (b)(6) *Id.* at 69. To some extent, this discrepancy calls into question the veracity of the respondent's foreign documents to establish her (b)(6) As the (b)(6) of the respondent, the Court finds corroborating evidence establishing her (b)(6) (b)(6) is especially important.

The respondent produced a (b)(6) (b)(6) (b)(6) Exhibit 2, tab C at 14 (emphasis in original).

The Court reviewed sworn statements from the (b)(6) generally attesting to (b)(6) Exhibit 3, tab J at 89-114. All of these documents were prepared in (b) 2015 after the respondent was placed in removal proceedings, and a merits hearing scheduled to receive evidence on her application for asylum. These statements rely mainly on hearsay statements made by the respondent to the declarants, although some of them provided eyewitness accounts of (b)(6)

The Court finds these statements do not substantially corroborate the respondent's claim as they were not prepared contemporaneously with the incidents they recount. Moreover, the statements were prepared by witnesses not subject to cross-examination, such that the trustworthiness of the declarants cannot be adequately determined. *Djadjou v. Holder*, 662 F.3d 265, 276-77 (4th Cir. 2011); *Matter of H-L-H & Z-Y-Z-*, 25 I&N Dec. 209, 214 n.5 (BIA 2010), *abrogated on other grounds by Huang v. Holder*, 677 F.3d 130 (2d Cir.2012); *accord Hui Pan v. Holder*, 737 F.3d 921, 930-31 (4th Cir. 2013). The Court affords these documents little probative weight.

The Court has reviewed a (b)(6) report which states the respondent (b)(6) Exhibit 3, tab G at 33. The report was prepared (b)(6) almost one year after she was caught by immigration officials and placed in removal proceedings. *Id.* at 30. The report provides no indication how long the respondent was interviewed by (b)(6) or what other sources of information were considered other than the respondent's own recollections. It appears (b)(6) interview was conducted in the English language which "made it difficult to understand any questions asked in English." *Id.* at 31. The Court gives this evidence limited probative weight and finds it does not sufficiently corroborate the respondent's claim of (b)(6) (b)(6)

The respondent did not submit any country condition evidence regarding El Salvador. The Court has considered the most recent Department of State country report regarding the (b)(6) and government response to (b)(6) 2014 El Salvador Country Report at 1, 15-18. The Court recognizes that El Salvador experiences significant societal problems (b)(6), public safety resources, and widespread criminal activity. This observation is clearly reflected in the country conditions report considered by administrative notice. Although this evidence indicates that (b)(6) ineffective law enforcement efforts, and human rights abuses exist in El Salvador, it does not corroborate the respondent's specific claim of mistreatment by (*Matter of L-A-C-*, 26 I&N Dec. at 524-25.

Upon consideration of all the evidence of record and the totality of the circumstances, the Court finds that the respondent has not provided sufficient evidence to corroborate her claim. INA § 208 (b)(1)(B)(ii); *Singh v. Holder*, 699 F.3d at 330; *Matter of L-A-C-*, 26 I&N Dec. at 522.

As an alternative holding, the Court will analyze the statutory basis of the respondent's asylum claim.

E. Analysis

To satisfy the statutory test for asylum, an applicant must make a two-fold showing. She must demonstrate the presence of a protected ground, and must link the feared persecution, at least in part, to it. *Saldarriaga v. Gonzales*, 402 F.3d 461, 466 (4th Cir. 2005). An alien qualifies for asylum if they were persecuted "on account of ... membership in a particular

social group." *Temu v. Holder,* 740 F.3d 887, 891 (4th Cir. 2014) (citing INA § 101(a)(42)(A)).

Under the REAL ID Act, an alien's membership in a particular social group must be "*at least one central reason* for persecuting the applicant" to establish their eligibility for one of the five protected grounds for asylum. INA § 208(b)(1)(B)(i) (emphasis added); *Crespin-Valladares v. Holder,* 632 F.3d 117, 127 (4th Cir. 2011). Incidents of harm that are consistent with acts of private violence, or merely show a person has been the victim of criminal activity, do not constitute evidence of persecution based on a statutorily protected ground. *Huaman-Cornelio v. BIA,* 979 F.2d 995, 1000 (4th Cir.1992).

