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UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
SAN FRANCISCO, CALIFORNIA

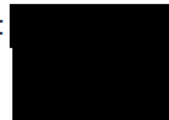
In the Matters of:



Respondents,

In Removal Proceedings.

A Numbers:



Hearing Date: February 16, 2017
Hearing Time: 8:30 a.m.
Before Hon. Elizabeth Young

**RESPONDENTS' BRIEF
DEMONSTRATING ELIGIBILITY FOR ASYLUM, WITHHOLDING OF REMOVAL,
AND PROTECTION UNDER THE CONVENTION AGAINST TORTURE**

I. INTRODUCTION

Lead Respondent, [REDACTED] (“[REDACTED]” or “Respondent”), hereby respectfully submits a brief regarding her eligibility for asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”) based on the severe and atrocious persecution she suffered in Mexico on account of protected grounds and the persecution that she will face in Mexico on account of protected grounds.

First, [REDACTED] suffered past persecution on account of protected grounds. As a child, she was severely physically abused by her family members and subjected to repeated rape by her uncle. She suffered this abuse on account of her skin color (race) and her membership in the particular social group of Mexican girls viewed as property. Thereafter, she was subjected to many years of severe physical and sexual violence as well as deprivation of liberty at the hands of her domestic partner and father of her children, [REDACTED] (“[REDACTED]”). This abuse occurred on account of her membership in the particular social groups of Mexican women unable to leave a domestic relationship and Mexican women viewed as property, as well as on account of her political opinion.

Second, as [REDACTED] has suffered past persecution, she has a presumption of well-founded fear of future persecution. [REDACTED] is still in Mexico and continues to look for [REDACTED] and threaten her. She cannot reasonably and safely relocate with her two young daughters.

Third, the harm [REDACTED] suffered rises to the level of severe and atrocious and she faces other serious harm if she is forced to return to Mexico. Therefore, this Court should find [REDACTED] eligible for asylum even if the Department of Homeland Security (“DHS”) can rebut the presumption of well-founded fear.

Fourth, [REDACTED] has an independent well-founded fear of persecution on

account of her membership in a particular social group. As demonstrated below, [REDACTED] faces severe beatings, rape, and even death at the hands of [REDACTED] on account of the fact that she is a Mexican woman unable to leave a domestic relationship and a Mexican woman viewed as property.

As shown by the evidence and the Ninth Circuit and Board of Immigration Appeals' ("BIA" or "the Board") case law, [REDACTED] has suffered past persecution on account of protected grounds and thus has a presumption of a well-founded fear of future persecution. Country conditions establish that Mexican women who are unable to leave a domestic relationship and Mexican women viewed as property currently face high levels of violence in all parts of Mexico. In addition, [REDACTED] has an independent well-founded fear of future persecution based on protected grounds.

Moreover, as shown by the evidence and the Ninth Circuit Court of Appeals and BIA case law, it is more likely than not that [REDACTED] life or freedom will be threatened in Mexico on account of her membership in a particular social group. She will also demonstrate that she warrants protection under CAT.

Thus, this Court should find that [REDACTED] has adequately shown that she warrants protection and relief from removal.

II. STATEMENT OF PROCEDURAL HISTORY

Respondents are natives and citizens of Mexico. [REDACTED] is 32 years old, and rider Respondents [REDACTED] and [REDACTED] are 10 and seven years old, respectively. On or about October 25, 2014, Respondents applied for admission to the United States at the Port of Entry in San Ysidro, California, on the basis that they had a fear of return to their home country. They were charged with inadmissibility under Immigration and Nationality Act § 212(a)(7)(A)(i)(I). They were issued Notices to Appear dated October 29, 2014.

Respondents retained the office of undersigned counsel. On April 21, 2015, they attended their Master Calendar Hearing, represented by the office of undersigned counsel. On that date, the Respondents entered pleadings; they admitted the factual allegations and conceded the charge of removability on the Notices to Appear. A continuance was granted for attorney preparation, and the children's presence was waived. At the next Master Calendar Hearing on September 1, 2015, Respondents submitted Form I-589, accompanied by a brief preliminary declaration and birth certificates for [REDACTED] [REDACTED] and [REDACTED] with certified English translations. An Individual Calendar Hearing was set for February 16, 2017 at 8:30 am. The children's presence was waived for that hearing. Respondents now submit this brief accompanied by exhibits in support of her application at Tabs A through D.

III. STATEMENT OF FACTS¹

[REDACTED] was born on November 3, 1984 in Teloloapan, Guerrero, Mexico. [REDACTED] was subjected to severe physical abuse during her childhood by her mother, father, and siblings. [REDACTED] was the only one of her siblings who has a dark skin tone. As a result of this, her family felt 'ashamed' of her and subjected her to severe and frequent physical beatings accompanied by racial slurs. These beatings included being hit with sticks and belts, being kicked, having rocks and knives thrown at her, and being hung by the neck with a rope. [REDACTED] was also prevented from attending school by her parents and forced to work. She was the only one of her siblings treated in this way.

When [REDACTED] was nine years old, her family relocated to the United States and left her behind in Mexico with her maternal grandparents. While in their household,

¹ The facts in this section are drawn from Tab A1, Declaration of [REDACTED] in Support of her Application for Asylum, Withholding of Removal, and Protection under the Convention Against Torture dated October 9, 2016.

she was repeatedly raped by her uncle. Her aunt witnessed the sexual abuse and did nothing to protect [REDACTED]. When [REDACTED] parents returned from the United States, she returned to living with them and continued to experience, as before, forced labor and severe physical abuse at their hands.

When [REDACTED] was around 20 years old, she met and began a romantic relationship with [REDACTED]. She was able to leave her abusive family home by moving in with [REDACTED]. When [REDACTED] was pregnant with their first child together, he began to physically abuse her. He beat her severely while she was pregnant, causing her child to be born one month before her due date. The beatings were severe and regular, as often as daily or every few days. [REDACTED] beat [REDACTED] with hard objects including broom sticks and frying pans. He pointed guns at her and threatened to kill her repeatedly. She tried to leave and asked [REDACTED] uncle to intervene on her behalf so that he would let her leave the household. This attempt to sever the relationship caused [REDACTED] to become enraged and to beat her even more severely. He told her she could not leave and threatened to kill her if she ever tried. [REDACTED] mother and aunts knew about the abuse, but they did not help [REDACTED] and told her she deserved the abuse.

On [REDACTED] first attempt to escape, she was taken in by a distant relation, who called the police, but they never came. [REDACTED] immediately came to find [REDACTED] and beat her with a cable for leaving and physically dragged her back home and locked her in to the house. He threatened her with a knife and told her he would disfigure her face and cut off her fingers. [REDACTED] was locked in for several months, during which time [REDACTED] regularly beat her, starved her, raped her, and

threatened to kill her and bury her body. He cut all of her hair off and burned all of her clothes.

██████████ had nothing to wear but an old t-shirt belonging to ██████████
██████████ shot at the neighbors who had previously assisted ██████████ to
escape.

After about a year, ██████████ again managed to escape. ██████████
found her where she was in hiding, beat her severely, and took her daughter by force. ██████████
██████████ made a criminal complaint against ██████████ She was eventually
able to locate her daughter. ██████████ was arrested in connection with the complaint, but
only for a short time. He thereafter found ██████████ where she was in hiding with a
friend, and beat her more severely than he ever had before. ██████████ friend
called the police, but they did not come. ██████████ again dragged ██████████
██████████ home by force and locked her in. For about a year, ██████████ and her
daughter were locked into the house and Ms. Sandoval was again subjected to regular beatings,
rapes, and death threats. ██████████ again finally was able to escape, and she
travelled to the larger town of Iguala to seek help from the Human Rights Commission. Because
she had no proof other than her own physical injuries, they told her they could not assist her.

██████████ family blamed her for the abuse and refused to help her. She
started hiding out in churches. She eventually found work at a public toilet facility, where her
and her daughter also slept at night. ██████████ found ██████████ and beat
her and raped her at gunpoint. She called the police, but they did not come. ██████████
██████████ became pregnant as a result of the rape. ██████████ went missing for a time,
which ██████████ believes was related to problems with drug cartels. When he
returned he again came to find her and beat her and attempted to rape her.

A month or two before [REDACTED] fled Mexico, she witnessed a young girl be kidnapped. The following day, [REDACTED] was kidnapped by armed, masked men who she believes belong to the Knights Templar cartel. They gang-raped her and kept her overnight before releasing her. They threatened that if she went to the police about they would kill her daughters in front of her and then kill her. Given that [REDACTED] is involved in criminal activity and drugs, [REDACTED] believes it is possible that [REDACTED] was involved. Shortly thereafter, [REDACTED] fled to the United States.

IV. ARGUMENT

A. [REDACTED] **is Eligible for Asylum**

[REDACTED] will be able to demonstrate that she warrants asylum on account of the severe and atrocious past persecution that she suffered as a child on account of her race and membership in the particular social group of Mexican women viewed as property; and as an adult, on account of her membership in the particular social groups of Mexican women unable to leave a domestic relationship and Mexican women viewed as property, as well as her political opinion. In addition, [REDACTED] warrants asylum based on her independent well-founded fear of future persecution on account of these grounds.

