

Immigration Law Basics for Pro Bono Attorneys

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1. Forms of Relief

- a) Asylum
 - i) 8 USC § 1101(a)(42)(A)
- b) Withholding of Removal
 - i) 8 U.S.C. § 1231
- c) Convention Against Torture (“CAT”)
 - i) 8 C.F.R. § 208.18(a)(1)

2. Asylum

- a) Elements of Asylum
 - i) In general. The burden of proof is on the applicant to establish that the applicant is a refugee, within the meaning of section 101(a)(42)(A) [8 USCS § 1101(a)(42)(A)]. To establish that the applicant is a refugee within the meaning of such section, the applicant must establish that race, religion, nationality, membership in a particular social group, or political opinion was or will be at least one central reason for persecuting the applicant. 8 U.S.C. § 1158
 - ii) The term "refugee" means (A) any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of **persecution or a well-founded fear of persecution on account of race,**

religion, nationality, membership in a particular social group, or political opinion. 8 U.S.C. § 1101 (emphasis added)

(1) Past Persecution

- (a) “The threat of death’ qualifies as persecution” Crespin-Valladares v. Holder, 632 F.3d 117, 126 (4th Cir. 2011) quoting Li v. Gonzales, 405 F.3d 171, 177 (4th Cir. 2005).

(2) Fear of Future Persecution

- (a) If a Respondent has established, past persecution, he is presumed to face future persecution. Crespin 632 F.3d. at 126-127. Additionally, as the Fourth Circuit recognized in Crespin:

“the parallel threats directed at [Petitioner’s] aunt and uncle strengthened the objective reasonableness of his fear. The BIA thus erred in rejecting the IJ’s conclusion that the un rebutted evidence of death threats against [Petitioner] and his family members, combined with MS-13’s penchant for extracting vengeance against cooperating witnesses, gave rise to a reasonable fear of future persecution.”

Id. citing Baharon v. Holder, 588 F.3d 228, 232 (4th Cir. 2009) (“threats to one’s close relatives is an important factor in deciding whether mistreatment sinks to the level of persecution”)(emphasis added)see also Lopez-Orellana v. Whitaker, No. 17-2067, 2018 U.S. App. LEXIS 35554, at *8 (4th Cir. Dec. 19, 2018) (citing 8 C.F.R. § 208.13(b)(1);

(3) Particular Social Group (“PSG”)

- (a) A Respondent must establish that he was a member of a particular social group” and that his membership was at least “one central reason” for his persecution. 8 U.S.C. § 1158(b)(1)(B)(i).

“Persecution occurs ‘on account of’ a protected ground if that ground serves as ‘at least one central reason for’ the feared persecution. The protected ground need *not* be the central or even

a dominant central reason for persecution,’ but it must be more than ‘an incidental, tangential, superficial, or subordinate reason.’”

Lopez-Orellana v. Whitaker, 2018 U.S. App. LEXIS 35554, at *8 (citations omitted).

(b) The “one central reason” standard simply rules out tangential, incidental, and superficial reasons for persecution:

The REAL ID Act [does not].require a protected ground **to be *the* central reason or even a dominant central reason for persecution, only that it cannot be an “incidental, tangential, superficial, or subordinate” reason.**

Quinteros-Mendoza v. Holder, 556 F.3d 159, 164 (4th Cir. 2009) (italics in original; emphasis added).

(c) Family Membership: Family membership is recognized as a “particular social group” because it meets the criteria for a “particular social group” in that it is immutable, particular and discrete.

Accordingly, every circuit to have considered the question has held that family ties can provide a basis for asylum. See Al-Ghorbani v. Holder, 585 F.3d 980, 995 (6th Cir. 2009); Ayele v. Holder, 564 F.3d 862, 869 (7th Cir. 2009); Jie Lin v. Ashcroft, 377 F.3d 1014, 1028 (9th Cir. 2004); Gebremichael v. INS, 10 F.3d 28, 36 (1st Cir. 1993). **We agree; the family provides “a prototypical example of a ‘particular social group.’”** Sanchez-Trujillo v. INS, 801 F.2d 1571, 1576 (9th Cir. 1986).

Crespin, 632 F.3d at 125 (emphasis added)

3. Withholding of Removal.

An application for withholding of removal under 8 U.S.C. § 1231(b)(3) is closely related to an application for asylum. Camara v. Ashcroft, 378 F.3d 361, 367 (4th Cir. 2004). It differs in that if the applicant qualifies for withholding of removal, the Attorney General *cannot* remove him to his native country. *Id.*

An applicant for withholding of removal must establish that if he were sent back, it is more likely than not that his “life or freedom would be threatened ... because of [her].race, religion, nationality, membership in a particular social group, or political opinion.” *Id.* A withholding of removal claim carries a higher standard of proof than does an asylum claim.