Even if the Court found the respondent's testimony was credible, which it does not, she has not established that her life or freedom would be threatened on account of a protected ground if she returns to El Salvador. The respondent seeks asylum due to her membership in a particular social group she defines as (b)(6) [redacted] (b)(6) [redacted][2]

An applicant seeking asylum based on her membership in a "particular social group" must establish that the group is (1) composed of members who share a common immutable characteristic, (2) defined with particularity, and (3) socially distinct within the society in question. *Matter of M-E-V-G-*, 26 I&N Dec. 227, 237 (BIA 2014); *Matter of W-G-R-*, 26 I&N Dec. 208, 210 (BIA 2014); *Martinez v. Holder*, 740 F.3d 902, 910 (4th Cir. 2014). "Any claim regarding the existence of a particular social group in a country must be evaluated in the context of the evidence presented regarding the particular circumstances in the country in question." *Matter of A-R-C-G-*, 26 I&N Dec. 388, 392 (BIA 2014).

The Courts notes that in *Matter of A-R-C-G-*, the DHS conceded the particular social group defined as "married women in Guatemala who are unable to leave their relationship" met the statutory requirement for asylum relief. 26 I&N Dec. at 392-93. However, the Board's particular social group analysis in *A-R-C-G-* lacks clarity as to exactly what "belief or characteristic" the alien victim possessed "that [her] persecutor seeks to overcome in others by means of punishment of some sort." *Matter of Mogharrabi,* 19 I&N Dec. 439, 446 (BIA 1987) (citing *Matter of Acosta*, 19 I&N Dec. at 226); *see also Matter of N-M-*, Dec. 25 I&N Dec. 526, 532 (BIA 2011) (persecutor's actual motive is a matter of fact to be determined by the Immigration Judge and reviewed for clear error).

The Court acknowledges the Fourth Circuit Court of Appeals has held "family members of those who actively oppose gangs in El Salvador by agreeing to be prosecutorial witnesses" could form a cognizable particular social group. *Crespin-Valladares v. Holder*, 632 F.3d 117 (4th Cir. 2011); *see also Hernandez-Avalos v. Lynch*, 784 F.3d 944 (4th Cir. 2015). In

[2] While the respondent makes reference to a (b) (6) [redacted], she has not presented sufficient facts to support a cognizable claim she fears persecution on account of (b) (6) [redacted]. Exhibit 2, tab C at 14; INA § 101(a)(42)(A). *Saldarriaga v. Gonzales*, 402 F.3d 461, 466 (4th Cir.2005) (citing *Camara v. Ashcroft,* 378 F.3d 361, 364 (4th Cir.2004) (a political opinion may be shown "by evidence of verbal or openly expressive behavior by the applicant in furtherance of a particular cause").

Crespin-Valladares, the Fourth Circuit remanded the alien's proceedings for further fact finding to determine whether the harm alleged by the alien was in fact on account of his family ties. *Id.* at 129.

Based upon the evidence of record, the Court finds that the respondent's (b)(6) [redacted] is insufficient to meet the criteria to establish a cognizable particular social group as required under controlling case law, including *Matter of A-R-C-G-*, *Crespin-Valladares*, and their progeny.

a. Immutability

The Board's "interpretation of the phrase 'membership in a particular social group' incorporates the common immutable characteristic standard set forth in *Matter of Acosta*[.]" *Matter of M-E-V-G-*, 26 I&N Dec. 227, 237-38 (BIA 2014). The shared characteristic of the particular social group must be 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); *accord Martinez v. Holder*, 740 F.3d 902, 910-11 (4th Cir. 2014). The shared or immutable characteristic should be the characteristic that makes the group (1) generally recognizable in the community and (2) sufficiently particular to define the group's membership. *Matter of A–M–E & J–G–U*, 24 I&N Dec. 69, 74 (BIA 2007).

