

## Sessions: No More Asylum for Victims of Gangs and Domestic Violence

Sessions' DOJ Gets Victim Deported for Providing "Support" to Terrorists--Because She Was a Slave!



Friday June 08, 2018 - 7:27 PM CDT

NATIONAL

Attorney General Denies Asylum To Victims Of Domestic Abuse, Gang Violence

June 11, 2018 - 4:49 PM ET  
Heard on All Things Considered

## WHAT'S LEFT?

Assessing the damage done by *A-B-*, *A-C-M-*, *E-F-H-L-*, etc., etc., etc.

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Woman “forced to witness her husband... dig his own grave before being killed” gave “material support” by “cooking, cleaning, and washing [her captors’] clothes.” Support is “material” where “if [the alien] had not provided [it], another person would have needed to do so.” 27 I. & N. Dec. 303, 304, 310 (BIA 2018).

- **No asylum**, per INA § 212(a)(3)(B)(iv)(VI);
- **No withholding**, per INA § 241(b)(3)(C); so
- *Only* possible relief is **deferral of removal** under 8 CFR § 1208.17.

## *Matter of A-C-M-:*

(im)material support to a terrorist organization

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“Duress” exemption from persecutor bar (INA § 241(b)(3)(B)(i)) requires the noncitizen to have, for starters,

*[A]cted under an **imminent threat of death** or serious bodily injury to himself or others... [and] knew or reasonably should have known that the **harm he inflicted was not greater than the threatened harm to himself or others.***

27 I&N Dec. 347 (BIA 2018).

## *Matter of Negusie:*

Gun-to-your-head “persecutor” exemption

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**Narrow holding:** “*Matter of A-R-C-G-*, 26 I&N Dec. 338 (BIA 2014) is overruled”; most of the rest is dicta!

**Circularity:** “Married women in Guatemala who are unable to leave their relationship’ was effectively defined to consist of women in Guatemala who are victims of domestic abuse because the *inability to leave was created by harm or threatened harm.*” *Matter of A-B-*, 27 I&N Dec. 316, 335 (A.G. 2018) (emphasis added).

## *Matter of A-B-:*

Doomed by “circularity” & DHS’ stipulations

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“When the applicant has suffered personal harm at the hands of only a few specific individuals, **internal relocation** would seem more reasonable than if the applicant were persecuted... by her [] government.” 27 I&N Dec. at 345.

**Bosh.** “An applicant does not have a well-founded fear of persecution if ... if under all the circumstances it would be *reasonable* to expect the applicant to [relocate internally].” 8 CFR § 1208.13(b)(2)(ii) (emphasis added).

## *Matter of A-B-*: Internal relocation dicta

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The **discretion** requirement “should not be presumed or glossed over solely because an applicant otherwise meets the burden of proof for asylum.” 27 I&N Dec. at 345 n.12.

*Pace Sessions*,

- 1) “The danger of persecution should generally outweigh all but the most egregious of adverse factors.” *Matter of H-*, 21 I. & N. Dec. 337, 338 (BIA 1996).
- 2) Regulations define what’s “firm resettlement” as 8 CFR § 1208.15 defines this. *Maharaj v. Gonzales*, 450 F.3d 961, 975 (9th Cir. 2006).

## *Matter of A-B-*: More ~~hokey~~ dicta about discretion

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