In order to be eligible for asylum, an applicant must have suffered past persecution or have a well-founded fear of persecution “on account of” one or more of the five grounds enumerated in INA § 101(a)(42)(A): race, religion, nationality, membership in a particular social group, or political opinion. See INA § 101(a)(42)(A); INS v. Elias-Zacarias, 502 U.S. 478, 481-82 (1992). The applicant’s well-founded fear must be both subjectively genuine and objectively reasonable. Mgoian v. I.N.S., 184 F.3d 1029, 1035 (9th Cir. 1999). In addition, race, religion, nationality, membership in a particular social group, or political opinion must be at least one

central reason for the persecution. INA § 208(b)(1)(B)(i). Furthermore, the source of the persecution must be the government, a quasi-official group, or persons or groups that the government is unwilling or unable to control. See Avetovo-Elisseva v. INS, 213 F.3d 1192, 1196 (9th Cir. 2000). Moreover, an applicant must demonstrate that she could not reasonably relocate within her country of origin to avoid persecution. 8 C.F.R. § 1208.13(b)(2)(ii). [REDACTED] [REDACTED] meets this standard.

1. The Harm [REDACTED] Suffered Constitutes Persecution

The Ninth Circuit has defined persecution as “the infliction of suffering or harm upon those who differ (in race, religion or political opinion) in a way regarded as offensive.” Li v. Holder, 559 F.3d 1096, 1107 (9th Cir. 2009) *citing Gormley v. Ashcroft*, 364 F.3d 1172, 1176 (9th Cir. 2004) (internal quotation marks omitted). It is well established that physical violence is persecution under INA § 101(a)(42)(A). See Li, 559 F.3d at 1107; Guo v. Ashcroft, 361 F.3d 1194, 1197-98, 1202-03 (9th Cir.2004) (finding beatings of a Chinese detainee to rise to the level of persecution); Chand v. INS, 222 F.3d 1066, 1073 (9th Cir. 2000) (“Physical harm has consistently been treated as persecution.”); Smolniakova v. Gonzales, 422 F.3d 1037, 1048-49 (9th Cir. 2005) (physical attacks and death threats are sufficient to establish past persecution); Matter of O-Z- & I-Z, 22 I. & N. Dec. 23, 25 (BIA 1998) (holding that persecution “encompasses a variety of forms of adverse treatment, including non-life threatening violence and physical abuse or non-physical abuse forms of harm”).

Rape and sexual assault have also been established as forms of persecution. See Boer-Sedano v. Gonzales, 418 F. 3d 1082, 1088 (9th Cir. 2005) (forced sex is past persecution); Shoafera v. INS, 228 F.3d 1070, 1075 (9th Cir. 2000) (rape is persecution); Lopez-Galarza v.

INS, 99 F.3d 954 (9th Cir. 1996) (rape and abuse constitute persecution); Lazo-Majano v. INS, 813 F.2d 1432 (9th Cir. 1987) (rape and other gender-based violence is persecution) (*overruled in part by* Fisher v. INS, 79 F.3d 954 (9th Cir.) (en banc) (1996)); Kovac v. INS, 407 F.2d 102, 106-107 (9th Cir. 1969) (in amending section 243(h), Congress intended for persecution to include more than bodily harm: “tyranny over the mind and spirit of a person has been demonstrated as more fearsome than the ancient measures of torture”).

Death threats alone have been held to constitute persecution. Navas v. INS, 217 F.3d 646, 658 (9th Cir. 2000). Repeated death threats, especially when coupled with other forms of abuse, “require[s] a finding of past persecution.” Smolniakova v. Gonzales, 422 F.3d 1037, 1049 (9th Cir. 2005); see also Mamouzian v. Ashcroft, 390 F.3d 1129, 1134 (9th Cir. 2004) (finding past persecution when “harm was “inflicted [on petitioner] on more than one occasion ..., and where the physical abuse was combined with other incidents, such as detention and threats”); *but see* Lim v. INS, 224 F.3d 929, 933, 936 (9th Cir. 2000) (finding the death threats hollow, when there had been nothing more than threats and Mr. Lim had lived in the country for six years undisturbed and the perpetrators had lost power significantly).

Moreover, special consideration must be taken into account when assessing harm an applicant suffered as a child as children may be more susceptible to harm than adults and may experience the harm differently. See Hernandez–Ortiz v. Gonzales, 496 F.3d 1042, 1046 (9th Cir. 2007) (holding that when the petitioner is a child, the adjudicator must assess the alleged persecution from a child's perspective). The United Nations High Commissioner for Refugees Child Asylum Claims under Articles 1(A)(2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees (“UNHCR Child Asylum Guidelines”) state

Actions or threats that might not reach the threshold of persecution in the case of an adult may mount to persecution in the case of a child...Immaturity, vulnerability, undeveloped coping mechanisms and dependency as well as the differing stages of development and hindered capacities may be direction related to how a child experience or fears harm.

UNHCR Child Asylum Guidelines, at ¶ 15, *available at* <http://www.unhcr.org/refworld/docid/4b2f4f6d2.html>.

As a child, [REDACTED] experienced forced labor, severe and repeated beatings (including rocks being thrown at her and being strung up by the neck with a rope) and repeated rapes. As an adult, [REDACTED] was subjected to repeated rapes, severe beatings, death threats, and deprivation of her liberty by her domestic partner over a period of many years. She was additionally kidnapped and gang-raped by cartel members. Under Ninth Circuit and Board precedent expounded above, these acts clearly constitute persecution. Therefore, [REDACTED] suffered past persecution.

2. [REDACTED] Suffered Past Persecution On Account of Her Membership in a Particular Social Group of Mexican Women Unable to Leave a Domestic Relationship Defined by Her Gender, Nationality, and Her Status Within Mexican Society

a. **Mexican Women Who Are Unable to Leave a Domestic Relationship is a Cognizable Social Group**

The Board and the Ninth Circuit have provided a framework for determining what constitutes a particular social group. In Matter of Acosta, the Board held that a particular social group referred to individuals who hold a “common, immutable characteristic,” which may be “an innate one such as sex, color, kinship ties, or in some circumstances.... a shared past experience....” Matter of Acosta, 19 I. & N. Dec. 211, 233-234 (BIA 1985), *overruled in part on other grounds by* In re Mogharrabi, 19 I. & N. Dec. 439 (BIA 1987). The Board specified that the immutable characteristic must be one “that the group either cannot change, or should not be required to change because it is fundamental to their individual identities or consciences.” Id.

Since the issuance of the decision in Acosta, this Board has further clarified its definition, indicating that a particular social group must possess social distinction and particularity. See e.g., Matter of M-E-V-G-, 26 I. & N. Dec. 232 (BIA 2014); Matter of W-G-R-, 26 I. & N. Dec. 208 (BIA 2014); Matter of S-E-G, 24 I. & N. Dec. 579, 588 (BIA 2008); Matter of C-A, 23 I. & N. Dec. 951, 959-961 (BIA 2006). However, the particular social group does not “generally require a ‘voluntary relationship,’ ‘cohesiveness,’ or strict ‘homogeneity among group members.’” In re A-M-E & J-G-U-, 24 I. & N. Dec. 69, 75-76 (BIA 2007).

The Ninth Circuit has clarified that a particular social group is one in which the members are united by a voluntary association or an innate characteristic that is so fundamental to the identities or consciences of its members, that the members of the particular group either can not or should not be required to change it. Hernandez-Montiel v. INS, 225 F.3d 1084 (9th Cir. 2000). In the instant case, [REDACTED] belongs to the particular social group of Mexican women who are unable to leave a domestic relationship.

In the Department of Homeland Security’s (“DHS”) Supplemental Brief in Matter of L-R- (“DHS L-R- Brief”), DHS stated that victims of domestic violence can establish eligibility for asylum. See DHS’ Supplemental Brief, Matter of L-R-, dated April 13, 2009. In discussing an appropriate articulation for social groups of victims of domestic violence, DHS stated that the particular social group “is best defined in light of the evidence about how the respondent’s abuser and her society perceive her role within the domestic relationship.” Id. at 14. DHS found that “Mexican women who are viewed as property by virtue of their positions within a domestic relationship” would constitute a cognizable social group. Id.

In Matter of A-R-C-G-, 26 I. & N. Dec. 388 (BIA 2014), the Board of Immigration Appeals (“BIA” or “the Board”) found that “married women in Guatemala who are unable to

leave their relationship” constituted a cognizable social group. The Board held that the “inability to leave the relationship may be informed by societal expectations about gender and subordination”. *Id.* at 393. In the unpublished decision of Matter of D-M-R-, (BIA June 9, 2015), the Board applied its holding in Matter of A-R-C-G- and found that El Salvadoran women in domestic relationships who are unable to leave is a cognizable social group. *Id.* at 5. See also *Id.* at 4 (“First, we note that our decision in *Matter of A-R-C-G-*. *supra*, does not necessarily require that an applicant seeking asylum or withholding of removal based on domestic violence have been married to his or her abuser. Rather, we look to the characteristics of the relationship to determine its nature.”).

(1) *Mexican Women Unable to Leave a Domestic Relationship Share Immutable Characteristics*

Mexican women unable to leave a domestic relationship is a group united by gender, nationality, and status in society. These shared characteristics are immutable, as a person cannot change his or her gender, nationality, or how they are viewed in society. Hernandez-Montiel, supra. The Ninth Circuit has recognized similar groups as possessing an immutable characteristic. See Perdomo v. Holder, 611 F.3d 662, 668 (9th Cir. 2010) (holding that young women in Guatemala subject to femicide may be a social group and rejecting that a person is ineligible for social group consideration because the “persecuted group may simply represent too large a portion of a population.”); Karouni v. Gonzales, 399 F.3d 1163, 1172 (9th Cir. 2005) (holding that “all alien homosexuals are members of a ‘particular social group’”); Mihalev v. Ashcroft, 388 F.3d 722, 726 (9th Cir. 2004) (holding that Gypsies are an identifiable ethnic group and that being a Gypsy is a protected ground for asylum). Moreover, both DHS and the Board have recognized such groups as possessing immutable characteristics. Matter of A-R-C-G-, 26 I. & N. Dec. 388 (BIA 2014); DHS L-R- Brief.