An asylum applicant's gender is clearly an immutable characteristic in a proposed group comprised of only women. *Matter of A-R-C-G-*, 26 I&N Dec. at 392. The Board has held that marital status can be an immutable characteristic where the individual is unable to leave the marital relationship. *Id.* at 392-93. Determination of this issue, however, is fact-dependent taking into account the applicant's own experiences, as well as more objective evidence such as background country information. *Id.* at 393.

The Court finds that the respondent has not met her burden to show a common immutable characteristic despite her female gender and Salvadoran nationality. *Matter of A-R-C-G-*. 26 I&N Dec. at 392-93.

Assuming without deciding the respondent was in fact (b)(6) [redacted], her testimony and documentary evidence demonstrates she was able to (b)(6) [redacted] in 2008 or 2009, and ultimately (b) (6) [redacted]. Exhibit 2, tab C at 13-14. The respondent left for the United States on June 16, 2014. *Id.* at 12.

The respondent's ability to leave (b)(6) [redacted] home in 2008 or 2009 and travel to the United States five or six years later indicates (b)(6) [redacted] was subject to change, and therefore not immutable. *Matter of A-R-C-G-*. 26 I&N Dec. at 393. Accordingly, the Court finds that the respondent's evidence does not support the immutability requirement for a cognizable social group. *Martinez v. Holder*, 740 F.3d at 910.

b. Particularity

The Board's requirement of particularity chiefly addresses the "group's boundaries" or "outer limits." *Matter of M-E-V-G-*, 26 I&N Dec.at 241. More specifically, a particular social

group must be defined by characteristics that provide a clear benchmark for determining who falls within the group. *Matter of A-M-E- & J-G-U-*, 24 I&N Dec. at 76. In some circumstances, terms used to describe the group can combine to create a group with discrete and definable boundaries. *Matter of A-R-C-G-*, 26 I&N Dec. at 393. For example, (b) (6) [redacted] (emphasis added). "The group must also be discrete and have definable boundaries -- it must not be amorphous, overbroad, diffuse, or subjective." *Matter of M-E-V-G-*, 26 I&N Dec.at 239 (citation omitted); *see also Zelaya v. Holder*, 668 F.3d 159, 166 (4th Cir. 2012) (group must have "particular and well-established boundaries"). A social group does not have to be defined with strict homogeneity, but the group cannot be "too loosely defined." *Matter of A-M-E- & J-G-U-*, 24 I&N Dec. at 74; *Matter of C-A-*, 23 I&N Dec. at 957.

A cognizable particular social group is not defined with particularity by the fact that the applicant is subject to (b) (6) [redacted]. *Matter of A-R-C-G-*, 26 I&N Dec. at 393 n.14 (citing *Matter of W-G-R-*, 26 I&N Dec. at 215) (recognizing that a social group must have "defined boundaries" or a "limiting characteristic" other than the risk of persecution).

The Court finds the respondent has not met her burden to show particularity of her proposed social group that can be described with discrete or definable boundaries. First, the respondent's proposed particular social group is overly broad. The respondent proposes that she belongs to a group consisting of "El Salvadoran women (b)(6) [redacted] Thus, the respondent defines her group by both a [redacted] In *Matter of A-R-C-G-*, the Board noted that a cognizable particular social group is not defined with particularity by the fact that the applicant is subject to (b)(6) [redacted]. *Matter of A-R-C-G-*, 26 I&N Dec. at 393 n.14 (citing *Matter of W-G-R-*, 26 I&N Dec. at 215) (recognizing that a social group must have "defined boundaries" or a "limiting characteristic" other than the risk of persecution). The Court finds that the respondent's proposed social group is impermissibly broad.

Second, El Salvador is inhabited by many women who suffer from (b)(6) [redacted], and the country experiences widespread incidents including (b)(6) [redacted] Although Salvadoran law affords protection to (b)(6) [redacted] there were insufficient facilities for this purpose during the most recent reporting period. 2014 El Salvador Country Report at 21. Given the number of women who experience (b)(6) [redacted] in El Salvador, the group lacks discrete boundaries.

