

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
900 MARKET STREET, SUITE 504
PHILADELPHIA, PA 19107

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In the matter of
L-C-, Y- G-

File A XXX-XXX-392

DATE: Jun 6, 2019

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Attached is a copy of the decision of the Immigration Judge. This decision is final unless an appeal is filed with the Board of Immigration Appeals within 30 calendar days of the date of the mailing of this written decision. See the enclosed forms and instructions for properly preparing your appeal. Your notice of appeal, attached documents, and fee or fee waiver request must be mailed to:

Board of Immigration Appeals
Office of the Clerk
5107 Leesburg Pike, Suite 2000
Falls Church, VA 22041

Attached is a copy of the decision of the immigration judge as the result of your Failure to Appear at your scheduled deportation or removal hearing. This decision is final unless a Motion to Reopen is filed in accordance with Section 242b(c)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1252b(c)(3) in deportation proceedings or section 240(b)(5)(C), 8 U.S.C. § 1229a(b)(5)(C) in removal proceedings Philadelphia kow. If you file a motion to reopen, your motion must be filed with this court:

IMMIGRATION COURT
900 MARKET STREET, SUITE 504
PHILADELPHIA, PA 19107

Attached is a copy of the decision of the immigration judge relating to a Reasonable Fear Review. This is a final order. Pursuant to 8 C.F.R. § 1208.31(g)(1), no administrative appeal is available. However, you may file a petition for review within 30 days with the appropriate Circuit Court of Appeals to appeal this decision pursuant to 8 U.S.C. § 1252; INA §242.

Attached is a copy of the decision of the immigration judge relating to a Credible Fear Review. This is a final order. No appeal is available.

Other: _____

COO CLERK
IMMIGRATION COURT

FF

cc: OHS OFFICE OF THE CHIEF COUNSEL
900 MARKET STREET, SUITE 346
PHILADELPHIA, PA, 19107

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
PHILADELPHIA, PENNSYLVANIA**

IN THE MATTER OF:

L-C-, Y- G-

RESPONDENT

)
) **INREMOVAL PROCEEDINGS**

) **File No: AXXX-XXX-392**

) **Date: June 6, 2019**

CHARGE: Section 212(a)(6)(A)(i) of the Immigration and Nationality Act ("INA" or "Act"): alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the attorney general.

APPLICATIONS: Asylum pursuant to INA § 208; Withholding of Removal pursuant to INA § 241(b)(3); and protection under Article III of the Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment ("CAT" or "Convention Against Torture").

APPEARANCES

ON BEHALF OF RESPONDENT:

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DECISION AND ORDER OF THE IMMIGRATION JUDGE

I. PROCEDURAL HISTORY

The Respondent, Y- G- L-C-, is a native and citizen of Honduras. Exh.

1. The Department of Homeland Security ("DHS") initiated removal proceedings against the Respondent with the December 2, 2016 filing of a Notice to Appear ("NTA") in the Philadelphia Immigration Court ("Court"). *Id.* The NTA alleges that the Respondent: (1) is not a citizen or national of the United States; (2) is a native and citizen of Honduras; (3) arrived in the United States at or near Hidalgo, Texas, on or about September 16, 2016; and (4) was not then admitted or paroled after inspection by an Immigration Officer. *Id.* The NTA charges the Respondent as removable pursuant to INA § 212(a)(6)(A)(i). *Id.*

At a January 4, 2017 master calendar hearing, the Respondent admitted all allegations listed in the NTA and conceded her charge of removability. See id. The Respondent declined to designate a country of removal while DHS designated Honduras. On March 13, 2017, the Respondent filed her Form I-589, Application for Asylum and for Withholding of Removal with the Court. Exh. 2. On May 28, 2019, the Court convened a merits hearing at which it heard testimony from both the Respondent and Susan Cruz, LGSW ("Ms. Cruz") in support of her application for relief.

II. DOCUMENTARY EVIDENCE

Exhibit 1: Form I-862, Notice to Appear, filed December 2, 2016

Exhibit 2: Respondent's Form I-589, Application for Asylum and for Withholding of Removal, filed March 13, 2017

Exhibit 3: Evidence in Support of Respondent's Asylum Application, filed April 12, 2017

Tab 1 Respondent's Affidavit, pp. 1-6

Tab 2 Photographs of Respondent in the Hospital, pp. 7-10

Tab 3 Amnesty International, Honduras 2016/2017 Report, pp. 11-14

Tab 4 Evidence Related to Prescription Drug, Keppra, pp. 15-18

Tab 5 Evidence Related to Prescription Drug, Wafarin, pp. 19-22

Tab 6 Evidence Related to Cerebral Venous Thrombosis, pp. 23-26

Exhibit 4: DHS Evidence Submission, filed May 12, 2017

Tab A Form I-213, Record of Deportable/Inadmissible Alien, pp. 1-3

Tab B Form I-867A, Record of Sworn Statement in Proceedings under Section 235(b)(1) of the Act, pp. 4-7

Exhibit 5: Evidence in Support Respondent's Asylum Application, filed July 19, 2017

Tab 1 Medical Records from Honduras, pp. 1-3

Tab 2 2014 Police Report filed by Respondent, pp. 4-6 *Tab*

3 2016 Police Report filed by Respondent, pp. 7-9 *Tab*

4 Physical Therapy Records from Honduras, pp. 10-16

- Tab5* Prescription for Keppra, pp. 17-19
- Tab6* Copy of Respondent's Bloodwork Results, pp. 20-22
- Tab7* Photographs of Respondent in the Hospital, pp. 23-26
- Tab8* Documents related to Chain of Custody for Evidence from Honduras, pp. 27-28
- Tab9* Respondent's Affidavit related to Chain of Custody of Honduran Documents, pp. 29-30
- Tab10* Respondent's Mother's Affidavit, pp. 31-34

Exhibit 6: Evidence in Support of Respondent's Asylum Application, filed December 20, 2017

- Tab1* Prescription for Warfarin, pp. 1-3
- Tab2* Respondent's Aunt's Affidavit, pp. 4-6
- Tab3* Respondent's Uncle's Affidavit, pp. 7-9
- Tab4* Respondent's Neighbor's Affidavit, pp. 10-12

Exhibit 7: Evidence in Support of Respondent's Asylum Application, filed May 13, 2019

- Tab1* Affidavit and Curriculum Vitae of Susan Cruz, LGSW, pp. 1-15
- Tab2* Respondent's Psychological Evaluation Conducted by Sunny Lai, MD, MPH, pp. 16-19
- Tab3* Andrea Fernandez Aponte, *Left in the Dark: Violence Against Women and LGBTI Persons in Honduras and El Salvador*, *Latin American Working Group Education Fund*, March 7, 2018, pp. 20-29
- Tab4* Rachel Dotson, *Why do they Flee? Lack of Protection for Survivors of Violence against Women and Girls in Central America*, *KIND*, August 11, 2018, pp. 30-33