The Fourth Circuit has expressly held that credible testimony, alone, can support an application for withholding of removal:

“The testimony of the applicant, if credible, may be sufficient to sustain the burden of proof without corroboration.”

Zelaya v. Holder, 668 F.3d 159, 162 n. 2 (4th Cir. 2012), citing 8 C.F.R. §§ 208.16(c)(2), 1208.16(c)(2) (emphasis in original).

4. Convention Against Torture (“CAT”)

- a) To establish relief under CAT, an alien has the burden to show that it is more likely than not that he would be tortured in his country of removal. 8 C.F.R. § 1208.16(c)(2). Torture includes “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person... by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.” 8 C.F.R. § 1208.18(a)(1). Even a single, isolated act can constitute torture. 8 C.F.R. § 1208.18(a)(1). Evidence of past torture is a relevant factor in proving future mistreatment. Rodriguez-Arias v. Whitaker, 915 F.3d 968, 971 (4th Cir. 2019); Suarez-Valenzeula v. Holder, 714 F.3d 241, 245 (4th Cir. 2013).
- b) Respondent must offer credible evidence that he is likely to be tortured with the acquiescence of the local government.

Torture is defined as (1) “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person” in a manner that is (2) “by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.” 8 C.F.R. §

1208.18(a)(1) (2012). Public officials acquiesce to torture when, “prior to the activity constituting torture, [they].have awareness of such activity and thereafter breach [their].legal responsibility to intervene to prevent such activity.” 8 C.F.R. § 1208.18(a)(7).

Rodriguez-Arias v. Whitaker, 915 F.3d at 971-972 (4th Cir. 2019)

- c) With respect to the degree of pain necessary to meet the definition of torture, the Fourth Circuit has held:

“For purposes of obtaining protection under the CAT in the United States, torture is defined as: any act by which severe pain or suffering, whether **physical or mental**, is intentionally inflicted on a person for such purposes as ... **intimidating or coercing him** or her or **a third person**, or for any reason based on discrimination of any kind.”

Zelaya, 668 F.3d. at 161 citing 8 C.F.R. §§ 208.18(a)(1) (Department of Homeland Security regulation), 1208.18(a)(1) (Executive Office for Immigration Review regulation).

- d) With respect to “acquiescence”, the Fourth Circuit has held:

Public officials breach their responsibility to intervene **when they engage in “willful blindness” or “turn a blind eye to torture.”** Public officials **need not have actual knowledge of torture to have engaged in willful blindness.** When determining whether the willful-blindness standard has been met, “immigration judges **should consider evidence of past torture, evidence of ‘gross, flagrant or mass violations of human rights,’ the country’s conditions, and whether the applicant could relocate to a part of the country where he or she is unlikely to be tortured.**”

Rodriguez-Arias v. Whitaker, 915 F.3d at 971-72 (4th Cir. 2019) quoting Suarez-Valenzuela v. Holder, 714 F.3d 241, 245 (4th Cir. 2013) and Ontunez—Tursios v. Ashcroft, 303 F.3d 341, 355 (5th Cir. 2002) (emphasis added).

- e) Example of CAT: Lagos v. Barr, 2019 U.S. App. LEXIS 17921 (4th Cir. 2019).

- i) There, the court found that an applicant’s fear of future mistreatment and torture under CAT could be adequately supported by her testimony that a member of Barrio 18 had “threatened to rape, mutilate, and murder both her and her daughter if she did not pay him. She also testified that Barrio 18 members have continued to ask her family about her whereabouts since she fled.” *Id.* at *34-

35. The gang member originally approached Alvarez-Lagos while she was walking alone in her neighborhood. *Id.* at *4. He asked her where her daughter was, and demanded that she pay him money. *Id.* at *4. When Alvarez-Lagos responded that she did not have the money, the gang member flashed his gun and warned her of the consequences of not paying. *Id.* After a second threat was issued one month later in this same manner, Alvarez-Lagos fled the country with her daughter. *Id.* at *6. She testified that she never reported these incidents to the police “because she feared that the police in her neighborhood were working with Barrio 18.” *Id.* at *5. The court found that **this “testimony alone could be sufficient to sustain her burden as to future mistreatment” for CAT. *Id.* at *35.**

ii) Evidence of Country Conditions

(1) Example: Honduras

- (a) Honduras has been named the murder capital of the world and the most violent city on earth. Exhibit [InSight Crime]. The country has one of the highest rates of violent deaths of women, and over ninety percent of crimes against them go unprosecuted. Exhibit [Politico]. Even when the cases are prosecuted, they take months to process after a woman files a complaint. Exhibit [Inter-American Commission].
- (b) These levels of violence and abuse affect children as well. In the past ten years, most of the victims of sexual violence in the country were young girls between the ages of ten and nineteen. Exhibit [UN Refugee Agency]. “One in 10 Honduran women says her partner abused her physically or sexually at

least once in the previous year,” and many other young women become pregnant in their early teenage years as they experience sexual abuse and rape at the hands of family members and friends. Exhibit [Politico].

