

**2017-2021 FEDERAL COURTS OF APPEAL CASES**  
**FOR SECOND CIRCUIT PRACTITIONERS OF CENTRAL AMERICAN ASYLUM CASES**

**SECOND CIRCUIT (POSITIVE AND NEGATIVE CASES)**

CASE TYPE	CITATION	COUNTRY	KEY WORDS	DISCUSSION
DOMESTIC/ GENDER- BASED VIOLENCE	<i>Castro-Perez v. Wilkinson</i> , 833 Fed. App'x 913, 2021 WL 233294 (2d Cir. Jan. 25, 2021) (unpublished)	Honduras	asylum/ withholding, unable/ unwilling	The Court granted the petition for review for a national of Honduras. The Court determined that the agency erred in holding that the Honduran government was not unable or unwilling to protect Castro-Perez from her abuser. The Court noted that the relevant unable or unwilling standard was whether the government “[1] condoned the private actions or [2] at least demonstrated a complete helplessness to protect the victims” (quoting <i>Scarlett v. Barr</i> , 957 F.3d 316, 331 (2d Cir. 2020)). The agency had based its unable or unwilling decision on its finding that Castro-Perez had successfully filed three police reports against her abuser, one of which led to a protective order, and that the police had issued a capture order for her abuser’s arrest because he had violated a protective order. However, the record did not reflect that a capture order was issued; instead, Castro-Perez had unsuccessfully attempted three times to have a capture order issued. The Court determined that “[b]ecause this significant error concerned a dispositive issue —i.e., whether the Honduran government had already issued a capture order or was ignoring Castro-Perez’s request for one—we cannot be confident that substantial evidence supports the agency’s decision, and we grant the petition so that the agency can exclude this erroneous finding.”
	<i>Hernandez-Chacon v. Barr</i> , 948 F.3d 94 (2d Cir, 2020)	El Salvador	asylum/ withholding, PSG, PO, IPO, MS-13	The Court granted the petition for review for a Salvadoran woman. Men in El Salvador, including one with a MS-13 gang tattoo, attempted to rape Hernandez-Chacon twice. Hernandez-Chacon resisted the men’s advances both times. The Court held that “El Salvadoran women who had rejected sexual advances of a gang member” was not a cognizable particular social group because it lacked social distinction. However, the Court determined that the agency did not adequately consider Hernandez-Chacon’s claim for asylum on account of her feminist political opinion, specifically her “resistance to the norm of female subordination to male dominance that pervades El Salvador.” The Court found that the agency “did not adequately consider whether Hernandez-Chacon’s refusal to acquiesce was -- or could be seen as -- an expression of political opinion, given the political context of gang violence and the treatment of women in El Salvador.” The Court further determined that the Hernandez-Chacon’s resistance went beyond mere self-preservation and instead may have taken on a “political dimension” by constituting a challenge to MS-13’s authority.

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GANGS	<i>Quintanilla-Mejia v. Garland</i> , 3 F.4th 569 (2d Cir. 2021)	El Salvador	withholding, CAT, former gang member	The Court denied the petition for review for a citizen of El Salvador. The Court held that the proposed particular social groups, “former gang members who actively distance themselves from the gangs and work to oppose them,” and “individuals working in El Salvador to rehabilitate youth in order to prevent their joining gangs,” lacked particularity and social distinction. The Court also held that Quintanilla Mejia was not more likely than not to face torture at the hands of Salvadoran authorities or by gangs acting with the acquiescence of Salvadoran authorities.
	<i>Zelaya-Moreno v. Wilkinson</i> , 989 F.3d 190 (2d Cir. 2021)	El Salvador	asylum/ withholding, CAT, PO, MS-13	The Court denied the petition for review for a Salvadoran youth. In El Salvador, MS-13 members and uniformed police officers beat Zelaya-Moreno and threatened him to join the gang. Zelaya-Moreno refused to join the gang, stating to the gang and police that MS-13 was harmful for his town and El Salvador. The Court held that Zelaya-Moreno’s anti-gang beliefs did not constitute a political opinion (“ . . . disapproving of things that have a negative impact on one's life or even one's country does not necessarily amount to a political opinion. And this is particularly so in the absence of any evidence in the administrative record that MS or other gangs advocate for a political agenda or that gangs employ tactics in service of a political philosophy.”) The Court also denied Zelaya-Moreno’s CAT claim. The Court held that he failed to establish a likelihood of future torture because, <i>inter alia</i> , he did not suffer physical violence for three months prior to fleeing El Salvador, was “able to leave without any interference from either the gang or the police,” and provided no evidence that the same police officers would beat him in the future. Judge Pooler dissented.
	<i>Ordonez Azmen v. Barr</i> , 965 F.3d 128 (2d Cir. 2020)	Guatemala	asylum/ withholding, PSG, OYFD, former gang member, Mara 18	The Court granted the petition for review for a former Mara 18 member from Guatemala. The Court rejected the BIA’s determination that the particular social group “former gang members” lacked particularity, emphasizing the fact- and country- specific- analysis of particular social groups. The Court criticized that the BIA seemingly applied a general rule against the particularity of particular social groups consisting of former gang members based on <i>Matter of W-G-R-</i> , 26 I&N Dec. 208, 221-23 (BIA 2014). The Court held that the BIA could consider changed circumstances excusing the untimely asylum application that occurred after the application was filed.