Exhibit 8: Evidence in Support of Respondent's Asylum Application, filed May 20, 2019

- Tab5* Malcolm Payne, *What's So Special About Social Work and Social Justice?*, *The Guardian*, July 10, 2012, pp. 1-3

Tab 6 What Social Workers Do, United States Bureau of Labor Statistics, April 12, 2019, pp. 4-5

Tab 7 Sonia Nazario, Someone is Always Trying to Kill You, *The New York Times*, April 5, 2019, pp. 6-51

(*Tab 8* Unpublished San Francisco Immigration Court Decision, pp. 52-73

(*Tab 9* Unpublished Arlington Immigration Court Decision, pp. 74-85

Exhibit 9: Evidence in Support of Respondent's Asylum Application, filed May 23, 2019

Tab 10 X-Rays and Lab Report from Hospital in Honduras, pp. 1-9

Tab 11 X-Rays and Lab Report from Hospital in Honduras, pp. 10-18

Tab 12 Curriculum Vitae of Dr. Sunny Lai, MD, MPH, pp. 19-23

Exhibit 10: Evidence in Support of Respondent's Asylum Application, filed May 28, 2019

Tab 13 Respondent's Physician's Report, pp. 1-2

Tab 14 Letter from Respondent's Neurologist, pp. 3-4

Tab 15 Photographs of the Respondent, pp. 5-8

Unmarked

Exhibit 1: 2018 Department of State Human Rights Report - Honduras

III. TESTIMONIAL EVIDENCE

A. Testimony of the Respondent, Y- G- L-C-

1. Direct Examination

The Respondent believes that she will be killed by her ex-partner E- if she returns to Honduras. The Respondent met E- in January 2014. When they met, the Respondent lived in Santa Rita, Honduras and E- lived in San Pedro Sula. Eventually, E- moved to Santa Rita to live with the Respondent.

In the beginning of their relationship, E- was nice to the Respondent. However, around October 2014, things began to change. On October 19, 2014, E- beat the Respondent. He beat her because he did not want her to work. The Respondent was a social worker who worked with single mothers and provided them with training so that they could open their own businesses. She also worked with children. While E- was beating the Respondent, he called her a bitch and told her that

she did not have to work and that she should obey him. The Respondent went to the

doctor after this beating. She had bruises and marks on her body and face. The Respondent reported this beating to the police the following day. The police told her that they would take a report but that they would not help her because it was a problem within the relationship. They did not arrest E-.

After this beating, the Respondent went to her parent's house. The Respondent did not feel safe but she did feel more "protected." About two days later, E- came to the house and told her that he wanted her to come back to him. The Respondent was afraid of E- and so she went back to him. In December 2014, E- beat her again. He told her that he did not want her to work. E- grabbed the Respondent and threw her against a wall. She lost consciousness. A few days after this beating, the Respondent went to the doctor because she was experiencing headaches. The doctor told her that she was likely suffering from a migraine. She went home but her condition did not improve and so she went back to the doctor's office. Her doctor gave her an injection and began to monitor her. When the Respondent went to stand up, she could not move half of her body. The Respondent was transported to La Lima Hospital which was about an hour away. She was then sent to San Pedro Sula where she underwent various tests. She stayed in the hospital until December 19, 2014. The doctors told her that she suffered a cerebral massive vein thrombosis.

After leaving the hospital, the Respondent attended therapy three times per week and underwent monthly tests. She was prescribed Keppra for seizures and Warfarin to thin her blood. In February, the Respondent returned to work. After she was released from the hospital, E- came to her and told her that he wanted to be with her. She was afraid and believed that she had no choice but to return to him.

The Respondent continued to have problems with E- and he beat her again in April. During this beating, he called her a whore and accused her of wanting to work so that she could have sex with the men with whom she worked. She then went to her uncle's house which was about an hour and a half away. E- found the Respondent at her uncle's house about a month later. She believes that the police told him her location. The Respondent also traveled to the capital, Tegucigalpa, to escape E- but did not feel safe there because she thought that E- would be able to find her.

2. Cross Examination

The Respondent was twenty-six years old when she met E-. She believes that E- is about a year younger than her. She met E- at a discotheque in San Pedro Sula. The couple started dating in April. Before they started dating, they would visit one another. The Respondent never visited E-'s home and he never talked about his family. E- did not work but always had money. The Respondent never asked him how he earned this money.

Before the Respondent moved in with E-, she was living with her parents in Santa Rita. She has two half-siblings and one full sibling. One of her half-siblings lives in North Carolina and the other lives in Honduras with the Respondent's parents. Her brother lives in Philadelphia and does not have lawful immigration status.

E- never visited the Respondent at work. She would tell E- about her job and he would become jealous. He told her that once they were married, she would have to stop working. The Respondent initially thought that this was a joke. As part of her job, the Respondent worked with single mothers, some of whom had left abusive situations. Her work provided services for these women and provided them someone with whom to talk to about the abuse. There were also seminars about how to report incidents of domestic violence.

The police report filed by the Respondent in October 2014 states that E- was drunk and beat the Respondent because she did not open the door. She told the police that E- beat her because he wanted her to stop working but that it was not recorded in the report. The August 2016 police report states that E- beat her because he wanted her to stop working. The Respondent never followed up with the police regarding these reports.

After the beating in October 2014, the Respondent returned to work. She had some bruises on her body and her friend asked her about them. The Respondent told this friend about E-'s abuse. After this beating, the Respondent went to her parent's house for about three days. The Respondent reported the December beating to the police. She was in the hospital in La Lima from December 10 until December 19. After she was released, she went to her parents' house. E- visited her almost every day.

The Respondent never asked the police for a protection order. She testified that she did not do this because they never helped her when she filed a police report. The Respondent has not heard from E- since leaving Honduras because her Honduran cell phone no longer works. The Respondent's mother sees E- in town and he asks about her.

3. Redirect Examination

When someone files a police report in Honduras, the secretary writes down the information.

B. Testimony of Susan Cruz, LGSW¹

1. Direct Examination

Ms. Cruz has never spoken to the Respondent. In forming her opinions for this case, she has relied on the information provided by the Respondent's counsel. Ms. Cruz was born in El Salvador and travels to the Northern Triangle three or four times per year. She interviews "informants" in both the public and private sectors, including individuals within the government, prosecutors, or other service providers. She has not yet visited Honduras in 2019. She visited the country once in 2018 and four times in 2017.