(c) While in most of the world, murders of women are mostly attributable to violence by their domestic partners, in Honduras, over half of these murders are committed by drug cartels and gangs. Exhibit [N.Y.T. Nazario]. Gangs attempt to forcibly recruit women to their ranks to sell drugs, and consequently, the levels of sexual and gender-based violence in these areas are widespread. *Id.* As reported in the New York Times, an offer to join a gang is not a choice, but a command. *Id.* Girls are warned by gang members “if you don’t get into it, we will break you.” *Id.* Even once they enter the gangs, these girls are raped, killed, and tortured for minor transgressions and are sometimes forced into prostitution. *Id.* Women and young girls are “abused, raped, and killed as part of gang initiations rites, or if they try to leave the gang in which they belong or with which they are affiliated, or if they are seen to resist its authority in other ways, including by rejecting the sexual advances of a gang member.” Exhibit [UN Refugee Agency]. These women also suffer at the hands of rival gang members who target these women as revenge for the acts of other gang members. *Id.*

(d) Internal relocation would not remove the threat of gang violence because gangs permeate the entire country. “[F]leeing to another part of Honduras often provides no relief” because gang members are relentless in their pursuit of intended victims and potential recruits, tracking them through other gang

members who travel to do business in cities throughout the country. Exhibit [Stakeholder Submission]. Even in more remote areas where the actual number of gang members might be less, “the presence of [a relocated] individual in a rural area would be noticed because the residents in these locations know one another” and would report the unknown person. *Id.* Honduras also lacks any sort of relocation program for victims of displacement and does little to protect those who have been forcibly transplanted within the country. Exhibit [Haugaard].

- (e) In a recent Fourth Circuit opinion, the court discussed this issue and found there that the evidence weighed against a finding that the applicant could not relocate. *Romero-Donado v. Session*, No. 16-2395 2018 U.S. App. LEXIS 9149 at 697 (4th Cir. Apr. 12, 2018). The evidence showed that the applicant had been able to live in another city in his country of removal without incident and the gang that he purported to fear had not contacted him in six years. *Id.* These facts weighed against a finding that he could not relocate.

5. Forms:

[illegible]

The client is usually "in Immigration Proceedings"

Date left
country
should
precede
dates
arrived in
US

Often, the client will not have a Passport or it will have been taken from him

Part A.II. Information About Your Spouse and Children				
Your spouse <input checked="" type="checkbox"/> I am not married. (Skip to Your Children below.)				
1. Alien Registration Number (A-Number) (if any)	2. Passport ID Card Number (if any)	3. Date of Birth (mm/dd/yyyy)	4. U.S. Social Security Number (if any)	
5. Complete Last Name	6. First Name	7. Middle Name	8. Maiden Name	
9. Date of Marriage (mm/dd/yyyy)	10. Place of Marriage	11. Country		
12. Nationality (Citizenship)		13. Race, Ethnic, or Tribal Group		14. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
15. Is this person in the U.S.? <input type="checkbox"/> Yes (Complete Blocks 16 to 24.) <input type="checkbox"/> No (Specify location):				
16. Place of last entry into the U.S. (mm/dd/yyyy)		17. Date of last entry into the U.S. (mm/dd/yyyy)		18. 194 Number (if any)
19. Status when last admitted (Pass type, if any)		20. Status when last admitted (Pass type, if any)		
21. What is your spouse's current status?	22. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)	23. Is your spouse in Immigration Court proceedings?	24. If previously in the U.S., date of previous arrival (mm/dd/yyyy)	
25. If in the U.S., is your spouse to be included in this application? (Check the appropriate box.) <input type="checkbox"/> Yes (Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <input type="checkbox"/> No				
Your Children. List all of your children, regardless of age, location, or marital status. <input type="checkbox"/> I do not have any children. (Skip to Part A.III. Information about your background.) <input type="checkbox"/> I have children. Total number of children: _____				
(NOTE: Use Form I-589 Supplement A to attach additional sheets of paper and documentation if you have more than four children.)				
1. Alien Registration Number (A-Number) (if any)	2. Passport ID Card Number (if any)	3. Marital Status (Married, Single, Divorced, Widowed)	4. U.S. Social Security Number (if any)	
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth (mm/dd/yyyy)	
9. City and Country of Birth	10. Nationality (Citizenship)	11. Race, Ethnic, or Tribal Group		12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S.? <input type="checkbox"/> Yes (Complete Blocks 14 to 21.) <input type="checkbox"/> No (Specify location):				
14. Place of last entry into the U.S. (mm/dd/yyyy)		15. Date of last entry into the U.S. (mm/dd/yyyy)		16. 194 Number (if any)
17. Status when last admitted (Pass type, if any)		18. Status when last admitted (Pass type, if any)		
19. What is your child's current status?	20. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)	21. Is your child in Immigration Court proceedings?	22. If previously in the U.S., date of previous arrival (mm/dd/yyyy)	
23. If in the U.S., is this child to be included in this application? (Check the appropriate box.) <input type="checkbox"/> Yes (Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <input type="checkbox"/> No				