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CASE TYPE	CITATION	COUNTRY	KEY WORDS	DISCUSSION
<b>GANGS</b>	<i>Scarlett v. Barr</i> , 957 F.3d 316 (2d Cir. 2020)	Jamaica	asylum/ withholding, CAT, unable/ unwilling	The Court granted a petition for review for a Jamaican national and former police officer who feared harm at the hands of corrupt police and gangs. The Court held that the BIA failed to consider all relevant evidence related to the Jamaican government’s inability and unwillingness to protect Scarlett from persecution and torture from gangs. The Court accepted the “clarified” unwilling or unable standard that requires a showing of “complete helplessness to protect” as outlined in <i>Matter of A-B-</i> , which it accorded <i>Chevron</i> deference. The Court remanded for further proceedings, instructing the agency to apply on remand the <i>Matter of A-B-</i> unwilling or unable standard.
<b>POLITICAL ACTIVITIES</b>	<i>Singh v. Garland</i> , Docket No. 17-2368, 2021 WL 3176764 (2d Cir. July 28, 2021)	India	Credibility	The Court granted a petition review for an asylum seeker from India. The Court held that substantial evidence did not support an adverse credibility determination based on omissions and a single inconsistency about a trivial detail. The Court set out a standard of review for credibility determinations, requiring that “an IJ’s reasons for finding an applicant not credible be both (1) supported by substantial evidence in the record and (2) logically related to the applicant’s credibility” in order for a credibility determination to be upheld. The Court acknowledged that that an adverse credibility finding may not “be based on an inconsistency so trivial and inconsequential that it has little or no tendency to support a reasonable inference that the petitioner has been untruthful.” The Court further noted regarding omissions that “[a]s between two tellings of a story, the fact that the later telling includes details not included in the first does not necessarily render the two tellings inconsistent or cast doubt on the speaker’s credibility.”
<b>CAT</b>	<i>Martinez de Artiga v. Barr</i> , 961 F.3d 586 (2d Cir. 2020)	El Salvador	CAT, MS-13	The Court granted a petition for review for a Salvadoran woman. MS-13 members in El Salvador attempted to recruit Martinez de Artiga’s son, Noe. When her son refused to cooperate with the gang, the gang threatened to kill him and his mother, telling Martinez de Artiga “they knew she was protecting Noe and that they would kill [her] and Noe if Noe did not join MS-13.” In considering Martinez de Artiga’s CAT claim, the Court determined that if was error for the agency to require Martinez de Artiga to be threatened more than once and to “wait until [she] suffered physical harm or until the threats recurred before [she] fled.” The Court also held that it was error for the agency to fault Martinez de Artiga because that she did not provide evidence “that MS-13 had killed people in her hometown for precisely the same reason that they had threatened to kill her.” The Court did not consider Martinez de Artiga’s asylum or withholding claims. Judge Kearse filed a dissenting opinion.

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CASE TYPE	CITATION	COUNTRY	KEY WORDS	DISCUSSION
CAT	<i>Manning v. Barr</i> , 954 F.3d 477 (2d Cir. 2020)	Jamaica	CAT, internal relocation	The Court granted a petition for review for a Jamaican man who cooperated with U.S. authorities in the criminal prosecution of a gang leader and feared death in Jamaica because of his cooperation. The Court held that the IJ impermissibly discounted Manning’s credible testimony and ignored material evidence related to his likelihood of torture, including an affidavit from an expert on organized crime in Jamaica. The Court also determined that the IJ improperly required Manning to prove that he could internally relocate with Jamaica. The Court noted that relocation is instead “only one of a number of factors” that the agency must consider. 8 C.F.R. § 1208.16(c)(3)(ii). The Court further held that Manning should not be required to avoid torture by cutting off all contact with family and friends (“We have never before held that internal relocation is satisfied by assuming that a petitioner must essentially live incommunicado and isolated from loved ones.”). Judge Sullivan filed a dissenting opinion.

**OTHER CIRCUITS (POSITIVE CASES ONLY)**

CASE TYPE	CITATION	COUNTRY	KEY WORDS	DISCUSSION
DOMESTIC/ GENDER- BASED VIOLENCE	<i>Rodriguez Tornes v. Garland</i> , 993 F.3d 743 (9th Cir. 2021)	Mexico	asylum/ withholding, nexus	The Court granted the petition for review for a Mexican woman who suffered abuse at the hands of her husband and ex-boyfriend. The Court held that feminism qualifies as a political opinion, concurring with <i>Fatin v. INS</i> , 12 F.3d 1233, 1242 (3d Cir. 1993). The Court noted: “We have held repeatedly that political opinions ‘encompass[ ] more than electoral politics or formal political ideology or action’ (internal citation omitted). The Court held that Rodriguez Tornes’s belief in the equality of sexes constituted a feminist political opinion. The Court then found that Rodriguez Tornes was harmed on account of that political opinion, “because she sought an equal perch in the social hierarchy.” The Court noted that “some of the worst acts of violence came ‘immediately after’ [she] asserted her rights as a woman” (internal citation omitted). Circuit Judge Paez concurred, finding that the BIA’s finding that domestic violence is presumptively a private matter was not supported by substantial evidence, citing to Professor Nancy Lemon’s expert declaration that finds that “the socially or culturally constructed and defined identities, roles and responsibilities that are assigned to women, as distinct from those assigned to men, are the root of domestic violence.”

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<b>DOMESTIC/ GENDER- BASED VIOLENCE</b>	<i>Davila v. Barr</i> , 968 F.3d 1136 (9th Cir. 2020)	Nicaragua	asylum/ withholding, CAT, unable/ unwilling, acquiescence	The Court granted the petition for review of a Nicaraguan woman who suffered domestic violence at the hands of her partner. After Davila reported one instance of abuse, the Nicaragua police did not act because Davila’s partner bribed them. The Court rejected the BIA’s determination that the Nicaraguan government was able or willing to protect her from persecution and that a public official had not acquiesced to her torture. The Court concluded that the BIA erred by requiring Davila to report the abuse again and for faulting her for failing to report the police’s acceptance of the bribe. The Court also concluded that the BIA erred by selectively considering the State Department’s country report. The Court remanded to the BIA for further consideration, including whether Davila was a member of a cognizable particular social group and whether she suffered persecution on account of her membership in that group.
	<i>Diaz-Reynoso v. Barr</i> , 968 F.3d 1070 (9th Cir. 2020)	Guatemala	withholding, PSG, CAT, acquiescence	The Court granted the petition for review for a Guatemalan woman who experienced domestic violence. The Court held that <i>Matter of A-B-</i> did not categorically bar victims of domestic violence from withholding of removal based on a particular social ground. The Court determined that “mere mention” of feared harm does not categorically disqualify an otherwise cognizable particular social group as impermissibly circular (“The idea that the inclusion of persecution is a sort of poison pill that dooms any group does not withstand scrutiny.”) The Court determined that the proposed particular social group “indigenous women in Guatemala who are unable to leave their relationship” was not categorically disqualified. The Court declined to analyze the particular social group in the first instance and instead remanded. The Court also determined that the agency erred by ignoring relevant record evidence about governmental acquiescence for CAT. Judge Bress concurrent in part and dissented in part.
	<i>Juan Antonio v. Barr</i> , 959 F.3d 778 (6th Cir. 2020)	Guatemala	asylum/ withholding, internal relocation, unable/ unwilling	The Court granted the petition for review of an indigenous Guatemalan woman who suffered domestic violence perpetrated by her husband. Prior to the issuance of <i>Matter of A-B-</i> , the IJ found and the BIA upheld that Juan Antonio was a member of the cognizable particular social group “married indigenous women in Guatemala who are unable to leave their relationship.” The Court rejected the BIA’s determination that Juan Antonio’s well-founded fear of future persecution was rebutted by changed circumstances. The Court determined that the BIA erred in determining that Juan Antonio was no longer a member of her particular social group even though she had physically separated from her husband Guatemala and filed for divorce, given