The Ninth Circuit and Board have held that gender is an immutable characteristic. In Mohammed v. Gonzales, 400 F.3d 785 (9th Cir.2005), the Ninth Circuit held that that gender is an “innate characteristic” that is “fundamental to [one's] identit[y].” Id. at 797. Moreover, in the seminal decision of Acosta, the Board expressly held that one’s sex is a prototypical example of an immutable characteristic. Matter of Acosta, 19 I. & N. Dec. at 233-234. See also Matter of A-R-C-G-, 26 I. & N. Dec. at 392 (“the group is composed of members who share the common immutable characteristic of gender.”). USCIS guidance also states that gender is an immutable trait. USCIS AOBTC Female Asylum Applicants and Gender-related Claims, USCIS, RAIO, Asylum Division, March 12, 2009, at 30.

Furthermore, in the instant case, the status of “unable to leave the domestic relationship” is an immutable trait. In the DHS L-R- Brief, DHS stated that an applicant’s status within a domestic relationship can be immutable. DHS L-R- Brief, at 16. In determining if a status is immutable, something that the applicant can or could not change, an adjudicator must consider the “context of the social, political, and historical conditions of the country.” Id. “[A]ll relevant evidence should be considered including the applicant’s individual circumstances and country conditions information about the applicant’s society.” Id. at 16-17. In Matter of A-R-C-G-, the Board held that characteristics such as a relationship status can be immutable where the individual cannot leave the relationship. 26 I. & N. Dec. at 392-393. The Board found that a range of factors can be relevant in this determination including “a respondent’s own experiences” and “whether dissolution of a marriage could be contrary to religious or other deeply held moral beliefs or if the dissolution is possible when viewed in light of religious, cultural, or legal constraints.” Id. at 393.

In the instant case, country conditions reports regarding Mexico are replete with violence

against women generally and domestic violence specifically, demonstrating that in Mexican society females in domestic relationships are viewed as being unable to leave. Tab B1 (U.S. Department of State, Mexico 2015 Human Rights Report) (“Despite changes in the laws an ingrained patriarchy circumscribes the social fabric and where machismo construes women to be the property of and worth much less than men.”); Tab B2 (United Nations High Commissioner for Refugees Report, Women on the Run) (“Although Mexico has taken significant steps in enacting national legislation to address violence against women, Mexican women interviewed for this report reflected a lack of trust in the authorities’ capacity to respond in those areas from which they fled.”); Tab B4 (Gerry Hadden, Beating domestic violence in Mexico, 20 Sept. 2015)(“Women continue to struggle against a macho culture in Mexico that leaves them not only unequal but often victims of violence.”); Tab B5 (Xochitl T. Arzola, Women in Mexico are lying in the street to protest domestic violence, 23 July 2015)(“Sixty-seven percent of women in Mexico are victims of domestic violence, putting the country on the list of the world’s top 20 worst countries for violence against women.”); Tab B9 (Human Rights Watch, World Report 2014: Mexico)(“Mexican laws do not adequately protect women and girls against domestic violence and sexual violence.”); Tab B12 (Liliana Caracoza, From Mexico to Tacoma, A Shared Struggle Against Domestic Violence, Seattle Globalist)(“‘A wife is supposed to stay with her husband until death, we are supposed to be treated like that,’ she was told.”).

Moreover, [REDACTED] own experiences evidence the immutability of this status. [REDACTED] repeatedly told [REDACTED] that she was his woman and was not allowed to leave him, and he threatened to kill her if she did leave him. Tab A1. On the occasions that [REDACTED] tried to leave the relationship, [REDACTED] subjected her to severe beatings and dragged her home by force. Id. When others tried to help her

leave him, he threatened to kill them as well. Id. [REDACTED] family did not support her and thought she needed to stay with the father of her children, regardless of the abuse he was subjecting her to. Id. Thus, there was nothing that [REDACTED] could have done to change her status of being unable to leave the domestic relationship.

(2) *The Social Group of Mexican Women Who Are Unable to Leave a Domestic Relationship Possesses Social Distinction and Particularity*

The Board has reaffirmed the importance of social distinction (previously called social visibility) and particularity as a factor in the particular social group determination². See Matter of M-E-V-G-, 26 I. & N. Dec. 227 (BIA 2014); Matter of W-G-R-, 26 I. & N. Dec. 208 (BIA 2014). See, also, In Re A-M-E & J-G-U-, 24 I. & N. Dec. 69 (BIA 2007); Matter of C-A-, 23 I&N Dec. 951, 957 (BIA 2006). In addition to possessing the requisite immutable and fundamental characteristics, the group Mexican women who are unable to leave a domestic relationship is socially distinct and particular.

In Matter of M-E-V-G-, the Board reaffirmed that the “social visibility” element is required to establish a cognizable “particular social group” and upheld the progeny of cases laying out this requirement. See, i.e., Matter of S-E-G-, 24 I. & N. Dec. 579 (BIA 2008); In Re A-M-E & J-G-U-, 24 I. & N. Dec. 69 (BIA 2007); Matter of C-A-, 23 I. & N. Dec. 951, 957 (BIA 2006). However, the Board clarified that “social visibility” does not mean literal or

² While [REDACTED] believes her social group satisfies the BIA’s requirements of “social distinction” and “particularity”, she does not believe that the BIA’s requirements of “social distinction” and “particularity” constitute a reasonable interpretation of “particular social group.” In Henriquez-Rivas, the Ninth Circuit held that the term “particular social group” is ambiguous. 707 F.3d at 1087, 1091. [REDACTED] asserts that the Board’s interpretation is not reasonable and thus is not owed deference.

“ocular” visibility and renamed the element as “social distinction”. Id. at 236. The Board held that the social distinction is determined by the perception of the society in question. Id. The Board explained,

The particular social group analysis does not occur in isolation, but rather in the context of the society out of which the claim for asylum arises. Thus, the ‘social distinction’ requirement considers whether those with a common immutable characteristic are set apart, or distinct, from other persons within the society in some significant way. In other words, if the common immutable characteristic were known, those with the characteristic in the society in question would be meaningfully distinguished from those who do not have it. A viable particular social group should be perceived within the given society as a sufficiently distinct group. The members of a particular social group will generally understand their own affiliation with the grouping, as will other people in the particular society.

Matter of M-E-V-G-, 26 I. & N. Dec at 238.

In Matter of M-E-V-G-, the Board declined to make a ruling on whether the group of “Honduran youths who were actively recruited by gangs but who refused to join” constituted a cognizable social group and remanded the case for further fact-finding. 26 I. & N. Dec at 251. However, the Board stated that there is no “blanket rejection of all factual scenarios involving gangs.” Id. See also, Matter of W-G-R-, 26 I. & N. Dec at 221 (BIA 2014); Matter of A-M-E & J-G-U, 24 I. & N. Dec. 69, 74 (BIA 2007) (holding that a determination of social visibility must be considered in the context of the country of concern and the persecution feared).

In Pirir-Boc v. Holder, the Ninth Circuit held that the Board’s decisions in Matter of M-E-V-G- and Matter of W-G-R- are consistent with its decision in Henriquez-Rivas v. Holder, 707 F.3d 1081 (9th Cir. 2013).³ 750 F.3d 1077, 1083 (9th 2014). In Henriquez-Rivas, the Ninth

³ The Ninth Circuit noted that the Board in Matter of M-E-V-G- gave the persecutor’s perspective in determining “social visibility” less weight than the Court has suggested in (continued on next page)

Circuit, applying Board precedent regarding “social visibility” and “particularity”, held that witnesses who testify against gang members could constitute a cognizable particular social group. 707 F.3d 1081 (9th Cir. 2013). The Ninth Circuit held that the determination as to whether a particular group is a cognizable social group is a case-by-case analysis based on the recognition of the particular society in question. Pirir-Boc, 750 F.3d at 1084. In Henriquez-Rivas, the Ninth Circuit in determining the cognizability of the social group took particular note of the fact that the Salvadoran legislature enacted a special witness protection law to protect individuals who testify against gangs in Salvadoran court. 707 F.3d at 1092.

In addition, the Board in In Re A-M-E & J-G-U-, held that “[a]lthough a social group cannot be defined exclusively by the fact that its members have been subjected to harm, we noted that this may be a relevant factor in considering the group's visibility in society.” 24 I. & N. Dec. at 74. In finding that the respondents’ proposed social group failed to possess social visibility, the Board confirmed the IJ’s finding that there was little evidence in the record to show that “wealthy Guatemalans” would be recognized as a group that was more frequently targeted than the general Guatemalan population. Id.

Furthermore, in Matter of E-A-G, 24 I. & N. Dec. 591 (BIA 2008), the Board rejected a claim that “persons resistant to gang membership,” constituted a particular social group based on a lack of social visibility. The Board held that there was not evidence to establish that “members of Honduran society, or even the gang members themselves, would perceive those opposed to membership as a social group.” Id. at 591. The Board explained that the respondent could not

Henriquez-Rivas. Pirir-Boc, Fn. 6. In Henriquez-Rivas, the Ninth Circuit had suggested that the perspective of the prosecutor may be *the most important* factor, while the Board held that it was *one factor* among others to be considered in determining “social visibility.” Id.

establish that the group would be sufficiently visible, noting that “respondent does not allege that he possesses any characteristics that would cause others in Honduran society to recognize him as one who has refused gang recruitment.” Id. at 594.

In Matter of A-R-C-G-, the Board found that the social group “married women in Guatemala who are unable to leave their relationship” is socially distinct. 26 I. & N. Dec. at 393-394. The Board held that,

When evaluating the issue of social distinction, we look to the evidence to determine whether a society...makes meaningful distinctions based on the common immutable characteristics of being a married women in a domestic relationship that she cannot leave. Such evidence would include whether the society in question recognizes the need to offer protection to victims of domestic violence, including whether the country has criminal laws designed to protect domestic abuse victims, whether those laws are effectively enforced, and other sociopolitical factors.

