CGRS | Center for Gender & Refugee Studies

Statement for the Record by the Center for Gender & Refugee Studies (CGRS)

"For the Rule of Law, An Independent Immigration Court"

House Judiciary Subcommittee on Immigration and Citizenship

January 20, 2022

The Center for Gender & Refugee Studies (CGRS) defends the human rights of refugees seeking asylum in the United States. We undertake strategic litigation to advance sound asylum laws and protect due process rights. Our current docket includes federal lawsuits challenging anti-asylum border policies and high-impact appellate cases that present opportunities to restore paths to protection. Additionally, we provide free expert consultation, comprehensive litigation resources, and cutting-edge training nationwide to attorneys and advocates working with asylum seekers. We also advocate for the fair and dignified treatment of asylum seekers and promote policies that honor our country's legal obligations to refugees.

We are keenly aware of the urgent need for an independent, unbiased and professional immigration court. This statement is based on our deep expertise in asylum litigation at all levels of adjudication and our long-term monitoring of decision-making trends. Through this work, we have built an unparalleled database of thousands of asylum case outcomes spanning over twenty-five years and multiple immigration courts, that is not otherwise available to the public. As such, we have unique insight into the flaws and deficiencies of the current immigration court system.

Congress must address arbitrary, inconsistent, and biased decision-making by creating an independent immigration court

We note in particular that arbitrary and inconsistent decision-making is a longstanding problem in the immigration courts as currently constituted. CGRS has repeatedly joined with other experts in calling for an independent immigration court.[1] For over two decades, we have documented the extreme systemic deficiencies faced by applicants who have suffered gendered harms or who have been persecuted for gender-related reasons, calling attention to the "hodgepodge of jurisprudence that undermines confidence in the fairness and efficiency of the U.S. asylum system."[2]

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[1] *See, for example*, "Congress Must Establish an Independent Immigration Court," Feb. 18, 2020.

[2] Blaine Bookey, "Gender-based Asylum Post-*Matter of A-R-C-G-*: Evolving Standards and Fair Application of the Law," 22 Southwestern J. Int'l L. 1 (2016). This analysis has renewed salience since we are again in a post-*Matter of A-R-C-G-* world as a result of the vacatur of *Matter of A-B-*. *See also*, Kate Jastram and Sayoni Maitra, *"Matter of A-B-* One Year Later: Winning Back Gender-Based Asylum Through Litigation and Legislation," 18 Santa Clara J. Int'l L. 48 (2020); Karen Musalo, "The Struggle for Equality: Women's Rights, Human Rights, and Asylum Protection," 48 Sw. L. Rev. 531 (2019); Karen Musalo, "Personal Violence, Public Matter: Evolving Standards in Gender-Based

Our client, the asylum seeker in *Matter of A-B-*, provides a prime example. In Ms. A.B.'s case, as in many other gender asylum and other cases, arbitrary and inconsistent decisions are often rooted in bias which is not adequately addressed institutionally within the Executive Office for Immigration Review (EOIR). Extrajudicial factors influencing decision-making, such as bias, are exacerbated by the lack of uniform standards and adequate training of adjudicators. While opprobrium for the negative decision in Ms. A.B.'s case was rightly aimed at then-Attorney General Sessions, less well known is the biased and improper behavior of her immigration judge, both in the initial hearing and upon remand. The immigration judge's bias against Ms. A.B. as a survivor of domestic violence was so egregious that upon remand we asked him to recuse himself, a request which he denied and which was upheld by the Board of Immigration Appeals with scant attention to the ample record that required her case to be heard by an impartial arbiter.

Throughout Ms. A.B.'s immigration proceedings, the immigration judge resisted neutrally and properly adjudicating her claims for asylum, withholding of removal, and protection under the Convention against Torture. He disregarded the orders of higher authorities in his drive to deny Ms. A.B. all relief from removal. He also engaged in highly irregular *ex parte* communications with former EOIR Director James McHenry singling out Ms. A.B.'s case, implying a desire to achieve a specific outcome through her proceedings – namely, the overturning of longstanding Board of Immigration Appeals (BIA) precedent recognizing that certain domestic violence victims may be eligible for asylum.

Far from being counseled, reprimanded, or in any way having his judicial career affected negatively by his biased treatment of Ms. A.B., the immigration judge was instead rewarded with a promotion to the BIA. We have recently filed a complaint with his state bar association based on his behavior in Ms. A.B.'s case, detailing multiple ways in which his conduct in her case and many other cases like it has been prejudicial to the administration of justice. A copy of the complaint is attached.

We also note that despite the vacatur of *Matter of A-B-,* we have received case outcome reports indicating that some immigration judges continue to rely on its reasoning to deny claims from survivors of domestic violence and other harms at the hands of non-state actors including gangs.

Through authorizing legislation, ongoing oversight, and the appropriations process, Congress should ensure that immigration courts fairly adjudicate all asylum claims, including gender-related claims

While nearly all aspects of the U.S. asylum system are in desperate need of reform, there is a clear path to improving the immigration courts by removing them from the Department

Asylum Law," Harvard Int'l Rev. (2014); Blaine Bookey, "Domestic Violence as a Basis for Asylum: An Analysis of 206 Case Outcomes in the United States from 1994 to 2012," 24 Hastings Women's L.J. 1 (2013).

of Justice. Congress must act to ensure that immigration judges are independent, that courts have the necessary resources to render justice in a timely manner, that decisions demonstrate consistent application of objective legal principles to the record facts, and that applicants pleading for their lives are given a fair hearing by an unbiased adjudicator.