Third, unlike the alien in *Matter of A-R-C-G*, the respondent's evidence does not support her claim that she (b) (6) [redacted] In *Matter of A-R-C-G-*, the particular social group at issue incorporated the terms (b) (6) [redacted] The Board stated, "[i]n some circumstances, the terms can combine to create a group with discrete and definable boundaries." *Id.* The Board stated a (b) (6) [redacted]

In this case, the Court finds the respondent has not provided sufficient evidence to show she was unable to leave (b)(6) [redacted] To the contrary, the respondent's evidence reflects (b) (6) [redacted]. Given the prevalence of (b)(6) [redacted] in El Salvador, the respondent is unable to show that her fear of (b)(6) [redacted] makes her particular.

Fourth, the Court finds that the respondent has not sufficiently narrowed her group as it was in *Crespin-Valladares v. Holder*. In *Crespin*, the social group was not comprised of every member in the alien's family, but rather centered on just two specific family members: "The family unit -- centered here around the relationship between an uncle and his nephew -- possesses boundaries that are at least as 'particular and well-defined' as other groups whose members have qualified for asylum." 632 F.3d at 125 (citations omitted). More specifically, the Fourth Circuit observed that the group consisted of family members who agreed to be prosecutorial witnesses:

> For example, we have recently found that the "group consisting of family members of those who actively oppose gangs in El Salvador by agreeing to be prosecutorial witnesses" qualifies as a particular social group. Each component of the group in *Crespin–Valladares* might not have particular boundaries. "Prosecutorial witnesses" might reach too broad a swath of individuals; "those who actively oppose gangs" might be too fuzzy a label for a group. Our case law is clear, however, that the group as a whole qualifies.

Temu v. Holder, 740 F.3d 887, 895-96 (4th Cir. 2014)(citations omitted).

The respondent's case is factually distinguishable from *Crespin-Valladares v. Holder*. The alien in *Crespin* was targeted for his familial relationship to his uncle who testified in court about the murder of his cousin. It was not the family relationship alone that made the alien a target for persecution, but the additional fact that Crespin and his uncle publically cooperated with the prosecution as witnesses to identify his cousin's murderers. *Crespin-Valladares v. Holder*, 632 F.3d at 125. They took public steps of cooperation when they described the gang members to the police by going to the police station to participate in an identification line-up, and when the uncle testified as a witness in court against two of the identified gang members. *Id.* at 120. Though Crespin himself did not testify at trial it was his familial relationship to his uncle, coupled with his own public cooperation with the El Salvadoran police investigators, which made the Crespin family a target for the MS-13 gang. Thus, it was Crespin's status as the relative of a witness, and not just his status as relative alone, that specifically made his kinship ties a cognizable particular social group. *Matter of M-E-V-G-*, 26 I&N Dec. at 239; *Crespin-Valladares v. Holder*, 632 F.3d at 125.

By contrast, the respondent in this case has not shown that her group is defined by discrete boundaries beyond the (b)(6) [redacted] *Matter of M-E-V-G-*, 26 I&N Dec.at 241. The particular social group proposed by the respondent

includes women who (b) (6) [redacted]. Again, the respondent's proposed group includes a wide swath of Salvadoran society which the Court determines is overbroad and diffuse.

The Court is simply unable to determine some specific characteristic of the respondent that would place her in a group with "particular and well-established boundaries" that is not "overbroad, diffuse, or subjective" given the prevalence of (b)(6) [redacted] in El Salvador. *Temu v. Holder*, 740 F.3d at 895 (social group must have identifiable boundaries to meet the particularity element). Accordingly, the Court finds that the respondent's proposed social group fails the particularity requirement.