This is an important area, particularly for female EWI applicants

Asylum Form – I-589

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Part A.III. Information About Your Background

1. List your last address where you lived before coming to the United States. If this is not the country where you first persecution, also list the last address in the country where you first persecution. (Use Address, City/Town, Department, Province, or State and Country.) (NOTE: Use Form I-589 Supplement A, or additional sheets of paper, if necessary.)

Number and Street (Provide if possible)	City/Town	Department, Province, or State	Country	Date From (Mo/Yr)	Date To (Mo/Yr)
El Salvador # 1	El Tule	El Salvador	El Salvador	06/94	04/12

2. Provide the following information about your residence during the past 5 years. List your present address first. (NOTE: Use Form I-589 Supplement B, or additional sheets of paper, if necessary.)

Number and Street	City/Town	Department, Province, or State	Country	Date From (Mo/Yr)	Date To (Mo/Yr)
	Charlottesville	Virginia	USA	06/12	present
Old R. Eye	San Benito	Texas	USA	5/12	6/12
El Salvador # 1	El Tule	El Salvador	El Salvador	06/94	6/12

3. Provide the following information about your education, beginning with the most recent. (NOTE: Use Form I-589 Supplement C, or additional sheets of paper, if necessary.)

Name of School	Type of School	Location (Address)	Date From (Mo/Yr)	Date To (Mo/Yr)
Adult Learning Center	Technical School	935 26 Street C'ville, VA	07/12	11/12
Center School	Primary School	El Tule, El Salvador	1/00	6/10

4. Provide the following information about your employment during the past 5 years. List your present employment first. (NOTE: Use Form I-589 Supplement D, or additional sheets of paper, if necessary.)

Name and Address of Employer	Your Occupation	Date From (Mo/Yr)	Date To (Mo/Yr)

5. Provide the following information about your parents and siblings (children and sisters). Check the box if the person is deceased. (NOTE: Use Form I-589 Supplement E, or additional sheets of paper, if necessary.)

Full Name	City/Town and Country of Birth	Current Location
Mother: Julia	El Tule, El Salvador	<input type="checkbox"/> Deceased El Salvador
Father: Carlos	El Tule, El Salvador	<input type="checkbox"/> Deceased El Salvador
Sibling: Ana	El Tule, El Salvador	<input type="checkbox"/> Deceased El Salvador
Sibling: Juan	El Tule, El Salvador	<input type="checkbox"/> Deceased El Salvador
Sibling: Karen	El Tule, El Salvador	<input type="checkbox"/> Deceased Virginia
Sibling:		<input type="checkbox"/> Deceased

Form I-589 (Rev. 11/01/12) Page 4

Need to get all addresses for past five years

Getting information on family members can be difficult

Asylum Form – I-589

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Part B. Information About Your Application

(NOTE: Use Form I-589 Supplement F, or attach additional sheets of paper as needed to complete your responses to the questions contained in Part B.)

When answering the following questions about your asylum or other protection claim (withholding of removal under 241(b)(5) of the INA or withholding of removal under the Convention Against Torture), you must provide a detailed and specific account of the basis of your claim to asylum or other protection. To the best of your ability, provide specific dates, places, and descriptions about each event or action described. You must attach documents reflecting the general conditions in the country from which you are seeking asylum or other protection and the specific facts on which you are relying to support your claim. If this documentation is unavailable or you are not providing this documentation with your application, explain why in your responses to the following questions.

Refer to Instructions, Part I: Filing Information, Section II, "Basis of Eligibility," Parts A-D, Section V, "Completing the Form," Part B, and Section VII, "Additional Evidence That You Should Submit," for more information on completing this section of the form.

1. Why are you applying for asylum or withholding of removal under section 241(b)(5) of the INA, or for withholding of removal under the Convention Against Torture? Check the appropriate box(es) below and then provide detailed answers to questions A and B.

I am seeking asylum or withholding of removal based on:

☐ Race ☒ Political opinions

☒ Religion ☒ Membership in a particular social group

☐ Nationality ☒ Torture Convention

A. Have you, your family, or close friends or colleagues ever experienced harm or mistreatment or threats in the past by anyone?