Conclusion

In accordance with the Immigration and Nationality Act, as well as our treaty commitments, the United States is obligated to ensure that noncitizens are not returned to countries where they face persecution or torture. By passing legislation to create an independent immigration court, and ensuring through oversight and appropriations that such courts are unbiased, professional, and fully resourced, Congress would take a significant step toward providing an asylum adjudication process that saves lives, and serves both the American public and noncitizens alike.

CGRS | Center for Gender & Refugee Studies

October 19, 2021

The Grievance Committee
The North Carolina State Bar
PO Box 25908
Raleigh, NC 27611
Via complaints@ncbar.gov

Re: North Carolina State Bar Complaint Against Vernon Stuart Couch

To The Grievance Committee:

The Center for Gender & Refugee Studies ("CGRS") files this Complaint against Vernon Stuart Couch, an immigration judge, whose current business address is Board of Immigration Appeals ("BIA"), 5107 Leesburg Pike, Suite 2000, Falls Church, VA 22041. CGRS is reporting Immigration Judge Couch's ("IJ Couch") violation of the North Carolina Rules of Professional Conduct, including "engag[ing] in conduct that is prejudicial to the administration of justice," in the immigration case of its client Ms. A.B., a survivor of domestic violence from El Salvador.[1] N.C. R. Prof'l Conduct 8.4(d) & Comment 4 ("The phrase 'conduct prejudicial to the administration of justice' . . . should be read broadly to proscribe a wide variety of conduct[.]"); N.C. Code Jud. Conduct, Preamble ("A violation of this Code of Judicial Conduct may be deemed conduct prejudicial to the administration of justice[.]").[2]

Throughout Ms. A.B.'s immigration proceedings, IJ Couch resisted neutrally and properly adjudicating her claims for asylum, withholding of removal, and protection under the Convention Against Torture ("CAT"). He disregarded the orders of higher authorities in his drive to deny Ms. A.B. all relief from removal. He also engaged in highly irregular *ex parte* communications with Executive Office for Immigration Review ("EOIR") Director James McHenry singling out Ms. A.B.'s case, implying a desire to achieve a specific outcome through her proceedings—to wit, the overturning of longstanding BIA precedent recognizing that certain domestic violence victims may be eligible for asylum.

[1] Ms. A.B.'s name is being withheld due to concerns for the safety of family members remaining in El Salvador.

[2] While the Code of Judicial Conduct provides insight on the phrase "conduct prejudicial to the administration of justice," the North Carolina Judicial Standards Commission's jurisdiction is limited to judges and justices of the North Carolina General Court of Justice. However, the North Carolina State Bar has jurisdiction over this complaint because IJ Couch is admitted to practice in North Carolina. *See* N.C. R. Prof'l Conduct 8.5(a).

These maneuvers deprived Ms. A.B. of due process and frustrated her ability to obtain relief and reunify with her children for more than four years. Furthermore, IJ Couch's record as an immigration judge displays a larger pattern of bias against women fleeing domestic violence and inappropriate behavior towards immigrants. Yet, he was subsequently promoted to the BIA, the same appellate body he defied in the past. An investigation into IJ Couch's misconduct, described in further detail below, is warranted in order to protect the civil rights/liberties of immigrants whose cases appear before him and to ensure the fair and impartial administration of justice.

A. IJ Couch's Misconduct in Ms. A.B.'s Case

On December 1, 2015, IJ Couch issued a written decision denying Ms. A.B.'s applications for asylum, withholding of removal, and CAT protection. Ms. A.B. appealed to the BIA. On December 8, 2016, a three-member panel of the BIA unanimously reversed and found Ms. A.B. "met her burden of proving her eligibility for asylum." Attachment ("Att.") A (BIA Decision to Remand), at 4. The BIA remanded the record to IJ Couch solely for the completion of background checks pursuant to 8 C.F.R. § 1003.1(d)(6) and for the entry of an order pursuant to 8 C.F.R. § 1003.47(h). *Id.*

Following remand, IJ Couch waited eight months, until August 18, 2017, to hold a hearing to confirm whether Ms. A.B.'s background checks had been completed. Although the Department of Homeland Security confirmed at the outset of the hearing that the background checks were clear, IJ Couch issued a written order, after a brief announcement and recess, certifying and administratively returning Ms. A.B.'s case to the BIA for reconsideration, without granting or denying her applications for relief as required by the regulations. Att. B (IJ Couch's Certification Order), at 4. In his order, the IJ "decline[d] to endorse the findings of the Board." *Id.* at 2. He further "observe[d]" that *Matter of A-R-C-G-*, 26 I&N Dec. 388 (BIA 2014)—a BIA precedential decision recognizing the asylum eligibility of certain domestic violence victims—"may not be legally valid" in light of the Fourth Circuit's July 31, 2017 decision in *Velasquez v. Sessions*, 866 F.3d 188 (4th Cir. 2017). Att. B, at 3–4. Contrary to IJ Couch's assertion, the Fourth Circuit expressly noted that *A-R-C-G-* was not relevant to its analysis in *Velasquez*, 866 F.3d at 195 n.6, an unrelated case not based on domestic partner violence.

The same day he issued the certification order, IJ Couch sent an e-mail to EOIR Director James McHenry with the subject line "Re: A-R-C-G," attaching both the certification order and underlying record. Att. C (IJ Couch's Emails). Approximately two months later, in October 2017, he sent another e-mail to EOIR Director McHenry suggesting Ms. A.B.'s case be considered for review by the Attorney General ("AG"). *Id.* At a minimum, these actions were highly irregular. Under the structure of EOIR, there are multiple layers of oversight between the EOIR Director and individual immigration judges, including a Deputy Director below the Director, and the Office of Chief Immigration Judge ("OCIJ") below the Deputy Director; notably the OCIJ itself also contains multiple embedded layers, including the Chief

Immigration Judge himself, a Principal Deputy Chief Immigration Judge, two Deputy Chief Immigration Judges, and several Assistant Chief Immigration Judges.[3] These *ex parte* communications appeared to be an effort to single out Ms. A.B.'s case as a vehicle for overturning *A-R-C-G-* and its favorable precedent for domestic violence victims.