¹ The Court certifies Ms. Cruz as an expert witness on the subject of Domestic Violence in the Northern Triangle as it finds that she demonstrated "scientific, technical, or other specialized knowledge [that] will assist the trier of fact to understand the evidence or to determine a fact in issue." Matter of D-R-, 25 I&N Dec. 445, 458 (BIA 2011) (citing Fed. R. Evid. 702).

2. Direct Examination

Ms. Cruz has visited Honduras roughly twenty times in her life. The longest amount of time that she has spent in the country was just under ten days. She has not published any articles about domestic violence in Honduras. In total, she has been qualified as an expert witness regarding domestic violence in Honduras more than twelve times.

Ms. Cruz spoke to a prosecutor in Honduras who prosecutes cases of gender based violence. She has worked in this department for five years. Honduras has laws prohibiting rape and domestic violence. Ms. Cruz believes that these laws are not enforced. She testified that most cases are not prosecuted. The prosecutor's office is told to focus on sex crimes and not domestic violence. Culturally, domestic violence is viewed as something that exists within the home and that the state should not intervene in it.

3. Redirect Examination

Ms. Cruz testified that the state cannot respond to instances of domestic violence and that international organizations state that victims are not receiving assistance. She also explained that whereas shelters in the United States are difficult to locate by abusers, they are easily found in Honduras. Ms. Cruz has also never seen a protection from abuse order enforced in Honduras. Since many police officers are men, who are also domestic abusers, officers do not feel that they can interfere in someone else's business. Furthermore, the police in Honduras are more concerned with organized crime, narcotics trafficking, and political upheaval. She believes that the Respondent cannot relocate and avoid her abuser because she lacks adequate funds. If she were wealthy, she could move into a gated community with an armed guard, however, this is not possible given the Respondent's financial situation.

4. Recross Examination

The United Nations Development Program works with the Honduran state but they do not provide any direct services. The Honduran government reports to the United Nations so that they can report on any trends. The government operated reporting centers do not respond to individual needs. There is a unit in the prosecutor's office that deals with gender based crimes.

IV. STANDARDS OF LAW

A. Credibility and Corroboration

In considering an applicant's asylum application, the Court must make a threshold determination of his or her credibility. INA §§ 208(b)(1)(B)(iii), 241(b)(3)(C) (2013); Matter of Q-D-, 21 I&N Dec. 1079 (BIA 1998); Matter of Pula, 19 I&N Dec. 467 (BIA 1987); Matter of Vigil, 19 I&N Dec. 572 (BIA 1988). The statutory amendments of the REAL ID Act, P.L. 109- 13, 119 Stat. 231 (2005), apply in this case because an applicant's asylum application was made after May 11, 2005. Matter of S-B-, 24 I&N Dec. 42 (BIA 2006). The REAL ID Act under INA § 208(b)(1)(B)(iii) provides:

Considering the totality of the circumstances, and all relevant factors, a trier of fact may base a credibility determination on the demeanor, candor, or responsiveness of the applicant or witness, the inherent plausibility of the applicant's or witness's account, the consistency between the applicant's or witness's written and oral statements (whenever made and whether or not under oath, and considering the circumstances under which the statements were made), the internal consistency of each statement, the consistency of such statements with other evidence of the record (including the reports of the Department of State on country conditions), and any inaccuracies or falsehoods in such statements, without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant's claim, or any other relevant factor. There is no presumption of credibility, however, if no adverse credibility determination is explicitly made, the applicant or witness shall have a rebuttable presumption of credibility on appeal.

The testimony of an applicant may, in some cases, be the only evidence available, and it can suffice where the testimony is believable, consistent, and sufficiently detailed, in light of general conditions in the home country, to provide a plausible and coherent account of the basis for the alleged fear. Matter of Dass, 20 I&N Dec. 120, 124 (BIA 1989); 8 C.F.R. § 1208.16(b) (2013). An overall credibility determination "does not necessarily rise or fall on each element of the witness's testimony, but rather is more properly decided on the cumulative effect of the entirety of all such elements." Jishivashvili v. Att'y Gen., 402 F.3d 386, 396 (3d Cir. 2005). An applicant may be given the "benefit of the doubt" if there is some ambiguity regarding an aspect of his asylum claim. Matter of Y-B-, 21 I&N Dec. 1136, 1139 (BIA 1998). In some cases, an applicant may be found to be credible even if he has trouble remembering specific facts. See, Matter of B-, 21 I&N Dec. 66, 70-71 (BIA 1995) (finding that an alien who has fled persecution may have trouble remembering exact dates when testifying, and such failure to provide precise dates may not be an indication of deception).

While minor and isolated discrepancies need not be fatal to credibility, omission of key events coupled with numerous inconsistencies may lead to a finding that the applicant is not credible. Matter of A-S-, 21 I&N Dec. 1106, 1109-10 (BIA 1998). Testimony is not considered credible when it is inconsistent, contradictory with current country conditions, or inherently improbable. Matter of S-M-J-, 21 I&N Dec. 722, 729 (BIA 1997). An adverse credibility finding can be based on inconsistent statements and fraudulent documents. O-D-, 21 I&N Dec. 1079. The Court must consider the applicant's explanation of testimonial inconsistencies before making a credibility determination. Caushi v. Att'y Gen., 436 F.3d 220, 226 (3d Cir. 2006). A trier of fact's determination that testimony lacks credibility must be accompanied by specific, cogent reasons for such a finding. A-S-, 21 I&N Dec. 1106. An adverse credibility finding may be fatal to an applicant's claim. Dia v. Ashcroft, 353 F.3d 228, 247 (3d Cir. 2003).

Where an alien's claim relies primarily on personal experiences not reasonably subject to verification, corroborating documentary evidence of the alien's particular experience is not essential. S-M-J-, 21 I&N Dec. at 725. The body of evidence, including testimony, must be

considered in its totality. Id. at 729. Where it is reasonable, however, to expect such corroborating evidence for certain alleged facts pertaining to the specifics of the claim, the alien should provide such evidence or explain why it was not provided. Id.; see also Matter of M-D-, 21 I&N Dec. 1180 (BIA 1998). When an alien's testimony is weak or lacking in specific details, there is an even greater need for corroborative evidence. Y-B-, 21 I&N Dec. at 1139. When the Court requires corroborative evidence it must (1) identify the facts for which it is reasonable to expect corroboration, (2) inquire as to whether the applicant has provided information corroborating those facts, and, if not, (3) analyze whether the applicant has adequately explained her failure to do so. Abdulai v. Ashcroft, 239 F.3d 542, 554 (3d Cir. 2001).