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DOMESTIC/ GENDER- BASED VIOLENCE				that she has been unable to resolve the divorce. The Court also found that the BIA erred in determining that the Guatemalan government was able or willing to protect Juan Antonio when her husband did not obey a restraining order issued against him, her husband continued to threaten her after he was fined, and the police failed to respond to her calls on multiple occasions. The Court opined that “it cannot be that an applicant must wait until she is dead to show her government’s inability to control her perpetrator.” The Court also rejected the “complete helpless” standard, citing <i>Grace v Whitaker</i> , 344 F. Supp. 3d 96, 130 (D.D.C. 2018). The Court also determined that the BIA erred by concluding that Juan Antonio could relocate within Guatemala. The Court remanded for further proceedings. In a footnote, the Court acknowledged that <i>Matter of A-B-</i> has since overruled <i>Matter of A-R-C-G-</i> , but stated that <i>Matter of A-R-C-G-</i> “likely retains precedential value” and that on remand, the BIA “should also evaluate what effect, if any, <i>Matter of A-R-C-G-</i> and <i>Grace</i> have had on the particular social group analysis.” Fn. 3 (internal citations omitted).
	<i>De Peña-Paniagua v. Barr</i> , 957 F.3d 88 (1st Cir. 2020)	Dominican Republic	asylum/ withholding, PSG	The Court granted the petition for review for a woman from the Dominican Republic. The Attorney General decided <i>Matter of A-B-</i> after the IJ issued De Peña Paniagua’s decision. The Court held that particular social groups defined by women “unable to leave” a domestic relationship were not categorically barred (“we reject as arbitrary and unexamined the BIA holding in this case that De Peña’s claim necessarily fails because the groups to which she claims to belong are necessarily deficient.”). The Court remanded to the BIA the question of whether De Peña Paniagua was entitled to claim on remand her membership in the particular social groups of “Dominican women” or “Dominican women in a domestic relationship” and whether those groups are cognizable. The Court noted that “grasping for [those two particular social groups] hardly strikes us as a fool’s errand,” opining that it is “not clear why a larger group defined as ‘women,’ or ‘women in country X’ -- without reference to additional limiting terms -- fails either the ‘particularity’ or ‘social distinction’ requirement.” The Court noted that the large size of a group does not necessarily refute particularity.
	<i>Ortez-Cruz v. Barr</i> , 951 F.3d 190 (4th Cir. 2020)	Honduras	withholding, CAT, internal relocation	The Court granted in part and denied in part the petition of review for a Honduran woman who feared harm at the hands of an abusive ex-partner who had not abused Ortez-Cruz in over fifteen years. The BIA found that Ortez-Cruz suffered past persecution on account of a protected ground but that DHS rebutted her presumption of future persecution based on a fundamental change in circumstances (that her ex-partner no longer posed a threat to her) and

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DOMESTIC/ GENDER- BASED VIOLENCE				the possibility of internal relocation. The Court held that the BIA erred in finding that DHS rebutted the presumption of future persecution where the record was ambiguous and inconclusive as to whether a fundamental change in circumstances or the possibility of safe internal relocation were met. The Court also determined that the IJ erred in requiring Ortez-Cruz to prove her ex-partner’s continued dangerousness and that her ex-partner would find her in Honduras. The Court affirmed the BIA’s denial of her application for protection under CAT.
	<i>Orellana v. Barr</i> , 925 F.3d 145 (4th Cir. 2019)	El Salvador	asylum/ withholding, unable/ unwilling	The Court granted the petition for review for a woman who fled an abusive partner in El Salvador. The Court held that the agency disregarded and distorted evidence when determining that the Salvadoran government was able and willing to protect Orellana from domestic abuse. The Court explained that access to “nominal or ineffectual remedy” does not prove ability to protect (“Evidence of empty or token ‘assistance’ cannot serve as the basis of a finding that a foreign government is willing and able to protect an asylum seeker.”). The Court confirmed that an asylum applicant need not persist in seeking government assistance when doing so would have been futile or would have subjected her to more abuse.
	<i>Enamorado-Rodriguez v. Barr</i> , 941 F.3d 589 (1st Cir. 2019)	Honduras	asylum/ withholding, PSG, nexus, CAT	The Court granted in part and denied in part the petition for review for a Honduran teenager who fled physical and verbal abuse at the hands of his paternal grandparents. The Court held that Enamorado-Rodriguez suffered persecution on account of his membership in his mother’s nuclear family, where Enamorado-Rodriguez testified that his grandparents beat him in part because they “hated his mother.” The Court determined that the agency failed to use a mixed motives analysis. The Court affirmed the agency’s decision denying asylum based on the alternate particular social group formulations, “Honduran children viewed as property by immediate family and unable to leave,” “Honduran children lacking parental protection,” and “young Honduran male deportees labeled as gang members by U.S. law enforcement.” The Court affirmed the agency’s determination that these groups are not particular. The Court also denied protection under CAT, finding that he did not meet his burden of demonstrating government acquiescence. The Court declined to consider <i>Matter of L-E-A- II</i> (which was decided while this case was on appeal) in part because DHS’s brief did not argue that Enamorado-Rodriguez’s family was not a cognizable particular social group. Fn. 2.