Despite IJ Couch's attempt to return Ms. A.B.'s case, the BIA did not issue any document indicating that it had accepted jurisdiction over the case. But then, on March 7, 2018, former AG Jefferson Sessions directed the BIA to refer Ms. A.B.'s case to him. *Matter of A-B-*, 27 I&N Dec. 227, 227 (AG 2018). On March 30, 2018, AG Sessions issued another order stating that in light of the limited scope of the BIA's remand to IJ Couch and DHS's confirmation that the background checks were clear, IJ Couch was obliged to issue an order granting or denying Ms. A.B.'s asylum application. *Matter of A-B-*, 27 I&N Dec. 247, 248 (AG 2018) (citing 8 C.F.R. § 1003.47(h)). Because IJ Couch failed to issue a "decision" on remand, AG Sessions concluded that his attempt to certify Ms. A.B.'s case back to the Board was a "maneuver" outside the scope of an immigration judge's authority and thus "procedurally defective." *Id.* at 248–49.

Though he questioned IJ Couch's handling of Ms. A.B.'s case and determined that it was not properly before the BIA, *id.* at 248, AG Sessions issued a decision on June 11, 2018 overruling *A-R-C-G-*. *See Matter of A-B-*, 27 I&N Dec. 316, 317, 346 (AG 2018) ("*A-B- I*"). "Having overruled *A-R-C-G-*," AG Sessions reversed this BIA's determination that Ms. A.B. qualified for asylum, and remanded the case to IJ Couch for further proceedings. *Id.* at 340, 346. Nonetheless, AG Sessions explicitly noted that IJ Couch may consider any outstanding issues on remand, including consideration of Ms. A.B.'s withholding and CAT protection claims—which were not addressed by the AG's decision and had not been previously addressed by the BIA. *A-B- I*, 27 I&N Dec. at 325 n.4. But once again, in defiance of yet another remand order—this time the AG's—IJ Couch issued a scheduling order on July 9, 2018, ruling *sua sponte* that Ms. A.B. would not be allowed to pursue her CAT claim, because she had purportedly failed to raise the claim in her original appeal to the BIA. Att. D (IJ Couch's Scheduling Order). Even with instruction from AG Sessions that Ms. A.B.'s eligibility for CAT protection was a valid issue for consideration on remand, IJ Couch refused to review her CAT claim.

Ms. A.B. filed a legal brief and supplemental evidence in support of her applications for relief. She also filed a motion to recuse IJ Couch. On October 10, 2018, without holding an evidentiary hearing or meaningfully considering the evidence, IJ Couch denied Ms. A.B.'s recusal motion as well as her asylum, withholding, and CAT claims. She subsequently filed appeals with the BIA and the U.S. Court of Appeals for the Fourth Circuit.

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[3] U.S. Department of Justice, *Executive Office for Immigration Review Organization Chart*, https://www.justice.gov/eoir/eoir-organization-chart/chart; U.S. Department of Justice, *Office of the Chief Immigration Judge*, https://www.justice.gov/eoir/office-of-the-chief-immigration-judge-bios.

Eventually, on June 16, 2021, AG Merrick Garland issued an order vacating in entirety his predecessors' decisions in Ms. A.B.'s proceedings and restoring prior precedent, including *A-R-C-G-*. *Matter of A-B-*, 28 I&N Dec. 307, 309 (AG 2021) ("*A-B- III*") (vacating in entirety *A-B- I* and *Matter of A-B-*, 28 I&N Dec. 199 (AG 2021) ("*A-B- II*")). In July 2021, the BIA granted asylum to Ms. A.B.—more than four years after it had ordered IJ Couch to do so.

At a minimum, IJ Couch's conduct in Ms. A.B.'s case is prejudicial to the administration of justice under the North Carolina Rules of Professional Conduct and as elucidated by the North Carolina Code of Judicial Conduct. For example, comments to the Rules of Professional Conduct emphasize that "[d]ilatory practices bring the administration of justice into disrepute," particularly "if done for the purpose of frustrating [a] party's attempt to obtain rightful redress or repose." N.C. R. Prof'l Conduct 3.2, Comment 1. The administration of justice requires judges to "respect and comply with the law" and "perform the duties of the judge's office impartially and diligently," "unswayed by partisan interests, public clamor, or fear of criticism." N.C. Code Jud. Conduct, Canons 2–3. In the performance of their duties, judges must, *inter alia*, provide legally interested persons the "full right to be heard according to law" and avoid "initiat[ing] [or] knowingly consider[ing] ex parte or other communications concerning a pending proceeding." *Id.*, Canon 3.A.4.

As detailed above, IJ Couch flouted each of these duties in his handling of Ms. A.B.'s case. His repeated defiance of remand orders (both from the BIA and the Attorney General) and his circumvention of procedural rules suggest that he had a specific desire to have *A-R-C-G-* overturned through Ms. A.B.'s case. That desired outcome appears to have been driven by partisan interests rather than the dictates of governing immigration law. In pursuit of this outcome, IJ Couch prejudged Ms. A.B.'s case, stepped impermissibly into the role of opposing counsel seeking Ms. A.B.'s removal, and failed to act as a fair and impartial arbiter of her immigration proceedings.