Applying REAL ID Act standards and considering the totality of the circumstances, the Court finds the Respondent to be credible as she provided detailed, consistent, and persuasive testimony at her May 28, 2019 merits hearing. Jishiashvili, 402 F.3d at 396. This testimony includes the Respondent's account of: (1) her life in Honduras; (2) E-'s multiple instances of abuse; (3) the physical injuries that she suffered as a result of this abuse; (4) her continuing medical problems; and (5) her fear of return. The Respondent's testimony was internally consistent and consistent with her affidavit. See Exh. 3, Tab 1.

Additionally, the Court finds that the Respondent sufficiently corroborated her claim with evidence in the record. The Respondent submitted 2014 and 2016 police reports, both filed with the Santa Rita Police Department, which corroborate the beatings that she suffered and the fact that she reported these beatings to the Honduran police. Exh. 5, Tabs 2-3. The Respondent also submitted photographs taken while she was in the hospital after being beaten by E- and medical records from Honduras. Exh. 3, Tab 2; Exh. 5, Tabs 1, 4, 7; Exh. 9, Tabs 10-11; Exh. 10, Tab 15. Additionally, the Respondent provided the Court with her prescription for Warfarin and Keppra, corroborating her lingering medical issues. Exh. 3, Tabs 4-5; Exh. 5, Tab 5; Exh. 6, Tab 1. The Respondent provided affidavits from her mother, aunt, uncle, and neighbor who all corroborated E-'s abuse. Exh. 5, Tab 10; Exh. 6, Tabs 2-4. Lastly, the Respondent provided a copious amount of country conditions evidence detailing violence against women in Honduras. See Exh. 3, Tab 3; Exh. 7, Tabs 1, 3-4; Exh. 8, Tabs 5-7. Therefore, after carefully considering the Respondent's testimony in its entirety, the Court finds that she testified credibly and sufficiently corroborated her claim. Jishiashvili, 402 F.3d at 396.

B. Asylum

1. Statutory Eligibility

a. Timeliness of Application

As a threshold issue, an applicant must affirmatively prove by clear and convincing evidence that his asylum application was filed within one year of the date of his last arrival into the United States or April 1, 1997, whichever is later. INA § 208(a)(2)(B); 8 C.F.R. § 1208.4(a)(2). If the applicant filed after the one-year deadline, he must show, to the satisfaction of the Court that he qualifies for an exception to the filing deadline. Id. To qualify for an exception to the filing deadline, the applicant must demonstrate the existence of either (1) changed circumstances that

materially affect his eligibility for asylum, or (2) extraordinary circumstances relating to the delay in filing an application within the filing time period. INA §208(a)(2)(D).

The Respondent has shown by clear and convincing evidence that she filed her application within one year of her arrival. See INA§ 208(a)(2)(B), (D). The Respondent entered the United States on September 16, 2016. Exh. 1. Subsequently, the Respondent filed her Form I-589, Application for Asylum and for Withholding of Removal on March 13, 2017. Exh. 7, Tab II. As the Respondent filed her application within one year of her arrival, the Court finds it to be timely.

b. Past Persecution

Persecution is "a threat to the life or freedom of, or the infliction of suffering or harm upon, those who differ in a way regarded as offensive." Acosta, 19 I&N Dec. 211,222 (BIA 1985); Li v. Att'y Gen., 400 F.3d 157, 164-68 (3d Cir. 2005). Persecution "encompasses a variety of forms of adverse treatment, including non-life threatening violence and physical abuse or non-physical forms of harm." Matter of O-Z- & I-Z-, 22 I&N Dec. 23, 25-26 (BIA 1998). It does not include "all treatment that our society regards as unfair, unjust or even unlawful or unconstitutional." Fatin v. INS, 12 F.3d 1233, 1240 (3d Cir. 1993). Threats do not constitute persecution unless they are highly imminent. Li, 400 F.3d at 164. An isolated incident of physical abuse that does not result in serious injury does not rise to the level of persecution. Voci v. Gonzales, 409 F.3d 607,615 (3d Cir. 2005). However, evidence that the applicant was physically harmed by his or her persecutors and that the harm was severe and required medical attention, along with other harassment, may rise to the level of persecution. See id. (finding past persecution where the petitioner was found to have been beaten by police numerous times, which on one occasion, necessitated the petitioner's extended hospitalization for a broken knee).

The Court finds that the Respondent suffered past persecution in Honduras. The Respondent testified that E- beat her severely on multiple occasions and that these beatings caused significant injuries. According to her affidavit, on October 19, 2014, E- kicked, hit, and punched the Respondent and struck her with physical objects. Exh. 3, Tab 1 at 1. In December 2014, E- again beat the Respondent. Id. at 2. Several days later, she went to the doctor because she had a headache. When the pain did not subside, she returned to the doctor's office. While at the office, the right side of her body went numb and she was admitted to the emergency room in La Lima. Id. She was then transferred to a hospital in San Pedro Sula where she remained from December 10 until December 19. Id. at 3. The doctors told her that she suffered a burst vein in her head which caused a blood clot. Id.; Id., Tab 2; Exh. 5, Tab 1. After she was released from the hospital, she was ordered to attend physical therapy sessions and undergo routine testing. Exh. 3, Tab 1 at 3; Exh. 5, Tab 4.

The Court finds that the beatings that the Respondent suffered were pervasive and sufficiently severe as to rise to the elevated level required by the statute. O-Z- & I-Z-, 22 I&N Dec. at 25-26. The Court takes specific note of the fact that the Respondent required a nine-day stay in the hospital to treat a thrombosis in her head, which was directly related to E-'s abuse. The necessity of a prolonged stay in the hospital convinces the Court that the harm suffered rises to the level of persecution. See Voci, 409 F.3d at 615. Additionally, the Court finds that the Respondent continues to suffer physical and psychological trauma as a result of this abuse. The

In addition to establishing a cognizable particular social group, Respondent must also show that the harm she fears would be inflicted on account of her membership in that social group. 8 C.F.R. § 1208.13(b)(1). To demonstrate a nexus to a protected ground, an applicant need not show that she would be persecuted exclusively on account of the protected ground, but that the protected ground would be "one central reason" for the feared persecution, not just an "'incidental, tangential, or superficial' reason for persecution." Ndayshimiye v. Atty's Gen., 557 F.3d 124, 130 (3d Cir. 2009); Matter of J-B-N- & S-M-, 24 I&N Dec. 208, 212-13 (BIA 2007). The Third Circuit has stressed that the proper standard is "one central reason" and not "the central reason." See Ndayshimiye, 557 at 129-31 (finding that the BIA's decision in J-B-N- & S-M- is not entitled to Chevron deference to the extent that it suggests a hierarchy of motives). The question of a persecutor's motive will involve a particularized evaluation of the specific facts and evidence in an individual claim. See L-E-A-, 27 I&N Dec. at 44 (citing Matter of N-M-, 25 I&N Dec. 526, 530 (BIA 2011)).² In making this determination, the Court can consider both direct and circumstantial evidence of a persecutor's motive, and may make reasonable inferences based on the evidence in the record. L-E-A-, 27 I&N Dec. at 44.