☒ No ☐ Yes

If "Yes," explain in detail:

- What happened?
- When did harm or mistreatment or threats occur?
- Who caused the harm or mistreatment or threats?
- Why you believe the harm or mistreatment or threats occurred.

Please see attached addendum:

B. Do you face harm or mistreatment if you return to your home country?

☐ No ☒ Yes

If "Yes," explain in detail:

- What harm or mistreatment you face?
- Who you believe would harm or mistreat you, and
- Why you believe you would or could be harmed or mistreated.

Please see attached addendum:

Form I-589 (Rev. 11/01/12) Page 5

This outlines the key parts of the asylum case

These two questions should be "Yes" with explanation in Addendum

Asylum Form – I-589

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Part B. Information About Your Application (Continued)

3. Have you or your family members ever been accused, charged, arrested, detained, interrogated, searched and/or mistreated, or imprisoned in any country other than the United States?

☒ No ☐ Yes

If "Yes," explain the circumstances and reasons for the action.

3.A. Have you or your family members ever belonged to or been associated with any organizations or groups in your home country, such as, but not limited to, a political party, student group, labor union, religious organization, military or paramilitary group, civil patrol, guerrilla organization, ethnic group, human rights group, or the press or media?

☒ No ☐ Yes

If "Yes," describe for each person your or your family members' exact level of participation, any leadership or other positions currently held, and the length of time you or your family members have been involved in each organization or group.

3.B. Do you or your family members continue to participate in any way in these organizations or groups?

☒ No ☐ Yes

If "Yes," describe for each person your or your family members' exact level of participation, any leadership or other positions currently held, and the length of time you or your family members have been involved in each organization or group.

4. Are you afraid of being subjected to torture in your home country or any other country to which you may be returned?

☐ No ☒ Yes

If "Yes," explain why you are afraid and describe the nature of torture you fear, by whom, and why it would be inflicted.

Please see attachment subsection

Form I-589 (Rev. 11/01/02) Page 2

Hopefully, the answer here will be "No".

This is key to establish "torture".

Part C. Additional Information About Your Application

(NOTE: Use Form I-589 Supplement B, or attach additional sheets of paper as needed to complete your responses to the questions contained in Part C.)

1. Have you, your spouse, your child(ren), your parents or your siblings ever applied to the U.S. Government for refugee status, asylum, or withholding of removal?

☒ No ☐ Yes

If "Yes," explain the decision and what happened to any status you, your spouse, your child(ren), your parents, or your siblings received as a result of that decision. Indicate whether or not you were included in a parent or spouse's application. If so, include your parent or spouse's A-number in your response. If you have been denied asylum by an immigration judge or the Board of Immigration Appeals, describe any change(s) in conditions in your country or your own personal circumstances since the date of the denial that may affect your eligibility for asylum.

- 2.A. After leaving the country from which you are claiming asylum, did you or your spouse or child(ren) who are now in the United States travel through or reside in any other country before entering the United States?

☐ No ☒ Yes

- 2.B. Have you, your spouse, your child(ren), or other family members, such as your parents or siblings, ever applied for or received any lawful status in any country other than the one from which you are now claiming asylum?

☒ No ☐ Yes

If "Yes" to either or both questions (2A and/or 2B), provide for each person the following: the name of each country and the length of stay, the person's status while there, the reasons for leaving, whether or not the person is entitled to return for lawful residence purposes, and whether the person applied for refugee status or for asylum while there, and if not, why he or she did not do so.

I traveled through Guatemala and Mexico to reach the United States in May, 2012. I did not apply for refugee status because my persecutors were close by.

3. Have you, your spouse or your child(ren) ever ordered, incited, assisted or otherwise participated in causing harm or suffering to any person because of his or her race, religion, nationality, membership in a particular social group or belief in a particular political opinion?

☒ No ☐ Yes

If "Yes," describe in detail each such incident and your own, your spouse's, or your child(ren)'s involvement.

Part C. Additional Information About Your Application

(NOTE: Use Form I-589 Supplement B, or attach additional sheets of paper as needed to complete your responses to the questions contained in Part C.)

1. Have you, your spouse, your child(ren), your parents or your siblings ever applied to the U.S. Government for refugee status, asylum, or withholding of removal?

☒ No ☐ Yes

If "Yes," explain the decision and what happened to any status you, your spouse, your child(ren), your parents, or your siblings received as a result of that decision. Indicate whether or not you were included in a parent or spouse's application. If so, include your parent or spouse's A-number in your response. If you have been denied asylum by an immigration judge or the Board of Immigration Appeals, describe any change(s) in conditions in your country or your own personal circumstances since the date of the denial that may affect your eligibility for asylum.