B. IJ Couch's Pattern of Biased Conduct

IJ Couch's record in evaluating asylum claims based on domestic violence—like Ms. A.B.'s case—reveals that he harbors a general bias against individuals bringing such claims. In fiscal year 2017 alone, of approximately 176 of IJ Couch's cases that were up for review, the BIA remanded fifty.[4] Ten of those remanded cases involved wrongly-denied asylum claims premised on domestic violence (including Ms. A.B.'s own case).[5] The vast majority of

[4] Bryan Johnson, *Statistics on BIA remands of Immigration Judges from FY2016-FY2018YTD*, Amoachi & Johnson, PLLC (Feb. 21, 2018), https://amjolaw.com/2018/02/21/statistics-on-bia-remands-of-immigration-judges-from-fy2016-fy2018ytd/.

[5] Bryan Johnson, *FOIA results: evidence of Immigration Judge V. Stuart Couch's shocking prejudgment of all domestic violence claims*, Amoachi & Johnson, PLLC (Apr. 20, 2018), https://amjolaw.com/2018/04/20/foia-results-evidence-of-immigration-judge-v-stuart-couchs-shocking-prejudgment-of-all-domestic-violence-asylum-claims/.

these cases—nine of the ten—reflect a general pattern by IJ Couch of improperly dismissing corroborating evidence in support of domestic violence-based claims. In addition, across these ten cases, IJ Couch used boilerplate language to make identical factual findings that the domestic violence victim failed to establish a nexus between the harm they suffered and a statutory protected ground, one of the requirements for asylum eligibility. This record of making the same systematic errors in domestic violence-based cases in order to deny such claimants relief suggests that IJ Couch is biased against domestic violence victims.

IJ Couch's general conduct toward immigrants has also been criticized in other contexts. For example, it has been reported that IJ Couch has threatened immigrant children with fictitious "scary animals" and commented that "usually" this tactic "works" (to use his own words).[6] "Threats, bullying, harassment, and other conduct serving no substantial purpose other than to intimidate, humiliate, or embarrass anyone associated with the judicial process," including parties and witnesses, are a clear violation of the North Carolina Rules of Professional Conduct. N.C. R. Prof'l Conduct. 8.5(d), Comment 5. This behavior was the subject of a complaint that another organization filed against IJ Couch with the Department of Justice in 2016. Although an internal investigation reportedly corroborated the alleged conduct, IJ Couch remained on the bench. Indeed, he has since been promoted to the BIA.

CGRS has enclosed evidence in support of this Complaint and is prepared to provide any other information that the State Bar may find helpful. In addition to documents in its possession, CGRS believes that further documentation exists of IJ Couch's inappropriate behavior that denies civil rights/liberties to immigrants.

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IJ Couch's repeated defiance of the BIA and AG Sessions, his irregular procedural maneuvers including ex parte communications with EOIR Director McHenry, and his bias against domestic violence victims (and immigrants in general) warrant investigation. Despite his pattern of inappropriate conduct in immigration cases, IJ Couch currently serves as a member of the BIA, the same appellate body whose precedent he disregarded time and again as an immigration judge. IJ Couch's promotion creates an appearance of "impropriety" and diminishes "public confidence in the integrity and impartiality" of the justice system. N.C. Code Jud. Conduct, Canon 2.

[6] Noah Lanard, *Judge Promoted by Trump Administration Threatened a 2-Year-Old With an Attack Dog*, Mother Jones (Sept. 10, 2019), https://www.motherjones.com/politics/2019/09/judge-promoted-by-trump-administration-threatened-a-2-year-old-with-an-attack-dog/.

C. Certification

I agree to provide to the State Bar all pertinent information and records in my possession concerning the alleged misconduct described in this Complaint. If a hearing or inquiry is ordered concerning the alleged misconduct of Vernon Stuart Couch, I will testify if requested. I understand that the immunity granted by N.C. General Statute 84-28.2 applies only to those statements made to the State Bar without malice.

- I understand that the North Carolina State Bar may reveal this information to the accused lawyer and to others pursuant to the Rules of the State Bar. Initial: BB

- I understand that the State Bar cannot give me legal advice, cannot represent me or intervene on my behalf in a court proceeding, cannot remove a lawyer from a case, cannot determine whether a lawyer committed malpractice or is indebted to me, and cannot change court orders. I understand that if I believe I have suffered damages because of an act or omission of a lawyer, I should not wait for the State Bar's disposition of a complaint before pursuing any legal claim or seeking legal advice. Initial: BB

- My electronic signature below confirms that the information I am providing in this Complaint is, to the best of my knowledge, accurate. Initial: BB

Respectfully submitted, Date: October 19, 2021

/s/ Blaine Bookey

Blaine Bookey
Legal Director
Center for Gender and Refugee Studies
200 McAllister Street
San Francisco, CA 94102
Telephone: (415) 565-4877
Email: bookeybl@uchastings.edu

North Carolina State Bar Complaint Against Vernon Stuart Couch

Index of Documents

Attachment	Document
A	**BIA Decision to Remand**, finding Ms. A.B. eligible for asylum and remanding to IJ Couch to enter order upon completion of background checks (Dec. 8, 2016)
B	**IJ Couch's Certification Order**, declining to endorse BIA findings and certifying Ms. A.B.'s case back to BIA (Aug. 18, 2017)
C	**IJ Couch's Emails to EOIR Director McHenry**, flagging his certification of Ms. A.B.'s case (Aug. 18, 2017), and suggesting review by AG Sessions (Oct. 23, 2017)
D	**IJ Couch's Scheduling Order on Remand from AG Sessions**, finding Ms. A.B.'s application for CAT protection, as an alternative to asylum, waived (July 9, 2018)

A

U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals
Office of the Clerk

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

Lopez, Andres
The Lopez Law Firm, PLLC
5701 Executive Center Rd., Suite 102
Charlotte, NC 28212

DHS/ICE Office of Chief Counsel - CHL
5701 Executive Ctr Dr., Ste 300
Charlotte, NC 28212