i. Membership in a Particular Social Group

In her brief, the Respondent argues that she suffered past persecution and that she has a well-founded fear of future persecution on account of her membership in several distinct particular social groups including: (1) Honduran females; (2) Honduran women who defy cultural norms; (3) Honduran women who refuse to be subservient in domestic relationships; and (4) Honduran women viewed as property by virtue of their status in a domestic relationship. Additionally, the Respondent put forth a claim for asylum based on her political opinion.³

The Court first finds that the Respondent's particular social group, "Honduran females," is cognizable under the law. Initially, the Court finds that the social group is immutable as it consists of two innate characteristics that are fundamental to an individual's identity and cannot be changed. Acosta, 19 I&N Dec. at 233; See also, A-B-, 27 I&N Dec. at 320 (reaffirming the common immutable characteristic standard set forth in Acosta). Both terms, "Honduran" and "female," or more generally, nationality and gender, are prototypical examples of immutable characteristics that individuals either cannot change or be required to change. Acosta, 19 I&N Dec. at 233; Patin, 12 F.3d at 1233. Furthermore, in Acosta, the Board specifically noted that "sex" is a "shared characteristic" on which a particular social group may be based. See Acosta, 19 I&N Dec. at 233. Therefore, the Court finds that the social group, "Honduran females" is comprised of immutable characteristics.

Additionally, the Court finds that the Respondent social group is sufficiently particular. The particularity requirement focuses on whether the terms defining the group are sufficiently objective to establish a group with "discrete and definable boundaries." See M-E-V-G-, 26 I&N

²The Court is aware that the Attorney General stayed L-E-A- on December 3, 2018. See 27 I&N Dec. 494 (A.G. 2018). Nonetheless, the Court considers L-E-A- as persuasive authority in its analysis of the statutory nexus requirement in this case.

³ Because the Court grants the Respondent relief on account of her membership in a particular social group comprised of "Honduran females," it will not reach whether she suffered past persecution or has demonstrated a fear of return on account of her other proffered social groups.

Respondent takes medication to manage her seizures and thin her blood. Exh. 3, Tabs 4-5; Exh. 5, Tab 5, Exh. 6, Tab 1. A medical report in the record also states that the Respondent exhibits multiple symptoms of post-traumatic stress disorder ("PTSD") as a result of the events in Honduras. Exh. 7, Tab 2 at 19. Therefore, based on the multiple beatings suffered by the Respondent that resulted in severe and lasting harm, the Court finds that the Respondent suffered past persecution on account of the physical abuse that she suffered in Honduras.

c. On Account of a Protected Ground

The Respondent must also establish that her future persecution would be inflicted on account of her membership in a particular social group. A particular social group is defined as a group of individuals who share a common, immutable characteristic that cannot be changed or that they should not be required to change because it is fundamental to their individual identities or consciences. Acosta, 19 I&N Dec. at 211; Patin, 12 F.3d at 1233. Immutable characteristics include innate characteristics such as "sex, color, or kinship ties" or shared past experiences. Acosta, 19 I&N Dec. at 233. Although past experience is an immutable characteristic, a social group "must exist independently of the persecution suffered" and "must have existed before the persecution began." Lukwago v. Ashcroft, 329 F.3d 157, 172 (3d Cir. 2003).

Additionally, the Board of Immigration Appeals ("BIA" or "Board") has held that a social group must be defined with particularity. Matter of W-G-R-, 26 I&N Dec. 208,214 (BIA 2014); Matter of A-M-E- & J-G-U-, 24 I&N Dec. 69, 76 (BIA 2007). Particularity entails that the group have "discrete and definable boundaries" and not be too broad or amorphous. See Matter of M-E-V-G-, 26 I&N Dec. 227,239 (BIA 2014). Further, a social group must be "socially distinct" within the society in question such that people with shared, immutable characteristics are recognized or perceived as a particular group. W-G-R-, 26 I&N Dec. at 212-13; M-E-V-G-, 26 I&N Dec. at 237 (citing Matter of C-A-, 23 I&N Dec. 951, 956-57 (BIA 2014)). Notably, a group's limiting characteristics or boundaries must exist independently of persecution, and social distinction may not be determined solely by the perception of an applicant's persecutors. W-G-R-, 26 I&N Dec. at 218. However, persecutors' perceptions may be relevant because it is indicative of whether society views a group as distinct and in cases involving imputed grounds, where one may mistakenly be believed to belong to a particular social group. M-E-V-G-, 26 I&N Dec. at 243 (citations omitted).

The Board has repeatedly held that the determination of whether a particular social group is cognizable is a fact-based inquiry that must be made on a case-by-case basis. See Matter of W-Y-C & H-O-B, 27 I&N Dec. 189 (BIA 2018); M-E-V-G-, 26 I&N Dec. at 243; W-G-R-, 26 I&N Dec. at 218. The Circuit Courts of Appeals have similarly held that factual findings underlie the analysis of a group's cognoscibility, particularly social distinction. See Hernandez-De La Cruz v. Lynch, 819 F.3d 784, 787 (5th Cir. 2016); Sanchez-Robles v. Lynch, 808 F.3d 688, 691 (6th Cir. 2015). Recently, the Attorney General in A-B- adhered to the fact-based inquiry for particular social groups by reinforcing that respondents must articulate the exact delineation of any proposed social group on the record so that the immigration judge can engage in the necessary factual and legal findings. 27 I&N Dec. 316, 344 (A.G. 2018).

Dec. at 239; Matter of W-Y-C- & H-O-B-, 27 I&N Dec. at 189. These defining characteristics will provide a clear benchmark for determining who falls within a group and who falls outside of it. M-E-V-G-, 26 I&N Dec. at 239. A group that is "amorphous, overbroad, diffuse, or subjective," shall not fulfill these requirements. Id. In the Respondent's social group, the definitional terms are clearly defined and precise as both gender and nationality have commonly understood meanings that are unlikely to change if defined by different individuals. See Matter of A-M-E- & J-G-U-, 24 I&N Dec. 69, 76 (BIA 2007) (finding that the particular social group defined by "affluent Guatemalans" was not particular because "affluence is simply too subjective, inchoate, and variable."). Accordingly, the Respondent's group is not amorphous because its defining terms provide an adequate benchmark, gender, for determining group membership. Id.