Id. at 394.

The Board found that the “unrebutted evidence that Guatemala has a culture of ‘machismo and family violence’” supported the existence of social distinction. Id.

As in the case of Matter of A-R-C-G- and Matter of L-R-, country condition reports in the instant case demonstrate that Mexican women who are unable to leave a domestic relationship are recognizable by others in the society. See Tab A6; Tabs B1-B13. While Mexican society has identified domestic abuse as a problem and enacted laws to protect victims of domestic abuse, the laws are not effectively enforced. Tab A6 (“Mexico is a country where authorities do not protect women against violence, despite laws and policies created to protect them.”); Tab B2; Tab B7 (M. E. Meza-de-Luna, Never to Me! Concealment of Intimate Partner Violence in Queretaro, Mexico, Feb. 2015) (“We found that negligence and ignorance of the

pipeline of the system for complaints are forms of inefficiency in the application of justice that contribute to the silence of IPV [Intimate Partner Violence]). The U.S. Department of State reports,

Federal law does not criminalize spousal abuse. State and municipal laws addressing domestic violence largely failed to meet the required federal standards and often were unenforced... Victims of domestic violence in rural and indigenous communities often did not report abuses due to fear of spousal reprisal, stigma, and societal beliefs that abuse did not merit a complaint.

Tab B1.

Moreover, [REDACTED] own experience evidenced that she was viewed by her domestic partner and her society as unable to leave the relationship. He insisted she could never leave him, her family insisted she stay with him, and the authorities never effectively intervened to assist her. Tab A1. Thus, [REDACTED] case is akin to Matter of A-R-C-G- and Matter of L-R- and can be readily contrasted to the facts presented in Matter of M-E-V-G-, Matter of W-G-R-, Matter of A-M-E & J-G-U-, and Matter of E-A-G, and Mexican women who are unable to leave a domestic relationship is the type of “cohesive, homogeneous group” that the Board and Ninth Circuit has found to be show sufficient social distinction. See, Perdomo, 611 F.3d at 666; Matter of A-R-C-G-, 26 I. & N. Dec. 388 (BIA 2014); In re Fauziya Kasinga, 21 I. & N. Dec. 357, 366 (BIA 1996) (holding that women who belong to a particular tribe and who oppose female genital mutilation constitute a cognizable social group).

In the DHS L-R- Brief, DHS stated that a social group of “Mexican women who are viewed as property by virtue of their positions within a domestic relationship” could meet the requirement of social visibility. DHS L-R- Brief, at 17. In support of this conclusion, DHS cited the respondent’s testimony regarding how people outside the relationship refused to intervene to stop the abuse and country conditions relating to the social perception in Mexico of domestic

violence. *Id.* In the instant case, [REDACTED] family did not support or assist her, even though they knew she was being abused. Tab A1. When [REDACTED] reported physical abuse to the Attorney General’s Office, they took no meaningful action. *Id.* The police on several occasions did not even respond to her calls, and the Human Rights Office in Iguala said physical injuries did not constitute sufficient proof and therefore they could also not help her. *Id.*

Moreover, country conditions clearly demonstrate that the pervasive nature of domestic violence in Mexican culture has created an entrenched notion that Mexican women cannot leave their relationships. Tab A6; Tabs B1-B7; Tab B8 (James Turnage, Mexico Nears Revolution; Does Anyone Care?, The Public Slate)(“For the women of Mexico, domestic violence is a frequent occurrence which often leads to death... An estimated 64 percent of Mexico’s women are physically abused at the hands of men. It is so common and accepted that statistics are not kept by the government.”); Tab B12; Tab B13 (Emily Wassell, Mexico: A Machista Culture of Corruption and Violence?)(“Children grow up in these families, hearing of women’s ‘obligations’ to their husbands, phrases that always start with ‘you have to’.”). This evidence reflects a societal view that women in Mexico are “a segment of society that will not be accorded protection from harm inflicted” in a domestic relationship and cannot leave. DHS L-R- Brief, at 18.

In Matter of M-E-V-G-, Matter of W-G-R-, and Matter of S-E-G, the Board further discussed the issue of particularity. In Matter of W-G-R-, decided on the same day as Matter of M-E-V-G-, the Board considered the social group of “former members of the Mara 18 gang in El Salvador who have renounced their gang membership”. 26 I. & N. Dec at 221. The Board found that the proposed group was not a cognizable social group due to a lack of evidence in the record

that demonstrated that Salvadoran society recognized former gang members who have renounced their gang membership as a distinct social group. Id. at 222. The BIA also found that the proposed social group lacked particularity because “the boundaries of a group are not sufficiently definable unless the members of society generally agree on who is included in the group, and evidence that the social group proposed...is recognized within the society is lacking in this case.” Id. at 221.

In Matter of S-E-G-, the Board found that Salvadoran youth to whom gang recruitment attempts had been made did not constitute a particular social group. The Board ultimately held that, based on the specific facts of the case, the group lacked both particularity and visibility. Id. at 585-586. In dealing with particularity, the Board explained that the group lacked any unifying relationship or characteristic, which was required to “narrow this diverse and disconnected group.” Id. at 586 (citing Ochoa v. Gonzales, 406 F.3d 1166 (9th Cir. 2005)). Also important was this Board’s finding that the proposed class was not sufficiently particular because “the motivation in targeting young males could arise from motivations quite apart from any perception that the males in question were members of a class.”

In Matter of A-R-C-G-, the Board addressed the issue of particularity in the context of domestic violence. The Board found that the facts of the case and the respondent’s experience with the police refusing to protect her from her husband demonstrate that the terms “married”, “women”, and “unable to leave the relationship” have commonly accepted definitions within Guatemalan society. Matter of A-R-C-G-, 26 I. & N. Dec. at 393. The Board held that an inability to leave a relationship “may be informed by society expectations about gender and subordination, as well as legal constraints regarding divorce and separation.” Id.

The evidence in the instant case confirms, that as in Matter of A-R-C-G-, Mexican

women who are unable to leave a domestic relationship have the requisite particularity. The evidence demonstrates that “women” and “domestic relationship” have commonly accepted definitions in Mexican society. Tab A6; Tabs B1-B13. Given the perceived roles of women in society, particularly within the home, and the fact that perpetrators of crimes against women can harm or kill with impunity, it is evident that women are viewed as unable to leave domestic relationships. See, i.e., Tab B12 (“When she was fifteen, Olivares says she tried to escape from this abusive situation and escaped back to her mother’s house. But her mother told her to return to her husband. That was just the way that her life was going to be. ‘A wife is supposed to stay with her husband until death, we are supposed to be treated like that,’ she was told.”); Tab A6; Tab B1; Tab B8 (“Femicides are frequently brutal, demonstrating rage and hatred. Some are beaten so badly that they are barely recognizable. Faces are slashed with knives, and breasts are cut off and thrown in the trash.”); Tab B10. Like the respondents’ social groups in Matter of A-R-C-G- and Matter of L-R-, the evidence in the instant case clearly demonstrates that [REDACTED] [REDACTED] social group is informed by societal expectations about gender and subordination as well as legal constraints regarding females in domestic relationships. See Tab A6; Tabs B1-B13.

Therefore, [REDACTED] has shown that she possesses the social distinction and particularity that Board precedent requires and that she is part of a cognizable social group.

b. [REDACTED] **Was Persecuted on Account of Her Membership in This Particular Social Group**

To qualify for asylum, the applicant must establish the protected ground “was or will be at least one central reason for persecuting the applicant.” INA § 208 (b)(1)(B)(i) (emphasis added). However, the applicant need not demonstrate that the protected ground will be the dominant central reason. Parussimova v. Mukasey, 555 F.3d 734, 741 (9th Cir. 2009). “[A]

motive is a ‘central reason’ if that motive, standing alone, would have led the persecutor to harm the applicant.” Id. To demonstrate a nexus between persecution and a statutorily protected ground, the applicant must provide “direct or circumstantial evidence.” See Sangha v. INS, 103 F.3d 1482, 1486-87 (9th Cir. 1997).

DHS has stated that in cases of domestic violence evidence can demonstrate that an abuser targets the victim because of the “perception of the subordinate status she occupies within that domestic relationship.” DHS L-R- Brief, at 15. DHS found that this nexus can be demonstrated by actions of the abuser and by general country conditions regarding the status of women in domestic relationships. Id. DHS stated that these “factors would work in concert to create the trait which accounts for [the abuser’s] inclination to target her for abuse, whether that trait is interpreted as relating to her being perceived as property by virtue of her status in the domestic relationship, or as relating to her presence in a domestic relationship that she is unable to leave.” Id. at 15-16. In Matter of A-R-C-G-, DHS conceded that one central reason the respondent was subjected to beatings, rapes, and death threats was on account of her membership in the particular social group of “married women in Guatemala who are unable to leave their relationship.” 26 I. & N. Dec. at 395.

In the instant case, the evidence clearly demonstrates that “one central reason” [REDACTED] [REDACTED] beat, raped, and threatened [REDACTED] is because she was his domestic partner and he believed that, as such, he could do what he liked to her and she did not have the right to leave him. Tab A1. He clearly considered her position in the relationship to be a subordinate one. Id. He told her that, as a woman, she was not allowed to work and her role was to serve him. Id. In the news article published after his brief arrest, the reporter notes that the motivation for [REDACTED] cruel beatings was because he was “the man of the house.”

Tab A3.