c. Social Distinction

The proposed group must also be socially distinct within the society in question, based upon "evidence showing that society in general perceives, considers, or recognizes persons sharing the particular characteristic to be a group." *Matter of A-R-C-G-*, 26 I&N Dec. at 393-94 (citing *Matter of M-E-V-G-*, 26 I&N Dec. at 240, and *Matter of W-G-R-*, 26 I&N Dec. at 217). The group's recognition is determined by the perception of the society in question, rather than by the perception of the persecutor. *Id.* at 394 (citations and quotations omitted); *see also Temu v. Holder*, 740 F.3d at 894. Sociopolitical factors such as the existence of criminal laws designed to protect domestic abuse victims, and the effectiveness of governmental efforts at enforcement of those laws are relevant evidence to determine whether the applicant's country recognizes the need to (b)(6) [redacted] *Id.* (citation omitted). "[E]ven within the (b) (6) [redacted] context, the issue of social distinction will depend on the facts and evidence in each individual case, including documented country conditions; law enforcement statistics and expert witnesses, if proffered; the respondent's past experiences; and other reliable and credible sources of information." *Id.* at 394-95.

As noted in the particularity analysis *supra*, El Salvador has significant and troubling issues related to (b) (6) [redacted]. However, unlike the married alien in *Matter of A-R-C-G-*, the respondent lacks an identifiable trait like inability to seek assistance from authority that distinguishes her from other women in Salvadoran society. Thus, she fails to meet the very definition of her proposed social group of Salvadoran women (b)(6) [redacted]."

Consistent with its immutability and particularity analysis *supra*, the Court finds the respondent is an unfortunate victim of (b)(6) [redacted] like far too many in El Salvador, and thereby renders her past harm indistinct by comparison. For these reasons, the Court finds the respondent has not met her burden to show the requisite social distinction necessary for membership in a particular social group. *Zelaya v. Holder*, 668 F.3d at 165-66 (a particular social group can "not be defined exclusively by the fact that its members have been targeted for persecution") (citation omitted); *Matter of M-E-V-G-*, 26 I&N Dec.at 240; *Matter of C-A-*, 23 I&N Dec. at 960.

In sum, the Court finds the respondent's evidence does not demonstrate her membership in a particular social group that satisfies the Board's requirements of immutability, particularity, or social distinction. The Act does not extend protection to all individuals who

are victims of persecution. *Matter of M-E-V-G-*, 26 I&N Dec. at 234. "Asylum and refugee laws do not protect people from general conditions of strife, such as crime and other societal afflictions." *Id.* The asylum statute was not intended as a panacea for the numerous personal altercations that invariably characterize economic and social relationships. *Saldarriaga v. Gonzales*, 402 F.3d 461, 467 (4th Cir. 2005) (citation omitted). Accordingly, the Court finds that the respondent's asylum application must be denied.

2. Nexus/ "On Account of"

Assuming without deciding the respondent is able to establish membership in a particular social group, the respondent has not established such membership was "at least one central reason" for her persecution. *Cordova v. Holder*, 759 F.3d 332, 337 (4th Cir. 2014) (citing *Crespin-Valladares v. Holder*, 632 F.3d at 127). "A persecutor's actual motive is a matter of fact to be determined by the Immigration Judge and reviewed by [the Board] for clear error." *Matter of N-M-*, Dec. 25 I&N Dec. 526, 532 (BIA 2011) (citing *Matter of J-B-N- & S-M-*, 24 I&N Dec. 208, 214 (BIA 2007), 8 C F. R. § 1003.1(d)(3)(i)).

Seriousness of conduct is not dispositive of past persecution for purposes of determining asylum eligibility. "Instead, the critical issue is whether a reasonable inference may be drawn from the evidence to find that the motivation for the conduct was to persecute the asylum applicant on account of race, religion, nationality, membership in a particular social group, or political opinion." *Matter of V-T-S-*, 21 I&N Dec. 792, 798 (BIA 1997); *see* INA § 101(a)(42)(A). While the applicant need not show conclusively what the motive for the persecution would be, or that the persecutor would be motivated solely by a protected ground, the applicant must produce evidence from which it is reasonable to conclude that the harm would be motivated, at least in part, by an actual or imputed ground. *INS v. Elias-Zacarias*, 502 U.S. at 483; *Matter of S-A-*, 22 I&N Dec. 1328, 1336 (BIA 2000); *Matter of S-V-*, 22 I&N Dec. 1306, 1309 (BIA 2000); *Matter of S-P-*, 21 I&N Dec. 486, 489-90 (BIA 1996).