While the Court notes that the Respondent's proposed particular social group is large, it ultimately finds this fact to not be fatal to the group's overall cognizability. The Board has routinely upheld large social groups despite its recognition that size is a factor that should be considered in the analysis. For example, in S-E-G-, the Board stated that "while size of the group may be an important factor in determining whether the group can be so recognized, the key question is whether the proposed definition is sufficiently particular or is too amorphous... to create a benchmark for determining group membership." 24 I&N Dec. 579, 584 (BIA 2008). S-E-G-, affirmed the reasoning in Matter of H-, in which the Board found that Somali clans constitute a particular social group, despite the fact that some clans may number in the millions. 21 I&N Dec. 337 (BIA 1996); see also Mohammed v. Gonzalez, 400 F.3d 785 (9th Cir. 2005) (finding a group comprised of "Somali females" to be a cognizable social group given the widespread practice of female genital mutilation); Cece v. Holder, 733 F.3d 662, 674-75 (7th Cir. 2011); Perdomo v. Holder, 611 F.3d 662, 669 (9th Cir. 2005) (rejecting the notion that a group can be too large to be a particular social group). Furthermore, the Board has repeatedly found particular social groups based on sexual orientation to be cognizable, despite the fact that such groups may be vast in number and may contain a diverse cross-section of the population. Matter of Toboso-Alfonso, 20 I&N Dec. 819, 822-23 (BIA 1990) (recognizing "homosexuals .. in Cuba" as members of a particular social group); W-G-R-, 26 I&N Dec. at 219 (affirming "homosexuals in Cuba" as a particular social group because, in part, it is defined with particularity). In these cases, and as explained by S-E-G-, the key question is not the group's size, but whether the definition provides an adequate benchmark for determining who is a member and who is not based on the record at hand. While the dispositive factor in H- was the shared kinship and linguistic attributes of clan members, in Respondent's case, the benchmark determinant is a combination of nationality and gender. 21 I&N Dec. at 343.

Further, the Court notes that none of the other protected grounds in enumerated in INA § 101(a)(42) are limited by size or prohibit diverse membership. A nation may host millions of members of a particular religion, yet these individuals are not precluded from asylum if persecuted. Similarly, religious groups are composed of individuals with a wide variety of characteristics and experiences. Each protected ground is bounded by an immutable characteristic. See Acosta, 19 I&N Dec. at 233. Thus, it follows that a proposed social group that establishes clear boundaries by way of its immutable characteristics is cognizable under the Act regardless of its size or internal diversity.

The Court's analysis of sizeable and diverse groups is consistent with the Attorney General's decision in A-B-, which contains several statements, in dicta, cautioning against such groups. A-B- suggests that social groups composed of "broad swaths of society" likely lack particularity, as they may be "too diffuse to be recognized as a particular social group." A-B-, 27 I&N at 335 (citing Constanza v. Holder, 647 F3d. 749, 754 (8th Cir. 2011)). For example, a group composed of "victims of gang violence" may not be particular because members "often come from all segments of society, and they possess no distinguishing characteristic or concrete trait that would readily identify them as members of such a group." A-B-, 27 I&N at 335. This sentiment echoes the Board's decision in W-G-R-, which struck down a social group based on former gang membership because the respondent had not established that Salvadoran society would "generally agree on who is included" in the group. 26 I&N Dec. at 221 (finding the proposed group lacked particularity "because it is too diffuse, as well as being too broad and subjective" as it "could include persons of any age, sex, or background").

However, the shortcomings considered in A-B- and W-G-R- are not present in the Respondent's case as her group possesses an objective, distinguishing characteristic, to wit, gender. As explained below, and as supported by the facts in the record, this characteristic enables Honduran society to readily identify group members, despite the presence of other diverse characteristics. Finally and importantly, A-B-, reiterates the necessity for a fact-based, case-by-case inquiry in the social group analysis, a mandate which cannot be reconciled with a broad prohibition against large, diverse social groups. A-B-, 27 I&N at 344; W-Y-C- & H-O-B-, 27 I&N at 189. In this case, and on this record, the facts demonstrate that the Respondent's social group exists in Honduras and is consistent with the requirements of M-E-V-G- and W-G-R-. Accordingly, the Respondent's proposed social group "Honduran females" meets the particularly requirement.

Finally, The Court finds that the Respondent's proposed social group is distinct within Honduran society. In M-E-V-G-, the Board explained that "[a] viable particular social group should be perceived within the given society as a sufficiently distinct group," and that "[t]he members of a particular social group will generally understand their own affiliation with the grouping, as will other people in the particular society." 26 I&N Dec. 227,238; see also W-G-R-, 26 I&N Dec. at 217 (stating that "social distinction exists where the relevant society perceives, considers, or recognizes the group as a distinct social group"). Through the Respondent's testimony and documentary evidence, she has established that Honduran society perceives women as sufficiently distinct from society as a whole to qualify as a particular social group.

The country conditions evidence demonstrates that women in Honduras are seen as a distinct group within the society, notably through the distinct forms of violence and the danger that they face in the country. A New York Times article states that Honduras is one of the most dangerous countries in the world to be a woman and that 380 women were murdered last year. Exh. 8, Tab 7 at 12. Evidence in the record further states that the years between 2008 and 2015 have seen a 390 percent increase in cases of domestic violence in Honduras. Exh. 7, Tab 3 at 22. Furthermore, Ms. Cruz, in her expert affidavit, writes that "domestic violence is accepted and common throughout Honduras." Exh. 7, Tab 1 at 6. The aforementioned New York Times article suggests that women in Honduras are increasingly being recruited into gangs and that the gangs

"believe that men are more likely to buy drugs from a flirty woman and that the police are less likely to target [them]." Exh. 8, Tab 7 at 17.

This evidence suggests that women in Honduras are viewed as a distinct group. The specific types of violence suffered by women demonstrates that women in Honduras are viewed as a group within society. The fact that these forms of violence are quantified and recorded as statistics also shows that violence against women is viewed as a separate issue within society and by extension, the victims of that abuse, women in Honduras are distinct. Furthermore, given that women in Honduras are being targeted for specific roles within gang hierarchies because of their status as women, convinces the Court that they are a distinct group within Honduran society.

The existence of specific laws to combat the problem of gender based violence in Honduras further demonstrates how Honduran society views this group as distinct. In 2013, the Honduran government imposed harsher sentences for those convicted of femicide. Exh. 8, Tab 7 at 25. Additionally, laws were enacted to combat domestic violence in 1997, which were later reformed in 2006. Id.; Exh. 7, Tab 3 at 23. The Department of State Report indicates that domestic violence carries a penalty of up to four years in prison. Unmarked Exh. 1 at 17. The establishment of these laws clearly illustrates the way in which women in Honduras are viewed as distinct. The fact that the government carved out specific laws from the general criminal code with the intention and purpose of protecting Honduran women clearly shows that they are a distinct group within society.