- 2.A. After leaving the country from which you are claiming asylum, did you or your spouse or child(ren) who are now in the United States travel through or reside in any other country before entering the United States?

☐ No ☒ Yes

- 2.B. Have you, your spouse, your child(ren), or other family members, such as your parents or siblings, ever applied for or received any lawful status in any country other than the one from which you are now claiming asylum?

☒ No ☐ Yes

If "Yes" to either or both questions (2A and/or 2B), provide for each person the following: the name of each country and the length of stay, the person's status while there, the reasons for leaving, whether or not the person is entitled to return for lawful residence purposes, and whether the person applied for refugee status or for asylum while there, and if not, why he or she did not do so.

I traveled through Guatemala and Mexico to reach the United States in May, 2012. I did not apply for refugee status because my persecutors were close by.

3. Have you, your spouse or your child(ren) ever ordered, incited, assisted or otherwise participated in causing harm or suffering to any person because of his or her race, religion, nationality, membership in a particular social group or belief in a particular political opinion?

☒ No ☐ Yes

If "Yes," describe in detail each such incident and your own, your spouse's, or your child(ren)'s involvement.

Part C. Additional Information About Your Application

(NOTE: Use Form I-589 Supplement B, or attach additional sheets of paper as needed to complete your responses to the questions contained in Part C.)

1. Have you, your spouse, your child(ren), your parents or your siblings ever applied to the U.S. Government for refugee status, asylum, or withholding of removal?

☒ No ☐ Yes

If "Yes," explain the decision and what happened to any status you, your spouse, your child(ren), your parents, or your siblings received as a result of that decision. Indicate whether or not you were included in a parent or spouse's application. If so, include your parent or spouse's A-number in your response. If you have been denied asylum by an immigration judge or the Board of Immigration Appeals, describe any change(s) in conditions in your country or your own personal circumstances since the date of the denial that may affect your eligibility for asylum.

- 2.A. After leaving the country from which you are claiming asylum, did you or your spouse or child(ren) who are now in the United States travel through or reside in any other country before entering the United States?

☐ No ☒ Yes

- 2.B. Have you, your spouse, your child(ren), or other family members, such as your parents or siblings, ever applied for or received any lawful status in any country other than the one from which you are now claiming asylum?

☒ No ☐ Yes

If "Yes" to either or both questions (2A and/or 2B), provide for each person the following: the name of each person, the country or countries where the person's status while there, the reasons for leaving, whether or not the person is entitled to return to that country, whether the person applied for refugee status or for asylum while there, and if not, why he or she did not.

I traveled through Guatemala and Mexico to reach the United States in May, 2012. I did not apply for refugee status because my persecutors were close by.

3. Have you, your spouse or your child(ren) ever ordered, incited, assisted or otherwise participated in causing harm or suffering to any person because of his or her race, religion, nationality, membership in a particular social group or belief in a particular political opinion?

☒ No ☐ Yes

If "Yes," describe in detail each such incident and your own, your spouse's, or your child(ren)'s involvement.

Form I-589 (Rev. 11/01/12) Y Page 7

For many Central American EWIs, this is important

- Click

Part C. Additional Information about Your Application (Continued)

4. After you left the country where you were borned or first born, did you return to that country?

☒ No ☐ Yes

If "Yes," describe in detail the circumstances of your visit(s) (the example, the date(s) of the trip(s), the purpose(s) of the trip(s), and the length of time you remained in that country for the visit(s)).

5. Are you filing this application more than 1 year after your last arrival in the United States?

☐ No ☒ Yes

If "Yes," explain why you did not file within the first year after you arrived. You must be prepared to explain at your interview or hearing why you did not file your asylum application within the first year after you arrived. For guidance in answering this question, see Part C, Filing Instructions, Section V, "Completing the Form," Part C.

I was an unaccompanied minor when I arrived.

6. Have you or any member of your family included in the application ever committed any crime and/or been arrested, charged, convicted, or sentenced for any crime in the United States?

☒ No ☐ Yes

If "Yes," for each instance, specify in your response what occurred and the circumstances, date, length of sentence received, location, the duration of the detention or imprisonment, reason(s) for the detention or conviction, any financial charges that were imposed against you or your relatives included in your application, and the reason(s) for release. Attach documents referring to these incidents, if they are available, or an explanation of why documents are not available.

Typically, Asylum Applications need to be filed within one year of arrival. However, for unaccompanied minors, they have one year from the age of majority

- Click to

[illegible]

Applicant must sign and identify if someone else helped prepare the application

A non-lawyer can prepare the application

Asylum Form – I-589

Click

Part F. To Be Completed at Asylum Interview, if Applicable

NOTE: You will be asked to complete this part when you appear for an interview before an asylum officer of the Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS).