Name: B[redacted], A[redacted]

A[redacted]

Date of this notice: 12/8/2016

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

Donna Carr

Donna Carr
Chief Clerk

Enclosure

Panel Members:
Liebowitz, Ellen C
Greer, Anne J.
O'Herron, Margaret M

Userteam: Docket

File: [redacted] – Charlotte, NC Date: DEC – 8 2016

In re: A[redacted] B[redacted]

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Andres Lopez, Esquire

ON BEHALF OF DHS: Cori White
Assistant Chief Counsel

CHARGE:

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

APPLICATION: Asylum; withholding of removal; Convention Against Torture

The respondent appeals from the Immigration Judge's December 1, 2015, decision denying her applications for asylum, withholding of removal, and protection under the Convention Against Torture ("CAT"). Sections 208(b)(1)(A), 241(b)(3)(A) of the Immigration and Nationality Act, 8 U.S.C. §§ 1158(b)(1)(A), 1231(b)(3)(A); 8 C.F.R. §§ 1208.13, 1208.16-1208.18. The Department of Homeland Security ("DHS") has filed a brief on appeal. We will sustain the appeal, and remand the record for completion of background checks.

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

We find the Immigration Judge's adverse credibility finding to be clearly erroneous "[c]onsidering the totality of the circumstances" (I.J. at 4-5). Section 208(b)(1)(B)(iii) of the Act, 8 U.S.C. § 1158(b)(1)(B)(iii). We agree that the inconsistencies identified by the Immigration Judge exist, but we find that the respondent's testimony and the corroborative evidence, particularly the 2001 and 2008 protective orders and the affidavits of the respondent's former neighbors, reconcile the discrepancies and rehabilitate her credibility. Section 208(b)(1)(B)(ii) of the Act, 8 U.S.C. § 1158(b)(1)(B)(ii). While the respondent's written asylum statement was inconsistent with her credible fear interview in regard to when her ex-husband started abusing her (1999 vs. 2009), the May 2001 protective order and the affidavits

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

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

There is no genuine dispute that the respondent's ex-husband physically and emotionally abused her for several years, and the Immigration Judge found that the respondent "may have experienced significant abuse" by her ex-husband and that she "has suffered emotionally and psychologically" (I.J. at 14). Thus, the identified discrepancies regarding the dates and specific incidents of abuse do not undermine the respondent's credibility with respect to her overall claim that she suffered years of significant physical and emotional abuse by her ex-husband. Section 208(b)(1)(B)(iii) of the Act.[2]

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

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

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

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

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

based on the fact that the respondent separated and moved away from her ex-husband in 2008, and divorced him in 2013 (*Id.* at 11). However, the record reflects that the respondent's ex-husband continued to threaten and physically abuse the respondent after their separation, despite her move to a town over 2 hours away from him, and that he raped her in January of 2014, after their divorce (I.J. at 3; Tr. at 43-47, 50-51). Further, the ex-husband's brother, a local police officer, threatened the respondent in December of 2013, referred to her as his sister-in-law, despite the fact that she had already divorced his brother, commented that she would always be in a relationship with her ex-husband because they have children in common, and warned her to be careful as she would never know where the bullets would land (I.J. at 2; Tr. at 41-42). Moreover, in June of 2014, a friend of the ex-husband told the respondent that her ex-husband would kill her, and that he would help him dispose of her body (I.J. at 3; Tr. at 47). Thus, under the circumstances presented in this case, the Immigration Judge's finding that the respondent could leave the relationship with her ex-husband is not supported by the record (I.J. at 10-11).

The Immigration Judge also found that even if the respondent's proposed group is cognizable under the Act, she did not establish a nexus between the harm and her group membership (I.J. at 13-15). However, the record indicates that the ex-husband abused her from his position of perceived authority, as her ex-husband and the father of her children, and the threatening comments from her brother-in-law confirmed as much (I.J. at 2-3; Tr. at 41-47, 51). *See Matter of N-M-*, 25 I&N Dec. 526, 532 (BIA 2011) ("A persecutor's actual motive is a finding of fact to be determined by the Immigration Judge and reviewed by [the Board] for clear error"). The record as a whole supports a finding that the respondent's membership in the particular social group of "El Salvadoran women who are unable to leave their domestic relationships where they have children in common" is at least one central reason that her ex-husband abused her.

Finally, we disagree with the Immigration Judge's finding that the respondent has not demonstrated that the government of El Salvador is unable or unwilling to protect her from her ex-husband (I.J. at 14-15). *Mulyani v. Holder*, 771 F.3d 190, 197-98 (4th Cir. 2014) (harm must be inflicted by the government or a private person that the government is unable or unwilling to control). We recognize that the respondent was able to obtain 2 protective orders against her ex-husband (in 2001 and 2008), that the police arrested and detained the ex-husband for several days after 1 incident, and that the respondent did not always report her ex-husband's abuse to the police because she did not want her children to grow up without a father (I.J. at 14; Tr. at 56-59).

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

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

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

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

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

ORDER: The appeal is sustained.

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

Ellen Rubowitz

FOR THE BOARD

B

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
Immigration Court
5701 Executive Center Drive, Suite 400
Charlotte, NC 28212

In the Matter of:

Case No. A [redacted]

B [redacted] A [redacted]
Respondent / Applicant

IN REMOVAL PROCEEDINGS

ORDER OF ADMINISTRATIVE RETURN / CERTIFICATION TO THE BOARD

This matter is hereby certified to the Board of Immigration Appeals for the following reasons: *

☐ This case was remanded to the Immigration Court due to a problem with the hearing tapes, transcript, or oral decision. The problem has been resolved in the manner stated below. The case is hereby returned to the board for adjudication of the previously filed appeals(s).