The Court emphasizes that the Respondent's articulated social group is perceived by Honduran society independently from any group member's experienced persecution. Thus, Respondent's articulated group is neither defined solely by the persecutor's perception nor by its persecution, despite the Court's discussion of violence against women in its analysis. See M-E-V-G-, 26 I&N Dec. at 242 (cautioning that the persecutors' perception is not itself enough to make a group socially distinct); A-B-, 27 I&N Dec. at 317 (holding that the social group must "exist[s] independently of the alleged underlying harm"); Lukwago v. Ashcroft, 329 F.3d at 172. Here, recognizing the nation-wide epidemic of violence against women informs the recognition of the Respondent's social group as opposed to creating it. In other words, the persecution faced by women may act as the catalyst that causes Honduran society to meaningfully distinguish the group, but the defining immutable characteristic exists independently of that persecution. M-E-V-G-, 26 I&N Dec. at 243; see also W-G-R-, 26 I&N at 237 (clarifying that persecutor's perceptions may be relevant because it is indicative of whether society views the group as distinct). As such, Respondent has shown that Honduran women are "set apart, or distinct, from other persons.. in some significant way." M-E-V-G-, 26 I&N Dec. at 238. Therefore, the Respondent's articulated social group meets the requirements for social distinction and is cognizable under the Act.

ii. Persecution on Account of a Protected Ground

The Court next finds that the Respondent's membership in a particular social group including "Honduran females," was one central reason for the harm that she suffered in Honduras. The gendered dimension of E-'s abuse indicates to the Court that her status as a woman in Honduras was one central reason for her persecution. The abuse that the Respondent suffered is inextricably linked to her status as a woman. The Respondent testified that E- beat her because he did not want her to work; which was in conflict with the fact that the Respondent enjoyed being

a social worker. While E- was beating the Respondent, he would tell her that she should not be working and that she should obey him. He also told the Respondent that once they were married, she would not be allowed to work. From this evidence, it is clear that E- wanted to control the Respondent and force her into a subservient position, which is reflected in the strict gender hierarchy in Honduras. The Respondent's work threatened this hierarchy, which links the abuse that the Respondent suffered to her status as a woman in Honduras. Therefore, the Court draws a strong inference from E-'s words while beating the Respondent and finds that her status as a woman was one central reason for this abuse.

Furthermore, the country conditions evidence creates a strong inference that the Respondent's status as a woman in Honduras was one central reason for her persecution in Honduras. A staggering number of women in Honduras face violence. A report in the record indicates that in 2016, there were 466 reported femicides in Honduras, a rate of 10.2 murders for every 100,000 women in the country. Exh. 7, Tab 3 at 22. That same year, the Office of the Commissioner for Human Rights in Honduras received 4,500 human rights complaints from women. *Id.* Between 2008 and 2015, there was a 390 percent increase in reported cases of domestic violence. *Id.* In her affidavit, expert witness Ms. Cruz states that domestic violence in Honduras "is accepted and common... due to the prevailing sexist and patriarchal machismo culture, which holds that women must be subservient to men and that women are the property of their husbands or fathers." Exh. 7, Tab 1 at 6. These figures and the violent reality that women face in Honduras allows the Court to infer that the Respondent was persecuted in Honduras on account of her status as a woman.

Therefore, based on the specific evidence of the Respondent's case, consisting of the country conditions evidence and her own experiences in Honduras, the Court finds that her gender was one central reason for the persecution that she suffered. This finding is based on the fact that E- sought to use violence as a way of keeping the Respondent from working and ensure that she was subservient to him. This motivation is inextricably linked to the Respondent's gender and her status within society. Furthermore, the motives for these actions are echoed in the evidence which documents a patriarchal culture within Honduras where men feel as though they can control women and oftentimes use violence as a means of exerting that control. Therefore, the Court finds that the Respondent has established that her membership in a particular social group comprised of Honduran females was one central reason for her persecution.

iii. Government Action

The Respondent also must demonstrate that her well-founded fear of future persecution would be committed by the Honduran government, or by forces that the government are unable or unwilling to control.⁴ *See Gao*, 299 F.3d at 272. The Respondent went to the police on two separate

⁴ The Attorney General in *A-B-* reaffirmed the "unable or unwilling to control" standard set forth in *Gao*, but also held that an asylum applicant must show that the government "condoned" the private actors or at least "demonstrated a complete helplessness to protect the victims," citing to a case from the Seventh Circuit Court of Appeals ("Seventh Circuit"). 27 I&N Dec. at 337 (citing *Galina v. INS*, 213 F.3d 955,958 (7th Cir. 2000)). Thus, the Attorney General sets forth three different standards: "unable or unwilling to control," "condoned," and "complete helplessness." *A-B-* ' 27 I&N Dec. at 337. This conflicting language leaves the Court with questions as to what standard to apply when adjudicating asylum applications. To resolve this issue, the Court has reviewed relevant Board and Third Circuit precedent. In *Q-Z- & 1-Z-*, which remains controlling Board precedent, the Board paired the term "unable and

occasions and made a report; however, the police informed her that they would not intervene and that the issue was a personal matter between the Respondent and E-. Exh. 5, Tabs 2-3. Therefore, the Respondent's own experiences demonstrate that the Honduran government is unwilling to help protect the Respondent from her persecutor.

Additionally, the evidence in the record demonstrates that the Honduran government is both unable and unwilling to control violence against women. As noted above, the Honduran government enacted legal reforms meant to protect women. For example, the government imposed harsher sentences for individuals convicted of femicide. Exh. 8, Tab 7 at 25. In 1997, the government enacted laws prohibiting domestic violence and reformed those laws in 2006. Id.; Exh. 7, Tab 3 at 23. Additionally, the Department of State Report states that "the government operated consolidated reporting centers in Tegucigalpa and San Pedro Sula where women could report crimes, seek medical and psychological attention, and receive other services." Unmarked Exh. 1 at 17.