Moreover, country conditions overwhelmingly evidence that men in Mexico target their wives and domestic partners for harm because of their gender and status in society and in the relationship. Tab A6; Tabs B1-B13. Therefore, [REDACTED] social group is one central reason she suffered harm.

3. [REDACTED] Suffered Past Persecution On Account of Her Membership in a Particular Social Group of Mexican Women/Girls Viewed as Property Defined by Her Gender, Age, Nationality, and Her Status Within Mexican Society

a. **Mexican Women/Girls Viewed As Property Is a Cognizable Social Group**

In the instant case, [REDACTED] was persecuted on account of her membership in the particular social group of Mexican women/girls viewed as property. Mexican women/girls viewed as property is a group that is united by gender, nationality, and status in society. These shared characteristics are immutable, as a person cannot change his or her gender, nationality, or how they are viewed in society. Hernandez-Montiel, *supra*. As discussed *supra* gender is an immutable characteristic. Mohammed v. Gonzales, 400 F.3d at 797; Matter of Acosta, 19 I. & N. Dec. at 233-234; Matter of A-R-C-G-, 26 I. & N. Dec. at 392. In the instant case, the status of “viewed as property” is an immutable trait. See, i.e., DHS L-R- Brief, at 16; Matter of A-R-C-G-, 26 I. & N. Dec. at 392-393. Furthermore, country conditions reports regarding Mexico are replete with violence against women and girls, demonstrating that women and girls are viewed as property in Mexican society. Tab A6 (“Mexico is a conservative country. Its laws reflect traditional values of family and patriarchal authority.”); Tab B1; Tab B9 (“Mexican laws do not adequately protect women and girls against domestic violence and sexual violence.”); Tab B12; Tab B13 (“children never see action taken against violence, and grow up with it normalised, and

even glorified”); Tab D1 (UNICEF: The Rights of Children and Adolescents in Mexico January 2011)(“One of the causes of violence against children and adolescents in Mexico... is the social perception that children are the property of adults.”); Tab D2 (“Mexico’s Shame: Abuse of Children” Banderas News. Yvonne Reyes Campos. November 26, 2010)(“According to the Organization for Economic Co-operation and Development (OECD), Mexico ranks first in rates of physical violence, sexual abuse and homicide of children younger than 14.”)

The Ninth Circuit and the Board have recognized similar groups as possessing an immutable characteristic. See Perdomo, 611 F.3d at 668; Karouni, 399 F.3d at 1172; Mihaley, 388 F.3d at 726; Matter of A-R-C-G-, 26 I. & N. Dec. 388 (BIA 2014); In re Fauziya Kasinga, 21 I. & N. Dec. at 366 (BIA 1996). Thus, there was nothing that [REDACTED] could have done to change her status of being viewed as property.

In addition to possessing the requisite immutable and fundamental characteristics, the group Mexican women/girls viewed as property is socially distinct and particular. Country conditions reports demonstrate that Mexican women and girls are generally recognizable by others in the society. See Tab A6; Tabs B1-B13; Tabs D1-D3. Moreover, the evidence in the instant case demonstrates that Mexican women and girls are much more likely than other persons in Mexican society to suffer sexual assault and abuse. *Id.* Furthermore, Mexico has enacted laws recognizing the harm against women and girls in Mexican society and these laws seek to provide protection for women and girls. Tabs A6; B1; B9; B10; B13. Thus, [REDACTED] case can be readily contrasted to the facts presented in Matter of M-E-V-G-, Matter of W-G-R-, Matter of A-M-E & J-G-U-, and Matter of E-A-G-, and Mexican women/girls viewed as property are the type of “cohesive, homogeneous group” that the Board and Ninth Circuit has found to be show sufficient social distinction. See, Perdomo, 611 F.3d at 666; Matter of A-R-C-G-, 26 I. &

N. Dec. 388 (BIA 2014) (recognizing that “married women in Guatemala who are unable to leave their relationship” constitutes a cognizable social group given the cultural conditions of the country and the individual’s personal experience).

In the DHS L-R- Brief, DHS cited the respondent’s testimony regarding how people outside the relationship refused to intervene to stop the abuse and country conditions relating to the social perception in Mexico of domestic violence. DHS L-R- Brief, at 17. In the instant case, [REDACTED] aunt witnessed that she was being raped by her uncle, and she did not intervene. Tab A1. When, later in life, her family learned of her abuse by her domestic partner, they blamed her for the abuse. Id. The authorities did not protect [REDACTED] [REDACTED] even though she reached out to them for help on multiple occasions. Id. Moreover, country conditions clearly demonstrate that Mexican society perceives women as property. Tabs A6; Tab B1-B13. This evidence reflects a societal view that Mexican women viewed as property are “a segment of society that will not be accorded protection from harm inflicted”. DHS L-R- Brief, at 18.

The evidence in the instant case confirms that Mexican women viewed as property have the requisite particularity. The evidence in this instant case demonstrates that “women” and “viewed as property” have commonly accepted definitions in Mexican society. Tab A6; Tab B1-B13. Given the perceived roles of women and girls in society and the fact that perpetrators of crimes against women and girls can harm or kill with impunity, it is evident that girls or women are seen as the property of their families or domestic partner. See, i.e., Tab B1 (“Federal law does not criminalize spousal abuse.”); Tab B2; Tab B7 (“In the plaza, there was a man hitting his wife. I asked the police to help, but the officer told me that is their business; they have to deal with it themselves’.”); Tab B10 (“Women in conflict zones are often seen as ‘territory’ to be

conquered.”); Tab B12; Tab B13. Like the respondent’s social group in Matter of A-R-C-G-, Mexican women viewed as property is informed by societal expectations about gender and subordination as well as legal constraints. Id.

Therefore, [REDACTED] has shown that she possesses the social distinction and particularity that Board precedent requires and that she is part of a cognizable social group.

b. [REDACTED] **Was Persecuted on Account of Her Membership in This Particular Social Group**

DHS has stated that, in cases of domestic violence, evidence can demonstrate that an abuser targets the victim because of the “perception of the subordinate status she occupies within that domestic relationship.” DHS L-R- Brief, at 15. Moreover, in patriarchal societies, like Mexico, men target women and girls for abuse as they know they can act with impunity. Tab A6; Tabs B1-B13; Tabs D1-D3.

In the instant case, the evidence demonstrates that the fact that [REDACTED] was a Mexican woman/girl viewed as property was at least one central reason for the harm that she suffered. When [REDACTED] was a girl, she was subjected to forced labor and severe physical abuse by her parents. As explained in the 2011 report by UNICEF, “one of the causes of violence against children and adolescents in Mexico... is the social perception that children are the property of adults.” In her expert affidavit, Dr. Flores explains the power of the cultural value of machismo in Mexico and that ‘in some families with long histories of abuse, gender violence is viewed as normal as is the extreme corporal punishment of children.’ Tab A6. Given that her parents viewed her as their property, they were able to do with her as pleased, including forcing her to work and subjecting her to cruel and frequent abuse.

As a child, [REDACTED] was also repeatedly raped by her uncle. Tab A1. Her aunt witnessed one of the rapes and did nothing. Id. When [REDACTED] disclosed the

abuse to her family later in life, they accused her of lying. Id. Dr. Flores explains: “the cultural value of machismo deters many family members from reporting the sexual abuse of their daughters... This lack of protection is common.” Tab A6.

Once [REDACTED] was in a domestic relationship, [REDACTED] treated her like property. He forbade her from working and required her to do his bidding. Tab A1. He knew he could harm her with impunity because she was a Mexican woman viewed as property. He physically abused her over a period of many years and never faced any significant consequences for his actions. Tab A1. He was consistently possessive of her; accusing her of cheating, calling her a whore, and controlling her activities, to the extent that he locked her into their home for long periods of time. Id.

Lastly, country condition evidence supports that Mexican women and girls are viewed as property. Tabs A6; B1-B13; D1-D3.

4. [REDACTED] Suffered Past Persecution on Account of her Race

[REDACTED] explains that her parents were ashamed of her because of the color of her skin, and that this was the reason they treated her differently than her siblings. Tab A1. [REDACTED] is the only one of her siblings with a dark skin tone. Id. [REDACTED] describes that the severe abuse she suffered at the hands of her parents and siblings was accompanied by racial slurs. Id. They told her she looked like a ‘gorilla’. Id. They called her ‘darky’. Id. They said she was too dirty to sleep on a bed. Id. Her mother often said things to her like, ‘you should have been like a real daughter to me, fair-skinned and pretty, not dark-skinned and disgusting.’ Id. Her family told her it would have been better if she had died at birth. Id.

Country conditions support the contention that people in Mexico face persecution on account of their race. An article in the Hispanic Journal of Behavioral Sciences explains,

Due to historical racial mixing, Latino/as exhibit a broad range of physical characteristics including wide variations in skin color and phenotype... Although the psychological literature on colorism is sparse, the few studies available have found that darker skin-color prejudice negatively affects Latino/as.

Tab D4 (Skin-Color Prejudice and Within-Group Racial Discrimination: Historical and Current Impact on Latino/a Populations. Nayely Chavez-Duenas, Hector Ademas, Kurt Organista. Hispanic Journal of Behavioral Sciences. 2014 Vol. 38(I) 3-26)

A national survey published in 2010 found that Mexicans tend to place higher social value on light skin. Tab D5 (“Mexico: Racism Prevalent Among Children, Revealing Cultural Pattern (Study)” Latin America News Dispatch. Roque Planas. December 21, 2011). The results of the study were that 60 percent of Mexicans said they had insulted others because of their skin color, 40 percent said they treated people differently based on skin color and 11 percent felt such discrimination was justified. Id.