☐ This case was returned to the Immigration Court for consideration of new relief with instructions to certify or return the record to the board if relief was denied. Relief was denied for the reasons stated in the decision of the Immigration Judge dated ____/ ____ /____. This case is hereby returned to the Board for adjudication of the previously filed appeals(s).

☐ The Board, not the Immigration court, has jurisdiction over the motion to reopen/reconsider filed on ____/ ____ /____ by the _____.

Additional Explanation:

* as stated in the attached order of certification.

V. Ann Cook
Immigration Judge

☐ **Tapes enclosed**

☑ Written decision of the Immigration Judge enclosed.

Proof of Service

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)

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DATE: 8/18/17 BY: COURT STAFF VSC

Attachments: [ ] EOIR-33 [ ] EOIR-28 [ ] Legal Service List [ ] OTHER

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

IN THE MATTER OF:	)	IN REMOVAL PROCEEDINGS
	)	
A [redacted] B [redacted],	)	File No: A [redacted]
[redacted],	)	
	)	ORDER OF CERTIFICATION
Respondent.	)	
	)	August 18, 2017
	)	

NOW COMES the Court, upon the decision of the Board of Immigration Appeals issued on December 8, 2016 ("Board Dec."), and remand order for the Court to grant Respondent's application for asylum after the Department of Homeland Security ("DHS") completes the required background checks. 8 C.F.R. §§ 1003.1(d)(6) and 1003.47(h).

The DHS has given notice that the lead respondent's background checks are completed and clear. 8 C.F.R. § 1003.47(h).

The Court's written decision of December 1, 2015 is adopted and incorporated herein by reference. In its decision, the Board found clear error in the Court's credibility, corroboration, particular social group, nexus, and well-founding fear findings. Board Dec. at 2-4.[1]

As a general matter, final orders in removal proceedings come not from the immigration judge, but from the Board of Immigration Appeals. INA § 242(a)(1); *Mulyani v. Holder*, 771 F.3d 190, 196 (4th Cir. 2014). Only the Supreme Court, a Circuit Court of Appeals, and the Attorney General can overturn the Board's findings and remand for further proceedings if the agency's rationale is lacking. *See Wu Lin v. Lynch*, 813 F.3d 122, 131 (2d Cir. 2016) (holding that the BIA's

[1] Clear error exists in the absence of substantial evidence to support a finding "unless the evidence . . . was such that any reasonable adjudicator would have been compelled to conclude to the contrary." *Djadjou v. Holder*, 662 F.3d 265, 273 (4th Cir. 2011) (citing *Marynenka v. Holder*, 592 F.3d 594, 600 (4th Cir.2010) (internal citation omitted)). In other words, "[e]ven if the record plausibly could support two results: the one the [immigration judge] chose and the one [the applicant] advances, reversal is only appropriate where the [Board] find[s] that the evidence not only supports [the opposite] conclusion, but *compels* it." *Mulyani v. Holder*, 771 F.3d 190, 197 (4th Cir. 2014) (internal quotation marks omitted; emphasis in original).

After another review of this record, the Court is satisfied its earlier findings were supported by substantial evidence, and both factually and legally sufficient for the reasons stated in its prior decision. *Matter of L-A-C-*, 26 I&N Dec. 516, 522 (BIA 2015). The Board's analysis appears to be an alternate view of the evidence than that of the trial court. *See Anderson v. City of Bessemer City, NC.*, 470 U.S. 564, 574 (1985) ("Where there are two permissible views of the evidence, the factfinder's choice between them cannot be clearly erroneous."); *Dankam v. Gonzales*, 495 F.3d 113, 123 (4th Cir. 2007) (clear error must be "so compelling that no reasonable factfinder could fail to find"); *Matter of J-Y-C-*, 24 I&N Dec. 260, 263 (BIA 2007) (a factual finding is not "clearly erroneous" merely because there are two permissible views of the evidence); *see also Matter of D-R-*, 25 I&N Dec. 445, 458 (BIA 2011) ("[a]n Immigration Judge is not required to accept a respondent's assertions, even if plausible, where there are other permissible views of the evidence based on the record.").

"clear error" rejection of the IJ's findings was not adequately supported and must itself be rejected and remanding for the BIA to either accept the IJ's findings or, if it can, provide a supportable basis for rejecting them).

The Court respectfully declines to endorse the findings of the Board in this case, which should be considered in any subsequent judicial review. *Ngarurih v. Ashcroft*, 371 F.3d 182, 188 (4th Cir. 2004) (where the BIA does not adopt the opinion of the Immigration Judge but offers its own reasons for denying relief, the Court of Appeals reviews the BIA's order rather than the IJ's ruling).

To satisfy the statutory test for asylum, an applicant must make a two-fold showing. She must demonstrate the presence of a protected ground, and she must link the feared persecution, at least in part, to it. *Saldarriaga v. Gonzales*, 402 F.3d 461, 466 (4th Cir. 2005); *Cordova v. Holder*, 759 F.3d 332, 337 (4th Cir. 2013) (citation omitted). An applicant seeking asylum based on her membership in a "particular social group" must establish that the group is: (1) composed of members who share a common immutable characteristic; (2) defined with particularity; and (3) socially distinct within the society in question. *Matter of M-E-V-G-*, 26 I&N Dec. 227, 237 (BIA 2014); *Matter of W-G-R-*, 26 I&N Dec. 208, 210 (BIA 2014); *Martinez v. Holder*, 740 F.3d 902, 910 (4th Cir. 2014). "Any claim regarding the existence of a particular social group in a country must be evaluated in the context of the evidence presented regarding the particular circumstances in the country in question." *Matter of A-R-C-G-*, 26 I&N Dec. 388, 392 (BIA 2014).