I hereby affirm that I know the contents of this application and I am signing, including the attached documents and supplements, that they are true and correct to the best of my knowledge and that I understand the consequences of providing false information. I am aware that if I am determined to have knowingly made a false statement or provided false information, I will be permanently ineligible for any benefits under the Immigration and Nationality Act, and that I may not avoid a finding of inadmissibility because someone advised me to provide false information in my asylum application.

Signed and sworn to before me by the above named applicant on _____

Signature of Applicant _____ Date (month/day/year) _____

Write Your Name in Your Native Alphabet _____ Signature of Asylum Officer _____

Part G. To Be Completed at Removal Hearing, if Applicable

NOTE: You will be asked to complete this Part when you appear before an immigration judge of the U.S. Department of Justice, Executive Office for Immigration Review (EOIR), for a hearing.

I hereby affirm that I know the contents of this application and I am signing, including the attached documents and supplements, that they are true and correct to the best of my knowledge and that I understand the consequences of providing false information. I am aware that if I am determined to have knowingly made a false statement or provided false information, I will be permanently ineligible for any benefits under the Immigration and Nationality Act, and that I may not avoid a finding of inadmissibility because someone advised me to provide false information in my asylum application.

Signed and sworn to before me by the above named applicant on _____

Signature of Applicant _____ Date (month/day/year) _____

Write Your Name in Your Native Alphabet _____ Signature of Immigration Judge _____

Form I-589 (Rev. 10/01/12) Page 10

The applicant does not sign this section until a) the asylum interview or b) the asylum hearing

Asylum Form – I-589

This narrative must lay out the elements of asylum/CAT/Withholding of removal

Supplement II, Form I-589

Additional Information About Your Claim to Asylum

1. Name of Applicant _____ Date _____

2. Signature of Applicant _____

NOTE: Use this as a continuation page for any additional information requested. Copy and complete as needed.

Part B. 1. a. 1.

Question 1a. 1. a. 1.

When I was an adolescent, I lived in Tula, El Salvador. The village was controlled by two gangs, MS-13 and 18. The gangs split the village 1/2 and 1/2. There was no police protection in the town at all. When a boy reached age 12 or 13, he had to choose a gang. If the boy refused to join a gang, he was threatened with death. I was threatened with death by both gangs, MS-13 and 18. I never joined either gang. I was threatened and harassed by both gangs every day when I walked home from school. When I was around 15, I was chased by MS-13 and threatened with death. I was rescued by my uncle, Freddy _____.

If a boy in Tula refused to join one of the gangs by the time he turned 17, he is killed. A friend of mine, Victor Alexander, was beaten to death soon after I left Tula. He was killed by an MS-13 member, Eusebio Diaz. Another friend of mine, Juan Antonio, left Tula before he was killed. I left El Salvador when I was 17 because I feared that I would be killed.

The police in Tula and El Salvador in general permit the gangs to control towns like Tula. They allow the gangs to threaten boys with death who do not join gangs. The police do not investigate murders of boys killed by the gangs. Boys who report gang threats to the police are tortured by the police because the police are corrupt and tell the gangs the names of those reporting threats. That is why I never reported the threats against me. I am sure that if I am returned to El Salvador, the gangs would kill me and the police would do nothing to stop them.

Form I-589 Supplement II (Rev. 10/01/12) Page 11

This section provides detail requested in previous sections, B. 1 and B. 4.

Garamor 36
B I U

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT

1901 S. BELL STREET, SUITE 200
ARLINGTON, VA 22202

RE: PEREZ-ALVARENGA, CARLOS ARMANDO
FILE: A205-468-365

DATE: Feb 6, 2013

TO:

PEREZ-ALVARENGA, CARLOS ARMANDO
C/O ALVARENGA HENRIQUEZ MORENA 1305 KNOLL ST.
CHARLOTTESVILLE, VA 22902

Please take notice that the above captioned case has been scheduled for a
MASTER hearing before the Immigration Court on Jul 11, 2013 at 09:00 A.M. at:

1901 S. BELL STREET, SUITE 200, Courtroom 4
ARLINGTON, VA 22202

You may be represented in these proceedings, at no expense to the
Government, by an attorney or other individual who is authorized and qualified
to represent persons before an Immigration Court. Your hearing date has not
been scheduled earlier than 10 days from the date of service of the Notice to
Appear in order to permit you the opportunity to obtain an attorney or
representative. If you wish to be represented, your attorney or representative
must appear with you at the hearing prepared to proceed. You can request an
earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances
may result in one or more of the following actions: (1) You may be taken into
custody by the Department of Homeland Security and held for further
action. OR (2) Your hearing may be held in your absence under section 240(b)(5)
of the Immigration and Nationality Act. An order of removal will be entered
against you if the Department of Homeland Security established by
clear, unequivocal and convincing evidence that a) you or your attorney has
been provided this notice and b) you are removable.