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GANGS	<i>Vasquez-Rodriguez v. Garland</i> , No. 19-71445, 2021 WL 3413164 (9th Cir. August 5, 2021)	El Salvador	withholding/ CAT, PSG	The Court granted a petition for review for a Salvadoran national. In El Salvador, police mistakenly believed that Vasquez Rodriguez was a gang member. Although Vasquez Rodriguez did not exhaust his claim based on imputed gang membership because he did not present that claim to the agency, the Court held that presenting that claim to the agency would have been futile, and thus, he had established an exception to the exhaustion requirement. The Court then held that the agency’s analysis of claims based on imputed gang membership is “legally flawed.” The Court rejected the BIA’s holding in <i>Matter of E-A-G-</i> that perceived gang members do not constitute a particular social group, finding that the BIA’s analysis did not comport with the “requisite fact-based analysis of proposed particular social groups.” The Court remanded to the BIA the issue of whether the particular social group of imputed gang members is cognizable. The Court also concluded that the BIA’s denial of CAT relief was not supported by substantial evidence. The Court found that <i>inter alia</i> , the BIA erroneously concluded that Vasquez Rodriguez could safely internally relocate.
	<i>Perez Vasquez v. Garland</i> , No. 19-1954, 2021 WL 2879488 (4th Cir. July 9, 2021)	Honduras	asylum/ withholding, nexus	The Court granted a petition for review for a Honduran woman who was extorted by a gang after the gang discovered that her husband was sending her monthly remittances from the U.S. The Court found that the IJ and BIA erred in holding that Perez Vasquez failed to establish that she was persecuted on account of her membership in her nuclear family. The Court found that the agency erred in focusing on why the gang targeted Perez Vasquez’s family rather than why the gang targeted Perez Vasquez herself. The Court analogized to <i>Hernandez Cartegena v. Barr</i> , 977 F.3d (4th Cir. 2020), finding that the agency erred in concluding that the gang was “simply motivated by a desire for monetary gain, without properly considering other intertwined reasons for [Perez Vasquez]’s persecution.” The Court determined that “even if the gang was motivated by monetary gain, that reason was inevitably intertwined with [Perez Vasquez]’s familial relationship to her husband, or in other words, her membership in her nuclear family.” The Court also found that the agency erred by faulting Perez Vasquez because members of her extended family were never harmed or threatened. The Court emphasized that “individuals are generally more vulnerable to threats and persecution based on family relationships than those based on other relationships, given the ‘innate,’ special, and ‘unchangeable’ nature of ‘family bonds’” (internal citations omitted).



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GANGS	<i>Portillo Flores v. Garland</i> , 3 F.4th 615 (4th Cir. 2021)	El Salvador	asylum/ withholding, past persecution, nexus, unable/ unwilling MS-13	On rehearing <i>en banc</i> , the Court granted a petition for review for a Salvadoran teenager. An MS-13 leader named El Pelón and other MS-13 members beat Portillo Flores and threatened to kill him because El Pelón wanted to date Portillo Flores’s sister. The Court held that the agency erred in solely relying on the fact that Portillo Flores did not seek medical attention for his injuries when determining that the physical harm he suffered did not constitute past persecution. The Court also instructed the agency on remand to “take the child’s age into account in analyzing past persecution and fear of future persecution for purposes of asylum,” and noted that “even if [Portillo Flores]’s beatings and the threats made against him would not rise to the level of past persecution for an adult, they may satisfy past persecution for a child.” The Court found that Portillo Flores’s nuclear family was a cognizable particular social group and his membership in his nuclear family was one central reason for MS-13’s persecution of him. The Court also held that the agency erred in holding that Portillo Flores’s did not demonstrate that the Salvadoran government was unwilling or unable to protect him because he did not report the threats or beatings to the police, where Portillo Flores testified that he did not file a police report because he was afraid and thought it would be futile. The Court further directed the agency to “engage in a child-sensitive evaluation of whether [Portillo Flores] was justified in not seeking police protection” on remand (internal citations omitted). Circuit Judge Quattlebaum filed a dissent, with whom Judges Wilkinson, Niemeyer, Agee, Richardson, and Rushing joined.
	<i>Arita-Deras v. Wilkinson</i> , 990 F.3d 350 (4th Cir. 2021)	Honduras	asylum/ withholding, past persecution, nexus	The Court granted a petition for review for a woman who was threatened by a gang leader in Honduras after the gang first targeted her husband. The Court held that the BIA improperly discounted Arita-Deras’s corroborating information, finding that the supporting affidavits need not contain the identification of the persecutor by name and that IJ improperly focused on the absence of live testimony from Arita-Deras’s husband. The Court held that the BIA applied an incorrect standard for determining past persecution, holding that the BIA “erred as a matter of law in requiring Arita-Deras to demonstrate that she suffered physical harm in conjunction with the death threats she received.” The Court also held that the BIA erred in determining that Arita-Deras failed to establish nexus, holding that instead, “Arita-Deras’ familial relationship with [her husband] was at least one central reason for her persecution and, likely, was the dominant reason.”

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GANGS	<i>Amaya v. Rosen</i> , 986 F.3d 424 (4th Cir. 2021)	El Salvador	withholding, PSG, MS-13, former gang member	The Court granted in part and denied in part a petition for review for a Salvadoran national who was formerly a member of MS-13. The Court held that the BIA determination that the particular social group “former Salvadoran MS-13 members” lacked particularity was unreasonable (in contrast to the Ninth and Eleventh Circuit’s determinations otherwise). The Court determined that the BIA’s analysis of a “materially indistinguishable” particular social group’s particularity in <i>Matter of W-G-R</i> was erroneous, finding <i>inter alia</i> , that the BIA had conflated particularity with social distinction. 26 I&N Dec. 208, 221 (BIA 2014). The Court determined that the boundaries of the proposed particular social group were “clear,” with “several self-limiting features that provide clear benchmarks for the boundaries of the group.” Judge Richardson dissented.
	<i>Hernandez-Cartagena v. Barr</i> , 977 F.3d 316 (4th Cir. 2020)	El Salvador	asylum/withholding, nexus	The Court granted a petition for review for a Salvadoran woman. Gang members beat and raped her after she stopped making extortion payments that her U.S.-based parents were financing. The Court held that the agency erred in determining that Hernandez-Cartagena was not persecuted on account of her membership in her family. The Court determined that the agency did not adequately consider evidence that her family membership was one central reason for persecution (“Failing to consider repeated evidence of the connection of the threats and attacks to Petitioner’s parents’ ability or inability to pay the extorted demands was error.”). The Court held that Hernandez-Cartagena need not demonstrate why the group, in this case her family, was initially targeted for extortion, but rather “why <i>she</i> , and not some other person” was targeted—here, “to get her parents to pay up.” The Court did not mention <i>Matter of L-E-A- II</i> .
	<i>J.R. v. Barr</i> , 975 F.3d 778 (9th Cir. 2020)	El Salvador	asylum/withholding, unable/unwilling, Mara 18, witness	The Court granted a petition for review for a Salvadoran man who testified as a protected witness against Mara 18 gang members in the criminal trial for his son’s murder. After testifying, the government withdrew its protection of J.R. The Court determined that the agency erred in determining that the Salvadoran government was able and unwilling to protect J.R., in part because J.R. and his family received some protection and some of the men accused of the murder were arrested, convicted, and imprisoned. The Court noted that although the police were initially responsive, they were unable to protect J.R. from Mara 18, and then unwilling to do so when they withdrew protection after he testified. (“Some official responsiveness to complaints of violence, although relevant, does not automatically equate to governmental ability and willingness.”) The Court opined that “[t]he undisputed factual