These racist ideologies mean that having darker-skin is risk factor for violence for children within the family. In the 2004 publication, *Family Violence In a Cultural Perspective*, the authors explain:

Racism often also extends into family life. Because Latinos are a mix of Indian, African, and Spanish blood, family members may vary considerably in color. Some Latino parents are grateful when they have a lighter-skinned child and darker children may be subject to harshness within the family itself. The darker-skinned children often become the scapegoats in the family and may, therefore, be more at risk for child maltreatment.
[citations omitted]

Tab D6, *Family Violence In a Cultural Perspective: Defining, Understanding, and Combatting Abuse*. Kathleen Malley-Morrison, Denise Hines. Sage Publications. 2004.

It can therefore be seen that one central reason that [REDACTED] was subjected to persecution during her childhood was on account of her race.

5. [REDACTED] Suffered Past Persecution On Account of Her Political Opinion

“Political opinion” has a broad meaning and is not limited to traditional concepts of

political parties or partisan politics. See, e.g., Sagaydak v. Gonzales, 405 F.3d 1035, 1041-45 (9th Cir. 2005)(retaliation against auditor for exposing corruption is persecution on account of political opinion); Fatin v. INS, 12 F.3d 1233 (3d Cir. 1993) (feminism can be a political opinion). Political opinion may be expressed through actions as well as words. See, e.g., Ahmed v. Keisler, 504 F.3d 1183, 1193-98 (9th Cir. 2007)(finding a political opinion where the respondent voiced opposition to treatment of Biharis through hunger strike and demonstrations).

██████████ acts of standing up to her husband subvert the traditional gender dynamic meet the definition of “political opinion” within the meaning of the Refugee Act.

One central reason ██████████ suffered persecution at the hands of her domestic partner is because of her political opinion. On occasions when she stood up for herself and attempted to assert her rights, ██████████ responded with violence. Tab A1. On the several occasions that ██████████ attempted to exercise her free will and leave the relationship, he beat her extremely severely and deprived her of her liberty. *Id.*

Therefore, ██████████ political opinion was one central reason for the abuse she suffered at the hands of ██████████

6. The Mexican Government is Unwilling or Unable to Control ██████████ Persecutors

An asylum applicant must demonstrate that the persecution was or will be inflicted by either the government or by persons the government is unable or unwilling to control. Avetovo-Elisseva, 213 F.3d at 1196. The applicant is not required to report third-party persecution to the government where it would be futile or result in further abuse. See Castro-Martinez v. Holder, 641 F.3d 1103 (9th Cir. 2011) (holding that reporting is not a necessary condition to establish government’s unwillingness to protect from harm); Afriyie v. Holder, 613 F.3d 924, 931 (9th Cir. 2010) (holding that an applicant may use generalized country conditions information to

show that reporting harm would be futile); Ornelas-Chavez v. Gonzales, 458 F.3d 1052, 1057 (9th Cir. 2006) (holding that failure to report is not required if doing so would be futile or subject the applicant).

The evidence in the instant case demonstrates that Mexico's laws and customs effectively deprive persons such as [REDACTED] of any meaningful governmental protection. Tab B1 (“Human rights organizations asserted authorities did not take seriously reports of rape, and victims continued to be socially stigmatized and ostracized.”); Tab B4 (“While laws are in place to end domestic violence, they are rarely enforced.”); Tab B6 (“perpetrators of violence against women enjoy the same impunity as narco gangs and corrupt police.”); Tab B7 (“Negligence in the lack of application of the law by the government institutions results in the discredit and distrust of the system.”); Tab B8 (“An estimated 64 percent of Mexico’s women are physically abused at the hands of men. It is so common and accepted that statistics are not kept by the government.”).

A report by Human Rights Watch found,

Mexican laws do not adequately protect women and girls against domestic violence and sexual violence. Some provisions, including those that make the severity of punishments for some sexual offenses contingent on the "chastity" of the victim, contradict international standards. Women and girls who have suffered these types of human rights violations generally do not report them to authorities, while those who do generally face suspicion, apathy, and disrespect.

Tab B9.

In the instant case, [REDACTED] made repeated efforts to obtain state protection, none of which were fruitful. Tab A1. She made a criminal complaint to the Office of the Attorney General in her home town of Teloloapan. Id; Tab A2. This effort resulted only in a very brief arrest of [REDACTED] and as soon as he was released he immediately targeted [REDACTED] Again. Tab A1. She called the police on multiple occasions with no

response at all. Id. She travelled to the larger town of Iguala to seek protection at the Human Rights Commission, and they refused even to make a report, as her only evidence was the injuries on her own body. Id. [REDACTED] experience reflects a wider national trend. Throughout Mexico, domestic abusers act with impunity and government actors fail to take meaningful action to protect women. Tab A6; Tabs B1-B13.

7. Because [REDACTED] Has Established That She Suffered Past Persecution On Account Of Her Race, Membership in a Particular Social Group, and Political Opinion, She Is Entitled to a Presumption of a Well-Founded Fear of Future Persecution

[REDACTED] suffered past persecution on account of her membership in particular social groups, race, and political opinion, and therefore, she is entitled to a presumption of a well-founded fear of future persecution. 8 C.F.R. § 1208.13(b)(1). The government bears the burden of overcoming this presumption by proving by a preponderance of the evidence that there have been changed circumstances in the applicant's home country so that she no longer has such a fear, or that the applicant can avoid future persecution through reasonable internal relocation. 8 C.F.R. § 1208.13(b)(1)(i)(A)-(B).

Country conditions clearly demonstrate that violence against Mexican women is rampant and pervasive throughout Mexico and that the government cannot or will not protect women from the perpetrators of such violence, and in particular will not protect them from their domestic partners. Tab A6; Tabs B1-B13. The 2015 U.S. Department of State Human Rights Report on Mexico states that violence against women and domestic violence continue to be persistent problems. Tab B1. The Mexican government reports that 80 percent of women have been abused. Tab B4.

[REDACTED] fears that [REDACTED] will find her wherever she goes in Mexico. On many occasions she went into hiding to escape him, and he always located her. Tab

A1. [REDACTED] knows that [REDACTED] was involved in crime and drug trafficking and fears he may have connections with organized crime groups. Id. If [REDACTED] is affiliated in any way with organized crime groups, it further increases his capacity to discover [REDACTED] whereabouts should she return to Mexico. Tab B1 (“Organized criminal groups also were implicated in numerous killings, often acting with impunity and at times in league with corrupt state, local, and security officials.”); Tabs C1-C13 (evidencing the violence committed by cartels throughout Mexico and how they act with impunity). Moreover, internal relocation to another part of Mexico is not reasonable for [REDACTED]. She never received an education. Tab A1. She is a single mother with two young children. Id. She has no means of survival in Mexico without family support, which she does not have. Id. She suffers from Posttraumatic Stress Disorder and Major Depressive Disorder. Tab A7 (Psychological Assessment Report of [REDACTED] by Dr. David H. Howard); Tab A8 (Letter from [REDACTED], Student Therapist, [REDACTED], Clinical Supervisor, and [REDACTED], Clinical Director at La Clinic Latina of the Gronowski Center).

Therefore, it cannot be established that conditions have changed in Mexico such that [REDACTED] no longer has a fear of harm or that she can avoid future harm through internal relocation.

8. [REDACTED] Suffered Severe and Atrocious Past Persecution and Faces “Other Serious Harm” and Is Entitled to Asylum

[REDACTED] is entitled to a grant of asylum even in the absence of a well-founded fear of persecution because her past persecution was severe and atrocious and because she faces “other serious harm” should she return to Mexico. Tab A1; Tab A6; Tabs A7-A8; Tabs B1-B13; Tabs C1-C13; 8 C.F.R. § 1208.13(b)(1)(iii)(A); Matter of Chen, 20 I. & N. Dec.16, 21

(BIA 1989).

The jurisprudence is clear that the harm that [REDACTED] suffered meets the definition of “severe and atrocious.” See, e.g., Lopez-Galarza v. INS, 99 F.3d 954, 962-63 (9th Cir. 1996) (where applicant had been subjected to violent rapes and beatings, the court held that the past persecution was atrocious and severe enough for asylum eligibility even in the absence of a well-founded fear); Matter of S-A-K- and H-A-H-, 24 I. & N. Dec. 464 (BIA 2008) (holding that humanitarian asylum was warranted to a mother and daughter who suffered FGM and continue to suffer side effects). The court in Lopez-Galarza referred to numerous studies discussing how rape is a severe form of persecution akin to torture and that it has long-lasting psychological effects such as chronic anxiety, depression, and mistrust of others. Lopez-Galarza v. INS, 99 F.3d 954 (9th Cir. 1996). Here, [REDACTED] suffered severe beatings during childhood, involving beatings with sticks, having rocks and knives thrown at her, and being strung up by her neck with a rope. During her childhood, she also suffered multiple incestuous rapes. During adulthood, she suffered years of relentless and severe physical beatings by her domestic partner, beatings which involved repeated blows to her head with hard objects, including broomsticks and frying pans. She also suffered deprivation of her liberty, when she was locked into her house for long periods and subjected to starvation and frequent rape at the hands of her domestic partner. He frequently threatened her with death by holding a gun to her and threatened to disfigure her with knives. Additionally, she was kidnapped and gang-raped by cartel members shortly before she fled Mexico. Therefore, the harm that [REDACTED] suffered during her childhood and adulthood meets the definition of “severe and atrocious.”

[REDACTED] also faces “other serious harm” if she returns to Mexico. 8 C.F.R. § 1208.13(b)(1)(iii)(B); Matter of L-S-, 25 I. & N. Dec. 705 (BIA 2012)(in “other serious

harm” cases, focus should include current conditions such as civil strife and psychological harm to the applicant). As a result of the severe and atrocious persecution she has suffered, [REDACTED] suffers from Posttraumatic Stress Disorder and Major Depressive Disorder. Tabs A7-A8. Her symptoms include recurrent, involuntary, and intrusive distressing memories, nightmares, difficulty with memory and concentration, sleep disturbance, panic attacks, and intense anxiety. Id.