Under the REAL ID Act, an alien's membership in a particular social group must be "*at least one central reason* for persecuting the applicant" to establish their eligibility for one of the five protected grounds for asylum. INA § 208(b)(1)(B)(i) (emphasis added); *Oliva v. Lynch*, 807 F.3d 53, 59 (4th Cir. 2015); *Cordova v. Holder*, 759 F.3d 332, 337 (4th Cir. 2014) (citing *Crespin-Valladares v. Holder*, 632 F.3d 117, 127 (4th Cir. 2011)). "A persecutor's actual motive is a matter of fact to be determined by the Immigration Judge and reviewed by [the Board] for clear error." *Matter of N-M-*, Dec. 25 I&N Dec. 526, 532 (BIA 2011) (citing *Matter of J-B-N- & S-M-*, 24 I&N Dec. 208, 214 (BIA 2007), 8 C F. R. § 1003.1(d)(3)(i)).

"Evidence consistent with acts of private violence or that merely shows that an individual has been the victim of criminal activity does not constitute evidence of persecution on a statutorily protected ground." *Velasquez v. Sessions*, No. 16-1669, 2017 WL 3221643, at *3 (4th Cir. July 31, 2017) (citing *Sanchez v. U.S. Att'y General*, 392 F.3d 434, 438 (11th Cir. 2004)); *see also Huaman-Cornelio v. BIA*, 979 F.2d 995, 1000 (4th Cir. 1992).

In this case, the Board determined that the respondent met her burden for relief of asylum due to her membership in a particular social group defined as "El Salvadoran women who are unable to leave their domestic relationships where they have children in common." Board Dec. at 2 (citing *Matter of A-R-C-G-*, 26 I&N Dec. 388; *but see Vega-Ayala v. Lynch*, 833 F.3d 34, 39 (1st Cir. 2016) (concluding that the proposed particular social group of "Salvadoran women in intimate relationships with partners who view them as property" lacked the requisite immutability and social distinction elements to be cognizable under the Act); *see also Fuentes-Erazo v. Sessions*, 848 F.3d 847, 853 (8th Cir. 2017) (holding that the applicant, a victim of domestic violence, "failed to demonstrate that she was a member of her proposed particular social group"); *Cardona v. Sessions*,

848 F.3d 519, 523 (1st Cir. 2017) (same); *Marikasi v. Lynch*, 840 F.3d 281, 291 (6th Cir. 2016) (same)).[2]

The Court notes that in *Matter of A-R-C-G-*, the DHS conceded the particular social group defined as "married women in Guatemala who are unable to leave their relationship" met the statutory requirement for asylum relief. 26 I&N Dec. at 390, 392-95. The DHS has not made the same concession in this case. *See Velazquez v. Sessions*, No. 16-1669, 2017 WL 3221643, at *10 n.5 (4th Cir. Jul. 31, 2017) (citing *Matter of A-R-C-G-*, 26 I&N Dec. at 395) (not reaching the legal validity of *A-R-C-G-* and declining to apply its nexus analysis in light of the DHS concession as to membership in a cognizable particular social group).

In *Velazquez v. Sessions*, the United States Court of Appeals for the Fourth Circuit evaluated intra-family disputes in the context of asylum proceedings. *Id.* at *1. The Fourth Circuit reiterated "[e]vidence consistent with acts of private violence or that merely shows that an individual has been the victim of criminal activity does not constitute evidence of persecution on a statutorily protected ground." *Id.* at *3 (4th Cir. July 31, 2017) (citing *Sanchez v. U.S. Att'y General*, 392 F.3d 434, 438 (11th Cir. 2004)); *see Huaman-Cornelio v. BIA*, 979 F.2d 995, 1000 (4th Cir. 1992). Moreover, the circuit court held that not every intra-family dispute constitutes a valid claim for asylum if it fails to establish the statutorily-required nexus. *Id.* at *4 ("the asylum statute was not intended as a panacea for the numerous personal altercations that invariably characterize economic and social relationships.") (quoting *Saldarriaga v. Gonzales*, 402 F.3d 461, 467 (4th Cir. 2005))). Threats made by outside parties on the basis of an alien's family relationship may meet the nexus requirement for asylum. *Id.* at *12 (citing *Cruz v. Sessions*, 853 F.3d 122 (4th Cir. 2017) and *Hernandez-Avalos v. Lynch*, 784 F.3d 944, 948–49 (4th Cir. 2015)). However, the respondent must still meet her burden of proof to demonstrate such nexus exists. *Matter of L-E-A-*, 27 I&N Dec. 40, 43-44 (BIA 2017).

The Board determined that the respondent provided credible evidence, which it treats as a conclusive factual basis for her claim. Board Dec. at 1-2, 4. The respondent admits she left her husband [redacted], and divorced him on November 13, 2013. Exhibit 2, tab C at 12-14; Tr. at 40, 54.[3] The respondent does not claim that her fear of future harm is related to any other persecutor than her former husband.

In the absence of a similar concession by the DHS as to the legal validity of the particular social group implicated in this case, and in light of the Fourth Circuit's recent precedent and

[2] The particular social group analysis must assess exactly what "belief or characteristic" the alien victim possessed "that [her] persecutor seeks to overcome in others by means of punishment of some sort." *Matter of Mogharrabi*, 19 I&N Dec. 439, 446 (BIA 1987) (citing *Matter of Acosta*, 19 I&N Dec. at 226); *see also Matter of N-M-*, Dec. 25 I&N Dec. 526, 532 (BIA 2011) (persecutor's actual motive is a matter of fact to be determined by the Immigration Judge and reviewed for clear error).