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GANGS				record that was before the IJ and BIA reflects actual deadly violence that the government was, during certain periods, unable to control, and threats of additional deadly violence that the government was entirely unwilling to control after J.R. testified,” and determined that the “law does not require applicants to wait until gang members carry out their deadly threats before they are eligible for asylum.” Judge Rawlinson filed a dissent.
	<i>Guzman Orellana v. Att’y Gen.</i> , 956 F.3d 171 (3d Cir. 2020)	El Salvador	asylum/ withholding, CAT, PSG, IPO, MS-13, witness	The Court granted the petition for a young man from El Salvador who overheard MS-13 murder his next-door neighbors. MS-13 saw Guzman Orellana talking to the police after the murder, although Guzman Orellana did not provide information to the police. MS-13 then assaulted Guzman Orellana twice for being a “snitch,” once holding him at gunpoint. The Court held that the particular social group “complaining witnesses against major Salvadoran gangs” was cognizable. (“We thus hold that a group consisting of witnesses who have publicly provided assistance to law enforcement against major Salvadoran gangs meets all three criteria for being a particular social group.”). The Court also held that “asylum and withholding of removal under the INA may be granted on the basis of imputed, not just actual, membership in a particular social group.” The Court then rejected Guzman Orellana’s imputed anti-gang political opinion claim. In its CAT analysis, the Court determined that the agency erred in concluding that Guzman Orellana was not more likely than not to suffer torture upon return to El Salvador. The Court held that Guzman Orellana’s past treatment rose to the level of torture, taking into account both the physical and psychological harm he suffered (he was diagnosed with PTSD). The Court also held that it was more likely than not that Guzman Orellana would suffer torture although the gang member who had seen him talking to the police and assaulted him had since died because other MS-13 members knew of him, had participated in the murder, and had also assaulted him. The Court determined that the BIA had “brushed aside” these favorable facts (“We have made clear that while the IJ and the BIA need not discuss every piece of evidence in the record, they are required to consider ‘all evidence relevant to the possibility of future torture’ and they ‘may not ignore evidence favorable to the alien.’”).
	<i>Peña Oseguera v. Barr</i> , 936 F.3d 249	Honduras	asylum/ withholding, PSG	The Court granted the petition for review for the son of a Honduran police officer. Peña Oseguera’s mother received threats directed at her and her entire family after she had shared a tip about corrupt police who were colluding with gangs. Peña Oseguera applied for asylum based on his membership in his family. The Court held that the agency did not specifically

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GANGS	(5th Cir. 2019)			address Peña Oseguera’s family-based particular social group and instead conflated Peña Oseguera’s claim with his mother’s. The Court vacated and remanded for consideration in light of <i>Matter of L-E-A- II</i> (which was decided after oral argument in this case). The Court noted that according to <i>Matter of L-E-A- II</i> , “families <i>may</i> qualify as social groups” on a case-by-case basis, but that “[i]n the ordinary case, a family group will not meet that standard” because it will fail on social distinction.
	<i>Alvarez Lagos v. Barr</i> , 927 F.3d 236 (4th Cir. 2019)	Honduras	asylum/ withholding, CAT, PSG, IPO, nexus, Mara 18, acquiescence	The Court granted the petition of review for a Honduran woman. Mara 18 threatened Alvarez Lagos and her daughter if she did not comply with the gang’s demand for extortion. The Court determined that the agency failed to consider relevant evidence of nexus, including country conditions expert testimony and Alvarez Lagos’s own testimony. The Court held that that Alvarez Lagos’s membership in the particular social group “unmarried mothers living under control of gangs” and her imputed anti-gang political opinion were one central reason for the harm she suffered (“Unchallenged record evidence compels the conclusion that the protected statuses identified by Alvarez Lagos are a central reason why she, and not some other person, was (or will be) targeted for extortion and threats.”). The Court determined that the agency erred in finding that Alvarez Lagos’s proposed particular social group was not particular, noting that the size of the group is not dispositive. The Court also determined that the agency erred in finding that it was not socially distinct, noting that “the fact that ‘persecutors torture a wide swath of victims’ is not enough to show that none of those victims are members of socially distinct groups.” The Court also determined that the agency committed errors in finding that she did not establish an imputed anti-gang political opinion. The Court also held that the agency failed to meaningfully engage with record evidence, including Alvarez Lago’s testimony, regarding the likelihood of torture and acquiescence for relief under CAT.
	<i>W.G.A. v. Sessions</i> , 900 F.3d 957 (7th Cir. 2018)	El Salvador	asylum/ withholding, CAT, past persecution, PSG, nexus, Mara 18, acquiescence	The Court granted a petition for review for a Salvadoran man. Mara 18 had forcibly recruited W.G.A.’s brother, S.P.R. S.P.R. fled the gang and went into hiding. Mara 18 then threatened W.G.A. to tell them S.P.R.’s whereabouts and turn him over to the gang. Mara 18 also threatened W.G.A.’s mother and other brother. The Court noted that <i>Matter of L-E-A- I</i> (which was decided after the BIA dismissed W.G.A.’s appeal) “did not establish a new rule” for nexus in family-based claims, but rather “applied the same analysis that the Board has followed since at least 2007,” and thus, declined to remand to the BIA to consider <i>Matter L-E-A- I</i> . The Court held that there was past persecution (a threat at gunpoint) on account of his