If [REDACTED] is forced to return to Mexico, she will not only be forced to return to the place where she suffered severe beatings and rape, but she will be forced to live where [REDACTED] who viciously abused her, will have unfettered access to her. He has threatened her and inquired about her since she fled, and considering the conditions for women in Mexico, he will be able to carry out his threats with impunity. Tab A1; Tab A6; Tabs B1-B13. Here in the United States, [REDACTED] is receiving weekly counselling. Tab A8. Dr. Howard, who completed a psychological assessment of [REDACTED] notes that if she were forced to return to Mexico, the immediate threat to her safety posed by domestic partner and the cartel members who kidnapped and raped her, would make any attempt at mental health treatment extremely difficult. Tab A7.

9. [REDACTED] Has an Independent Well-Founded Fear of Persecution On Account of Her Membership In A Particular Social Group
 - a. [REDACTED] **Well-Founded Fear of Persecution Is Subjectively Genuine and Objectively Reasonable**

An asylum applicant’s well-founded fear of persecution must be subjectively genuine and objectively reasonable to qualify for asylum. See Mgoian v. I.N.S., 184 F.3d 1029, 1035 (9th Cir. 1999); Korablina v. INS, 158 F.3d 1038, 1044 (9th Cir. 1998). An applicant satisfies the subjective component by credibly testifying that she genuinely fears persecution. Id. An

applicant generally satisfies the objective component in one of two ways: either by establishing that she has suffered persecution in the past or by showing that she has a good reason to fear future persecution. Mgoian v. I.N.S., 184 F.3d 1029, 1035 (9th Cir. 1999). Even if there is only a one-in-ten possibility of an event occurring, such a possibility can give rise to a well-founded fear of persecution. See INS v. Cardoza-Fonseca, 480 U.S. 421, 431 (1987).

In the instant case, [REDACTED] fear of returning to Mexico is subjectively genuine. Tab A1. In support of her case, [REDACTED] submitted a declaration describing in detail her fear of returning to Mexico. *Id.* She suffered extreme and repeated trauma and violence in Mexico and is afraid if she returns to Mexico she will continue to suffer harm by [REDACTED] by members of the Knights Templar Cartel, or by the uncle who raped her when she was a child. *Id.*

[REDACTED] fear is objectively reasonable. As demonstrated by the evidence in this case and discussed in detail supra in Sections IV.A.1 - 5, women in Mexico are frequently targeted for violence and are not provided protection from their abusers. Tab A6; Tabs B1-B13. Moreover, cartels kill with impunity and carry out their threats with death or extreme violence. Tabs C1-C13.

Therefore, [REDACTED] has established that she has “good reason to fear future persecution.” Mgoian v. I.N.S., 184 F.3d 1029, 1035 (9th Cir. 1999). See also, Avetova-Elisseva v. I.N.S., 213 F.3d 1192, 1201 (9th Cir. 2000) (finding that the evidence in the record of Armenian harassment in Russia creates “a strong likelihood of persecution, possibly resulting in physical harm or death.”)(internal quotations omitted).

b. **The Harm ██████████ Faces Rises to the Level of Persecution**

As discussed supra persecution has been defined as “the infliction of suffering or harm upon those who differ (in race, religion or political opinion) in a way regarded as offensive.” Li, 559 F.3d at 1107. It is well established that physical violence is persecution under INA § 101(a)(42)(A). See Li, 559 F.3d at 1107; Guo v., 361 F.3d at 1197-98; Chand, 222 F.3d at 1073; Smolniakova, 422 F.3d at 1048-49; Matter of O-Z- & I-Z, 22 I. & N. Dec. at 25.

The evidence in the instant case clearly demonstrates that Mexican women in general and in particular Mexican women in domestic relationships who cannot leave suffer rampant physical and sexual violence in Mexico. See Tab A6; Tabs B1-B13. See, Sections IV.A.1-4 supra. Moreover, cartels kill with impunity and carry out their threats with extreme violence. Tabs C1-C13. ██████████ has already subjected ██████████ to rape and severe physical beatings. He also threatened to kill ██████████ if she ever left him. Tab A1. Therefore, the harm ██████████ fears rises to the level of persecution.

c. **██████████ Has a Well-Founded Fear of Future Persecution On Account of Her Membership in a Particular Social Group of Mexican Women Who are Unable to Leave a Domestic Relationship and Mexican Women Viewed as Property**

- (1) *Mexican Women Who Are Unable to Leave a Domestic Relationship and Mexican Women Viewed as Property Constitute Cognizable Social Groups*

As discussed in Sections IV.A.2.a. and IV.A.3.a supra, Mexican women who are unable to leave a domestic relationship and Mexican women who are viewed as property can constitute cognizable particular social groups. See, i.e., Matter of A-R-C-G-, supra. In the instant case, Mexican women who are unable to leave a domestic relationship and Mexican women viewed as

property are groups that are defined by gender, nationality, and societal status. Gender and nationality are immutable characteristics, and country condition reports and [REDACTED] own experiences evidence that there is nothing she could do to change her status of being unable to leave the relationship or to change her status as being viewed as property. Furthermore, as discussed in Sections IV.A.2.a. and IV.A.3.a supra, the social groups of Mexican women who are unable to leave the relationship and Mexican women viewed as property possess social distinction and particularity. Tab A6; Tabs B1-B13.

(2) [REDACTED] *Faces Persecution On Account Of Her Membership in a Particular Social Group*

As discussed supra, to qualify for asylum, the applicant must establish the protected ground “was or will be at least one central reason for persecuting the applicant.” 8 U.S.C. § 1158(b)(1)(B)(i) (emphasis added). However, the applicant need not demonstrate that the protected ground will be the dominant central reason. Parussimova, 555 F.3d at 741. To demonstrate a nexus between persecution and a statutorily protected ground, the applicant must provide “direct or circumstantial evidence.” See Sangha, 103 F.3d at 1486-87.

[REDACTED] through his words and actions demonstrated that he believed he could do what he wanted to [REDACTED] and that she could not leave him because of her gender, her relationship to him, and her status in society. Tab A1. See, Sections IV.A.2.b and IV.A.3.b supra. Furthermore, it is evidenced that his beliefs are widely shared in Mexican society and that he can act with impunity. Id. Therefore, one central reason that [REDACTED] will target [REDACTED] for harm, as opposed to any other person in Mexico, is because of her gender, her relationship to him, and her status in society.

d. **The Mexican Government is Unable or Unwilling to Protect [REDACTED] From the Persecution She Faces in Mexico**

The evidence in the instant case demonstrates that the government of Mexico cannot or will not protect individuals such as [REDACTED] from violence. See, Section IV.A.5, supra; Tab A6; Tabs B1-B13; Tabs C1-C10; Tabs D1-D12. The evidence also demonstrates that Mexico's laws and customs effectively deprive women such as [REDACTED] of any meaningful governmental protection in Mexico. Tab A6; Tabs B1-B13. See also Sections IV.A.1-5, supra. Indeed, [REDACTED] already unsuccessfully sought the protection of the Mexican authorities. Tab A1. She made a criminal complaint to the Office of the Attorney General in her home town of Teloloapan. Id; Tab A2. This effort resulted only in a very brief arrest of [REDACTED] and as soon as he was released he immediately targeted [REDACTED] [REDACTED]. Again. Tab A1. She called the police on multiple occasions with no response at all. Id. She travelled to the larger town of Iguala to seek protection at the Human Rights Commission, and they refused even to make a report, as her only evidence was the injuries on her own body. Id. Therefore it can be seen that the Mexican government is unable or unwilling to protect [REDACTED] from the persecution she faces.

e. [REDACTED] **Cannot Avoid Persecution By Reasonable Internal Relocation**

An asylum applicant “does not have a well-founded fear of persecution if the applicant could avoid persecution by relocating to another part of the applicant's country of nationality or, if stateless, another part of the applicant's country of last habitual residence, if under all the circumstances it would be reasonable to expect the applicant to do so.” 8 C.F.R. § 1208.13(b)(2)(ii). In determining whether the possibility of internal relocation is reasonable, “adjudicators should consider, but are not limited to considering, whether the applicant would face other serious harm in the place of suggested relocation; any ongoing civil strife within the country; administrative, economic, or judicial infrastructure; geographical limitations; and social

and cultural constraints, such as age, gender, health, and social and familial ties.” 8 C.F.R. § 1208.13(b)(3). The inquiry is an individualized consideration into the specific facts of the case. Id.

In the instant case, evidence demonstrates that violence against women and violence by domestic abusers is pervasive throughout Mexico. Tab A6; Tabs B1-B13. Furthermore, gangs kill and terrorize with impunity throughout Mexico. Tabs C1-C10. Therefore, the evidence does not support a conclusion that internal relocation within Mexico will diminish the likelihood of persecution for [REDACTED]

Moreover, as a result of the years of abuse she suffered, [REDACTED] suffers from Posttraumatic Stress Disorder and Major Depressive Disorder. Tabs A7-A8. Here, in the United States, she is receiving mental health assistance. Tab A8. If she were to return to Mexico, the immediate danger to her safety would make any improvement to her mental health conditions extremely difficult. A8.

[REDACTED] has found [REDACTED] in the past, even when she has attempted on multiple occasions to go into hiding. Tab A1. He has said he will find her wherever she goes. Id. [REDACTED] has reason to believe he has connections to organized crime. Id. She additionally fears the Knights Templar cartel who kidnapped, raped, and threatened her. Id. It is not reasonable for [REDACTED] to relocate within Mexico, as a women with no education, two young dependent children, and mental health needs, she would not have a meaningful chance of survival. Id.