However, such reforms have been unable to meaningfully control the problem of violence against women in Honduras. As previously noted, 380 women were murdered in Honduras last year. Exh. 8, Tab 7 at 12. In 2016, the government investigated only fifteen of the over four hundred murder cases against women and only two of those fifteen investigations resulted in guilty verdicts. Exh. 7, Tab 3 at 22. Ms. Cruz testified that although there are laws on the books to protect women, these laws are rarely utilized. Additionally, from her discussions with prosecutors in Honduras, Ms. Cruz testified that the government is concerned with issues of organized crime, narcotics trafficking, and sex crimes and therefore does not prosecute incidents of physical violence against women. Furthermore, in her affidavit, Ms. Cruz writes that prosecutors often fail to charge perpetrators of this violence and that their offices are underfunded and remain "ineffective, inefficient and completely understaffed." Exh. 7, Tab 1 at 8. As a result, despite the evidence in the record regarding Honduras's efforts to combat violence against women, the Court finds that they are unable to adequately protect women in the country.

d. Well Founded Fear of Future Persecution on Account of a Protected Ground

If past persecution is established, a regulatory presumption arises that the applicant has a well-founded fear of future persecution on the basis of his original claim. 8 C.F.R. § 1208.13(b)(1); Singh, 406 F.3d at 196 (finding that an applicant who establishes that he or she has suffered past persecution on account of one of the five grounds enumerated in the INA "triggers a

unwilling to control" with the term "condoned," indicating to the Court that the two terms are the same, legally, for purposes of an asylum analysis. 299 F.3d at 26. Moreover, it is clear from a review of Third Circuit case law that "unable or unwilling to control" is the governing standard in the Third Circuit. See, Gao, 299 F.3d at 272. The Court could not find a Board or Third Circuit case that uses or interprets the term "complete helplessness" as used by the Attorney General in A-B- and the Seventh Circuit in Galina. Absent such controlling case law, the Court chooses to apply the "unable or unwilling to control" standard when analyzing Respondent's asylum claim. This interpretation is consistent with the D.C. District Court's recent decision in Grace v. Whitaker, 344 F.Supp.3d 96, 130 (D.D.C.2018) ("The "unwilling or unable" persecution standard was settled at the time the Refugee Act was codified, and therefore the Attorney General's "condoned" or "complete helplessness" standard is not a permissible construction of the persecution requirement.").

rebuttable presumption of a well-founded fear of future persecution, as long as that fear is related to the past persecution."); Berishaj v. Ashcroft, 378 F.3d 314 (3d Cir. 2004); Lukwago v. Ashcroft, 329 F.3d 157 (3d Cir. 2003); Matter of N-M-A-, 22 I&N Dec. 312,314 (BIA 1998). The inquiry ends once the presumption arising from past persecution is rebutted. However, it does not eliminate the possibility of a well-founded fear on another basis. N-M-A-, 22 I&N Dec. at 313. DHS has the burden of rebutting the presumption of a well-founded fear of future persecution and must establish by a preponderance of the evidence that the applicant's fear is no longer well-founded due to a fundamental change in circumstances (changed country conditions). 8 C.F.R. § 1208.13(b)(1)(i)(A). The presumption of a well-founded fear of future persecution may also be overcome if the DHS demonstrates that the applicant could avoid future persecution by relocating to another part of the country and that it would be reasonable to do so. 8 C.F.R. § 1208.13(b)(1)(i)(B); Matter of M-Z-M-R-, 26 I&N Dec. 28, 33 (BIA 2012) (setting forth criteria to determine whether applicant has the ability to relocate and whether relocation is reasonable). DHS must show that there is a specific area of the country where the risk of persecution to the applicant falls below the well-founded fear level. M-Z-M-R-, 26 I&N Dec. at 33. If evidence indicates that the area may not be practically, safely, or legally accessible, DHS also bears the burden to show, by a preponderance of the evidence, that the area is or could be made accessible to the applicant. Id.

As the Respondent demonstrated that she suffered past persecution in Honduras on account of her membership in a particular social group consisting of "Honduran females," she is entitled to a rebuttable presumption of a well-founded fear of future persecution on account of that same ground. Additionally, the Court finds that DHS has not demonstrated by a preponderance of evidence that there have been changed circumstances in Honduras that would allow her to return to Honduras. DHS did not argue that circumstances in Honduras had changed. To the contrary, the evidence in the record, as discussed at length above, suggests that violence against women in Honduras remains a critical issue in the country and that women continue to face incredibly high rates of violence in the country.

Additionally, DHS did not specifically argue that the Respondent could relocate within Honduras. Nonetheless, the Court does not find that Respondent could relocate and avoid persecution as it would not be reasonable for her to do so. M-Z-M-R-, 26 I&N Dec. at 33. The Respondent indicated in her affidavit that she attempted to flee from E- and moved to a relative's house that was an hour and forty minutes away but that E- was able to find her. Exh. 3, Tab 1 at 4. Additionally, Ms. Cruz stated that "it is virtually impossible to conceal one's whereabouts in Honduras, given the strong culture of seeking and sharing information about the whereabouts of friends, acquaintances and family members." Exh. 7, Tab 1 at 9. Furthermore, violence against women is rampant throughout the country and therefore, the Respondent would face violence or even death in any area of Honduras to which she would potentially relocate. See M-Z-M-R-, 26 I&N Dec. at 34-35 (allowing the Court to consider among other things any ongoing civil strife or threat of suffering other serious harm.). Therefore, the Court finds that DHS has not rebutted the Respondent's presumption of a well-founded fear of future persecution.

e. Discretion

An alien who establishes statutory eligibility for asylum still bears the burden of demonstrating that he merits a grant of asylum as a matter of discretion. See INA § 208(b)(1)(A). In determining whether a favorable exercise of discretion is warranted, both favorable and adverse factors should be considered, Pula, 19 I&N Dec. at 473, including such humanitarian factors as age, health, or family ties. H-, 21 I&N Dec. at 348. The danger of persecution should outweigh all but the most egregious adverse factors. Pula 19 I&N Dec. at 474. Given that no adverse factors were presented in the Respondent's case, the Court finds that she merits relief as a matter of discretion.

C. Withholding of Removal

Because the Court grants the Respondent's asylum application, it will not reach whether she is eligible for Withholding of Removal under section 241(b)(3) of the Act.

D. Protection Under the Convention Against Torture

Because the Court grants the Respondent's asylum application, it will not reach whether she is eligible for protection under Article III of the Convention Against Torture.

V. CONCLUSION

The Respondent has established that she suffered past persecution on account of her membership in a particular social group. DHS has not rebutted her presumption of a well-founded fear of persecution on that basis. Therefore, as the Respondent's application merits a favorable exercise of discretion, the Court shall grant her asylum application pursuant to section 208(a) of the Act. Accordingly, the following order shall enter:

ORDER

ORDER: IT IS HEREBY ORDERED that Respondent, Y- G- L-C-'s application for asylum pursuant to § 208(a) of the Act be GRANTED.

Date

Immigration Judge
Philadelphia, Pennsylvania

Both parties have the right to appeal this decision. 8 C.F.R. § 1003.38(a). A party wishing to appeal must provide notice to the Board of Immigration Appeals on or before thirty (30) calendar days from the date of this decision. *Id.* at § 1003.38(b).