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GANGS				membership in his nuclear family, basing its decision on testimony in the record that the gang had threatened his entire family and country conditions confirming that gangs target families. The Court acknowledged that “it was improper for the immigration judge to rely on a lack of harm to other family members, without more, to find that W.G.A. was not targeted on account of his kinship ties” and that the immigration judge improperly focused on the fact that W.G.A.’s family remained in El Salvador. The Court also remanded on CAT, holding that the agency ignored key evidence that he would be tortured in El Salvador and applied the wrong legal standard for acquiescence.
	<i>Salgado-Sosa v. Sessions</i> , 882 F.3d 451 (4th Cir. 2018)	Honduras	asylum/ withholding, CAT, PSG, nexus, MS-13	The Court granted in part and denied in part a petition for review for a Honduran man who fled Honduras after MS-13 attacked his family for resisting demands for extortion. In this post- <i>Matter of L-E-A I</i> , pre- <i>Matter of L-E-A II</i> case, the Court held that Salgado-Sosa’s membership in his family was one central reason for his persecution because the gang threatened and attacked Salgado-Sosa because of his stepfather’s conflict with the gang, rather than because of Salgado-Sosa’s own conflict (“Salgado-Sosa’s relationship to his stepfather (and to his family) is indisputably ‘why [he], and not another person, was threatened’ by MS-13”). The Court also concluded that remand was necessary to determine whether Salgado-Sosa established a changed circumstance excusing the untimeliness of his asylum application. The Court upheld the agency’s denial of CAT relief.
	<i>Zavaleta-Policiano v. Sessions</i> , 873 F.3d 241 (4th Cir. 2017)	El Salvador	asylum/ withholding, past persecution, PSG, nexus, MS-13	The Court granted a petition for review for a Salvadoran woman who was threatened by MS-13. MS-13 had first threatened and demanded extortion from Zavaleta-Policiano’s father, a well-known shopkeeper. Once he fled the country, the gang began to threaten Zavaleta-Policiano herself. The Court determined that the death threats and demands for extortion that Zavaleta-Policiano experienced rose to the level of persecution. In this post- <i>Matter of L-E-A I</i> , pre- <i>Matter of L-E-A II</i> case, the Court held that Zavaleta-Policiano was persecuted on account of her family ties, determining that the agency erred in narrowly focused on the “articulated purpose” for the threats instead of considering the intertwined reasons for the threats (“It is unrealistic to expect that a gang would neatly explain in a note all the legally significant reasons it is targeting someone.”). The Court also found that the agency’s “heavy reliance on the fact that El Salvadoran gangs target various groups of people in the country” was “misguided” and that the agency failed to consider material evidence “of the context, nature, frequency, and timing of the gang’s threats” when analyzing nexus.

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<b>CARTELS/ ORGANIZED CRIME</b>	<i>Diaz de Gomez v. Wilkinson</i> , 987 F.3d 359 (4th Cir. 2021)	Guatemala	asylum/ withholding, nexus, unable/ unwilling	The Court granted a petition for review for a Guatemalan national. The Zetas repeatedly threatened Diaz de Gomez after she and her family witnessed a massacre perpetrated by the cartel and she and her family did not comply with the cartel’s demands for extortion and cooperation. The Court concluded that Diaz de Gomez suffered past persecution—death threats. In this post- <i>Matter of L-E-A- II</i> case, the Court stated “we have held that a person’s nuclear family qualifies as a protected particular social group,” (internal citations omitted) noting in a footnote that DHS did not raise <i>Matter of L-E-A- II</i> in this case. Fn. 3. The Court then rejected the BIA’s “excessively narrow’ view of the nexus requirement.” The Court instead found that one central reason for Diaz de Gomez’s persecution was her family ties, looking at the “timing and context” of the threats she received. The Court noted that “the fact that the gang sought to recruit Diaz de Gomez and her family members does not preclude a finding that her familial ties were another central reason that she was persecuted by the gang.” The Court also held that Guatemalan authorities were unable or unwilling to protect Diaz de Gomez from her persecutors where Diaz de Gomez had reported some of the threats but authorities “took any action in response to the reports; no one was arrested, and officials never provided Diaz de Gomez any updates on the investigation.” The Court determined that the “failure to investigate her claim” coupled with country conditions evidence of widespread corruption and organized crime led to this conclusion.
	<i>Bedoya v. Barr</i> , 981 F.3d 240 (4th Cir. 2020)	Colombia	asylum/ withholding, past persecution, former police officer	The Court granted a petition for review for a retired Colombia police officer who received written and text-message death threats from FARC after he had assisted in the elimination of FARC militants years ago. The Court held that the threats rose to the level of persecution, although there were no in-person threats or physical injury (“Under our precedent, as we have repeatedly explained, a threat of death qualifies as past persecution . . . More specifically, we have explicitly ruled that written death threats may qualify as persecution.” (internal citations omitted)). The Court noted that “written home-delivered death threats and text messages can easily be more menacing than verbal threats, in that they show that the writer and sender knows where his target lives and the relevant personal cellphone number.” The Court also noted that FARC’s threats had also “explicitly targeted” his family and that threats to close relatives “is an important factor” in determining past persecution (internal citation omitted).



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<b>CARTELS/ ORGANIZED CRIME</b>	<i>Perez-Sanchez v. Att’y Gen.</i> , 935 F.3d 1148 (11th Cir. 2019)	Mexico	asylum/ withholding, PSG, nexus	The Court granted a petition for review for a Mexican national. The Gulf Cartel tracked down, beat, threatened, and demanded payment from Perez-Sanchez as payment for his father-in-law’s debt to the cartel. The Court held that Perez-Sanchez was persecuted on account of his family relationship to his father-in-law, determining that the agency’s finding that the cartel’s motive to harm him based on his family ties was “at most incidental” was erroneous (“it is impossible to disentangle his relationship to his father-in-law from the Gulf Cartel’s pecuniary motives: they are two sides of the same coin.”). The Court declined to apply <i>Matter of L-E-A- II</i> (which was decided while the case was on appeal) or opine on whether it is entitled to deference on the issue of whether the proposed particular social group was cognizable since only nexus, rather than the cognizability of the particular social group, was at issue on appeal. Fn. 7.
	<i>Gonzalez Ruano v. Barr</i> , 922 F.3d 346 (7th Cir. 2019)	Mexico	asylum/ withholding, PSG, nexus	The Court granted a petition for review for a Mexican man who was kidnapped, threatened, and tortured by Cartel de Jalisco Nueva Generación after he refused to allow the cartel to “posses” his wife. In this pre- <i>Matter of L-E-A- II</i> case, the Court held that Gonzalez Ruano was persecuted on account of his kinship ties to his wife, rather than merely because the cartel held a personal vendetta against him as the IJ had concluded (“Gonzalez Ruano’s relationship to his wife was the reason he, and not someone else, was targeted.”) The Court rejected the argument that Gonzalez Ruano had to demonstrate that the cartel had targeted other members of his wife’s family.
	<i>Rosales Justo v. Sessions</i> , 895 F.3d 154 (1st Cir. 2018)	Mexico	asylum/ withholding, unable/ unwilling	The Court granted a petition for review for a man whose son was murdered by members of organized crime in Mexico. Members of organized crime targeted Rosales Justo and his family after his son’s murder. The Court held that the Mexican government was unable or unwilling to protect Rosales Justo. The Court determined that the government’s willingness to investigate his son’s murder and Rosales Justo’s failure to report his own persecution to the police had no bearing on the government’s <i>ability</i> to protect him (“Focusing only on the willingness of the police to investigate [his son’s] murder, the BIA did not recognize the value of the country condition reports as support for the IJ’s finding that the Mexican police were unable to protect Rosales under the specific facts of his case.”) The Court also determined that the BIA erroneously dismissed country conditions evidence related to the inability to protect and that the country conditions that Rosales Justo submitted were sufficient to demonstrate inability. The Court determined that although there was evidence