Given her personal situation and the conditions in Mexico for women, it is not reasonable to expect that [REDACTED] could live safely in another part of Mexico.

B. [REDACTED] **is Eligible for Withholding of Removal**

To qualify for withholding of removal, an applicant must demonstrate that his or her “life or freedom would be threatened in that country because of the [petitioner's] race, religion, nationality, membership in a particular social group, or political opinion.” 8 U.S.C. § 1231(b)(3); INA § 241(b)(3). An applicant may establish eligibility for withholding of removal by establishing an independent showing of a clear probability of future persecution. 8 C.F.R. § 1208.16(b)(2). See also, Tamang v. Holder, 598 F.3d 1083, 1091 (9th Cir. 2010). In addition, the applicant must demonstrate “that it is more likely than not that he would be subject to persecution on one of the specified grounds.” Al-Harbi v. INS, 242 F.3d 882, 888 (9th Cir. 2001) (internal quotation marks omitted). Withholding of removal is not discretionary: “[t]he Attorney General is not permitted to deport an alien to a country where his life or freedom would be threatened on account of one of the [] protected grounds.” Id. See also Delgado v. Holder, 648 F.3d 1095, 1101 (9th Cir. 2011). Moreover, an applicant must demonstrate that she could not reasonably relocate within his country of origin to avoid persecution. 8 C.F.R. § 1208.16(b)(2). [REDACTED] meets this standard.

As discussed in Section III, supra, [REDACTED] suffered many years of severe physical abuse, rape, and death threats at the hands of her domestic partner. She also fears cartel members who kidnapped, gang-raped, and threatened her with death. She fears suffering violence and even death if forced to return and reports clearly indicate that her fears are not unfounded, as women are routinely harmed or murdered by their domestic abusers and by cartels. Tab A6; Tabs B1-B13; Tabs C1-C13. Rape, physical beatings, and murder clearly constitute a threat to life or freedom, and the evidence clearly demonstrates that it is more likely than not that [REDACTED] will suffer such harm.

Furthermore, as discussed in Sections IV.A.2 - 3, supra., [REDACTED] social groups of Mexican women who are unable to leave a domestic relationship and Mexican women viewed as property are cognizable social groups. These groups possess immutable characteristics and are socially distinct and particular. See Section IV.A.2.a, supra.; Section IV.A.3.a, supra. Moreover, the harm [REDACTED] faces will be on account of her membership in these particular social groups. See Section IV.A.2.b, supra.; Section IV.A.3.b, supra.

Lastly, the evidence clearly demonstrates that the perpetrators of the violence [REDACTED] [REDACTED] faces can act with impunity and that such violence is widespread in Mexico, making relocation impossible. See Section IV.A.6, supra.; Section IV.A.8.f, supra.

C. **[REDACTED] is Eligible for Protection Under Article Three of the Convention Against Torture**

To qualify for relief under CAT, an applicant must establish that it is more likely than not that she would be tortured if removed to her country of origin. 8 C.F.R. § 1208.16(c)(2); see Khup v. Ashcroft, 376 F.3d 898, 906 (9th Cir. 2004). Under CAT, “torture” is defined as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for . . . any reason based on discrimination of any kind” 8 C.F.R. § 1208.18(a)(1) (2000). Moreover, the torture must be “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). The Ninth Circuit explained, “relief under the Convention Against Torture requires a two part analysis—first, is it more likely than not that the alien will be tortured upon return to his homeland; and second, is there sufficient state action involved in that torture.” Garcia-Milian v. Holder, 755 F.3d 1026 (9th Cir. 2013)(quoting Tamara-Gomez v. Gonzales, 447 F.3d 343, 351

(5th Cir. 2006)). If [REDACTED] establishes that it is more likely than not that she will be tortured in Mexico, relief under CAT is mandatory. 8 C.F.R. § 1208.16(c).

The Ninth Circuit has routinely held that the types of violence [REDACTED] faces – rape, beatings, and death – constitute torture. See, i.e. Bromfield v. Mukasey, 543 F.3d 1071, 1079 (9th Cir. 2008)(“Acts constituting torture are varied, and include beatings and killings”); Al-Saher v. I.N.S., 268 F.3d 1143 (9th Cir. 2001)(applicant’s subjection to repeated beating and cigarette burns was considered torture); Lopez-Galarza v. I.N.S., 99 F.3d 954, 962 (9th Cir. 1996)(“Rape at the hands of government authorities while imprisoned on account of one’s political views can be an atrocious form of punishment indeed.”); Xiao v. Ashcroft, 98 F. App’x 632, 634 (9th Cir. 2004)(“multiple beatings and electric shock constitute past torture”).

As discussed supra, [REDACTED] is more likely than not to suffer rapes, beatings, and even death in Mexico. See Section IV.A.8. Factors that an adjudicator must consider in a claim for relief under CAT include: “Evidence of gross, flagrant or mass violations of human rights within the country of removal, where applicable; and . . . [o]ther relevant information regarding conditions in the country of removal.” Konou v. Holder, 09-71454, 2014 WL 1855660 (9th Cir. May 9, 2014). Furthermore, the Ninth Circuit explained, “[i]t is well-accepted that country conditions alone can play a decisive role in granting relief under [CAT].” Id (citing Nuru v. Gonzales, 404 F.3d 1207, 1219 (9th Cir. 2005)). [REDACTED] provides extensive evidence detailing the gross, flagrant, and mass violations of the human rights of women in Mexico and Mexican women in domestic relationships who are unable to leave. Tab A6; Tabs B1-B13; Tabs C1-C13. Violence against women generally as well as violence by domestic abusers is rampant, and the laws enacted to protect women like [REDACTED] are ineffective. Id. Moreover, [REDACTED] own experiences evidence the

widespread nature of violence against women and the culture of impunity that exists for the perpetrators. Tab A1. Therefore, it is more likely than not that [REDACTED] will suffer torture if she is forced to return to Mexico.

Lastly, the torture [REDACTED] is more likely than not to suffer will be by government officials or with the acquiescence of government officials. The Ninth Circuit has held that to constitute torture at the hands of government actors, the harm caused had to have been “specifically intended by officials to inflict severe physical pain.” Al-Saher v. I.N.S., 268 F.3d 1143, 1147 (9th Cir. 2001) (being subjected to repeated beatings and cigarette burns while in government custody was found to be torture).

Acquiescence of public officials must include an awareness of the persecution and a failure to intervene and prevent the activity that breaches a legal responsibility to do so. 8 C.F.R. § 1208.18(a)(7). According to the Ninth Circuit:

Public officials acquiesce in torture if, “prior to the activity constituting torture,” the officials: (1) have awareness of the activity (or consciously close their eyes to the fact it is going on); and (2) breach their legal responsibility to intervene to prevent the activity because they are unable or unwilling to oppose it.

Garcia-Milian v. Holder, 755 F.3d 1026 (9th Cir. 2013). See also, Ornelas-Chavez v. Gonzales, 458 F.3d 1052, 1059 (9th Cir.2006); Afriyie v. Holder, 613 F.3d 924 (9th Cir. 2010)(“reversed denial of CAT and remanded where there was substantial evidence that the police were unable or unwilling to protect Baptist preacher in Muslim area in Ghana who could suffer torture”); Bromfield v. Mukasey, 543 F.3d 1071, 1078 (9th Cir. 2008)(IJ was mistaken in requiring a homosexual individual to show that government actors would inflict torture and not just acquiesce to persecution). “Importantly, an applicant for CAT relief need not show that the entire foreign government would consent to or acquiesce in his torture. He need show only that ‘a public official’ would so acquiesce.” Madrigal v. Holder, 716 F.3d 499, 509–10 (9th Cir.

2013)(“If public officials at the state and local level in Mexico would acquiesce in any torture [applicant] is likely to suffer, this satisfies CAT's requirement that a public official acquiesce in the torture, even if the federal government in Mexico would not similarly acquiescence”).

Furthermore, the preventative measure by some government actors, do not exclude the possibility of acquiescence. De La Rosa v. Holder, 598 F.3d 103 (2d Cir. 2010).

Country conditions show that government actors are aware of and allow the violence against women in Mexico. Violence against women and domestic violence is widespread. Tab A6; Tabs B1-B13. The government is aware of this epidemic level of violence against women as laws and commissions have been enacted to prevent the violence. *Id.* However, despite this awareness, “Mexico is a country where authorities do not protect women against violence.” Tab A6. Furthermore, law enforcement frequently acts in concert with cartels. Tab B1 (“Organized criminal groups also were implicated in numerous killings, often acting with impunity and at times in league with corrupt state, local, and security officials.”); Tabs C1-C13.

In the instant case, [REDACTED] called the Mexican police on various occasions and reported domestic violence, but they never arrived on the scene. Tab A1. She made a criminal complaint to the Attorney General’s office, but they took no meaningful action. *Id.*; Tab A2. Finally, she reported the abuse to the Human Rights Commission, who informed her that her injuries constituted insufficient evidence for them to take action. Tab A1.

Therefore, the Mexican government acquiesces to the torture that [REDACTED] is more likely than not to face if returned to Mexico. See Garcia-Milian v. Holder supra.

V. CONCLUSION

Thus, based on all of the above-referenced evidence and arguments, this Court should find that [REDACTED] warrants a grant of asylum because of the severe and atrocious

persecution she suffered in Mexico on account of her race, political opinion, and membership in particular social groups, and the persecution on account of her membership in particular social groups and other serious harm that she will likely suffer if returned to Mexico.

Date submitted: February 1, 2017

Respectfully submitted,

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