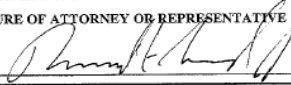
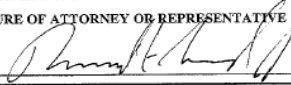
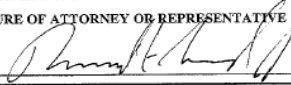
IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT
CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION
COURT ARLINGTON, VA THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR
TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS.
EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE
COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE
ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM
THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO
OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW
ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE
OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE
SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED
SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

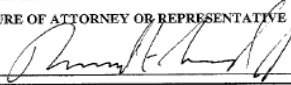
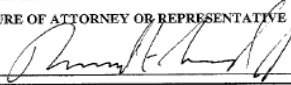
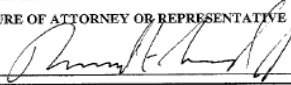
A list of free legal service providers has been given to you. For
information regarding the status of your case, call toll free 1-800-898-7180
or 240-314-1500. For information on Immigration Court procedures, please
consult the Immigration Court Practice Manual, available at www.usdoj.gov/eoir.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL ☒ PERSONAL SERVICE (P)
TO: ☒ ALIEN ☐ ALIEN c/o Custodial Officer ☐ ALIEN's ATT/REP ☒ DHS
DATE: 2-6-13 BY: COURT STAFF ☒ V3
Attachments: ☒ EOIR-33 ☐ EOIR-28 ☒ Legal Services List ☐ Other

Notice of Entry of Appearance as Attorney or
Representative Before the Immigration Court

(Type or print) NAME AND ADDRESS OF REPRESENTED PARTY [Redacted] (First) (Middle Initial) (Last) [Redacted] (Number and Street) (Apt. No.) Charlottesville VA 22911 (City) (State) (Zip Code)		ALIEN (A) NUMBER (S) (List number(s) of all parties represented in this case.) [Redacted] For disciplinary case, enter docket number.						
NAME OF ATTORNEY OR REPRESENTATIVE, ADDRESS, FAX & PHONE NUMBERS, & E-MAIL ADDRESS Robert F. Redmond, Jr. c/o McGuireWoods LLP 901 East Cary Street Richmond VA 23219 <input checked="" type="checkbox"/> Check here if new address								
Please check one of the following: <input checked="" type="checkbox"/> I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest court(s) of the following state(s), possession(s), territory(ies), commonwealth(s), or the District of Columbia (use additional space on reverse side if necessary) and I am not subject to any order disbaring, suspending, or otherwise restricting me in the practice of law (if subject to such an order, explain on reverse). <table border="0"><thead><tr><th>Full Name of Court</th><th>Bar Number (if applicable)</th></tr></thead><tbody><tr><td>Virginia</td><td>32292</td></tr><tr><td>Maryland</td><td></td></tr></tbody></table>			Full Name of Court	Bar Number (if applicable)	Virginia	32292	Maryland	
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Virginia	32292							
Maryland								
<input type="checkbox"/> I am an accredited representative as defined in 8 C.F.R. § 1292.1(a)(4) with the following recognized organization: <input type="checkbox"/> I am a law student or law graduate of an accredited U.S. law school as defined in 8 C.F.R. § 1292.1(a)(2). <input type="checkbox"/> I am a reputable individual as defined in 8 C.F.R. § 1292.1(a)(3). <input type="checkbox"/> I am an accredited foreign government official as defined in 8 C.F.R. § 1292.1(a)(5). <input type="checkbox"/> I am a person who was authorized to practice on December 23, 1952, under 8 C.F.R. § 1292.1(b).								
I hereby enter my appearance as attorney or representative for, and at the request of, the party named above. I have read and understand the statements provided on the reverse side of this form that set forth the regulations and conditions governing appearances and representation before the Immigration Court. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. <table border="0"><thead><tr><th>SIGNATURE OF ATTORNEY OR REPRESENTATIVE</th><th>EOIR ID NUMBER</th><th>DATE</th></tr></thead><tbody><tr><td>X </td><td>CK914996</td><td>01/30/15</td></tr></tbody></table>			SIGNATURE OF ATTORNEY OR REPRESENTATIVE	EOIR ID NUMBER	DATE	X 	CK914996	01/30/15
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X 	CK914996	01/30/15						

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SIGNATURE OF ATTORNEY OR REPRESENTATIVE	EOIR ID NUMBER	DATE						
X 	CK914996							

Register
online for
EOIR Number

Form EOIR-333
Rev. Oct. 2013