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<b>CARTELS/ ORGANIZED CRIME</b>	<i>Cantillano Cruz v. Sessions</i> , 853 F.3d 122 (4th Cir. 2017)	Honduras	asylum/ withholding, nexus, PSG	<p>that the Mexican government took some steps to fight police corruption and cartel violence, that did not render the IJ’s finding of inability clearly erroneous given the significant country conditions supporting inability.</p> <p>The Court granted a petition for review for a Honduran woman. She suspected that her partner was murdered by his drug trafficking employer. This employer began threatening to kill Cantillano Cruz after she tried to investigate her partner’s disappearance. In this pre-<i>Matter of L-E-A- II</i> case, the Court held that one central reason that Cantillano Cruz was persecuted was her membership in her nuclear family, determining that the agency “applied an improper and excessively narrow interpretation of the evidence relevant to the statutory nexus requirement,” failing to consider the “intertwined reasons” for the threats. The Court determined that “any person interested in [Cantillano Cruz’s partner] disappearance may have confronted [the employer] concerning [Cantillano Cruz’s partner’s] whereabouts, this fact does not adequately explain the ongoing threats [the employer] made against Cantillano Cruz and her children over a period of two years at her home.”</p>
	<b>LGBTI/ HIV+</b>	<i>Doe v. Att’y Gen.</i> , 956 F.3d 135 (3d Cir. 2020)	Ghana	asylum/ withholding, PSG, past persecution, unable/ unwilling

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LGBTI/ HIV+				of same-sex relationships in Ghana) or at a minimum would have been “counterproductive” due to reported police intimidation and violence against LGBTI individuals. The Court declined to apply or take a position on <i>Matter of A-B-</i> ’s unable/ unwilling standard because it determined that DHS had waived the issue by not timely raising it.
	<i>Tairou v. Whitaker</i> , 909 F.3d 702 (4th Cir. 2018)	Benin	asylum/ withholding, past persecution, PSG	The Court granted a petition for review for an LGBTI man from Benin who experienced multiple death threats and attacks. The Court held that the harm that Tairou suffered rose to the level of persecution, although he suffered no serious physical injuries or lasting mental harm. The Court determined that the death threats that he suffered alone could rise to the level of persecution (“the threat of death alone constitutes persecution”) and that Tairou was not required to additionally prove long-term physical or mental harm to establish past persecution. The Court also recognized “homosexuals in Benin” as a cognizable particular social group.
	<i>Bringas-Rodriguez v. Sessions</i> , 850 F.3d 1051 (9th Cir. 2017)	Mexico	asylum/ withholding, PSG, unable/ unwilling	The Court granted the petition for review for a gay man from Mexico who was physically and sexually abused as a child. The Court held that rapes and beatings that Bringas-Rodriguez suffered were on account of his sexual orientation where “[t]he record is replete with statements by Bringas-Rodriguez’s abusers as to exactly why they targeted him.” The Court confirmed that sexual orientation or identity could establish membership in a particular social group. The Court determined that the Mexican government was unable or unwilling to protect Bringas-Rodriguez, even though he never reported the conduct to the police, noting Bringas-Rodriguez’s young age and taking into account Bringas-Rodriguez’s own friend’s experiences of the police ignoring their requests for help and laughing at them (“Bringas was not required to report his abuse to the authorities because ample evidence demonstrates that reporting would have been futile and dangerous”). Although there was country conditions evidence of “increasing social acceptance of homosexuals in Mexico,” the Court determined that the agency had “falsely equated legislative and executive enactments prohibiting persecution with on-the-ground progress.”
POLITICAL ACTIVITIES	<i>Skripkov v. Barr</i> , 966 F.3d 480	Russia	asylum/ withholding, PO, nexus, whistleblower	The Court granted the petition for review for a Russian national who was threatened, arrested and detained, and beaten while engaging in anti-corruption whistleblowing activities. The Court confirmed that anti-corruption activism may constitute a political opinion. The Court rejected the agency’s determination that the officials were solely motivated by their pecuniary

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<b>POLITICAL ACTIVITIES</b>	(6th Cir. 2020)			“business interests” and instead concluded that Skripkov’s persecutors had mixed motives that were “inextricably intertwined.” The Court held that one central reason that Skripkov was persecuted was on account of his political opinion against corruption. The Court also held that the BIA erred when it ignored evidence that Skripkov would be criminally prosecuted for his anti-corruption political opinion.
	<i>Lopez Ordonez v. Barr</i> , 956 F.3d 238 (4th Cir. 2020)	Guatemala	Asylum/ withholding, IPO, nexus	The Court granted the petition for review for a former Guatemala soldier who repeatedly refused to kill and torture civilians and was beaten and tortured for his refusal. The Court determined that “Lopez Ordonez showed that the G-2, a division of the Guatemalan military, imputed a political opinion to him based on his opposition to its inhuman conduct and his threats to report that conduct to human rights organizations.” The Court noted that although “forced military recruitment alone does not amount to persecution on account of a political opinion,” where an asylum seeker is recruited into “a military whose acts are condemned by the international community as contrary to the basic rules of human conduct,” refusing to comply with these acts may amount to persecution. The Court held that Lopez Ordonez was persecuted on account of his imputed political opinion, finding that the military’s punishment of him intensified after he threatened to report the military to human rights organizations.
	<i>Blanco v. Att’y Gen.</i> , 967 F.3d 304 (3d Cir. 2020)	Honduras	asylum/ withholding, past persecution	The Court granted the petition for review for a LIBRE Party activist from Honduras who was beaten after participating in political marches and later received death threats. The Court held that the past harm Blanco suffered rose to the level of persecution. The Court determined that the agency erred by requiring Blanco to show serious physical harm. The Court determined that the agency also erred by requiring the death threats to be imminent, rather than “concrete and menacing,” and by failing to consider the harm cumulatively. The Court also held that the agency applied the wrong legal standard for CAT.
	<i>Herrera-Reyes v. Att’y Gen.</i> , 952 F.3d 101 (3d Cir. 2020)	Nicaragua	asylum/ withholding, past persecution	The Court granted the petition for review for an opposition political leader from Nicaragua whose house was burned down, whose colleague was killed, and who was threatened and shot at by the Sandinista Party. The Court held that the agency erred by not considering the threats in the aggregate. The Court also determined that the agency “placed undue emphasis” on the lack of physical harm. The Court clarified that in order for a threat to rise to the level of persecution, imminence is not required. (“We have neither required that the threat portend immediate harm nor that it be in close temporal proximity to other acts of mistreatment.”) But