[3] In *A-R-C-G-*, the particular social group at issue incorporated the terms "married," "women," and "unable to leave the relationship." *Matter of A-R-C-G*, 26 I&N Dec. at 393. In conjunction with the DHS' legal concession, the Board held that marital status can be an immutable characteristic where the individual is unable to leave the marital relationship. *Id.* at 392-93. Determination of this issue, however, is fact-dependent taking into account the applicant's own experiences, as well as more objective evidence such as background country information. *Id.* at 393. On the issue of particularity, the Board stated "[i]n some circumstances, the terms can combine to create a group with discrete and definable boundaries." *Id.* The Board observed that a "married woman's inability to leave the relationship may be informed by societal expectations about gender and subordination." *Id.*

reservations expressed in *Velazquez v. Sessions,* the Court observes that *Matter of A-R-C-G-* may not be legally valid within this jurisdiction in a case involving a purely intra-familial dispute. *Velazquez v. Sessions, supra,* at *4; *see also Matter of W-G-R-,* 26 I&N Dec. 208, 222 (BIA 2014) (fear of retribution over purely personal matters does not establish nexus required for asylum).

An Immigration Judge may certify to the Board of Immigration Appeals ("Board") any case arising from a decision rendered in removal proceedings. 8 C.F.R. § 1003.1(c); *see also* 8 C.F.R. § 1003.1(b)(3). The Board may take any action consistent with an exercise of their independent judgment and discretion necessary for the disposition of the case, to include a final order. 8 C.F.R. §§ 1003.1(d)(1)(ii) and (d)(7).

Accordingly, the Court enters the following:

ORDER

IT IS HEREBY ORDERED that the above-captioned case is certified and administratively returned to the Board of Immigration Appeals.

8/18/2017
Date

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

C

From: Couch, V. Stuart (EOIR)
To: McHenry, James (EOIR)
Subject: RE: A-R-C-G-
Date: Friday, August 18, 2017 4:56:00 PM

Will do and thanks.

Stu

From: McHenry, James (EOIR)
Sent: Friday, August 18, 2017 4:56 PM
To: Couch, V. Stuart (EOIR) <(b)(6) @EOIR.USDOJ.GOV>
Subject: RE: A-R-C-G-

Thanks. Let me know as soon as you hear from the BIA.

From: Couch, V. Stuart (EOIR)
Sent: Friday, August 18, 2017 2:56 PM
To: McHenry, James (EOIR) <(b) (6) @EOIR.USDOJ.GOV>
Subject: A-R-C-G-

James,

Wanted to give you a heads up on a *Matter of A-R-C-G-* remand from the Board that I recertified back up to them today.

Attached are my original decision with the Board decision and the certification order I issued today. As stated in my order, the DHS did not make the same concessions as to PSG that were made in *A-R-C-G-*. (b) (5) I'll leave it to the Board to assess whether I'm right.

Best regards,

Stu

V. Stuart Couch
U.S. Immigration Judge
Charlotte, NC
(b) (6)
(b) (6) @usdoj.gov

From: Couch, V. Stuart (EOIR)
To: McHenry, James (EOIR)
Cc: Santoro, Christopher A (EOIR)
Subject: BIA REMAND (2D AWARD)
Date: Monday, October 23, 2017 10:31:00 AM

James,

Not sure I have sent this along before now, but this may be a case to consider for A.G. review. I have now written two decisions on this domestic violence case and it is back for a third. [redacted].

[redacted] (April 2017)

[redacted] (April 2015)

Thanks,

Stu

D

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

IN THE MATTER OF	)	IN REMOVAL PROCEEDINGS
A [redacted] B [redacted], [redacted]	)	File No. A [redacted]
Respondent.	)	SCHEDULING ORDER
	)	July 9, 2018

NOW COMES the Court, upon remand by the Attorney General after he vacated the decision of the Board of Immigration Appeals ("Board" or "BIA") of December 6, 2016, and ordered further proceedings consistent with his opinion of June 11, 2018. *Matter of A-B-*, 27 I&N Dec. 316, 320 (A.G. 2018); INA § 103(g)(2); 8 C.F.R. § 1003.1(h)(2).

After review of the record of proceedings, the Court observes that Respondent did not appeal to the Board its denial of her application for withholding of removal under the United Nations Convention Against Torture ("CAT"). *Matter of A-B-*, 27 I&N Dec. at 325 n.4. Therefore, the Court finds that application for relief is no longer pending before it on remand as Respondent failed to exhaust her right to administrative review. *Massis v. Mukasey*, 549 F.3d 631, 638-39 (4th Cir. 2008) (alien may not raise an issue on appeal not previously raised before the Board); *see also Kporlor v. Holder*, 597 F.3d 222, 225-26 (4th Cir. 2010) (finding failure to exhaust because petitioner did not appeal CAT claim to BIA); *Suarez-Valenzuela v. Holder*, 714 F.3d 241, 248-49 (4th Cir. 2013). Accordingly, the Court enters the following:

ORDER

IT IS HEREBY ORDERED that the parties may file briefs on points relevant to the disposition of this case in light of *Matter of A-B-*, *supra*, not to exceed 6,000 words. *See* 8 C.F.R. § 1003.21(b). The parties may also supplement the record to include relevant evidence of changed country conditions.[1] 8 C.F.R. § 1208.13(b). All submissions shall be filed no later than July 30, 2018. *See* 8 C.F.R. § 1003.31(c).

7/9/2018
Date

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

[1] The Court takes administrative notice of the country conditions as described in the 2017 U.S. Department of State Human Rights Practices Report for El Salvador, available at https://www.state.gov/documents/organization/277575.pdf. *See* 8 C.F.R. § 1208.12(a); *Quitanilla v. Holder*, 758 F.3d 570, 574 n.6 (4th Cir. 2014); *Ai Hua Chen v. Holder*, 742 F.3d 171, 179 (4th Cir. 2014).