The respondent's evidence reflects that (b)(6) [redacted] l. The respondent testified that (b) (6) [redacted] whose (b) (6) [redacted] Exhibit 2, tab C at 12-13. Based upon the respondent's testimony, it appears the (b) (6) [redacted] was intended to (b) (6) [redacted]

Thus, (b)(6) [redacted] suffered by the respondent appears related to the violent and criminal tendencies of (b)(6) [redacted], rather than conclusive evidence she was targeted on account of her membership in a particular social group. The evidence in this case is more consistent with acts of (b)(6) [redacted] and therefore does not constitute evidence of persecution based on a statutorily protected ground. *Huaman-Cornelio v. BIA*, 979 F.2d at 1000; *Quinteros-Mendoza v. Holder*, 556 F.3d 159, 164-65 (4th Cir. 2009). The Court finds that the respondent has not established (b)(6) [redacted] targeted her due to her membership in a particular social group, which is required to prove the requisite nexus for asylum relief. INA § 208(b)(1)(B)(i).

Accordingly, the Court finds that the respondent is not eligible for asylum based on past persecution because she has not established membership in a particular social group, or that a nexus exists between the harm she experienced and her membership in that group. *Saldarriaga v. Gonzales*, 402 F.3d at 466 (stating that, "quite apart from the question of petitioner's apprehensions of reprisal, his asylum claim founders on more fundamental grounds" where an applicant was unable to demonstrate a protected ground or that the harm he feared would be *on account of* that protected ground).

Where an alien has not met his or her burden of establishing past persecution, he or she may establish a well-founded fear of future persecution on account of a statutorily protected ground if he or she demonstrates "that (1) a reasonable person in the circumstances would fear persecution; and (2) that the fear has some basis in the reality of the circumstances and is validated with specific, concrete facts." *Mirisawo v. Holder*, 599 F.3d 391, 396 (4th Cir. 2010) (internal quotation marks and citation omitted). "In other words, an asylum applicant must demonstrate a subjectively genuine and objectively reasonable fear of future persecution on account of a statutorily protected ground." *Id.* (internal quotation marks and citation omitted). An alien's own speculations and conclusory statements, unsupported by independent corroborative evidence, will not suffice. *Yi Ni v. Holder*, 613 F.3d 415, 429 (4th Cir. 2010) (citing *Jian Xing Huang v. INS*, 421 F.3d 125, 129 (2d Cir. 2005)). An applicant is not required to show that he or she has been singled out individually for persecution if he or she establishes a pattern or practice in her country of persecution of groups of persons similarly situated to the applicant on account of the protected ground. 8 C.F.R. § 1208.13(b)(2)(i).

The respondent has not established past persecution on account of a protected ground. Thus, the Court finds she is not entitled to a rebuttable presumption of having a well-founded fear of future persecution.

The Court acknowledges the respondent's fear of returning to El Salvador is subjectively reasonable. The Court acknowledges that the respondent may have experienced significan[redacted], and is sympathetic to her plight. The Court recognizes the respondent has suffered [redacted], and does not doubt her subjective fear of returning to El Salvador.

The Court, however, finds the respondent has not established that her fear of returning to El Salvador is objectively reasonable. The respondent was able to [redacted] in 2008 or 2009, [redacted] Exhibit 2, tab C at 13-14. The respondent has expressed a distrust of the police in El Salvador, a sentiment that does not appear to be unique to her. Her distrust is heightened because [redacted].

In *Matter of A-R-C-G-*, the alien "contacted the police several times but was told they would not interfere in a marital relationship." 26 I&N Dec. at 389, 393. By contrast, the authorities in El Salvador did not refuse to help the respondent. The evidence of record reflects that in 2001 the respondent reported [redacted]s. Exhibit 2, tab C at 12. However, the respondent testified other times she did report [redacted] because she did not want [redacted]. *Id.* She claims that [redacted] called the police at least ten times over the

years, yet they "would not take [her] case" because they "wanted to see blood" or catch (b)(6) in the act (b)(6) *Id.*

The respondent's evidence does suggest she was able to request help through the judicial process in her local neighborhood, and obtain various (b)(6) . Exhibit 3, tab H at 46-68.