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POLITICAL ACTIVITIES				rather, the Court held that the threat must be “concrete and menacing,” or in other words, it must pose a “severe affront[ ] to the [petitioner’s] life or freedom” (internal citations omitted). The Court then held that the threats to Herrera-Reyes were “concrete and menacing,” thus, they sufficed to constitute persecution.
	<i>Cabrera v. Sessions</i> , 890 F.3d 153 (5th Cir. 2018)	Honduras	asylum/ withholding, PO, PSG	The Court granted in part and denied in part a petition for review for a Honduran anti-gang activist who protested against gangs and joined the LIBRE party. The Court held that Cabrera did not hold an individualized well-founded fear on account of her political opinion nor did she establish a pattern or practice of persecution of LIBRE activists. The Court remanded Cabrera’s claim because the IJ analyzed a PSG the IJ himself had posited rather than the PSG that Cabrera had presented, female activists or human rights defenders from Honduras who actively protest the gangs.
	<i>Parada v. Barr</i> , 902 F.3d 901 (9th Cir. 2018)	El Salvador	asylum/ withholding, CAT, IPO, past persecution, acquiescence	The Court granted a petition of review for a Salvadoran national whose family experienced threats, home invasions, beatings, and assassinations by FMLN in the 1980s and early 1990s due to the family’s government and military service. The Court held that the past harm Parada suffered rose to the level of persecution. The Court further held that Parada suffered this persecution on account of his family ties and his imputed political opinion because of his family’s ties to the government. The Court also determined that DHS had not rebutted Parada’s presumption of future persecution because DHS had relied on outdated reports (“significantly or materially outdated country reports cannot suffice to rebut the presumption of future persecution”). The country conditions that DHS submitted were already five years out of date at the time of Parada’s immigration court hearing and did not reflect that the FMLN (which had been reconstituted as a political party) had since taken political control of El Salvador. The Court noted that “[u]nlike fine wine, reports on country conditions do not improve with age.” The Court also held that the agency erred by not considering all relevant evidence for CAT relief and “its overly narrow construction of the ‘acquiescence’ standard.”
	<i>Mendoza-Ordonez v. Att’y Gen.</i> , 869 F.3d	Honduras	withholding, PO, unable/ unwilling, internal relocation	The Court granted a petition for review for a Honduran citizen from a family of Liberal Party activists, some of whom were killed in politically-motivated murders over a decade ago. Mendez-Ordonez fled Honduras after being threatened by affiliates of the opposing party. The Court held that the Honduran government was unwilling or unable to protect Mendoza-Ordonez, despite the criminal convictions of the murderers of his family members,

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	164 (3d Cir. 2017)			considering the country conditions he presented which demonstrated “widespread human rights abuses; unchecked politically motivated violence; and a poorly functioning justice system, vulnerable to corruption, that failed to reign in the violence.” The Court also found that Mendoza Ordenez could not safely relocate within Honduras.
CAT	<i>Xochihua-Jaimes v. Barr</i> , 962 F.3d 1175 (9th Cir. 2020)	Mexico	CAT, LGBTI, internal relocation, acquiescence	The Court granted a petition for review for a Mexican national who identifies as lesbian. Xochihua-Jaimes was sexually abused as a child and later entered into an abusive relationship with a man involved with Los Zetas cartel. After Xochihua-Jaimes reported that man to the police for raping her daughter and he was jailed, his Los Zetas-connected family threatened to kill Xochihua-Jaimes if she returned to Mexico. The Court held that Xochihua-Jaimes met the CAT acquiescence standard. The Court determined that the agency had erred in relying on evidence of national efforts to fight against cartels and official corruption, when the record reflected that low-level official corruption related to Los Zetas remained a “major problem.” (“[H]igh-level government efforts, however important and laudable, do not necessarily reflect low-level government actors on the ground” (internal citations omitted)). The Court also found that Xochihua-Jaimes could not safely relocate within Mexico, finding that, contrary to the agency’s conclusion, Los Zetas “operate in many parts of Mexico.” The Court also found that Xochihua-Jaimes was at “heightened risk throughout Mexico on account of her sexual orientation” and noted that Xochihua-Jaimes could not be “deemed able to safely relocate” if she were required to hide her sexual orientation, which is fundamental to her identity. The Court concluded that it was more likely than not that Xochihua-Jaimes would suffer torture in Mexico, noting that “CAT claims must be considered in terms of the aggregate risk of torture from all sources” (internal citation omitted).
	<i>Cabrera Vasquez v. Barr</i> , 919 F.3d 218 (4th Cir. 2019)	El Salvador	CAT, Mara 18, acquiescence	The Court granted a petition of review for a Salvador national who received death threats from Mara 18. The Court held that the BIA erred in concluding that Cabrera Vasquez did not meet the acquiescence standard. The Court noted that the BIA limited its review of acquiescence to “the country condition reports that ‘showed the government was making efforts to fight the gangs in El Salvador,’ while ignoring Cabrera Vasquez’s testimony that she was turned away by the police.

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CAT	<i>Rodriguez Arias v. Whitaker</i> , 915 F.3d 968 (4th Cir. 2019)	El Salvador	CAT, former gang member	The Court granted a petition for review for a former gang member from El Salvador with gang tattoos. The Court joined the Ninth and Third Circuits in holding that the agency improperly failed to aggregate the risk of harm from all sources, including gangs, the police, and vigilante groups, in its torture analysis. The Court also held that the agency failed to ignore relevant evidence, especially evidence about the Salvadoran government’s treatment of gang members (“When a man’s life is on the line, he is entitled to know that the court deciding his claim reviewed all his evidence, understood it, and had a cogent, articulable basis for its determination that his evidence was insufficient.”)
	<i>Perez v. Sessions</i> , 889 F.3d 331 (7th Cir. 2018)	Honduras	CAT, MS-13, internal relocation	The Court granted the petition for review for a Honduran man who escaped recruitment from MS-13 members as a teenager and years later narrowly evaded these same gang members. The agency found that Perez had not been tortured in the past. Nevertheless, the Court determined that “an escape from torture at the hands of the state or someone who the state cannot or will not control is strong evidence supporting a prediction of torture should the target be returned to that country” because it “is particular to the petitioner; it indicates the methods likely to be used; it identifies who the perpetrator(s) will be; and it sheds light on the state of mind of the potential torturer.” The Court also found that the agency erred by only considering Perez’s ability to safely relocate from those MS-13 members who had previously threatened him rather than from the gang as a whole.