

opinion” in the refugee definition “should be understood in the broad sense, to incorporate . . . any opinion on any matter in which the machinery of state, government and police may be engaged.”<sup>64</sup>

The Fourth Circuit has described political opinion as “prototypically” exhibited by “evidence of verbal or openly expressive behavior by the applicant in furtherance of a particular cause.”<sup>65</sup> In recognizing that “less overtly symbolic acts may also reflect a political opinion,” the court set as a baseline that “whatever behavior an applicant seeks to advance as political, it must be motivated by an ideal or conviction of sorts before it will constitute grounds for asylum.”<sup>66</sup> Of course, an action could be imputed as political, even if the applicant does not hold an ideal or conviction.

Expression of a political opinion may take various forms, and many types of opinions or views may fall within the broad category of “political.” Examples of expression of political opinions outside the traditional political process include:

- Expression of feminist beliefs<sup>67</sup>
- Exposure of government human rights abuses<sup>68</sup>
- Activities to protect or establish the right to association (such as union membership), workers’ rights, or other civil liberties<sup>69</sup>
- Participation in certain student groups<sup>70</sup>
- Participation in community improvement organizations or cooperatives, or movements for land reform<sup>71</sup>
- Opposition to a political group’s strategy for promoting its ideology<sup>72</sup>

<sup>64</sup> Guy Goodwin-Gill, *The Refugee in International Law* 30 (1983) .

<sup>65</sup> *Saldarriaga v. Gonzales*, 402 F.3d 461, 466 (4th Cir. 2005).

<sup>66</sup> *Id.*

<sup>67</sup> *Fatin v. INS*, 12 F.3d 1233 (3d Cir. 1993).

<sup>68</sup> *Gao v. Gonzales*, 407 F.3d 146, 153 (3d Cir. 2005).

<sup>69</sup> *Osorio v. INS*, 18 F.3d 1017 (2d Cir. 1993); *Bernal-Garcia v. INS*, 852 F.2d 144 (5th Cir. 1988).

<sup>70</sup> *Osorio v. INS*, 18 F.3d 1017 (2d Cir. 1993); *Matter of Villalta*, 20 I&N Dec. 142 (BIA 1990).

<sup>71</sup> See, e.g., *Zamora-Morel v. INS*, 905 F.2d 833 (5th Cir. 1990); *Yera-Valera v. INS*, 147 F.3d 1036 (9th Cir. 1998).

<sup>72</sup> *Regalado-Escobar v. Holder*, 717 F.3d 724, 729 (9th Cir. 2013) (“When a political organization has a pattern of committing violent acts in furtherance of, or to promote, its politics, such strategy is political in nature...Therefore, opposition to the strategy of using violence can constitute a political opinion that is a protected ground for asylum purposes.”)

- Opposition to gangs and drug cartels

Opposition to a gang may have a political dimension, but a general aversion to gangs and their criminal activity or refusal to join the gang is not necessarily politically motivated.<sup>73</sup> The mere refusal to join a gang, without more, does not establish that the gang's threats against the applicant were on account of an imputed political opinion.<sup>74</sup> Cases involving refusal to join gangs, however, may be mixed motive cases. The fact that an applicant refuses to join a gang, while not alone sufficient to support a conclusion that he was perceived to be politically opposed to gangs, certainly does not undermine such a conclusion. There may well be cases where refusal to join a gang is an element of a cognizable political opinion claim.

To show that violence inflicted by gang members has a nexus to the applicant's actual or imputed political opinion, an applicant needs evidence that he or she was politically or ideologically opposed to the gang's particular ideals or to gangs in general (or that the gang believes this) and not merely that he or she did not want to be personally involved in or had an aversion to specific activities of the particular gang.<sup>75</sup> Even if the applicant shows that he or she possesses an anti-gang political opinion, the applicant must show that the gang targeted him or her on account of that political opinion, and not merely to grow its ranks or to increase its wealth.

- Refusal to follow orders to commit human rights abuses<sup>76</sup>

For more information, see Section below on "Refusal to serve in a military or commit an action that is condemned by the international community."

- Whistleblowing or otherwise exposing government corruption

In some circumstances, opposition to state corruption may be motivated by an applicant's political convictions, or may cause a persecutor to impute such convictions to the applicant.<sup>77</sup> However, showing retaliation for opposing governmental corruption is not by

<sup>73</sup> *Santos-Lemus v. Mukasey*, 542 F.3d 738, 747 (9th Cir. 2008) (holding that a "general aversion to gangs does not constitute a political opinion"); *Barrios v. Holder*, 581 F.3d 849, 855 (9th Cir. 2009).

<sup>74</sup> *Marroquin-Ochoma v. Holder*, 574 F.3d 574, 578–79 (8th Cir. 2009).

<sup>75</sup> *Santos-Lemus v. Mukasey*, 542 F.3d 738, 747 (9th Cir. 2008); *Barrios v. Holder*, 581 F.3d 849, 855 (9th Cir. 2009).

<sup>76</sup> See, e.g., *Barraza Rivera v. INS*, 913 F.2d 1443 (9th Cir. 1990).

<sup>77</sup> *Ruqiang Yu v. Holder*, 693 F.3d 294 (2d Cir. 2012); *Zhang v. Gonzales*, 426 F.3d 540 (2d Cir. 2005); *Hu v. Holder*, 652 F.3d 1011, 1019–20 (9th Cir. 2011) ("... the Chinese police officials who arrested Hu did not accuse him of illegally gathering without a permit. Rather, they accused him of 'gathering a crowd to cause trouble and disturb the order of society, [and] acting against the government and against the party.'"); *Grava v. INS*, 205 F.3d 1177 (9th Cir. 2000) ("When the alleged corruption is inextricably intertwined with governmental operation, the exposure and prosecution of such an abuse of public trust is necessarily political."); *Baghdasayan v. Holder*, 592 F.3d 1018 (9th Cir. 2010) ("Whistle-blowing against government corruption is an expression of political opinion."); *Reyes Guerrero v. INS*, 192 F.3d 1241, 1245 (9th Cir. 1999).