The Court recognizes that police reports and court proceedings are not always effective in (b) (6) . However, the respondent's evidence does not support a factual conclusion by the Court that local law enforcement authorities were unwilling or unable to protect her. *Mulyani v. Holder*, 771 F.3d 190, 199 (4th Cir. 2014). Despite these generalized reports, the Court is left to speculate if the respondent's efforts to obtain law enforcement assistance in the future will be ignored or otherwise ineffective. Speculation does not satisfy the burden of establishing a well-founded fear of future persecution that is objectively reasonable. *Mirisawo v. Holder*, 599 F.3d at 396; *Jian Wen Wang v. BCIS*, 437 F.3d at 278; *see also Jian Xing Huang v. INS*, 421 F.3d at 129. After considering all the evidence of record, the Court finds the respondent has not established a well-founded fear of future persecution.

IV. Withholding of Removal

To establish eligibility for withholding of removal under INA § 241(b)(3), an applicant must "show[] that it is more likely than not that her life or freedom would be threatened in the country of removal because of her race, religion, nationality, membership in a particular social group, or political opinion." *Gomis v. Holder*, 571 F.3d 353, 359 (4th Cir. 2009) (internal quotation marks and citations omitted). While withholding of removal has "a more stringent standard than that for asylum," if an alien demonstrates eligibility for withholding of removal, such relief must be granted. *Gandziami-Mickhou v. Gonzales*, 445 F.3d 351, 353-54 (4th Cir. 2006) (internal citations omitted). "An applicant who has failed to establish the less stringent well-founded fear standard of proof required for asylum relief is necessarily also unable to establish an entitlement to withholding of removal." *Anim v. Mukasey*, 535 F.3d 243, 253 (4th Cir. 2008) (internal quotation marks and citation omitted).

Since the respondent has not otherwise met the standard of proof for asylum, she has necessarily failed to meet the higher standard for withholding of removal under the Act. *Mulanyi v. Holder*, 771 F.3d 190, 198 (4th Cir. 2014). Accordingly, the Court finds the respondent has not demonstrated by a clear probability that her life or freedom would be threatened on account of a protected ground if she were returned to El Salvador.

IV. (b) (6)

To establish (b) (6) an applicant must establish that "it is (b) (6) to the proposed country of removal. (b) (6) . For (b) (6) , it must

be (b) (6) [redacted]

The respondent has presented no credible evidence of a clear probability that she would (b) (6) [redacted] (4th Cir. 2013) (citations omitted); (b) (6) [redacted] The respondent has not alleged she was (b) (6) [redacted]. The Court does not attribute to the (b) (6) [redacted], who she claims is a (b) (6) [redacted]. Based upon the record before the Court, the Court finds that the respondent has not established (b) (6) [redacted]

In this case, the evidence does not establish that the (b) (6) [redacted] The Court therefore finds the respondent has not met her burden to demonstrate eligibility for protection (b) (6) [redacted]. The respondent's (b) (6) [redacted] requires a chain of assumptions and speculations to reach any possibility of (b) (6) [redacted] and thus she has not established (b) (6) [redacted] (BIA 2014) (citations omitted).

Accordingly, the Court enters the following:

ORDERS

IT IS HEREBY ORDERED that Respondent's application for asylum is DENIED.

IT IS FURTHER ORDERED that Respondent's application for withholding of removal is DENIED.

IT IS FURTHER ORDERED that Respondent is not eligible for (b) (6) [redacted].

IT IS FURTHER ORDERED that Respondent shall be REMOVED from the United States to El Salvador based on the charges contained in the Notice to Appear.

12/1/2015
Date

V. STUART COUCH
United States Immigration Judge
Charlotte, North Carolina